



Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 21-22 MARCH 2013

NOTE BY THE SECRETARIAT¹

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1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its fifty-sixth regular meeting on 21-22 March 2013. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/4093).

2 INFORMATION ON RELEVANT ACTIVITIES

2.1 Information from Members

2.1.1 Japan – Current Status after the Nuclear Power Plant Accident

2.1. Japan reported on its status after the nuclear power plant accident that took place in 2011, providing evidence that the actual level of contamination in Japanese food was far below the guideline levels provided in the Codex General Standard for Contaminants and Toxins in Food and Feed. Decontamination of farm land, strict control over feeds and other agricultural materials, and a risk-based comprehensive monitoring scheme had been conducted by Japanese national and regional governments. Moreover, any foods exceeding the limits were not allowed on the market. A comprehensive report was available on the Ministry of Health, Labor and Welfare website (<http://www.mhlw.go.jp/english/topics/2011eq/index.html>). Some countries, however, continued to impose import bans and other excessive restrictions on Japan's exports. Japan requested other Members to take measures based on scientific principles. Japan would continue to provide scientific data and to ensure the safety of all its food exports. More information can be found in G/SPS/GEN/1233.

2.1.2 European Union – Fraud Related to Labelling: Non-Labelled Horse Meat in Meat Products

2.2. The European Union reported on the recent case of non-labelled horse meat in meat products, emphasizing that the evidence pointed to an issue of fraudulent labelling and not to a matter of food safety. Fraud investigations were underway by EU judicial and sanitary authorities. The first case of fraudulent labelling had come to light in mid-January 2013. All discoveries of horse meat labelled as beef in processed food were communicated immediately through the EU Rapid Alert System for Food and Feed (RASFF). The issue had affected several EU member States where fraudulent products had been recalled from supermarket shelves. Apart from one consignment to one trading partner, no other products containing horse meat had been exported to EU trading partners. A coordinated control plan and an enhanced sampling programme had been put in place with extensive DNA tests on beef products and verification of the absence of *Phenylbutazone* in horse meat. Tests would be carried out for one month and the results would be communicated to the EU Commission by 15 April. The European Union highlighted the swift manner in which it had responded to the event, with early identification and immediate remedial action, which proved the functionality of its system. The European Union remained committed to providing transparent information in a timely manner to its consumers and trading partners, and undertook to maintain the SPS Committee and its trading partners informed as developments unfold.

2.1.3 Australia – Retiring the Australian Quarantine and Inspection Service (AQIS) Brand

2.3. Australia recalled that it had previously advised Members of its intention to retire the use of the Australian Quarantine and Inspection Service or "AQIS" brand. The Department of Agriculture, Fisheries and Forestry would continue to have responsibility for the government work relating to the agricultural, fisheries, forestry, food production and food safety sectors. The same government staff that previously provided inspection and certification functions under the AQIS brand would continue to provide these services as part of the Department of Agriculture, Fisheries and Forestry. The transition would not prompt any changes to the requirements related to imported agricultural, food, plant or animal products. All import permits would continue to be issued by the Australian Government and, during the transition period, any permit carrying the AQIS brand would be valid for the duration of the permit.

2.1.4 United States – Update on FDA Food Safety Modernization Act (FSMA)

2.4. The United States reported on the progress of the US Food and Drug Administration's (FDA) implementation of the Food Safety Modernization Act (FSMA). Two FSMA proposed rules, 1) Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food and 2) Standards for the Growing, Harvesting, Packing and Hold of Produce for Human Consumption, were open for public comments and had been notified as G/SPS/N/USA/2502 and G/SPS/N/USA/2503. Members were encouraged to submit comments directly to the Federal eRulemaking Portal (<http://www.regulations.gov>) by 16 May 2013 to ensure that their comments became part of the public record. Comments must be identified by the appropriate docket number: FDA-2011-N-0920 for preventive controls for human food and FDA-2011-N-0921 for produce safety. The United States noted that the rules applied only to the portion of the US food supply under FDA jurisdiction. They did not apply to meat, poultry and egg products, which remained under the jurisdiction of the US Department of Agriculture (USDA). The proposed rules would apply to both domestically-produced and imported products. The proposed rule for preventive controls for human food would require food makers to develop a formal plan for preventing their food products from causing foodborne illness. The proposed rule for produce identifies enforceable safety standards for the production and harvesting of produce on farms. Building a prevention-based food safety system would be a long-term process and international stakeholders' perspectives on how FDA could best implement FSMA were welcome. A comprehensive presentation and discussion on FSMA would be held after the Committee meeting, allowing Members to better understand the scope of the two proposed rules (described above) of the Act.

2.5. El Salvador thanked the United States for the excellent information provided on FSMA and for the initiative of holding an information session. El Salvador would continue to gather more information on this law in order to better understand the scope of the new safety procedures.

2.1.5 Brazil – Bovine Spongiform Encephalopathy (BSE) Case in Brazil - Final Report

2.6. Brazil reported on the Bovine Spongiform Encephalopathy (BSE) case first notified on 7 December 2012, following the confirmation of the diagnosis by the OIE International Reference Laboratory. Brazil emphasized that this was a single case that involved one native cow raised throughout its productive life on pasture and mineral supplements and that died at approximately 13 years of age. The laboratory and epidemiological investigations revealed no evidence of the use of potentially contaminated feedstuff or any other feed which could lead to suspicions about the use of meat and bone meal in those farms. The event was a case of atypical BSE which was rare and spontaneous. Moreover, the epidemiological situation of Brazil had not been altered by the notification of this BSE case, as the Scientific Commission for Animal Diseases (SCAD/OIE) had maintained the classification of Brazil as a country with negligible risk for BSE. In addition, the investigations on the BSE case in Brazil were considered to be closed. More information can be found in G/SPS/GEN/1232.

2.7. Argentina indicated its support for the work that had been carried out by Brazil on this issue.

2.2 Information from the Relevant SPS Standard-Setting Bodies

2.2.1 OIE

2.8. The World Organization for Animal Health (OIE) provided an update on developments in its standard setting work programme. The proposed standards for adoption at the annual meeting in May 2013 included: African horse sickness, classical swine fever, Rabies, and *Peste des Petits Ruminants* (PPR) – an important disease in sheep and goats in Africa. The OIE further provided information on: a pilot approach for PPR control in Africa together with the African Union; the upcoming OIE Conference on Veterinary Education and the role of Veterinary Statutory Bodies to be held in Brazil; and the various capacity building activities using the OIE PVS pathway. The OIE Scientific Commission had reviewed Brazil's BSE status and affirmed that the identification of a single case of BSE did not put the country's - nor its trading partners' - animal and public health at risk. More information is available in G/SPS/GEN/1231.

2.2.2 Codex

2.9. Codex provided information on the various draft standards that had been finalized for final adoption by the Codex Alimentarius Commission at its meeting in July 2013. The Committee on Food Hygiene finalized the proposed draft revision of the Principles for the Establishment and Application of Microbiological Criteria for Foods and the Annex on Berries to the Code of Practice for Fresh Fruits and Vegetables. The ad hoc Intergovernmental Task Force on Animal Feeding finalized the Draft Guidelines on Application of Risk Assessment for Feed. The Committee on Food Import and Export Inspection and Certification Systems finalized the Principles and Guidelines for National Food Control Systems and the amendments, addressing animal feeding, to the Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations. The Committee on Methods of Analysis and Sampling finalized the Principles for the Use of Sampling and Testing in International Food Trade. Codex provided additional information on its past and upcoming meetings, including the Committee on Food Additives, Committee on Contaminants in Foods, Committee on Pesticide Residues and Committee on Food Labelling. More details can be found in G/SPS/GEN/1236.

2.2.3 IPPC

2.10. The International Plant Protection Convention (IPPC) reported that as of March 2013, there were 178 contracting parties to the IPPC, with the most recent addition of Zimbabwe. IPPC also reported on its upcoming activities, revised standard setting processes, the level of compliance with regard to pest reporting and the new IPPC software platform. Information was also provided on the on-going phytosanitary trade dispute between South Africa and the European Union concerning citrus black spot; further announcements on this dispute would be made as information became available. More details on the activities of the IPPC can be found in G/SPS/GEN/1226.

2.11. South Africa noted that it had requested the IPPC's intervention because the technical dialogue with the European Union that started in 1992 had proved inconclusive. South Africa believed that the EU phytosanitary measures for citrus black spot were stricter than necessary and not based on scientific evidence. Nevertheless, South Africa was committed to complying with the EU requirements and continued to strengthen its phytosanitary system. South Africa thanked the IPPC for the support in the formal dispute and hoped that the new pest risk analysis by the European Union would be in line with the procedure set by the IPPC.

2.12. The European Union also thanked the IPPC for facilitating the resolution of the dispute between itself and South Africa and for providing the opportunity for the exchange of views which should allow concrete steps to be made on the way forward. The European Union informed the Committee that it had requested the European Food Safety Authority (EFSA) to review the existing pest risk analysis, the outcome of which would be available by the end of the year. It was the EU's understanding that until this was available, the IPPC dispute procedure had been halted. The European Union further expressed appreciation for the IPPC's final report on the first meeting of the consultation and to South Africa for its cooperation on this issue.

3 SPECIFIC TRADE CONCERNS (G/SPS/GEN/204/REV.13)

3.1. The Chairperson recalled that this agenda item was designed to allow Members to raise any specific trade concerns they may have with respect to the implementation of the SPS Agreement. She would follow the normal practice of first giving the floor to the Member(s) raising the issue, and then open the floor to other delegates who wished to address the same issue before inviting the Member whose measure was being discussed to respond.

3.1 New Issues

3.1.1 China's Import Conditions Related to Phthalates – Concerns of the European Union

3.2. The European Union raised concerns regarding China's recent measures on phthalates in spirits and wine. Some ports in China had requested a testing report on phthalates and had applied the migration limit of the food contact material as the maximum residue limit. On the basis of these limits, some EU consignments had not been released. The measure was applied without any lead time and the testing had been excessive and had only targeted imported products at such

frequency. The European Union had been informed that China was only now developing a standard for phthalates for food and that the testing had been performed in order to have data to set the appropriate level for the risk assessment in China. The European Union indicated its willingness to share any scientific aspects of risk assessment and testing methods on phthalates. At the same time, the European Union requested China to withdraw the current temporary measure, to base its decisions on science and to inform other trading partners with sufficient time, of any new, appropriate and justified measures.

3.3. China stated that according to the results of the food safety risk monitoring conducted by its authorities, alcohol in imported distilled spirits might have been contaminated by phthalates. To tackle the problem, China had established expert panels and had organized meetings to discuss the issue. A seminar on the testing and risk assessment of phthalates was scheduled to be held in April. China was willing to discuss its measures on phthalates in food with the European Union and other relevant Members.

3.1.2 France's Ban on *Bisphenol A* (BPA) – Concerns of the United States

3.4. The United States expressed concern regarding a French law adopted in December 2012 on food packaging made with *Bisphenol A* (BPA). The legislation required all food packaging made with BPA to be accordingly labelled. In addition, food packaging made with BPA would be prohibited after 1 January 2015. The United States indicated that this measure would have a significant negative effect on trade, due to the wide range of products that would be subject to the law. Given the serious nature of the potential trade concerns, the United States strongly urged the European Union to notify this ban to the SPS or the TBT Committee at its earliest convenience and to provide a scientific risk assessment to support the restriction.

3.5. The European Union explained that its member States could adopt national measures in areas where no legislation existed at an EU-wide level, if they were in conformity with the Treaty on the Functioning of the European Union. In particular, the Treaty allows the adoption of national measures if they are deemed necessary in view of protecting the health and lives of the citizens. France had justified its national measures on these grounds and had adopted its law on the basis of the hazard assessments conducted by the French Agency for Food, Environmental and Occupational Health and Safety (ANSES). Two reports on BPA were issued by ANSES: one report on the use of BPA in products and another that identified hazards for human health. The French legislation stipulated that from 1 January 2013 BPA could not be used in any materials and articles containing food intended for infants and children up to, and including, three years of age. From 1 January 2015, it introduced a complete ban of the use of BPA in all food contact materials, and a labelling provision for pregnant women and young children in the interim period. The European Union was now awaiting the outcome of EFSA's on-going risk assessment on the use of BPA in all food contact applications, the first conclusions of which were expected to be available before the summer. The European Union indicated that once it had all the relevant information on which to base its decision, including the EFSA opinion and information on the availability of safe alternatives, it would decide on the French national measure and on BPA in food contact materials in the European Union.

3.1.3 India's Import Restrictions on Apples, Pears and Citrus – Concerns of Argentina

3.6. Argentina raised concerns regarding India's import restrictions on fresh apples and pears which were put in place on 1 April 2004. India had alleged that its authorities must conduct a pest risk analysis (PRA) for those products. Argentina submitted the required information to India in 2004, while requesting that access to India's market for Argentine exports not be disrupted until the results of the PRA were known. In the minutes of the Joint Commission meeting of July 2006, India agreed to prioritise completion of the risk analysis required for market access prior to the following harvest of December 2006. In this meeting Argentina submitted the response to comments communicated by the Department of Agriculture & Cooperation (DAC) on the PRA-related issues. Argentina had invited India to inspect its production zones, and in November 2007 a technical inspection was carried out by the DAC. On this occasion Argentina submitted additional information, as documented in the minutes of the bilateral meeting of November 2007. This matter was the subject of a bilateral meeting in the margins of this SPS Committee. In December 2008, comments were requested from India concerning the information presented in the 2007 bilateral meeting. In April 2009, India indicated that the pest risk analysis for pears and apples was being processed. However, despite repeated requests by Argentina, there had been no formal response

from India on the outcome of this process. In order to help resolve this issue, Argentina proposed a Memorandum of Understanding (MOU) with India on SPS issues but this had not materialized since 2006.

3.7. During the Joint Commission meeting held in New Delhi in July 2006, Argentina had also submitted a technical dossier for the risk analysis of citrus products. As recorded in the minutes, India agreed to promptly undertake a pest risk analysis for citrus fruits and to set up a bilateral working group on SPS issues to expeditiously finalize the pending risk analysis and the SPS MOU. At the 2007 technical meeting, Argentina provided comments to the risk analysis document undertaken for citrus. In 2008 and 2009 there was an exchange of technical information. Since then, Argentina had not received any official response from India to the comments provided despite repeated requests in 2010 and 2011.

3.8. Argentina requested India to allow effective access of apples, pears and citrus into the Indian market in order to comply with its formal commitments and, thus, remedy the lengthy trade interruption of apples and citrus that amounted to nine years – without being based on scientific evidence – and that caused commercial damage to its producers as a result of lost market share.

3.9. Chile supported Argentina's concern and reported that it had faced the same problems relating to its fruit exports to India. Although Chilean export and safety conditions had been improved, Chile had not received any information from India regarding the specific requirements for obtaining market access. Chile requested a response from India to the questions it had submitted in writing.

3.10. The European Union also supported Argentina's concern and noted the lack of transparency in the approval process for exports of new plant and fruit commodities to India. The absence of a list of regulated pests in India eliminated the predictability of the conditions under which trading partners might be able to export. The European Union noted India's lack of resources to process the many pending export applications for various export commodities which the European Union had great interest in exporting to India.

3.11. India explained that imports of apples, pears and citrus fruit were governed by the existing pest risk analysis guidelines that prescribed specific MRLs for pesticides in line with international standards. All fruit products were therefore free to be imported to India if they met these specific tolerance limits.

3.12. Argentina clarified that its concern dealt with the phytosanitary requirements for the imports of fruit and not with the prescribed MRLs. It awaited the results of the pest risk analysis in pears and apples, as well as a response to its comments on the pest risk analysis conducted for citrus fruits, in order to know the exact conditions required for imports of fruit.

3.13. India indicated that no trade ban had been imposed on imports of fruit coming from Argentina and that according to its database, Argentina had been exporting fruit to India and no import restrictions were in place.

3.1.4 EU Restrictions on Imports of Certain Pine Trees – Concerns of Russia

3.14. Russia expressed its concern that Part A of Appendix 3 of EU Council Directive 2000/29 prohibited imports into the European Union of *Pinus*, *Picea* and *Tsuga* plants, among others, from non-European countries. Russia considered that this restriction was not compliant with Articles 3 and 5 of the SPS Agreement. Furthermore, the European Union had categorized the Russian territory into two areas and had applied the import ban to the so-called "Asian" side of Russia but not to the "European" side, which was discriminatory and not compliant with Article 2 of the SPS Agreement. No justification had been provided by the European Union in support of this measure. This discriminatory treatment had a high cost for Russia's economy, in particular for exporters of *Pinus Sibiricus*, for whom the redirection of their product to other markets had resulted in additional costs and lower product quality. Russia urged the European Union to provide scientific evidence to justify its measure and to remove its restriction.

3.15. The European Union noted that under the European plant health legislation there were very few cases where plant imports were prohibited. In such cases, each plant required an individual

risk assessment which demonstrated that there were no plant health concerns in order to obtain a derogation. In March 2011, following a request from Russia to export Siberian Pine trees to the European Union, the European Union provided Russia with its justification for the import prohibition with a list of the quarantine pests considered to be relevant in that particular case. If Russia wished to export pine trees to the European Union it had to submit a full dossier explaining how Russia intended to guarantee that the EU requirements for plants of the *Pinus* species were fulfilled. Although the matter was first raised a number of years ago, the European Union had thus far received very limited information from Russia. The European Union highlighted that this matter, amongst others, was to be discussed bilaterally with Russia. In this context the European Union drew the attention of the Committee to its concerns with respect to the notification practices of Russia since acceding to the WTO. The European Union indicated that it was willing to engage in a constructive dialogue to resolve trade irritants on both sides. On the issue of the specific trade concern, the European Union recalled the necessity for submitting a complete dossier to support a derogation from the import prohibition on plants of the *Pinus* species.

3.16. Russia stated that the European Union should not justify its measures by bringing to light other difficulties experienced in its bilateral relations with Russia, and reiterated its request for scientific evidence, as the information referenced by the European Union was not in Russia's possession.

3.17. The European Union replied that it made no link between the current specific trade concern of Russia and other issues on their bilateral agenda. The European Union had already provided its justification for the import prohibition in place, together with a list of the relevant quarantine pests, and thus, now looked forward to receiving the relevant Russian dossier to justify a derogation to the existing prohibition.

3.2 Issues Previously Raised

3.2.1 Turkey's Requirements for Importation of Sheep Meat - Concerns of Australia (No. 340)

3.18. Australia reiterated its concern with regard to the undue delays by Turkey in responding to its request for information on the import ban on sheep meat, which it first raised in April 2011. Australia highlighted that it was a safe and reliable supplier of sheep meat to approximately 100 countries and that it consistently met the relevant international SPS standards for trade in sheep meat. Australia reminded Turkey of its obligations under the SPS Agreement, with specific reference to Articles 2, 7 and Annex B of the Agreement. Australia advised that it had held bilateral discussions with Turkey in the margins of the meeting and hoped the issue would be resolved as soon as possible.

3.19. Turkey stated that fruitful bilateral discussions had resulted in the two countries agreeing upon a uniform health certificate model for beef and veal products. Turkey was aligning its national regulations with the EU *acquis*. Furthermore, a framework Law No. 5996 on Veterinary Services, Plant Health, Food and Feed had entered into force in 2011, which was notified to the WTO. Turkey was in the process of preparing a uniform model certificate for sheep and goat meat, and was working to determine the minimum health requirements for these products. However, trade of live cattle and sheep continued without any disruptions.

3.2.2 Import Restrictions due to BSE – Concerns of the European Union (No. 193)

3.20. The European Union welcomed the notification from Thailand on the alignment of its SPS measures with the international standards on BSE, and appreciated that Japan had authorised access of bovine meat from EU member States. Nevertheless, many trading partners continued to impose unjustified bans or restrictions relating to BSE, although some of them did not benefit from official BSE classification by the OIE as did EU member States. Furthermore, in some cases EU products faced discrimination compared to other trading partners with a similar or even less favourable risk status. China was still keeping its market closed, despite the detailed information provided about the EU animal and food safety system, and had not provided a risk assessment to justify its measure. The European Union urged China to bring its import conditions into line with the OIE standards and to remove the unjustified restrictions against EU beef and beef products. The European Union welcomed the process in Korea to assess applications received from some

EU member States and urged Korea to proceed in a speedy manner to ensure market access for EU beef, given that Korea had opened its market to other trading partners which had the same BSE status as EU member States. The European Union noted the on-going processes in the United States and Australia towards aligning their import conditions with the OIE standards and looked forward to effective market access without any further delay. The European Union urged all Members to fully align with the OIE standards and establish fair, non-discriminatory, transparent and science-based rules.

3.21. China indicated that in its many bilateral discussions it had repeatedly informed the European Union on its policies regarding BSE. BSE was still a high risk disease in the EU area, as in the last three years approximately 90 BSE cases had been reported. In addition, BSE continued to be a very sensitive and complicated issue for which scientific knowledge was insufficient to be able to interpret the transmission mechanism of the disease worldwide. The recent horse meat issue in the European Union further reinforced its lack of confidence in the EU control system for animal and animal products. China's BSE restrictive measures, put in place in 2004, were based on a risk analysis and the changes in its trading measures for Canadian beef in 2012, were based on the results of its risk assessment. China invited EU member States to exchange information on technical issues and indicated that it would review its measures concerning BSE according to the outcomes of future risk assessments.

3.22. The European Union could not accept that the horse meat issue be linked with the effectiveness of its oversight system, given the very detailed explanation that it had provided to the SPS Committee under a previous agenda item. The information provided clearly showed how the European Union had quickly and transparently identified a case of fraud and this issue was being addressed with full determination.

3.23. Korea indicated that it had closely discussed this issue with the EU delegation and had already started a risk analysis on beef from EU member States. Korea would proceed carefully with the risk analysis in order to protect consumer's health, and would continue to have close dialogue with the EU delegation.

3.24. Japan reported that its Food Safety Commission had completed an evaluation report in October 2012 and on the basis of its findings had lifted the ban on imports of cattle aged up to 30 months from the United States, Canada, France and the Netherlands. The European Union thanked Japan for the changes in its measures and for its continued engagement in the process.

3.2.3 Brazil's Measures on Shrimp – Concerns of Ecuador (No. 344)

3.25. Ecuador reiterated its concern regarding Brazil's import ban on shrimp. Following Brazil's implementation of Regulation No. 39 on 4 November 1999, Ecuador's shrimp exports to Brazil first decreased and then completely stopped in 2000. Brazil had justified its import restrictions on the basis that the measure protected the country from white and yellow spot diseases. However, following the implementation of the Residues and Contaminants Monitoring Plan in 2007, Ecuador's shrimp entered markets that had stricter requirements than Brazil, e.g. the European Union, Japan and North America. Brazil had not provided the necessary information to justify its measures, nor a risk assessment and Ecuador considered that the measures were discriminatory and not in compliance with Article 2 of the SPS Agreement. Brazil's Ministry of Fisheries had announced on 21 February 2013 that the risk identification phase of this issue would be concluded in two weeks, but there was still no official statement on its outcome. Ecuador urged Brazil to provide information on this issue.

3.26. Brazil confirmed that a risk analysis on Ecuadorian shrimp was being conducted and was now in the phase of risk and hazard identification. This was a complex exercise given that the issue dealt with an aquaculture product. For this reason it had not been possible to conclude and release the report of the risk identification phase in March, but the report was expected to be published soon. Brazil looked forward to moving on to the subsequent phases of the risk analysis as soon as the report on hazard identification was published.

3.2.4 China's Standard for Distilled Spirits and Integrated Alcoholic Beverages (G/SPS/N/CHN/377) – Concerns of Mexico (No. 278)

3.27. Mexico reiterated its concern regarding the Chinese Hygiene Norm GB 2757-2012 that established maximum levels for methanol in spirits and alcoholic beverages. Since Mexico had first raised this concern in 2009, it had held various bilateral meetings with China. In July 2010, Chinese authorities inspected the production of tequila in Mexico and in 2011, Mexico provided a bibliographic analysis on methanol in alcoholic beverages and its effect on consumers' health. Nevertheless, in September 2012 China adopted the technical Regulation GB2757-2012 imposing a limit of 2.0g/l methanol in alcoholic beverages. This limit excluded several fruit distillates and spirits derived from grapes, as well as tequila 100% agave, from the Chinese market. Mexico considered that this measure was not in compliance with Articles 2.2, 5.1 and 5.6 of the SPS Agreement, especially as China had not provided any scientific evidence or a risk assessment to justify its restriction. In December 2012 and again in March 2013 Mexico had requested an explanation and the scientific justification for the measure, but had received no response. Mexico urged China to respond to these requests and to modify its measure in light of the available information.

3.28. The United States supported the concern raised by Mexico, as the measure could potentially bar exports of some US spirits to China. The United States requested China to ensure the regulation was based on science, provide a risk assessment and revise the methanol limit to allow for the trade of safely produced distilled spirits.

3.29. The European Union and Paraguay echoed these concerns and asked China to adopt a less trade restrictive measure based on scientific evidence. Paraguay also noted that Members had the obligation to provide scientific justification at the request of other Members.

3.30. China responded that the methanol limit was set to ensure safety in light of heavy consumption of alcohol by Chinese consumers. China had notified the draft twice, in January 2009 and in July 2011, and had responded to the comments raised by Members.

3.2.5 EU Maximum Residue Levels of Pesticides - Concerns of India (No. 306)

3.31. India indicated that it had raised its concern on EU maximum residue levels (MRLs) of pesticides in seven previous Committee meetings and again requested the European Union to provide scientific justification for fixing MRLs for pesticides at the level of detection (LOD). The burden of proof could not be shifted to the exporting country. India asked the European Union to provide updates on the import allowance level for pesticides such as *Tricyclazole* for which India had submitted data and urged the European Union to work constructively on resolving this issue.

3.32. Argentina shared India's concern and recalled its position on this point in G/SPS/W/211.

3.33. The European Union stated that it had done its utmost to address India's concerns by providing a comprehensive overview of the legislation in place in the European Union, organizing several meetings with Indian representatives and providing technical support with respect to MRL-setting and testing (see G/SPS/GEN/1139/Add.1). The European Union was not in a position to know whether pesticides that were unknown or not used in the European Union were safe or not, without the benefit of a proper risk assessment. In the absence of solid, scientific data that demonstrated the safety of a given pesticide, the European Union could not set arbitrary MRL values. If India would provide a list of the chemical substances used in India that it considered were not harmful to human health, the European Union and India could work together to understand the extent of the concerns and seek to resolve them. *Tricyclazole* may no longer be used in the European Union, as the scientific information on its toxicity was not sufficient to assess the risk to operators and the environment. The European Union had notified to the SPS Committee its intention to reduce the MRL for *Tricyclazole*, which was followed by an application from India to maintain the MRL on rice. This application was under assessment by EFSA and the outcome was expected shortly. The European Union reminded India that the decision-making procedure on the setting of import tolerances was balanced, transparent and predictable, and fully in line with the SPS Agreement.

3.2.6 China's Quarantine and Testing Procedures for Salmon – Concerns of Norway (No. 319)

3.34. Norway reiterated its concerns regarding Chinese testing and quarantine measures for salmon, introduced in December 2010, and urged China to respond positively to its request for technical consultations with experts on this issue.

3.35. China indicated that since 2010, Chinese inspection and quarantine authorities had detected parasites, lice, pathogenic microorganisms and veterinary drug residues exceeding standards in imported salmon from Norway and other countries. In January 2011, for the protection of consumer health, China had strengthened inspections and quarantine on imported salmon, in accordance with the Chinese food safety law. The media had recently reported on a type of amoebic parasite found in a Norwegian fish farm and which was suspected to be present in another four Norwegian fish farms. This parasite could infect marine fish, including salmon, with the amoebic gill disease, which had already impacted Norway in 2006 and had devastating effects on the growth of salmon in the fish farms of Ireland and Scotland in 2012. China requested Norway to submit a list of fish farms and fish species that had been infected by the parasite, together with the measures taken by Norway in this regard. Based on the risk analysis of salmon, China would consider gradual adjustments to its measures under the premise of ensuring safety in the future. China expected Norway to continue to take relevant measures to carry out the inspection of exported aquatic products including salmon and to report information on the quality of fish and fish farms to China.

3.36. Norway acknowledged the right of China to perform the necessary testing on seafood and on all products entering the country. However, Norway noted discrepancies between the outcomes of the inspections in Norway and the findings reported by China in its statement. For this reason, Norway emphasized the need for actual cooperation on a technical level to resolve this issue.

3.2.7 Application and Modification of the EU Regulation on Novel Foods - Concerns of Peru (No. 238) (G/SPS/GEN/1218)

3.37. Peru reiterated its previously raised concern with regard to EU Regulation 258/97 on Novel Foods whose application restricted access to the EU market for products which were not marketed in the European Union before May 1997 (G/SPS/GEN/1137). Peru considered the Regulation to be an unjustified trade barrier for Peruvian traditional products derived from biodiversity, due to the high costs of the application required to access the market and to the time required for market access approval. The EU measure was contradictory to international co-operation and technical assistance efforts for market development and for capacitation of small and medium producers. For example, camu camu (*Myrciaria dubia*), a sylvan fruit native to the western Amazon basin, was traded in countries like Japan and the United States and was listed in the Codex Classification of Foods and Feeds, but banned in the European Union. Peru requested information on the status of the new EU legislative proposal on Novel Foods and asked the European Union to reconsider those traditional products arising from biodiversity with a history of safe consumption outside the EU market.

3.38. Chile, Colombia, Ecuador and Paraguay echoed Peru's concern and looked forward to the EU legislative proposal to revise the regulation. Colombia and Paraguay urged the European Union to take into account the history of safe consumption of such products.

3.39. The European Union stated that the new legislative proposal was still taking shape and was due later this year. Specific measures for traditional foods from third countries to ease their access to EU markets would be proposed. The overall purpose of the proposal was to streamline the approval procedure and provide for a centralized system of authorization. The new draft, once finalised, would be sent to all EU trading partners via notification under both the SPS and the TBT Agreements to allow any comments and concerns to be taken into account. The European Union remained open to discuss the matter in more detail.

3.2.8 Indonesia's Port Closure (G/SPS/N/IDN/53, G/SPS/N/IDN/54 and G/SPS/N/IDN/54/Corr.1) – Concerns of China (No. 330)

3.40. China expressed concern with Indonesian Regulations 89, 90, 42 and 43 (G/SPS/N/IDN/48, G/SPS/N/IDN/49, G/SPS/N/IDN/53, G/SPS/N/IDN/54), issued in December 2011, that revised the inspection and quarantine measures for imported fresh fruits and vegetables. The regulations required accreditation of food safety and control systems and permitted the entry of fresh fruit and vegetables only through four specific Indonesian ports that did not include the Priok Sea port of Jakarta. This restriction negatively affected trade with China, as 90% of Chinese fruit and vegetable exports to Indonesia, entered through Jakarta. China also voiced concern regarding Decrees No. 30 and No. 60 (G/SPS/N/IDN/58), issued in 2012 that required a safety licence, issued by the Ministry of Trade, for the import of certain fruit and vegetable products. Since Indonesia had delayed the granting of these licences, the export of Chinese agricultural products to Indonesia had experienced a sharp decline. The Ministry of Trade of Indonesia had also restricted the import volume licence and required that fruit and vegetable products be inspected at the ports of the country of origin before exporting. From August to November 2012, China had invited Indonesia four times to verify the Chinese inspection and quarantine safety system. Indonesia had systematically requested investigations of the pest-free area for fruit flies of garlic in China. Given that garlic is not a host of fruit flies, China invited Indonesia to verify its inspection system more generally, not limiting the investigation to garlic. In December 2012, Indonesia responded that it would not conduct an investigation in China without feedback on the proposed investigation on fruit flies in garlic. China had successfully established a safety system for the export of fruit and vegetables, and exported fruit to over 18 countries, including the European Union, the United States, Canada, Australia and Japan. China hoped that both sides would further strengthen their inspection services under the framework of the SPS Consultation and Cooperation Memorandum of Understanding that China and Indonesia had signed in December 2008, and quickly resolve the inspection and quarantine problem.

3.41. The European Union supported the concern raised by China, highlighting that the denial of access to the port of Jakarta significantly increased the costs of exports to Indonesia. Indonesia justified its measure by stating that it had found an increasing number of interceptions that posed a serious threat to its plant and consumer protection, however, Indonesia had never reported interceptions on any EU products. Despite several bilateral discussions with Indonesia, the European Union had not received any clarification that would justify these trade restrictive measures or explain the discriminatory preferential access to the port of Jakarta for only a few countries. The European Union urged Indonesia to lift these unnecessarily trade restrictive measures without delay, and to only set SPS measures with a view to minimize any negative trade effects in a non-discriminatory manner.

3.42. Argentina, Chile, Korea, Chinese Taipei and Uruguay also reported that the port closure was affecting their trade and stated their willingness to hold consultations with Indonesia to find a swift solution on this matter. Chile indicated that it had provided Indonesia with the necessary information to confirm that its products were free from fruit flies and other pests, but had not received any response. Argentina noted that this issue should be solved as swiftly as possible as the concerned products (fruits) were seasonal and perishable products.

3.43. Indonesia highlighted its strong bilateral trade ties with China and emphasized that China represented the biggest supplier of agricultural products to Indonesia. The Indonesian government was still in the process of developing port infrastructure in Jakarta, including inspection facilities for quarantine and custom agencies. The new inspection system should be finalized by the end of this year and in the meantime trading partners should use the other specified ports after fulfilling the required food safety investigation and certification procedures. Indonesia urged Members to get information on how to obtain accreditation through their embassies in Jakarta.

3.2.9 Japan's Maximum Residue Levels Applied to Sesame – Concerns of Paraguay (No. 321) (G/SPS/GEN/1220)

3.44. Paraguay reiterated its concern regarding Japan's application of MRLs for pesticide in sesame that had resulted in the rejection or quarantine of some sesame shipments from Paraguay. Paraguay had been making efforts to ensure the quality of its products and was implementing specific regulations and risk mitigation plans for producers to adapt to market requirements. However, adapting to MRL requirements that were much lower than those of similar products and

of other international markets would imply high costs. Japan required a limit of 0.01ppm for sesame, while for similar products like broccoli, maní, rice and wheat, the limit was set at 0.05ppm or above. Paraguay requested Japan to make a specific regulation for sesame based on scientific evidence and equivalent to those of similar products. Paraguay reiterated its willingness to work with the Japanese government to solve this issue.

3.45. Ecuador, Indonesia and Mexico supported Paraguay's concern and recalled that MRLs must be based on science and international standards.

3.46. Japan explained that it needed data and information from Paraguay to change the MRL for pesticides in sesame. Japan had requested this data from Paraguay immediately after Paraguay raised this issue in the Committee meetings held in June 2011, but until now it had not received this data. Japan reiterated its willingness to address this issue with the Paraguayan government.

3.47. Ecuador and Argentina reminded Japan that the burden of scientific proof to justify an SPS measure must be borne by the country applying the measure and not the other way around. India highlighted the fact that if there are no international standards and if Members do not have a justification based on data, they have no right to set arbitrary MRLs that are especially harmful for developing countries.

3.48. Paraguay agreed that the burden of proof must be borne by the country applying the measure and noted that accommodating Japan's specific request for evidence was not easy, given the large number of sesame producers in the country. Nevertheless, Paraguay reiterated its willingness to work with Japan to solve this issue.

3.49. Japan repeated its need for co-operation and input from other Members to be able to base its MRL on scientific data.

3.2.10 Viet Nam's Ban on Offal – Concerns of the European Union and the United States (No. 314)

3.50. The European Union expressed its continuing concern with the import ban on offal imposed by Viet Nam for almost three years. Viet Nam had, in the past, clarified that the ban was temporarily imposed due to food safety concerns detected in imported offal. However, Viet Nam had also confirmed that no problems were detected in offal imported into Viet Nam from EU countries. In addition, Viet Nam had not provided any risk assessment to justify the ban, despite several requests. Although the ban on red-offal had been lifted, a ban remained in place on white offal, which continued to impact EU exports. The European Union indicated its willingness to work together with Viet Nam to find a speedy solution and further urged Viet Nam to lift the unjustified measure.

3.51. The United States recalled that the temporary ban on the importation of offal imposed by Viet Nam, in July 2010, was never notified to the WTO and that no scientific data had been provided to justify the ban. In April 2011, Viet Nam provided official notification that it would lift the ban on imports of pork and poultry hearts, livers and kidneys (so-called "red offal"), and in May 2011, of these same products derived from cattle. However, this was not done. In November 2011, Viet Nam had committed to complete a regulatory review within three months to lift the offal trade suspension. However, in May 2012, having received no information on the status of the review, the United States sent a letter inquiry to Viet Nam. The United States remained highly concerned by Viet Nam's continued ban and urged Viet Nam to immediately lift the ban on US offal products.

3.52. Viet Nam explained that the measure was adopted in response to a number of cases of contaminated offal imported into Viet Nam between 2010 and 2011. During the bilateral work with the United States and other trading partners, Viet Nam had gained important knowledge about the hygiene and food safety control systems of these countries and a report had to be prepared based on this information. Viet Nam hoped to lift the ban within a few months. A new safety law required establishments that intended to export white offal to Vietnam to obtain accreditation. Viet Nam would work further with the European Union and the United States to reopen the market for white offal in the future.

3.2.11 Japan's Restrictions on Shrimp due to Anti-Oxidant Residues - Concerns of India (No. 342)

3.53. India raised concerns regarding the systemic issue of setting arbitrary MRLs at the level of determination or detection, without scientific evidence. On 1 August 2012, Japan had introduced limits for residues of the pesticide *Ethoxyquin* in shrimp with a threshold level set at 0.01ppm, the level of determination. In contrast, the MRL for *Ethoxyquin* in fish, including salmon, trout, eel and tuna, had been set at 1ppm. Furthermore, Codex had only set MRLs for *Ethoxyquin* for pears, at 3 ppm. No other Member had prescribed MRLs for *Ethoxyquin* in shrimp and no other international agencies had regulated *Ethoxyquin* in fish. There was also no scientific evidence on the toxicity or carcinogenicity of the pesticide. India was the largest supplier of shrimp to Japan and this measure had an adverse effect on its exports. India urged Japan to base its decisions on scientific principles. Information was also requested on the status of the MRL review undertaken by the Food Safety Commission of Japan.

3.54. Japan explained that in response to India's request, it had conducted a risk assessment to review the existing MRLs for *Ethoxyquin* in shrimp. There was concern that *Ethoxyquin* was genotoxic and Japan's Ministry of Health, Labour and Welfare was now conducting additional studies to generate data on the genotoxicity. India would be informed as soon as the data was available. *Ethoxyquin* was also under review for genotoxicity by the European Food Safety Authority.

3.3 Consideration of Specific Notifications Received

3.3.1 G/SPS/N/CRI/136

3.55. Panama expressed its concern with regard to the notification submitted by Costa Rica on National Directive SENASA-DG-D003-2011 on MRLs for medicines in live animals (G/SPS/N/CRI/136). Although the Directive was notified in January 2013, it had been in place since November 2011. Panama asked Costa Rica to explain how it had provided for a reasonable period of time for Members to make comments; how those comments were taken into account; and how its trading partners had been informed about the content of the Directive. Given that the MRLs established by the new Directive were taken from the Codex Alimentarius for liver tissues (limit of 100µg/k) and from the FDA for muscle tissues (limit of 10µg/k), Panama also requested Costa Rica to explain how it performed the calculations to obtain an accurate quantitative measurement of a single tissue, when the sample analysed was a processed product that might contain mixed portions of different tissues.

3.56. Costa Rica replied that an SPS notification was required only when new measures were not based on international standards. Given that Costa Rica's new Directive set the same MRLs that were established by the Codex Alimentarius and by the FDA, there was no need to notify it in advance, or to provide a timeframe for comments before the implementation of the Directive. However, for transparency purposes, Costa Rica had decided to notify the measure in January 2013. Costa Rica also explained that its trading partners had been aware of Costa Rica's MRLs for veterinary medicines since 2008 when the Central American Regulation on Residues and Veterinary Medicaments was notified to the WTO (G/SPS/N/CRI/69). The Regulation established that the MRLs for veterinary medicines were those set by the Codex Alimentarius, or by the FDA when they were not listed in the Codex Alimentarius. With regard to processed products, Costa Rica noted that no MRLs were set for animal by-products by the Codex Alimentarius, or by any other international agency, hence MRLs of raw material had to be taken as parameters. In this case, the raw material for processed meat products would be the muscle tissue. Costa Rica highlighted the specific case of the *Ivermectin* dewormer that was a very dangerous active principle for human health because of its high lipid solubility, its persistence in the animal body and its ability to cross the nerve barriers. Costa Rica had established the MRL for *Ivermectin* in muscle tissue at 10µg/k to protect consumers' health. This MRL allowed the identification of animals that were treated with the medication and which were sent to slaughter too early without complying with the established withdrawal period. An HPLC method with fluorescence detection was used to test the *Ivermectin* levels in liver and muscle tissues. Additionally, fortified samples were used to ensure control alongside the use of good laboratory practices.

3.3.2 G/SPS/N/EU/39

3.57. The United States noted that on 1 March 2013, the European Union submitted notification G/SPS/N/EU/39 regarding the prohibition of the use and sale in the European Union of seeds treated with plant protection products containing the active substances *Clothianidin*, *Thiamethoxam* or *Imidacloprid*. The European Union had provided an unusually short comment period of only 11 days. Given the complexity of this technical measure, the United States asked the European Union to extend the comment period to the recommended 60-days, to allow trading partners to review and provide comments.

3.58. The European Union explained that the short deadline was due to reasons connected with the legislative process and to the great priority of the issue for the European Union. Increasing bee mortality was an issue of concern worldwide and the proposal was based on science and justified by a very clear analysis published by EFSA last January. The proposal restricted the use of the three substances only on crops that were attractive to bees and provided derogations when the application of the substances took place after flowering. At this stage, the actual trade effects of the proposal were considered to be very limited, if not negligible. The measure envisaged a temporary suspension of these substances for a 2-year period, during which time new scientific data would be brought to light and studied. The European Union welcomed an open and constructive dialogue with its trading partners with an interest in the proposal and stated that comments could be submitted at any time.

3.4 Information on Resolution of Issues in G/SPS/GEN/204/Rev.13

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

4 OPERATION OF TRANSPARENCY PROVISIONS

4.1. The Secretariat recalled that it no longer produced paper copies of the contact lists of National Notification Authorities and National Enquiry Points, but electronic lists were constantly updated and available through the SPS Information Management System (IMS) (<http://spsims.wto.org>). The Secretariat no longer generated a monthly summary list of notifications, as Members could generate such lists through the SPS IMS. The summary identifying all documents and notifications issued in 2012 by Members, observers and the Secretariat would be circulated shortly (G/SPS/GEN/1241 and G/SPS/GEN/1241/Corr.1).

4.2. Interested delegates could subscribe to any one of three e-mail lists to receive information and documentation from the Secretariat. One public list received all unrestricted SPS documents, whereas the second public list received all unrestricted documents other than notifications. The third list was for SPS delegates only, for transmission of restricted documents, communications from the Chair, faxes, room documents and other non-public documentation. Documents were provided through the various e-mail lists in the original language in which they were submitted by Members, and translations of these documents were accessible through the SPS-IMS or WTO's Docs-on-line. The Secretariat highlighted the importance of Members submitting correct e-mail addresses for the appropriate contact lists in order to receive documentation from the Secretariat.

5 IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT

5.1. No Member provided information under this agenda item.

5.2. The Secretariat recalled that the Committee on Trade and Development Special Session (CTD-SS) had been looking at some of the long-standing proposals for special and differential treatment (S&D), in particular those related to Article 10.2 and 10.3 of the SPS Agreement. The Secretariat had been further consulted by the Chairman of the CTD-SS in light of his work regarding Category II S&D proposals, and additional input would be provided. This work could eventually result in a decision from the General Council or at the Ministerial level that would instruct the SPS Committee to take prompt action on any requests for a waiver under Article 10.3. The Secretariat encouraged SPS delegates to discuss with their CTD colleagues to keep informed on any progress on these issues.

5.3. In response to India's request for additional information on Article 10.3 and in particular on the use of time-limited exceptions, the Secretariat recalled that no Member had ever requested the Committee to grant such an exception. Discussions in the CTD-SS revolved around developing additional language on the implementation of Article 10.3, but no further work had been undertaken yet.

5.4. El Salvador expressed its appreciation for the valuable presentation of the Secretariat in the informal meeting of the CTD-SS.

6 EQUIVALENCE – ARTICLE 4

6.1 Information from Members on their Experiences

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

6.2 Information from Relevant Observer Organizations

6.2. No Observer Organization provided any information under this agenda item.

7 PEST- AND DISEASE-FREE AREAS – ARTICLE 6

7.1 Information from Members on their Pest or Disease Status

7.1.1 Detection of Huanglongbing - Information from Paraguay (G/SPS/GEN/1219)

7.1. Paraguay reported on the phytosanitary emergency due to the detection of citrus greening disease (Huanglongbing, HLB), which had been notified to the Committee in G/SPS/N/PRY/24. In order to protect national citrus fruit production, Paraguay had issued Resolution No. 80/2013, which ensures the adoption of national measures to prevent the establishment and spread of the disease through the implementation of a containment plan and other relevant procedures.

7.1.2 Information from Chile on its Brucellosis Status (G/SPS GEN/1229)

7.2. Chile provided information regarding its recent self-declaration as a country free from ovine and caprine brucellosis pursuant to Resolution No. 498 of 23 January 2013.

7.1.3 Information from Mexico on several Pest and Disease Issues

7.3. Mexico reported on two new cases of highly pathogenic avian influenza serotype H7N3, detected on 3 January 2013, in the state of Aguascalientes, and confirmed by the National Health, Food Safety and Food Quality Service (SENASICA). Timely notification from the farmer and surveillance activities allowed for the immediate depopulation of the two affected production units, addressing both of the outbreaks identified. The OIE had been notified on 8 January 2013.

7.4. Mexico indicated that active and passive epidemiological surveillance and investigation continued. Anti-epidemic measures included vaccination and the strengthening of biosecurity and the movement control of poultry goods. Mexico requested that Members notify the SPS Committee of any measure imposed on imports of Mexican poultry products and by-products, and that they adhere to OIE guidelines to avoid greater repercussions on poultry trade.

7.5. Mexico reported on the various notifications it had submitted declaring Mexico as a disease, or pest, free country, or territory. In this regard, Mexico drew attention to G/SPS/GEN/1184 which declared Mexico as free of Avian Salmonellosis; G/SPS/GEN/1185 which declared Mexico as free of Classical Swine Fever; G/SPS/GEN/1189 and G/SPS/GEN/1190 which declared the states of Tabasco and Coahuila, excluding the Lagunera region, as areas free of Aujeszky's disease; G/SPS/GEN/1207 which declared various municipalities and communities in the state of Guerrero as areas with a low prevalence of fruit flies; G/SPS/GEN/1209 which declared certain regions in the state of Morelos as free from fruit flies; G/SPS/GEN/1208 which declared various municipalities in the state of Chihuahua as areas free from pink bollworm and boll weevil; G/SPS/GEN/1210 which declared the municipality of Sayula, in the state of Jalisco, an area free from avocado seed weevils and moths; G/SPS/GEN/1214 which declared the state of Nayarit as an area free from the

Aujeszký's disease; and G/SPS/GEN/1215 which declared the state of Tlaxcala as an area free from the tick *Boophilus* spp.

7.1.4 Information from Honduras (G/SPS/GEN/1222)

7.6. Honduras provided information on the decision declaring the Finca Montelibano, Namasigue, Choluteca a pest-free area (for *Ceratitis Capitata* Wied.) in accordance with ISPM No. 10. The decision had been published in the official journal La Gaceta No. 32979 of 20 November 2012 to ensure that the phytosanitary status was protected and maintained through the adoption and application of phytosanitary measures that established an adequate, appropriate and effective level of protection (G/SPS/GEN/1222).

7.1.5 Information from Paraguay on its FMD Status

7.7. Paraguay reported that in September 2011, the OIE had suspended its FMD-free status with vaccination after outbreaks of foot and mouth disease had occurred in September 2011 and January 2012 in the Department of San Pedro. Subsequently, the Committee of the Southern Cone (CVP) had requested that the Pan American Foot and Mouth Disease Centre (PANAFTOSA) collaborate with CVP experts in the various activities to be undertaken. The immediate response of the animal health emergency system had permitted the official containment of the outbreak in March 2012, in line with the OIE and PANAFTOSA guidelines. Actions undertaken had been recognized by various trading partners and 34 bovine meat export markets had been recovered to date. Results and conclusions of the sampling would be presented to the OIE to request that Paraguay's previous status be restored.

7.2 Information from Members on their Experiences in Recognition of Pest- or Disease-Free Areas

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

7.9. The Chairperson recalled that the Committee had developed guidelines on regionalization (G/SPS/48).

7.3 Information from relevant Observer Organizations

7.10. IPPC congratulated all Members who had undertaken the lengthy procedures to establish pest- and disease-free areas according to IPPC standards. IPPC reminded the Committee of its specific standards for the recognition of pest-free areas, places and site of production, areas of low pest prevalence, pest-free areas for fruit flies and seasonal approaches for fruit flies, highlighting that these standards should be followed by all contracting parties. IPPC further indicated that a substantive set of guidance existed on how to establish these pest- and disease-free areas and highlighted its willingness to provide additional information to Members wanting to undertake this process.

8 TECHNICAL ASSISTANCE AND COOPERATION

8.1 Information from the Secretariat

8.1.1 WTO SPS Activities (G/SPS/GEN/521/Rev.8 and G/SPS/GEN/997/Rev.3)

8.1. The Secretariat noted that document G/SPS/GEN/521/Rev.8 identified all SPS technical assistance activities undertaken by the WTO from 1 September 1994 to 31 December 2012. G/SPS/GEN/997/Rev.3 provided detailed information about all the SPS technical assistance activities planned for 2013. The Advanced SPS Course would be held from 7 to 25 October 2013, in English. The deadline for submission of applications for WTO funding for the Advanced SPS Course, Workshop on SPS-related Market Access Challenges and Opportunities, as well as for the two regional workshops (French-speaking Africa and Arab countries) was 7 June 2013. National seminars would be scheduled in China, Honduras and Togo later in the year.

8.2. The Secretariat reported that since the last Committee meeting, three national SPS seminars had been held in Burkina Faso, Botswana and Zambia, and two regional SPS workshops had been

held for Asia and Pacific (in Chinese Taipei); and for Central and Eastern Europe, Central Asia and the Caucasus (in Austria). More general training on the SPS Agreement had also been provided in the Regional Trade Policy Course for Asia and Pacific (in India), a workshop on Codex Alimentarius (in Russia), a PAN-SPSO (Participation of African Nations in Sanitary and Phytosanitary Standard-setting Organizations) training of trainers workshop (in Senegal) and the Advanced Trade Policy Course (in Geneva).

8.3. The Secretariat noted that the E-Learning Course on the SPS Agreement was available all year long, in the three WTO official languages. Further information on SPS Technical Assistance activities could be obtained on the WTO website (<http://www.wto.org/sps/ta>).

8.4. The Secretariat stressed the importance of ensuring that the officials who could benefit from these training and capacity building activities were informed, in order to avoid cancellation of activities in regions with important needs.

8.1.2 STDF (G/SPS/GEN/1221)

8.5. The STDF Secretariat provided an update on STDF Activities since the last Committee meeting and highlighted some of STDF's planned initiatives (G/SPS/GEN/1221). The STDF had organized a Multi Criteria Decision Analysis (MCDA) workshop for the Asia and Pacific Region, in Thailand. The objectives of the workshop were to present the MCDA approach, share practical experiences from countries where it had been used (including in Viet Nam in 2012 with STDF support), and equip SPS experts from the region with knowledge and skills to apply this approach. In June 2013, an MCDA workshop would be organized in Geneva for selected participants to review work to date, discuss options to improve and refine the tool, and to make recommendations to guide future work on MCDA.

8.6. The STDF would shortly publish a desk study that had been prepared for and presented at the seminar on International Trade and Invasive Alien Species (IAS), organized in collaboration with the IPPC Secretariat and the OIE, in Geneva on July 2012. More information on the seminar, including presentations, an STDF briefing note highlighting findings and conclusions, and other relevant documentation, can be found on the STDF website (<http://www.standardsfacility.org/en/TAIAS.htm>).

8.7. The STDF, in collaboration with its partners, had recently initiated work on exploring the linkages between SPS and Trade Facilitation. The work would include regional research in selected countries and commodities. The specific objectives would be to: (i) raise awareness about the synergies between the implementation of SPS measures and trade facilitation; (ii) identify key needs, opportunities and good practices to improve the implementation of SPS measures in a way that ensures the appropriate level of health protection while minimizing trade transaction costs; and (iii) develop recommendations to strengthen future work and technical cooperation focused on SPS and Trade Facilitation. The STDF was liaising with the WTO Trade Facilitation section, and the first outputs would be available at the end of 2013.

8.8. The STDF recalled that a virtual library had been launched in November 2012, to make available SPS technical co-operation and capacity building documentation, including project reports and evaluations, SPS needs assessments and cost-benefit analysis. The library is accessible from the STDF website, and Members were encouraged to share documents with the STDF Secretariat (STDFSecretariat@wto.org) for possible inclusion in the library.

8.9. The STDF reported on the latest STDF working group meeting held prior to the SPS Committee meeting. The STDF would undergo an external mid-term review, and conclusions and recommendations would be discussed at the next Policy Committee meeting in December. The STDF working group had agreed to the organization of an STDF side-event during the 4th Global Review of Aid for Trade on SPS-related Public-Private Partnerships with an emphasis on value chain development. The event would build on the 2012 STDF publication, prepared jointly with the Inter-American Development Bank (IDB), which analysed the emergence, operation and performance of selected SPS-related partnerships. Finally, the STDF working group had approved three projects and three project preparation grants (PPGs). The projects approved were: (i) Regional Total Diet Study for Sub-Saharan Africa (Cameroon, Nigeria, Benin and Mali); (ii) Feed and Food Security Program for Latin America and the Caribbean; and (iii) Strengthening Regional

Capacity in Latin America to meet pesticides export requirements based on international standards. The approved PPGs were: (i) Integrating SPS in Sierra Leone: a whole chain approach to developing the National Food Safety Management System; (ii) Developing Virus Indexing Capacity for Planting Materials in Malawi; and (iii) Information Systems for Surveillance and Pest Reporting in Asia/Pacific Countries.

8.10. The Secretariat recalled that many SPS activities occurred at port of entry or customs borders, and encouraged SPS delegates to keep abreast of current Trade Facilitation negotiations that could affect SPS measures, procedures and processes.

8.11. Belize referred to the very useful application of the MCDA tool, in particular in the areas of animal health controls for live cattle exports and animal health and hygiene controls for chicken exports. Belize thanked Mexico and the European Union for providing both financial and technical assistance for the implementation of surveillance programs for bovine tuberculosis and bovine brucellosis, in addition to assistance with the implementation of the animal identification system. A surveillance program was also in place for Bovine Spongiform Encephalopathy. One of the key objectives for the implementation of these comprehensive surveillance programs was to declare the country as free of Bovine Tuberculosis and Bovine Brucellosis in accordance with the OIE standards and guidelines, and further enhance Belize's capacity to access foreign markets. Mexico had allowed imports of two consignments of live cattle from the Northern part of Belize. Belize indicated that poultry products were also being exported.

8.12. The European Union thanked the STDF and asked how the material and documentation included in the virtual library could be fed back into the decision-making process. In its response, the STDF referred to the opportunity of replicating good practices in the development and implementation of new projects. In the long-term, this could lead to improved implementation, development and effectiveness of SPS capacity building.

8.2 Information from Members

8.2.1 National SPS Workshop in Botswana (G/SPS/GEN/1223)

8.13. Botswana reported on the national SPS workshop and its follow-up session held in October and November 2012 (G/SPS/GEN/1223). The purpose of the workshop was to enhance capacity and understanding on SPS matters, as well as to raise awareness among private companies and quasi-governmental organizations on SPS measures and their impact on international trade. The workshop identified follow-up actions regarding transparency and coordination, which were further discussed in a follow-up session organized one month after the workshop. Botswana thanked the Secretariat and acknowledged the importance of such activities in helping developing countries implement the SPS Agreement.

8.2.2 SPS-Related Technical Assistance in 2012 - Information from the European Union

8.14. The European Union reported on its SPS-related technical assistance activities in 2012, stating that they focused on both development and aid for trade. EU assistance was geared towards improving governance and meeting international standards, both of which served to reinforce countries' ability to trade. In 2012, approximately 78 million Euro had been dedicated to assist non-EU countries in SPS matters. More than 200 SPS-related projects/activities had been undertaken or were still on-going, in close to 100 countries. The European Union also contributed at a multilateral level to the Three Sisters, as well as to the STDF. The European Union invited any country interested in receiving SPS-related technical assistance to contact the EU delegation based in their country or the European Commission in Brussels, Belgium. More detailed information can be found in G/SPS/GEN/1139/Add.1.

8.3 Information from Observers

8.15. Codex reported on the forthcoming workshops and on several training initiatives that took place in conjunction with the FAO/WHO Coordinating Committees at regional levels in Asia, Near East, Latin America and Africa supported by the Codex Trust Fund (G/SPS/GEN/1236).

8.16. OIE indicated that a Global Conference on Veterinary Education and the role of Veterinary Statutory Bodies (VSB) would take place in Brazil, on 4-6 December 2013, with financial contributions from Brazil and the European Union. The conference would aim at raising international awareness and strengthening veterinary services in line with the international standards of the OIE. More information on the conference could be found at: http://www.oie.int/eng/A_EDUVSB2013/introduction.htm. A summary of OIE members' engagement in the Performance of Veterinary Service (PVS) pathway was also provided and can be found in Annex 1 of G/SPS/GEN/1231.

8.17. IPPC reported on the establishment of its Capacity Development Committee (CDC) and on the STDF project on "Global Phytosanitary Manuals, Standard Operating Procedures and Training Kits". The phytosanitary technical resources web page had been launched (<http://www.phytosanitary.info>) and enrolment in the e-learning courses on Pest Risk Analysis, in English and Spanish, was possible through the web page: <http://elearning.phytosanitary.info/>. A roster of consultants had been developed by the IPPC Secretariat to consolidate self-nominated experts with competencies relevant to developing phytosanitary capacity. Anyone interested in contracting these experts would be able to contact them through the web page: <http://consultants.phytosanitary.info/>. In 2012, IPPC facilitated the use of the Phytosanitary Capacity Evaluation Tool (PCE) in 11 developing countries and supported and attended various regional workshops to review draft International Standards for Phytosanitary Measures (ISPMs). More information can be found in G/SPS/GEN/1227.

8.18. COMESA conveyed its gratitude for being granted observer status and for the technical assistance it received. COMESA reported on the various projects and activities carried out in the region relating to: strengthening capacity for Pest Risk Analysis (PRA) and implementation of appropriate mitigation measures; supporting research to advance implementation of the commodity-based trade approach; simplifying inspection and certification procedures for intra-regional trade; and supporting countries to comply with SPS transparency obligations under the WTO (G/SPS/GEN/1224).

8.19. IICA supported virtual meetings for coordination for all the eight Codex Committees that took place between October 2012 and March 2013. These virtual meetings discussed the Agenda points, identified common positions and allowed countries that could not be present in the Codex meetings to share their opinions and positions. A session on cadmium in cocoa was organised, as the issue was requiring much regional coordination and generation of scientific data for the Joint FAO/WHO Expert Committee on Food Additives (JECFA). Another session was organised for the dissemination of an information system that facilitates communication among Members and permits more rapid responses to Codex. In December 2012, a workshop was held in Ecuador on the management of Codex Committees where the cases of Costa Rica and Uruguay were examined. Support was also given for institutional strengthening and for regional organizations linked to SPS measures in the field of animal and plant health. More information can be found in G/SPS/GEN/1230. Lastly, IICA indicated that the director of IICA would shortly retire from office.

8.20. OIRSA reported on the various activities related to: training, technical assistance and dissemination of information related to agricultural health and trade; support to the process of harmonization and equivalence; support in regionalization; prevention, control and eradication activities; strengthening of national institutions to facilitate trade; and strategic alliances to benefit health and trade (G/SPS/GEN/1235).

8.21. Although ITC was not able to participate in the meeting, it requested the Secretariat to draw attention to the report regarding its relevant technical assistance activities for the period November 2012 through March 2013 (G/SPS/GEN/1237).

9 REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

9.1 Use of Ad Hoc Consultations (G/SPS/W/259/REV.5) – Report on Informal Meeting

9.1. The Chairperson reported on an informal meeting on ad hoc consultations held on 20 March 2013. In this meeting, the Chairperson first recalled that the Committee had been discussing for several years the development of a procedure that would provide more clarity and predictability when requesting the Chairperson's good offices to help Members resolve SPS-related differences.

Use of the Chair's good offices was already available to Members under the Committee's Rules of Procedure, but had only been used a few times and long time ago.

9.2. The Chairperson had reminded Members that at the last meeting in October, the Committee had decided to move the process forward by forming an electronic working group (e-WG) to continue work in between Committee meetings. To assist the e-WG process, the Chairperson had invited Members to volunteer as "stewards" on each of the five identified outstanding elements. Each steward had worked in an individual capacity, and not as a representative of their government. The e-WG had been open to all Members who had indicated their interest before a certain date - 28 Members had responded. The stewards had used various formats to obtain input from the e-Working Group, and the responses from the e-Working Group had provided the basis for stewards to develop their compromise texts for each of the five areas.

9.3. Despite some initial scepticism, thanks to the hard work and dedication of the stewards and the positive engagement and involvement of the e-Working Group participants, the process had been surprisingly useful. The Secretariat had documented this experience and the process could be a legacy that Members left to the Committee.

9.4. The final compromise language from the stewards had been coherent and provided excellent material which had allowed the preparation of the draft document G/SPS/W/259/Rev.5 that had been circulated to the e-WG for final comment.

9.5. A few comments had been received, but the Chairperson had decided to keep G/SPS/W/259/Rev.5 as it was, with no substantive changes, as the working document presented a compromise that reflected an evolution of many Members' positions, and had been a product of painstaking "give and take" among the e-Working Group participants. The Chairperson had expressed appreciation to all who had demonstrated flexibility during this exercise.

9.6. As part of the e-Working Group process, a physical meeting among participants had been organized on 18 March 2013, with the goal to discuss G/SPS/W/259/Rev.5 and to get clarification from the stewards on their proposed compromises. Although agreement on the text had still been elusive, everyone had consented to considering G/SPS/W/259/Rev.5 as the basis for future discussions.

9.7. At the informal meeting, Members had been encouraged to take a moment to reflect on what they were trying to achieve and had been reminded that the purpose of their work was simply to come up with a concrete procedure by which this already existing "good offices" process could be optimally used. A concrete procedure would provide a level of comfort on the transparency and predictability of the process and this was the value-added of this undertaking. All Members had been encouraged to be flexible, to keep an open mind and not to lose sight of the overall objective.

9.8. The Chairperson had first invited Members, especially those who had not been part of the e-Working Group, to provide comments on the five elements that had been addressed by the e-Working Group. Since no Member took the floor, they had been invited to submit any comments in writing by 19 April 2013. These would be posted on the Members' website to ensure transparency. The comments already submitted by members of the e-Working Group would also be posted on the Members' website, so there would be no need for these Members' to resubmit them.

9.9. A detailed discussion had also taken place on those elements in G/SPS/W/259/Rev.5, which were not covered by the e-WG, that is the title, preamble, paragraphs 2, 4, 5, 19 and 20. The Chairperson had found this discussion to be very constructive and thought that it had succeeded in clarifying a number of issues.

9.10. At the end of the informal meeting, the Chairperson had thanked the Committee for the productive discussions and in particular, for the flexibility shown in the spirit of compromise and the stewards for all their hard work. In terms of the next steps, the Chairperson had suggested that the stewards re-consider their proposed compromises in light of all the comments that had been submitted by the e-WG on G/SPS/W/259/Rev.5, the comments received at the various meetings of the e-Working Group and the Committee held that week, as well as those comments that would be submitted by the 19 April deadline. The informal meeting had been closed with an

indication that the Chairperson would consult with the stewards regarding how to organize the way forward.

9.11. Following the Chairperson's oral report, she informed the Committee that she had since consulted with the stewards and following their re-examinations of their proposed compromise language, the Chairperson would work with them to collectively prepare a new revised document. This document would be circulated to the e-WG for comments at the end of May. Once the comments from the e-WG had been considered, the new document - G/SPS/W/259/Rev.6 – would be circulated to all Members for consideration at the meeting in June. The Chairperson expected G/SPS/W/259/Rev.6 to be ready about two weeks before the Committee meeting, approximately on 10 June 2013.

9.12. The Chairperson also proposed to organize an informal meeting just prior to the June Committee meeting, to discuss the new revision.

9.13. Australia queried whether there would be only one informal meeting of the Committee or whether it was envisaged that the e-WG would also meet before the next meeting. The Chairperson explained that the output from the e-WG would first be reviewed, in order to determine whether it would be necessary to have an e-WG meeting. She further confirmed that the outputs of the e-Working Group would be submitted in June, in response to a question from El Salvador.

9.14. Japan noted that at the informal meeting the Secretariat had again explained that the Committee could not create new legal obligations on Members through the development of the procedure for ad hoc consultations. The Secretariat had further clarified that the Committee could not impose any new legal obligation that is not within the scope of the existing legal provisions of the SPS Agreement.

9.15. Following the discussions on the use of ad hoc consultations, the Secretariat recalled that in the past two reviews of the SPS Agreement, one of the issues that had been raised by Members related to good regulatory practices. There had been several suggestions for the Committee to look at guidelines on Good Regulatory Practice (GRP), but the Committee had not yet agreed to do so. The Secretariat drew attention to the work that had been done on GRP in the TBT Committee, highlighting several workshops that had been organized by the TBT Committee. On the basis of the most recent discussions, the TBT Committee had decided to identify a non-exhaustive list of voluntary mechanisms and related principles of GRP to guide Members in the efficient and effective implementation of GRP. The Secretariat observed that GRPs for TBT measures would very likely look similar to GRPs for SPS measures and as such, encouraged the Committee to follow the work of the TBT Committee in this area. JOB/TBT/44 provided information on inputs and suggestions from delegates on the voluntary mechanisms and principles of GRP, and made reference to previous documents that had been prepared by the TBT Committee on this issue.

10 MONITORING OF THE USE OF INTERNATIONAL STANDARDS

10.1 New Issues

10.1. Brazil took the opportunity to draw the Committee's attention to the 50th anniversary of the Codex Alimentarius Commission. Brazil highlighted that the organization had always remained fully committed to protecting the health of consumers and that it had been crucial in the establishment of science-based standards, guidelines and recommendations for food safety.

10.2 Issues Previously Raised

10.2. IPPC reported on the activities of the IPPC's Implementation Review and Support System (IRSS) project. The IRSS programme was developed as a proactive means to identify the extent of implementation of the IPPC and its International Standards for Phytosanitary Measures (ISPMs), to diagnose challenges to implementation, and to offer support to strengthen future implementation. All of this was outside of the context of compliance. The project had received extensive positive feedback based on its unique approach of analysing implementation and tailoring support solutions to fit contracting parties' identified needs. However, the utility of the IRSS studies faced challenges in terms of lack of funds for translating the studies, in order to make the products more widely

accessible to all interested parties. Funding for the three-year cycle of the IRSS was made possible by the financial support of the European Union and the first two years of the cycle would conclude in March 2013. A summary of the major actions, review and support activities completed through the IRSS can be found in G/SPS/GEN/1225.

11 CONCERNS WITH PRIVATE SPS-RELATED STANDARDS (G/SPS/W/265/REV.2)

11.1 Report on Informal Meeting

11.1. The Chairperson reported on an informal meeting on private standards held on 20 March 2013. At the informal meeting, the Chairperson had recalled that the Committee had agreed to develop a working definition of SPS-related private standards in order to set the framework within which it would discuss the issue. Agreed Action 1 (G/SPS/55) did not propose a legal definition, but merely sought a framework to limit the scope of issues considered by the Committee.

11.2. The Chairperson had also recalled that in light of the evident lack of progress towards agreement on a working definition at the October 2012 meeting, she had invited the Committee to explore new options on how to define SPS-related private standards. Six Members had submitted written suggestions on new working definitions of SPS-related private standards, which had been compiled and circulated electronically.

11.3. Argentina, Canada, Chile, the European Union, New Zealand and Paraguay had presented their respective new proposed working definitions of SPS-related private standards. The Chairperson had noted that there was some common wording from those new proposals and had urged Members to show flexibility in trying to finally fulfil Action 1 and agree on a working definition of SPS-related private standards. Picking some common elements from the new suggested definitions, the Chairperson had proposed the following draft working definition for consideration: "SPS-related private standards are non-regulatory market requirements that involve food safety, animal or plant life or health".

11.4. The suggested compromise definition and the six proposed new definitions had prompted some constructive discussions. China had suggested a new working definition: "SPS-related private standards are sanitary and phytosanitary requirements developed and/or applied by a private body and/or a non-governmental entity". A number of Members had suggested some modifications to one or several of these new proposals. However, no consensus emerged and the Chairperson had invited Members to reflect on the various positions expressed, and submit to the Secretariat revised or new written proposals for a working definition of SPS-related private standards by 19 April 2013.

11.5. The Chairperson had also reminded the Committee that as stated in paragraph 4 of G/SPS/55, endorsement of the adopted actions was without prejudice to the views of Members regarding the scope of the SPS Agreement.

11.6. Under Action 3, the Secretariat had reported on relevant developments on SPS-related private standards in other WTO fora, and had drawn attention to the thematic discussion on standards organized during the March 2013 TBT Committee. The Secretariat had noted that details of the discussions could be found in documents JOB/TBT/41/Rev.1, JOB/TBT/42 and JOB/TBT/42/Corr.1 and G/TBT/GEN/144.

11.7. Under Action 5, the Secretariat had noted that one of the most valuable materials it used to underline the importance of international SPS standards was the STDF film on Trading Safely, which showed the importance of standards in gaining or re-entering markets. International standards were also at the centre of SPS training activities, such as regional seminars undertaken with the participation of Codex, IPPC and OIE. The Secretariat was also developing a new e-learning training module with the Inter-American Development Bank which would refer to the importance of international standards. While both financial and human resources were limited in developing materials, dissemination efforts would continue.

11.8. UNCTAD had noted that Voluntary Sustainability Standards had become an important issue in international trade and development. In support of developing countries, five UN agencies (FAO, ITC, UNCTAD, UNEP and UNIDO), had jointly created the UN Forum on Sustainability Standards

(UNFSS), to provide information and analysis in this respect. The UNFSS was intended to be an unbiased and credible policy dialogue with analytical, empirical and capacity-building activities. UNFSS activities would be based on ownership by developing countries, be demand-driven, and involve all concerned non-governmental stakeholders. The UN conference launching the UNFSS would be held on 21 and 22 March 2013 at the Palais des Nations in Geneva. The representative of UNCTAD had noted that the programme and the background documentation for the launching conference were available on the UNFSS website (<http://www.unfss.org>).

11.9. Several Members had flagged the importance of UNCTAD's work in the area of standards, including in helping bridge the gap on some of the issues being currently discussed in the Committee. The Secretariat had noted that WTO colleagues would attend the conference, and had recalled the long standing cooperation from UNCTAD in providing research and case studies on how developing countries were affected by private standards.

11.10. Chile had reported that private standards had been flagged as an area of interest by the Codex Coordinating Committee for Latin America and the Caribbean, and that eight recommendations would be forwarded for consideration at the July Codex Alimentarius Commission meeting.

11.11. In commenting on the report of the Chairperson, Belize noted that the proliferation of private standards that were more restrictive than official requirements called into question the relevance of the competent authorities, as well as the relevance of the Codex and the other standard setting bodies. Although governments themselves did not trade, they had the obligation under the SPS Agreement to ensure that the SPS measures applied to trade were not more trade restrictive than necessary, and this was reinforced by Annex C of the SPS Agreement on control, inspection and approval procedures. If governments considered the private sector more competent to verify compliance and delegated this responsibility to the private sector, then Article 13 of the SPS Agreement applied.

11.12. Argentina, Brazil, Cuba, the Dominican Republic, Ecuador, El Salvador and Uruguay supported Belize's concern. Argentina expressed its concern with the way in which the Committee's work had been undermined and indicated its wish to move forward not only with the shaping of a definition, but also with the other actions that had been identified by the Committee.

11.13. Chile noted its concern with the proliferation of private standards which existed alongside official standards and recalled that standards had to be transparent and science based. Chile encouraged Members to work along the lines that the Chair had outlined, within the framework of the WTO.

11.14. The European Union observed that private standards continued to be an issue of great interest to a number of Members of the Committee. However, the European Union believed that the SPS Committee was not the best forum for the discussion of concerns related to private standards. In order to frame the discussion, the European Union deemed it necessary to find a common definition of private standards in order to set clearly defined parameters within which to address the raised concerns and proceed with discussions in a productive manner.

12 OBSERVERS

12.1 Information from Observer Organizations

12.1. The African Union provided an update on its recent SPS activities (G/SPS/GEN/1234) and stated that it would soon submit a revised and more complete report. The African Union reported that for the first time in its history, a joint Ministerial Conference for Ministers of Agriculture and Trade had taken place in November 2012, under the theme "Boosting Intra-African Trade: A key to agricultural transformation, and ensuring food and nutrition security". Forty member States of the African Union had participated in the conference. The African Union also reported on various meetings that had taken place since 2009 to coordinate its continental common position for animal health, plant health and food safety. The first workshop of African food safety specialists and Codex contact points had been held in October 2012.

12.2. The Secretariat reported that the World Bank had submitted a document for the consideration of the SPS Committee regarding new research to create a standard restrictiveness index (G/SPS/GEN/1228). The research aimed at measuring the impact of standards (particularly MRLs of pesticides) on agricultural exports of developing countries. The first working paper looked at the impact of standards in BRIC countries on agricultural exports from least-developed countries (LDCs). In general, the paper showed that as a country's income rises, so do its product standards.

12.2 Requests for Observer Status

12.3. The Secretariat recalled that at the last meeting, the SPS Committee had taken two decisions with regard to observer organizations. The first decision related to the implementation of the rule to remove observer status for non-participation in a 1-year period. The Secretariat indicated that, starting with the current meeting, it would keep records of which observers attended Committee meetings. Should any observer organization not attend any of the meetings in 2013, the Secretariat would contact them to seek confirmation that they were no longer interested. Observer organizations had been forewarned of this decision at the end of 2012. The second decision related to inviting all ad hoc observers to participate in all meetings of the Committee during 2013, unless any Member raised an objection to the participation of an observer in advance of a meeting. This related to all regular and informal meetings, except for any meetings specifically identified as "closed" meetings. The observer organizations had been informed of this decision, and no objection had been raised regarding the participation of any one of them at this meeting.

12.4. In considering the outstanding requests for observer status, the Chairperson recalled that the SPS Committee had agreed to grant ad hoc observer status to all of the African Regional Economic Communities (RECs) who had so requested, with the exception of the Intergovernmental Authority on Development (IGAD). This was because the Committee had not received the requested background information from IGAD until July last year (G/SPS/GEN/121/Add.16) and at the last meeting, some Members indicated that they needed more time to consider the request and background document of IGAD. The Committee agreed to grant observer status to IGAD, on an ad hoc basis.

12.5. The Chairperson outlined the renewed request from the Convention on Biological Diversity (CBD) for observer status in the SPS Committee, contained in a letter to the Director General in January 2013. The Committee was unable to reach a consensus on this request.

12.6. The Chairperson reminded the Committee of the other outstanding requests for observer status in the SPS Committee from: (i) the Asian and Pacific Coconut Community (APCC); (ii) the International Cocoa Organization (ICCO); (iii) the Organisation Internationale de la Vigne et du Vin (OIV); (iv) CABI International; and (iv) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Committee was unable to reach a consensus on these requests.

13 ELECTION OF CHAIRPERSON

13.1. The Chairperson reported that the Chairperson of the Council for Trade in Goods had been carrying out informal consultations on a slate of names for appointment as chairpersons to the subsidiary bodies of the Council for Trade in Goods in accordance with the established Guidelines for Appointment of Officers to WTO bodies (contained in document WT/L/31). At the time, however, these consultations had not yet reached a conclusion. As such, it was suggested that the election of the Chairperson of the Committee be postponed until the next Committee meeting in June.

14 OTHER BUSINESS

14.1. The Chairperson recalled that under this agenda item Members were invited to raise other issues of concern, identified at the beginning of this meeting. No Member raised any issue under this agenda item.

15 DATE AND AGENDA OF NEXT MEETING

15.1. The Secretariat flagged that the dates for the next regular meeting of the Committee had been tentatively scheduled for 27-28 June 2013. Informal meetings on ad hoc consultations and on private standards would be scheduled immediately prior to the regular meeting, on 26 June 2013, and would be open for participation by observer organizations. The Secretariat also highlighted that there would be a hands-on STDF workshop on use of the multi-criteria decision analysis tool with limited number of participants, on 24-25 June 2013.

15.2. In October, the regular meeting of the Committee meetings were tentatively scheduled to begin on the afternoon of 16 October and continue to the morning of 18 October. Informal meetings would be held on the afternoon of 15 October and in the morning of 16 October. A special workshop would take place on 14 October 2013 on SPS-related market access issues, with a particular focus on experiences of developing countries in addressing specific market access issues.

15.3. The Committee agreed to the following tentative agenda for its next meeting:

1. Adoption of the agenda
2. Election of the Chairperson
3. Information on relevant activities
 - a. Information from Members
 - b. Information from the relevant SPS standard-setting bodies
4. Specific trade concerns
 - a. New issues
 - b. Issues previously raised
 - [c. Consideration of specific notifications received]
 - d. Information on resolution of issues in G/SPS/GEN/204/Rev.13
5. Operation of transparency provisions
6. Implementation of special and differential treatment
7. Equivalence – Article 4
 - a. Information from Members on their experiences
 - b. Information from relevant Observer organizations
8. Pest- and Disease-free areas – Article 6
 - a. Information from Members on their pest or disease status
 - b. Information from Members on their experiences in recognition of pest- or disease-free areas
 - c. Information from relevant observer organizations
9. Technical assistance and cooperation
 - a. Information from the Secretariat
 - i. WTO SPS activities
 - ii. STDF
 - b. Information from Members
 - c. Information from Observers

10. Review of the Operation and Implementation of the SPS Agreement

- a. Issues arising from the Second Review
 - i. Use of ad hoc consultations – Report on informal meeting
- [b. Issues arising from the Third Review]

11. Monitoring of the use of international standards

- a. New issues
- b. Issues previously raised
- c. Adoption of annual report

12. Concerns with private and commercial standards

- a. Report on informal meeting

13. Observers

- a. Information from Observer organizations
- b. Request for observer status
 - i. New requests
 - ii. Outstanding requests

14. Other business

15. Date and agenda of next meeting

15.4. Canada recalled that during the July 2012 informal meeting, the Chair had clarified that informal meetings on the Third Review would be scheduled only if specific proposals were submitted about one month in advance of the meeting. Canada noted that there had not been any new proposals for the past year and requested the Chair to establish a deadline for submitting new proposals in order to prepare for any additional informal meetings.

15.5. The Chair asked Members to take note of the following deadlines:

- For comments on the document G/SPS/W/259/Rev.5 and for submitting any proposals or comments regarding a new definition of SPS related private standards: **Friday, 19 April;**
- Circulation of the draft of the revised document regarding ad hoc consultations to the electronic working group by: **Friday, 31 May;**
- For Members to request further discussions on issues arising from the Third Review: **Friday, 31 May;**
- Circulation of the revised draft of the document regarding ad hoc consultations (Revision 6), to the SPS Committee by: **Monday, 10 June;**
- For identifying new issues for consideration under the monitoring procedure, and for requesting that items be put on the agenda for the June meeting: **Thursday, 13 June;**
- For the distribution of the Airgram and the circulation of documents for discussion during the June meeting: **Friday, 14 June 2013.**
