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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 30 JUNE-1 JULY 2011

Note by the Secretariat[1]

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

I. ADOPTION OF THE AGENDA

1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its fifty-first meeting on 30 June - 1 July 2011. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/3774).

II. INFORMATION ON RELEVANT ACTIVITIES

(a) Information from Members

2. The European Union provided updates on the Foot and Mouth Disease situation in Bulgaria. As there had not been any new outbreaks since 7 April 2011, the European Union had reduced the areas under restriction. The European Union would continue to follow this matter closely and adapt its measures on the basis of regular surveillance. More information is available in G/SPS/GEN/1072.

3. The European Union also reported on the recent outbreak of Shiga Toxin-Producing Escherichia Coli (STEC). Since the beginning of the outbreak, the European Union had continually provided information and communicated with its trading partners. As soon as the outbreak became known on 22 May, all existing surveillance networks were immediately activated and followed the outbreak closely. The strain that had been identified in the European Union was O104:H4. The epidemiological investigations were on-going and a task force was created which determined that the seeds used for the production of bean sprouts were the source of the outbreak. A recent report from the European Food Safety Authority and the European Centre for Disease Prevention and Control was already available on the internet. The European Union urged Members to lift any discriminatory import restrictions that had been imposed given that the source of the outbreak had been identified.

4. China introduced its new Regionalization Management System on Food Safety (G/SPS/GEN/1101). The presentation highlighted (i) the concept of regionalization management of food safety; (ii) the scientific connotations of regionalization management of food safety; (iii) the nine major working mechanisms; (iv) primary control measures and; (v) the system's main achievements. The system had been successfully implemented in 27 provinces, 261 counties; and had brought together all food safety stake-holders. In 2010, the counties that had successfully implemented the new system had met all import requirements, demonstrating that the regionalization management system was an effective tool to address food safety concerns. The new system would indeed be extended to other provinces. In response to an OIE observation that China's definition of the term "regionalization" differed from that of the OIE and the IPPC, China noted that it had spent more than ten years building its capacity to enable regionalization within the OIE context. The World Bank recalled that a memorandum was signed in May between the World Bank and APEC on strengthening food safety capacity. The World Bank commended China's efforts and highlighted that this system was a crucial step in improving food safety capacity, which had been identified as a high priority issue by APEC.

5. Japan provided information on the efforts being taken in response to the recent nuclear plant accident. Japan highlighted that it would be difficult to indicate when the accident would be completely rectified, however information would be provided to the international community to ensure transparency. Since the previous SPS Committee meeting, Japan had continued to monitor levels of radioactive contaminants in food to prevent food exceeding the regulatory levels from entering any market. Japan invited delegates to an information session regarding the status of the nuclear accident and Japan's efforts to ensure food safety that would be held later in the day.

6. Korea reported that as of 15 June 2011, it had consolidated three separate quarantine agencies for animals, plants and fish into one agency called the Animal, Plant and Fishery Quarantine and Inspection Agency (G/SPS/GEN/1104).

7. Belize reported that the Agricultural Health Authority, in collaboration with the Ministry of Agriculture, the Belize Livestock Association and with technical assistance from the Mexican Veterinary Services Authority, was finalizing preparations for comprehensive surveillance programmes for Bovine Tuberculosis, Bovine Brucellosis and Bovine Spongiform Encephalopathy, as well as for implementing an animal identification system for bovine. Draft enabling legislation had been circulated to Members (G/SPS/N/BLZ/2, G/SPS/N/BLZ/3, G/SPS/N/BLZ/4, G/SPS/N/BLZ/5 and G/SPS/N/BLZ/6), and Belize hoped to enact all five pieces of legislation as soon as the comment period was over.

(b) Information from Observer Organizations

8. The OIE gave an overview of its 79th session, held in May. After years of collaborative effort, rinderpest had been eradicated globally. The OIE was collaborating with the FAO under the framework of GF-TAD to eradicate Foot and Mouth Disease. Details of the global strategy recommended at the 2009 OIE/FAO Global Conference on FMD would be presented in June 2012 at the second Global Conference, in Bangkok. The 79th session had adopted 44 new or revised chapters in the Terrestrial Animal Health Code, and a new chapter on responsible use of antimicrobial agents in aquatic animals, as well as a number of amendments, were adopted in the Aquatic Animal Health Code.

9. The IPPC reported on its work on developing a system for electronic certification (EPHYTO). It also drew attention to its standard-setting work programme, and its activities relating to information exchange, dispute settlement, capacity building, review and support of implementation of the international phytosanitary standards, and resource mobilization (G/SPS/GEN/1102).

10. Korea thanked the IPPC secretariat and its member countries for organizing the EPHYTO workshop, and New Zealand for providing financial support for the participation of developing countries.

11. The European Union stated that it would continue to support the OIE, IPPC and the Codex, particularly in their efforts to facilitate the participation of developing countries in the work of the three Sisters. The European Union reported that it was in the process of considering additional funding for the IPPC's Implementation Review and Support System for the next two years, and urged other donors to support the IPPC's initiatives to ensure their continuation and sustainability. The E-certification system could be an initiative that increased cooperation between the three standard-setting bodies.

12. Australia indicated that it had been lobbying for increased core funding to the IPPC, and encouraged other Members to also lobby the FAO to increase core funding for the IPPC. Australia had also provided funding of over US$570,000 to the IPPC Trust Fund, including a contribution to allow the focus group meeting to be held in July to improve the standard-setting process.

13. SADC reported on the implementation of the SPS Annex to the SADC Protocol on Trade. It had facilitated the formation of national SPS coordinating committees in ten member states and an eleventh country had an active national Codex committee which was currently serving as the national SPS committee. The remaining SADC members were in the process of establishing their national SPS committees. A regional SPS stakeholder workshop in April had finalized and adopted a number of guidelines. The work of the regional SPS Committee, which would be launched in July 2011, would be guided by the standards and principles of the WTO, IPPC and Codex. The WTO Secretariat requested that SADC inform its members of the WTO technical assistance and training programmes planned for 2011, including the October workshop on national and regional coordination, as well as the regional workshop being offered for Anglophone African countries.

III. SPECIFIC TRADE CONCERNS (G/SPS/GEN/204/REV.11)

(a) New Issues

(i) Mexico's BSE Measures - Concerns of Canada

14. Canada recalled that since 2003, Canada had requested that Mexico accept beef imports from cows over 30 months old. In 2007, the OIE recognized Canada as a "controlled" BSE-risk country and the status has since been reconfirmed every year. In 2008, Mexico too was recognized as a "controlled" BSE-risk country. Canada had engaged with Mexico at all levels concerning this issue. On 12 June, Mexico shared a technical report which highlighted the basis of Mexico's current decision, however Canada did not consider that this report provided scientific evidence to support Mexico's measure. Canada requested Mexico's participation in an high-level technical meeting to further discuss scientific evidence on BSE-related measures.

15. The European Union shared the concerns raised by Canada as Mexico also continued to impose BSE-related import restrictions on beef and beef products from EU member States with controlled risk status. As Mexico allowed imports of beef and beef-related products from other similarly categorized countries, these restrictions appeared to be discriminatory. The United States also urged Mexico to base its BSE import requirements on science, consistent with the OIE standards for "controlled" risk countries, as a zero risk standard was both unworkable and inappropriate.

16. Mexico indicated that it had provided a technical report to Canada on 10 June 2011, which provided details on the Creutzfeldt-Jakob disease-related risks of eating of meat from cattle over 30 months old. The technical report referred to information that had been provided by Canada in a report dated 23 July 2003. The Canadian report highlighted that in spite of the removal of high-risk tissue from BSE-infected animals, there still remained some risk to the consumer. The risk analysis provided by Canada had been based on cattle that were less than 30 months old, and Mexico had requested a risk analysis on animals older than 30 months. However, Canadians apparently did not consume meat from cattle older than 30 months, as was stated in a Canadian Medical Association Journal article dated 9 November 2010, presented at the March Committee meeting. Mexico's technical report highlighted that some countries were found to have a higher incidence of Creutzfeldt-Jakob disease due to the consumption of meat that had been infected with BSE, and Canada was ranked number eight in the occurrence of the Creutzfeldt-Jakob disease. According to a Canadian Ministry of Health meeting on 26 August 2010, Canada had not at that time established the origin of the disease. Mexico stressed that its risk analysis did not require the complete absence of BSE, and Mexico was willing to continue to work on this issue bilaterally with Canada.

(ii) US failure to recognize South Patagonia as FMD-free and to Import Beef from North of the 42nd Parallel - Concerns of Argentina

17. Argentina expressed its concern that the United States failed to recognize South Patagonia as a FMD-free region without vaccination, despite the OIE recognition of this status for South Patagonia since 2002. The request for recognition had been sent to the United States in 2003, and a risk analysis conducted in 2007 gave satisfactory results, however no recognition had been granted. Argentina was also concerned about the delay in the US authorization of imports of fresh, chilled and frozen beef from the region north of the 42nd parallel. The OIE recognized the rest of Argentina as an FMD-free area with vaccination in 2007. The US Department of Agriculture (USDA) had carried out an audit in 2006, but had never reported the results. The delays in processing both of these requests were not due to scientific reasons and were therefore in contravention of Articles 3 and 6, and Annex C, of the SPS Agreement.

18. The United States stated that USDA was considering several requests from Argentina to allow imports of lamb and beef into the United States. USDA's Animal and Plant Health Inspection Service (APHIS) had made significant progress in recognizing the FMD-free status of South Patagonia. In light of the information Argentina provided in 2009, which was used to update the 2005 risk analysis, APHIS was able to conclude that the import of ruminants and ruminant products from this region presented a negligible risk of FMD. This information was used in preparing a draft report to Congress on the risk associated with importing ruminants or ruminant products from Southern Patagonia. By law, the report had to be submitted to the Congress before USDA could move forward with administrative rule-making. APHIS had also completed the risk analysis regarding the region north of the 42nd parallel and would subsequently draft a proposal to allow the importation of beef under certain conditions.

(iii) Chinese Quarantine and Testing Procedures for Salmon - Concerns of Norway (G/SPS/GEN/1090)

19. Norway stated that after years of steady increase in its exports of fresh salmon to China, exports had dropped significantly due to testing and quarantine procedures implemented by China on 13 December 2010. These were followed by strengthened inspection and quarantine procedures as stated in Notice No. 9 2011, which had not been notified to the WTO. The Norwegian monitoring programmes, in operation since 1998, showed no presence of illegal substances in the fish products and had consistently documented low levels of contaminants. China's measures did not seem to be based on scientific principles or a risk assessment, and Norway requested an explanation for these measures and how they complied with the SPS Agreement.

20. The United States supported Norway and expressed their concern that China had implemented AQS1Q Order No. 9, Notice on Strengthening Inspection and Quarantine on Imported Salmon, in February 2011, without having notified the measure. The stated objective of this notice was to safeguard consumer health, however no risk assessment had been provided. The United States requested a copy of China's risk assessment, and requested that China rescind AQS1Q Order No. 9's documentation requirements until the measure had been notified. China was also asked to explain how the requirement for the exporter's vessel name and number related to ensuring that wild salmon was safe for human consumption.

21. The European Union also called for transparency in all SPS matters.

22. China clarified that since 2010, the entry and exit inspection and quarantine bureaus in China had detected fish lice, pathogenic micro-organisms and excess veterinary drug residues in imported chilled salmon. In an attempt to protect their consumers, China had published a notice to strengthen the inspection and quarantine of imported salmon, based on The Administrative Measure for Inspection, Quarantine and Supervision on Import and Export of Feed and Feed Additives and its revision and amendment measures of imports and exports of aquatic products, which were notified to the WTO. The measures taken were covered by these laws and regulations without any new element and therefore it was unnecessary to make another notification. China had already responded to Norway's concerns when it raised them in March 2011, during Norway's visit to China's AQSIQ and hoped that those replies addressed its concerns. China was open to further bilateral discussions with the European Union and the United States on this topic.

23. Norway stressed that ensuring sea-food safety is a major objective of Norwegian authorities, who monitor the presence of undesirable substances, microorganisms and parasites in wild-caught and farmed seafood, as well as fish feed. Norway had been performing a risk assessment on seafood, based on studies of the most commercially important fish species in Norway. Stakeholders often held conflicting views on food safety and on the benefits of seafood and it was important to distinguish between fact and fiction. Norway was keen to further collaborate in this area with China.

24. China observed that Norway's concerns focussed on the detailed testing methods, however these purely technical matters had to be discussed among scientists. In March, scientists from both countries had held detailed discussions on this issue, and almost all of Norway's concerns had been clarified. China was disappointed with the lack of Norwegian efforts to resolve this issue, as when any cargo was identified to be carrying disease the problem was supposed to be rectified by the exporter. China welcomed Norway's and other interested parties participation in bilateral discussions as this issue had been on-going for two years.

(iv) Philippine Restrictions on Imported Fresh Meat - Concerns of the United States

25. The United States stated that Administrative Order Number 22 (AO 22) of the Philippines, and its draft successor, had disproportionately affected trade from other countries. It was not clear why the prescribed cold chain requirement for frozen, chilled meat and chilled meat products, which are primarily imported, was not being equally applied to fresh meat. The traceability, packaging and labelling requirements in both AO 22 and the new draft Administrative Order imposed additional burdens on the marketing and sale of frozen meat and meat products in the Philippines, yet there was apparently no risk assessment to support the adoption of these measures. There seemed to be no scientific justification for this requirement, which appeared to discriminate against imports, and which undermined the food safety advantages of frozen meat. The failure to follow any standard international practice created the impression that these measures were simply to restrict trade. The United States requested a copy of the Philippines' risk assessment and the suspension of AO 22 and its draft successor, as well its notification to the WTO.

26. Canada expressed its concern that AO 22, as well as its draft replacement, only addressed the safety of frozen chilled meat and provided no scientific rationale for imposing different food safety measures than for fresh meat. These measures seemed to disproportionately affect imported meat. The measure had been implemented without notification to the WTO, and given the lack of a scientific rationale, Canada requested that AO 22 be suspended until the replacement measures were amended to include comparable food safety requirements for fresh meat.

27. The European Union supported the concerns of the United States and observed that the revision of AO 22 was currently going through a domestic consultation process and requested clarification as to why the requirements for warm meat, which is mostly locally produced, were lower than those for frozen chilled meat, which is mostly imported. The new legislation issued in 2010 was not notified to the WTO, no supporting risk assessment had been provided, and there was no opportunity for comments to be taken into account. The European Union, therefore, requested the suspension of AO 22.

28. The Philippines stated that the rules and regulations for the handling of frozen and chilled meat and meat products were contained in AO 22, which was a post-border measure aimed at improving the country's meat hygiene and meat safety system up to the point of retail sale. AO 22 was to be implemented by local government units, with assistance from the national meat inspection service. AO 22 did not impose additional requirements and did not modify the provisions related to pre-border measures for the export of meat and meat products to the Philippines. The basis for this measure was the USDA code for frozen meat, which required that thawing be done under chilled conditions and a cold chain be maintained until consumed. This was recommended also by the Codex Code of Practice for the Processing and Handling of Quick Frozen Foods (CAC/RCP 8-1976) and the US Food and Drug Administration (FDA), and so the Philippines had adopted the best standards. The Philippines assumed that the United States and other trading partners had conducted a risk assessment for their codes of practice and so there was no need for the Philippines to do its own risk assessment when imposing the same measures. Neither were the Philippines obliged to notify a measure based on the Codex Code of Practice. AO 22 was not discriminatory as it applied to both imported and locally produced meat. However, AO 22 did not apply to freshly slaughtered meat, which was a different

product. There were no Codex standards for warm meat products and the Philippines acknowledged that a risk assessment for freshly slaughtered meat was required. This would be carried out, and guidelines developed, based on available studies and data provided by trading partners.

29. The United States noted that the measures, which the Philippines said were based in part on a USDA risk assessment, needed to be proportional to the risks identified in that risk assessment. The management tools and decisions by the Philippines went far beyond what was identified in the risk assessment, and the United States requested that the Philippines provide additional scientific evidence to justify its measures.

(v) Japan's MRLs applied to Sesame - Concerns of Paraguay (G/SPS/GEN/1091)

30. Paraguay expressed concerns that Japan's MRLs for pesticides in sesame were more restrictive than those applied to other similar products, and had a negative impact on trade (G/SPS/GEN/1091). The application of an across-the-board uniform limit was inconsistent with the principles of the SPS Agreement.

31. Japan observed that there were no Codex MRLs for sesame. Japan applied a uniform limit of 0.01 ppm as this was unlikely to damage human health based on the concept of acceptable exposure that had been scientifically assessed by JEFCA. These uniform limits had been notified to the WTO. The European Union also imposed the same uniform limit. Japan could establish MRLs for compound/commodity combinations which were not registered in its legislation, in response to exporting country applications for import tolerances. Japan invited Paraguay to file an application for an import tolerance with the Ministry of Health Labour and Welfare, and to provide the necessary data for assessment. Paraguay should be aware, however, that the MRL set by the European Union for the compound in sesame was 0.05 ppm.

(b) Issues Previously Raised

(i) Application and Modification of the EU Regulation on Novel Foods - Concerns of Peru (No. 238)

32. Peru raised concerns about Regulation 258/97 that restricted foods which were not marketed in the European Union before 15 May 1997 and had therefore been categorized as novel foods. This particularly affected trade in Peruvian traditional foods that were safely sold in the United States and Japan (G/SPS/GEN/1087).

33. Colombia shared the concern of Peru, as this regulation was an unjustified barrier to trade of traditional foods and consequently impeded economic activities. In 2009, the European Union had agreed to change this regulation in a way that would take into account traditional foods. This modification had not been implemented, however, because of disagreements that the European Council and the European Parliament had regarding products of cloned animals, although there was general agreement on traditional foods. Colombia encouraged the European Union to separate these issues and resolve the matter of traditional foods by the end of 2011.

34. Brazil, Chile, China, Costa Rica, Indonesia, Mexico and Paraguay supported the concerns raised by Peru and Colombia.

35. The European Union stated that foods were considered novel under the present Regulation 258/97 if they were derived from new technological processes or if they had no significant history of consumption in Europe. On 15 January 2008, steps were taken to update the existing novel food rules in an effort to facilitate applications for novel food authorizations and to simplify market access to the European Union for traditional foodstuffs from third countries which had a history of

safe food use. However, the initial proposal submitted to the co-legislators was not adopted. The main stumbling blocks related to provisions regarding food from cloned animals and nanotechnology. Any new regulation would contain a centralized and quicker authorization procedure for novel foods and specific measures for traditional foods, as agreement had indeed already been reached on this issue between the European co-legislators.

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

36. India recalled that the European Union had previously indicated that its trading partners could apply for higher MRLs by providing scientific evidence. However, the application of the precautionary principle in the case of chemicals that had been used for decades without any negative effects resulted in an unjustified trade barrier. The MRLs had been set at the level of detection (LOD) without a risk assessment. The LOD was the limit below which residues could not be detected by using sophisticated analytical methods, virtually a zero tolerance, and imported food items containing small traces of pesticides were being adversely affected. In addition, the European Union had not made, or not shared, any scientific assessments that justified the default MRL for some pesticides. The default MRLs created distrust as private labs were being used to run the assessments and at times they used testing methods which were not in line with the European Commission guidelines on method validation and quality control procedures for pesticide residue analysis in food and feed. Furthermore, the aggressive business behaviour by private labs in approaching exporting countries like India for pre-screening services was a cause for concern. India requested that the European Union provide the scientific justification for the current MRLs for certain pesticides, rather than shifting the burden of proof onto exporters by requiring that they provide justifications when applying for higher MRLs. India urged the European Union to take effective steps to remove these trade restrictive measures.

37. The European Union stated that since 2008, a new legislative framework had been in operation which completed the harmonization and simplification of pesticide MRLs and eliminated all technical barriers to trade. The full details of the EU policy on pesticides had been presented at the March SPS Committee meeting. Trading partners could apply for an MRL that was greater than what was foreseen in the EU legislation by providing scientific evidence justifying the higher level. Regarding the commodities of interest to India, the European Union was prepared to modify relevant MRLs assuming that the requisite information was provided. India had in fact already submitted an application for a higher MRL for isoprothiolane on rice which was been evaluated by the European Food Safety Authority (EFSA), however, further information was required from India. As far as grapes were concerned, data from 2011 indicated that no obstacles had been identified.

(iii) Japan's Prohibition of Certain Food Additives – Concerns of India (No. 307)

38. India remained concerned that food additives were being prohibited on the basis that they were not in use in Japan, without a risk assessment. Some of the food additives that were restricted in Japan were in use in other countries, and such a measure to prohibit these additives without any scientific basis violated the SPS Agreement. India requested that Japan provide a scientific justification for this decision, and that it permit the use of these additives whilst the issue was under review.

39. Japan stated that a number of substances on the list of existing food additives had been used without a scientifically-based safety assessment. Since 1996, Japan had been systematically carrying out safety verifications of the listed substances to establish requirements based on science. There was no indication that some of the food additives on the list were actually in use in the Japanese market, and Japan intended to delist these substances. However, this was to facilitate the safety verification process, not to restrict international trade. As of 6 May 2011, 55 substances had been withdrawn from the list of existing food additives. Japan encouraged India to provide information documenting the

use of these substances in the Japanese market before Japan finalized the revision process. Many Members had commented on G/SPS/N/JPN/255 at the October 2010 meeting, and Japan responded to India's comments in November 2010. However, India had submitted its comments four months after the conclusion of the notification period, so Japan would use this information in the future.

(iv) EC Regulation No. 1099/2009 – Concerns of India (No. 300)

40. India expressed concerns regarding the impact of EC Regulation No. 1099/2009, dated 24 September 2009, and inquired whether the European Union would notify this regulation. India requested clarification of whether Article 12 of the Regulation required that the health certificate be supplemented by an attestation certifying that requirements laid down in Chapters II and III or equivalent practices would be followed, and what would be the parameters for assessing equivalence in such a case. India also sought clarification regarding who was required to make the attestation and whether the certificate could be issued by persons involved in slaughter operations in third countries as referred to in Article 7 of the Regulation.

41. The European Union responded that the SPS Agreement does not cover animal welfare. The European Union also failed to understand the relevance of this to trade as India does not export pig, poultry or bovine meat to the European Union, nor had India provided any data on future plans to do so. EC Regulation No. 1099/2009 established common EU minimum rules for the protection of animals at the time of slaughter and would apply from 1 January 2013. The principles were science-based, developed in line with international standards on the humane slaughter of animals by the OIE, and were not restrictive of trade in that third countries were not obliged to adopt identical requirements, but only equivalent requirements. The European Union was willing to work with the relevant Indian authorities to address any impact that this legislation might have on India-EU trade, both current and potential.

(v) US Food Safety Modernization Act – Concerns of India (No. 299)

42. India indicated that the US Food Safety and Modernization Act (FSMA) introduced an elaborate multi-layered scheme of checks within the food supply chain to minimize the possibility of food contamination, putting extra burden on exporters and leading to higher transaction costs. In this light, India sought clarification on several key issues, including the foreign supplier verification programme, the voluntary qualified importer programme, certification and audit, and regulations to be introduced under the FSMA. India urged the United States to ensure the FSMA is in line with the SPS Agreement and the Codex principles and guidelines for the design, operation, assessment and accreditation of food import and export inspection and certification systems.

43. China expressed disappointment that the United States did not notify nor provide a sufficient comment period. To avoid unnecessary restrictions on trade, the United States should consider the compatibility of the FSMA regulations with those of developing country Members with whom the United States had signed bilateral SPS protocols. Bearing in mind the importance of food and agricultural exports for developing country Members, the United States should provide a sufficient transition period, as well as technical assistance, for developing country Members to adapt to the new requirements.

44. Mexico remained concerned about the administrative procedures in Section 207, the requirements for accreditation, the inspection procedures regarding control and approval in Section 306, the possibility of recognition of equivalence between countries or Memoranda of Understanding, and Section 301 regarding foreign suppliers. Mexico appreciated the US presentation at the last Committee meeting and the meetings between Mexican and FDA authorities in June.

45. The United States emphasized its commitment to implementing FSMA in a transparent manner according to its WTO obligations, and keeping in mind Codex standards, guidelines, and texts. It had notified FSMA as G/SPS/N/USA/2156 in February 2011, and the FDA had conducted numerous outreach sessions including a special session at the March SPS Committee meeting to provide detailed explanations of the law. The United States had received comments from China and Mexico, but not from India, before the June meeting. The FDA had not yet implemented the provisions regarding foreign supplier and voluntary importer programmes and welcomed Members' comments when these provisions were notified, in particular scientific evidence on potential health and safety concerns and data on economic impacts. The United States reported that it would notify all implementing regulations to foreign stakeholders through the WTO, as they are developed and consistent with its international obligations. A series of events had been organized between FDA representatives in Delhi and relevant Indian authorities, including a briefing on the FSMA in February 2011, a discussion regarding third party certification in May 2011, a series of four-day workshops to over 175 participants in May 2011, and a meeting of senior Indian officials and exporters in October 2011.

(vi) EU Regulation on Polyamide and Melamine Plastic Kitchenware - Concerns of China

46. China indicated that the European Union had not provided an adequate transition period for manufacturers to adapt to EU Regulation 284/2011. Although the EU framework legislation 669/2009 had been notified, it was a very general regulation that Members could not use to predict the application of specific measures to particular products. China requested that the European Union notify EU Regulation 284/2011 and provide a reasonable comment period. The European Union was requested to provide all notifications and alerts concerning plastic kitchenware received by the rapid alert system, not only those originating in or consigned from China and Hong Kong, China, and ensure that its measures were not arbitrary or unjustifiably discriminatory. Furthermore, the European Union should ensure the plastic food contact material product standards in 2002/72/EC and the 15 mg/kg formaldehyde limit in Regulation 284/2011 were based on international standards; or else provide data, risk analysis, and testing reports of the substances found in plastic kitchenware in order to prove the measures were based on sufficient scientific evidence.

47. Hong Kong, China remained unconvinced that the measure introduced by the European Union was non-discriminatory, given that the regulation imposed a more stringent import requirement on consignments from Hong Kong, China vis-à-vis those from other countries with a similar export or re-export trade. It did not appear that the EU regulation referred to any international standard, and Hong Kong, China urged the European Union to notify the regulation and to conduct an early review of the measure with the purpose of repealing any discriminatory measure against the relevant products originating in or consigned from Hong Kong, China.

48. The European Union stated the regulation had its legal basis in Regulation 882/2004 on official food and feed controls and in Directive 2002/72 on provisions relating to plastic materials and articles intended to come into contact with foodstuffs. These regulations were notified in 2002 and 2003, respectively. Mandatory border controls for plastic kitchenware imported from China and Hong Kong, China had been imposed as of 1 July 2011 due to the high number of alerts received regarding the non-compliance of these products. The EU Food Veterinary Office (FVO) inspection missions to China and Hong Kong, China also reported there were insufficient export control systems in place for these products. While the particular measures in question were applied only to China and Hong Kong, China, the measures were not discriminatory because they were applied solely for the reasons identified. The measures were proportionate and did not impose burdens additional to what was applicable to European products. The measures were also limited to the extent necessary to control the risk identified, and were scientifically justified on the basis of an opinion from EFSA. The measures would remain in place until the situation changed and the border controls revealed a significant drop in non-conforming products. The European Union was willing to offer assistance

regarding how the relevant procedures must be applied in practice, had published guidelines on the implementation of the regulation and provided information on the EU website regarding technical information on the physical checks that were applied.

(vii) Turkey's Restrictions on Products Derived from Biotechnology - Concerns of the United States (No. 302)

49. The United States expressed concerns regarding the 1 April extension of the Biosafety Law to prohibit the use of products derived from biotechnology for industrial purposes, including cotton fibre from biotech cotton. The action was implemented without advance notice and caused additional disruption to trade. This reinforced previously raised concerns with the Biosafety Law, including the apparent lack of scientific justification, lack of transparency, lack of predictability for approvals, extreme liability provisions, and lack of response to requests for clarification. The United States remained eager to work with Turkey to develop solutions to these concerns and to prevent future trade disruptions.

50. Canada reiterated that several provisions of the regulation lacked a scientific basis and were unduly trade restrictive, in particular the provisions related to the GMO approval process, a ban on GMO cultivation, mandatory labelling, and the certification and inspection regime. Canada had appreciated its discussions with Turkey on 29 June 2011, and wished to prevent unnecessary disruptions to trade.

51. Argentina and Paraguay supported the concerns of the United States and Canada, and urged Turkey to bring its biotechnology regulations into line with the SPS Agreement.

52. Turkey referred to its previous responses contained in G/SPS/R59, R/61 and R/62. The draft biosafety law was notified in January 2010, adopted in March 2010 and implemented on 26 September 2010. During the six-month period between March and September 2010, relevant secondary regulations were released and notified in a timely manner. Citing Article 7 and Annex B of the SPS Agreement, Turkey stated that it did not take into account comments regarding matters outside the scope of the SPS Agreement in the preparation of the regulation. The biosafety measures were science-based and in compliance with WTO rules, and no trade restriction had been reported by any trading company. In fact, there were a number of examples of increases of imports of biotechnology products from the United States, Brazil, and Paraguay into Turkey since the passage of the biosafety measures, raising questions as to the relevance of this trade concern since the import volume of transgenic products into Turkey was booming.

(viii) Chinese Taipei's Prohibition on Ractopamine in Beef and Pork - Concerns of the United States

53. The United States observed that ractopamine was approved for use in the United States and 25 other countries. In 2007, Chinese Taipei conducted its own assessment and determined it was safe for use in cattle and swine. That same year, Chinese Taipei notified in G/SPS/N/TPKM/114 that it intended to implement MRLs for ractopamine use in cattle and pigs consistent with the draft Codex MRLs. However, staunch opposition of pork producers to foreign pork being imported resulted in delays in the implementation of the draft MRLs. The United States remained concerned about these actions because there was no scientific basis for questioning the safety of the use of ractopamine within the MRLs set by the United States, Canada, Japan, Korea and many other countries. Chinese Taipei's failure to ensure that its measures were science-based sent confusing signals to its own public on food safety issues. The failure to adopt ractopamine MRLs resulted in significant barriers to trade and would ultimately contribute to higher prices for consumers. In order to avoid further unjustified restrictions, Chinese Taipei should immediately implement the 10 ppb MRL that it notified in August 2007. The United States encouraged Chinese Taipei and all Members to ensure measures

were based on science, and not to use media to unnecessarily scare consumers in order to maintain trade barriers.

54. Canada shared the concerns of the United States regarding the lack of scientific justification for the prohibition of ractopamine in pork and beef, and the creation of considerable uncertainty for beef and pork exporters. These concerns had been discussed bilaterally with Chinese Taipei, most recently at the 13 June 2011 meeting of the Canada-Chinese Taipei Agriculture Working Group in Ottawa. Based on a comprehensive risk assessment, Canada had approved the use of ractopamine as an ingredient in feed for pigs in 2005 and for cattle in 2007; administrative MRLs for ractopamine in edible swine and cattle tissues were also established. The scientific assessments conducted by Codex and JECFA supported the adoption of MRLs for ractopamine. Given the extensive scientific evidence, Canada requested Chinese Taipei to reconsider its current prohibition.

55. Both Brazil and Costa Rica expressed systemic concerns on the prohibition of ractopamine, including the lack of a scientific basis for such prohibitions. They were also concerned that the MRLs for ractopamine had not yet been adopted by Codex.

56. The European Union highlighted that as there was no international standard for ractopamine, every Member was free to adopt its own national measures as long as they were in line with the SPS Agreement. The European Union did not allow the use of ractopamine, nor any similar substances, and did not accept imports of products from animals treated with ractopamine. In the interest of protecting the health of its consumers, the European Union maintained a preference for meat and meat products not treated by substances such as ractopamine, a fact which was widely known by those countries seeking to export meat and meat products to the European Union.

57. China and Norway supported the views of the European Union. China stated that more scientific work was needed to address the concerns of Members, and that a consensus must be reached before international standards were adopted. All Members had the right to adopt SPS measures as long as a risk assessment had been completed.

58. Switzerland stated that as a general rule it only authorized the administration of veterinary drugs to animals for therapeutic purposes; other chemical substances with no vital benefits were strictly regulated, and growth promoters like ractopamine were prohibited. The current Codex debate clearly showed that no scientific consensus existed regarding the safety of ractopamine. The lack of certainty in the risk assessment, as identified by EFSA in April 2009, combined with questions on risk management, led Switzerland to oppose the adoption of Codex MRLs for ractopamine.

59. Chinese Taipei responded that it had first prohibited ractopamine in 2006, and no MRL had been established. According to its legislation, therefore, any detection of ractopamine in meat products constituted a breach of the law. While it had notified in 2007 that it was considering the establishment of an MRL for ractopamine, the draft proposal had attracted considerable criticism and questioning from the scientific community, consumer groups, and other interested parties. For these reasons, Chinese Taipei concluded that it must continue to investigate the adverse effects of this drug on human health, while increasing its efforts regarding risk communication.

(ix) Viet Nam's Ban on Offal - Concerns of the United States

60. The United States expressed concerns that Viet Nam had restricted trade in offal as of July 2010, without providing any scientific justification or notification. Viet Nam had since lifted its ban on hearts, livers, and kidneys derived from cattle, swine, and poultry, but the ban on all other offal products continued. To date, no scientific justification had been provided for the ban, despite many requests for such information, and the United States urged Viet Nam to lift its unjustified ban immediately.

61. The European Union expressed similar concerns and indicated that the ban seriously affected EU exports of offal. The ban was not consistent with Viet Nam's obligations under the SPS Agreement, as the measure had not been notified; no scientific justification had been provided despite requests from trading partners, and there were no similar measures on domestic offal, thereby discriminating against foreign imports. The recent revision of the ban, which would allow resumption of imports of some red offal, was a positive step, but the ban on other types of offal remained in place. Viet Nam was urged to immediately lift its ban on all offal or, alternatively, to provide a risk assessment and scientific justification. Viet Nam should refrain from implementing such measures in the future, and comply with the transparency requirements and other obligations under the SPS Agreement.

62. New Zealand supported the systemic concerns expressed by the United States and the European Union, specifically with regard to the lack of notification and scientific justification, and requested Viet Nam to lift the ban as soon as possible.

63. Viet Nam responded that there was no formal regulation banning imports of offal. During 2009 and early 2010, imported frozen animal and animal products were found to violate the food safety requirements of Viet Nam; within that time period, Viet Nam detected and disposed of 94 tons of meat, 42,57 tons of offal, and 234,000 chickens. In order to protect Vietnamese consumers, the government issued Letter 1152 requesting relevant agencies to better control imported animal products. The Ministry of Agriculture and Rural Development (MARD) enacted Circular 25 on registration and management to control the import of animal products, and Circular 29 on criteria for testing and control to regulate the level of contaminants in animal products. To continue trade in animal offal, the MARD Department of Animal Health enacted an official letter on 23 March 2011 to guide the import of red offal. On 1 June 2011, the MARD sent Letter 1528 to Viet Nam's customs offices to inform them of the decision to allow trade in red offal. According to data from the Department of Animal Health, from March to May 2011 Viet Nam imported 170 tons of red offal from the United States and Canada. Viet Nam still banned all trade in white offal and intended to conduct a risk assessment on white offal. Viet Nam was willing to meet bilaterally with interested Members, and sought more information and data with which to conduct the risk assessment with the goal of opening trade in white offal.

(x) India's Restrictions due to Avian Influenza - Concerns of the European Union and United States (No. 185)

64. The European Union recalled that India had finally provided a risk assessment in October 2010, but observed that the risk analysis provided by India did not provide any additional scientific information that justified a deviation from the existing OIE standards on avian influenza. The risk assessment was incomplete and lacked the necessary elements. Furthermore, the paper from India had not triggered any change to the existing OIE standard during the latest OIE General Session in May 2011, and the existing standards remained the benchmark against which to measure restrictions. India was therefore requested to bring its import requirements fully in line with international standards and to recognize the concept of regionalization, as applied in the European Union, in implementing its measure.

65. The United States supported the concerns of the European Union, and agreed that India's risk assessment was not consistent with international standards for conducting a risk analysis, nor did it contain sufficient scientific evidence to support India's ban. India's restrictions related to avian influenza did not conform to OIE standards and were not scientifically justified. Repeated attempts to make progress with India at a technical level had reached an impasse. The United States proposed to prepare a list of concerns regarding the assessment, together with the European Union and the OIE, and asked India to address these concerns no later than 15 August. India should also lift its current restrictions while the United States and India worked together on a valid science-based assessment. If

the issues could not be resolved through collaboration, the United States would petition the OIE to help mediate the issue and to provide expertise to ensure that the matter was resolved in a manner consistent with international standards and India's WTO obligations. The United States hoped to report a positive resolution to the next Committee meeting in October 2011.

66. Australia shared the concerns of the European Union and the United States, and encouraged all Members to take a measured approach to instances of notifiable avian influenza and not to implement unnecessarily trade restrictive measures in relation to this disease.

67. The OIE stated that they had received a letter from India clarifying that the provision of the risk assessment document to the OIE had been for information purposes. The OIE would be happy to review India's risk assessment if so requested, as well as to initiate a dispute mediation process if both parties agreed.

68. India clarified that during the October 2010 Committee meeting, they had provided their risk assessment supporting the ban on imports of poultry and poultry products from avian influenza-positive countries with the United States and the European Union, as requested. This was not the final risk assessment document, which would take some time. India welcomed inputs on the information it shared, and was examining a response from the European Union. The EU-India joint working group would also discuss this issue on 17 July 2011. India encouraged trading partners to address this issue in bilateral discussions.

(xi) Chinese Taipei's BSE-Related Import Restrictions on Non-Ruminant Products - Concerns of Canada (No. 291)

69. Canada continued to be concerned regarding Chinese Taipei's BSE-related restrictions and their negative effect on the Canadian beef industry. In May 2007, the OIE officially recognized Canada as a BSE controlled risk country; this status had been reconfirmed every year and most recently at the OIE meeting in May 2011. The OIE standard recognized that all beef products from countries within this risk category were safe without age restrictions, under conditions that Canada met. Canada had regularly raised this issue bilaterally with Chinese Taipei on the margins of the Committee meetings, and had repeatedly requested that Chinese Taipei expand Canadian beef access based on the OIE standards. At several high level meetings, including the 13 June Canada-Chinese Taipei Agriculture Working Group meeting in Ottawa, Chinese Taipei had not identified any remaining technical issues for Canada to address, nor any scientific reasons for not granting expanded access. Accordingly, Canada looked forward to working with Chinese Taipei to complete the remaining steps based on science, and hoped to report at the October 2011 Committee meeting that the issue was resolved.

70. The United States supported the concerns of Canada. In October 2009, Chinese Taipei had agreed to provide access for all US beef and beef products, consistent with its OIE controlled risk classification. However, in January 2010 Chinese Taipei's legislature banned import of all US ground beef, offal, and certain other beef products in violation of the October 2009 bilateral protocol. This measure was unjustified and inconsistent with the SPS Agreement. Chinese Taipei should review its current measures and replace these with measures based on science, reflecting the controlled risk status the OIE has granted to both the United States and Canada.

71. The European Union shared the concerns raised by Canada and the United States. The European Union noted that it could not export bovine products to Chinese Taipei even though EU member States were classified by OIE as having controlled or negligible BSE risk status, while other Members with similar risk status were able to export to Chinese Taipei. Chinese Taipei had been provided with the details of the EU BSE control measures. Chinese Taipei was urged to bring its

import conditions into line with the international standard on BSE as required under the SPS Agreement, and to allow imports of EU bovine products.

72. Chinese Taipei stated that risk communication was as vital as risk assessment, emphasizing that there was a need to communicate effectively with the public - including consumers, experts, academics, legislators, and any other interest groups - to alleviate their concerns and minimize the possible negative impact on trade. Chinese Taipei acknowledged Canada's BSE-controlled risk status as recognized by the OIE, but noted that because an 18th BSE case had been confirmed in Canada, the risk assessment of Canadian beef (with the updated information provided by Canada) was still under review.

(xii) Import Restrictions due to BSE - Concerns of the European Union (No. 193)

73. The European Union expressed concerns that several Members had not yet implemented the OIE standard on BSE and continued to impose bans or trade restrictions on EU beef products. These Members should either implement the OIE standard, or else share their scientific risk assessment. To date, the European Union had not seen any scientific justification for restrictions that went beyond the OIE standards. The European Union welcomed the implementation of the OIE standards by several Members, as well as the process begun by the United States and Australia, which would eventually allow the import of EU beef products. The European Union urged Members to fully take into account the OIE standards and establish fair, non-discriminatory, transparent, and scientifically based rules.

74. Canada was pleased to note that a large number of Members had approved the import of Canadian beef based on the OIE standards, and joined the European Union in asking Members to base their measures on OIE standards.

(c) Consideration of Specific Notifications Received

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

(d) Information on Resolution of Issues in G/SPS/GEN/204/Rev.11

76. Pakistan observed that the document prepared by the Secretariat was very informative and requested that Members inform the Committee of all resolved issues as well as the time it took to resolve the issues. This would contribute to demonstrating the efficacy of the Committee, as well as provide information that would assist in the development of the ad hoc consultation mechanism.

IV. OPERATION OF TRANSPARENCY PROVISIONS

77. The Secretariat reported that it was now circulating paper copies of the list of national notification authorities (NNA) and of national enquiry points (ENQ) only once a year. On the other hand, the information in the SPS Information Management System (SPS IMS) was constantly updated, and Members should inform the Secretariat immediately of any changes to the contact information for NNAs and ENQs in order to avoid missing announcements for training opportunities, as well as to avoid trade problems. The monthly lists of notifications were contained in G/SPS/GEN/1084 for March, G/SPS/GEN/1085 for April, and G/SPS/GEN/1093 for May.

78. The SPS on-line Notification Submission System (NSS) had been launched for a small pilot group during the past three months. The Secretariat had informed all SPS contact points by e-mail that the system was available to all Members as of 1 June 2011, and to date 14 Members had requested access to the NSS. The Secretariat thanked those Members (Belize, Chile, Costa Rica, the European Union, the Netherlands and New Zealand) who had already used the NSS to submit 27 notifications, and highlighted the efficiency gains of the NSS. All Members were encouraged to

request log-in information and begin using the system, and the Secretariat offered to provide hands-on training to any delegates who so requested.

V. IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT

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

VI. EQUIVALENCE – ARTICLE 4

(a) Information from Members on their Experiences

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

(b) Information from Relevant Observer Organizations

81. No observer organization provided any information under this agenda item.

VII. PEST- AND DISEASE-FREE AREAS – ARTICLE 6

(a) Information from Members on their Pest or Disease Status

(i) Colombia - Status of Avian Influenza

82. Colombia provided information regarding its recent self-declaration as a country free from avian influenza pursuant to Resolution 001610 on 7 April 2011 (G/SPS/GEN/1083).

(ii) Japan - Highly Pathogenic Avian Influenza - Regain of Disease Free Status

83. Japan recalled that during the March Committee meeting it had provided information on highly pathogenic avian influenza (HPAI) outbreaks in 24 farms in nine prefectures. By 24 March, it completed stamping-out policies including immediate slaughter and safe disposal of all infected and susceptible animals on the infected poultry farms; establishment of restriction zones of animal movement at and near the infected farms; and surveillance within the restriction zones. Japan had regained HPAI free status according to the provisions of the OIE Terrestrial Animal Health Code, effective 25 June 2011.

(b) Information from Members on their Experiences in Recognition of Pest- or Disease-free Areas

84. No Member provided information under this agenda item.

(c) Information from Relevant Observer Organizations

85. No observer organization provided information under this agenda item.

VIII. TECHNICAL ASSISTANCE AND CO-OPERATION

(a) Information from the Secretariat

(i) WTO SPS Activities

86. The Secretariat reported on technical assistance activities carried out since March, including national seminars in Colombia and Iran, and capacity building programmes in Nicaragua and Argentina. National seminars in Uganda, Nicaragua, and Chinese Taipei would be scheduled later in

the year, and the Secretariat had also received requests for technical assistance from Gabon, Morocco, and Sudan. Other planned technical assistance activities included the SPS Advanced Course from 10-28 October; the national and regional coordination workshop on 17 October in Geneva; regional workshops for the Caribbean, organized in collaboration with the Inter-American Development Bank (IDB), from 26-29 July; French-speaking Africa (week of 7 November), English-speaking Africa (week of 21 November), and Arab and Middle Eastern Countries (week of 28 November). The deadline for applications for all of these events, except the Caribbean regional workshop, was 8 July 2011.[2] A limited number of applications had been received to date for the three regional workshops scheduled for November, and Members were invited to distribute information regarding the technical assistance activities to their competent authorities. Additional information regarding the technical assistance activities was available in G/SPS/GEN/997/Rev.1.

87. Zambia indicated that it had benefited from the e-learning and advanced SPS courses offered by the Secretariat, and was willing to share its experiences at the national and regional coordination workshop in October. It had also benefited from the EU-funded African Union Inter-African Bureau for Animal Resources (AU-IBAR) project to enhance the participation of African countries in the standard-setting organizations (PANSPSO), which was coordinated by COMESA for Zambia. Zambia had been involved with the STDF pilot work on the use of SPS indicators using the Multi Criteria Decision Analysis tool, that would be presented in Lusaka, Zambia in early July.

88. Chinese Taipei observed that after participation in the SPS advanced course, its officials had followed through on the action plan in the capital. Chinese Taipei was interested in sharing its experiences and learning from other Members. Chinese Taipei would encourage its officials to attend the e-learning course in order to learn more about the SPS Agreement.

(ii) Standards and Trade Development Facility (STDF)

89. The Secretary of the STDF provided an overview of STDF activities since the March Committee meeting (G/SPS/GEN/1089). The STDF Secretariat also reported on the results of the STDF Working Group meeting of 28-29 June 2011, in particular describing recent developments in the work of the STDF, including: the application of the Multi-Criteria Decision Analysis (MCDA) in two African countries; a global seminar on international trade and invasive alien species planned for the margins of the SPS Committee meeting in June 2012; recent publications and information materials provided by STDF; and the Working Group's approval of three projects for funding as well as funding of a feasibility study regarding COMESA's "green pass" concept. The next deadline for submission of project and PPG applications was 22 July 2011. The STDF Working Group was developing a new medium-term strategy for the STDF, including an agreed vision and mission statement. The comments of Working Group members would be taken into account in the development of a final strategy document, and the October STDF Working Group meeting would be dedicated to revising the STDF operational rules and agreeing a work plan for 2012.

(b) Information from Members

90. Canada reported that in 2009 it had contributed Can$17 million to SPS-related technical assistance in the developing world (G/SPS/GEN/1099). It had initiated and delivered 11 SPS-related technical assistance projects targeting various geographic areas - including Central America, the Caribbean, South America, the Asian Pacific Region, Central Asia, Eastern Europe and Africa.

91. The Philippines indicated that its Bureau of Plant Industry Plant Quarantine Service had participated in a regional training workshop on "Pests Identification for Plant Quarantine Officers" on 6-17 June. The workshop was offered in collaboration with the FAO and the Government of Japan

[2] This was subsequently extended to 22 July 2011.

under the FAO trust fund project GCP/RAS/226/JPN, "Co-operation for the improvement of phytosanitary capacity in Asian countries through capacity building". Participants in the training included plant quarantine officers from Cambodia, Lao People's Democratic Rep., Myanmar, Viet Nam, Thailand, and the Philippines. The course covered plant quarantine pests and risk analysis, bacteriology, mycology, seed health testing in plant quarantine, and virology. The training was designed to enable participants to identify quarantine insect pests and diseases as well as quarantine materials; carry out pest interception, detection, analysis and control with ease and confidence; make sound scientific decisions with regard to the fate of intercepted consignments; address other relevant quarantine issues in a more scientific manner; and design local strategies to make the quarantine programme more responsive to its clientele, stakeholders, and the general public. The overall outcome of the training was an improved methodology of inspection and screening of imported plants, plant materials, and by-products in order to prevent the introduction and spread within the country and region of destructive plant pests and diseases. Quarantine officers were now able to conduct better and more improved methods of pest detection and analysis as well as control, consequently reducing the probability of misdiagnosis and thus facilitating trade.

92. Chile reported that since the March SPS Committee meeting, the agricultural ministry in Chile had provided support programmes for Ecuador and Colombia in animal husbandry and vegetable farming. The programmes were conducted in Chile, as well as during technical visits to these countries. Chilean technicians were going to Panama in July to work on risk analysis for animal husbandry. The Chilean agriculture ministry had recently reached an agreement with OIRSA to support its member countries in the areas of animal health, food safety, and plant safety, and in particular regarding fruit flies and the legal aspects of food safety.

(c) Information from Observers

93. OIE provided a brief update on its capacity building activities (G/SPS/GEN/1098 and G/SPS/GEN/1096). The OIE PVS pathway evaluation had been conducted in a number of OIE members to strengthen their veterinary services. A number of other activities had also taken place including the PVS Pathway follow-up missions.

94. IICA reported on a project to support participation in Codex committee meetings, with funding from USDA. The project had four phases of implementation, including participation in four committees and by four countries per committee. The three years of supporting participation in Codex meetings was coming to an end. In Uruguay, IICA had conducted a project supporting the repositioning of National Codex Committee as a provider of training and channel for information on the national position. This included communication and training through workshops and electronic fora. IICA was also assisting the Codex Focal Point fulfil its role of coordinator of the Codex Committee for Latin America and the Caribbean. IICA had worked with the Standing Veterinary Committee of the Southern Cone to analyse the impacts of private standards on the beef food chain. IICA had worked with the University of California (Davis) in the United States to provide interactive distance teaching on risks of animal diseases. It had also designed a virtual regional school for food inspectors in Central America and Dominican Republic, that was approved by STDF. The aim of the project was to develop inspection based on risk processes in terms of food safety, and to harmonize regional protocols for food inspection in terms of trade and standards for open markets, involving as advisors a number of universities and agencies. More information can be found in G/SPS/GEN/1088.

95. OIRSA noted that as part of the citrus fruit chain safety work they received support from Chinese Taipei to assist Panama and Honduras in using antibiotics and vector insect control (G/SPS/GEN/1094). OIRSA and the IDB Mesoamerica Fruit-Growing Project were running workshops in each citrus-growing country as part of the certification programme for nurseries with good pest controls.. In another activity, tomato leafminer was being addressed through phytosanitary supervision and inspection. Chinese Taipei was supporting a project to eradicate classical swine

fever in Honduras and Nicaragua. Both countries were free of classical swine fever as of mid-June 2011. OIRSA also reported on projects and workshops in Honduras, El Salvador, and Guatemala. This latter, regarding shrimp and tuna, had been undertaken together with the EU Food Safety Directorate.

96. ISO shared information on some projects related to SPS areas that would also be reported fully to the next Codex meeting. The new strategic plan 2011-2015 included a fairly aggressive development action plan. National workshops on ISO 22000 on food safety management systems had been held in Malawi, Cuba, Bosnia and Herzegovina, and Zimbabwe in the last year, and at a regional level in Namibia in March 2010. A regional workshop on fishery and aquaculture would take place in September in Bali, Indonesia, with joint-sessions with ISO, FAO, Codex, OIE and the Global Food Safety Initiative.

IX. REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

(a) Issues Arising from the Second Review (G/SPS/W/259)

(i) Use of Ad Hoc Consultations – Report on Informal Meeting

97. The Chairman noted that two informal meetings on the recommended procedure to encourage and facilitate ad hoc consultations under Article 12.2 of the SPS Agreement had been held since the last regular meeting of the Committee, and he reported on both of these meetings.

98. The Chairman had recalled that at the March 2011 informal meeting on ad hoc consultations, Members had been invited to submit comments in writing by the end of April on both the fourth revision of the draft proposal contained in G/SPS/W/243/Rev.4, as well as on the new proposal from India, Norway, the Philippines and Switzerland contained in JOB/SPS/1. Comments had been received from Argentina, Australia, Brazil, Canada, the European Union, Japan, Turkey, and the United States, as well as from the four sponsors of the Job document. The outgoing Chair had requested the Secretariat to prepare a document that merged the two proposals while taking into account the comments received. This new merged proposal was contained in G/SPS/W/259.

99. On 9 June, the outgoing Chair had held an inter-sessional meeting at the WTO to have a first round of discussions on this new merged proposal, and to see if Members could identify ways to reduce the points of disagreement in advance of the Committee's meeting in June. Around 30 delegations had participated in the meeting.

100. The Chairman reported that at this inter-sessional meeting, delegations had discussed the merged proposal in a detailed manner and had expressed their positions on the various bracketed items as well as their preferences for the different alternatives identified in the merged G/SPS/W/259. While many had welcomed the merged document as a useful basis for continued discussion, some had felt that it did not accurately reflect the language that had been proposed in their submissions.

101. At the end of the 9 June inter-sessional meeting, Members had been invited to submit their comments in writing on G/SPS/W/259 by 17 June. Comments had been received from Australia, Canada, Japan, Korea, New Zealand, and the United States. These had been compiled and circulated to Members electronically and had been made available during the informal meeting in paper form. Comments had been received later from India, Norway, the Philippines and Switzerland, which had likewise circulated electronically and had been made available as a room document for an informal meeting held on 28 June.

102. At the 28 June informal meeting, the Chairman had reminded the Committee that the use of the Good Offices of the SPS Chair was included in the Committee's Working Procedures and that it had been used on three occasions in the past, most recently in March 2001.

103. Members had expressed support for G/SPS/W/259 and had agreed that it could be the basis for future discussions. At the same time, the co-sponsors of the Job document had noted that certain elements of their proposal had not been reflected in G/SPS/W/259 and that other issues, such as the participation of third parties, had not yet been addressed.

104. The Chairman had offered his observation that Members' differing choices of language in the draft procedure closely related to the divergence of positions on several substantive issues. The Chairman had therefore proposed to focus the discussions on a non-exhaustive list of five general topics: (i) the voluntary versus mandatory nature of the procedure; (ii) timeframes; (iii) transparency and confidentiality; (iv) the facilitators role (creating a setting for bilaterals versus playing a more pro-active role); and (v) the relationship with the NAMA negotiations and the harmonized mechanism.

105. While Argentina had also recommended that the Committee should concentrate on these same five issues, other Members had cautioned on focusing on a pre-set number of topics. The European Union had suggested that the relationship between NAMA's horizontal mechanism and the SPS ad hoc proposal superseded all other issues in that positions on a number of contentious provisions would be altered depending on the outcome of paragraph 22 in G/SPS/W/259. However, many Members had indicated that so many written comments had already been submitted that they would first like to have a revision of G/SPS/W/259 that incorporated all of the Members' comments before going into further discussion.

106. Taking into consideration Members' preferences, the Chairman reported that he had decided to forego a detailed discussion on G/SPS/W/259 until the Committee had a revision of the merged document.

107. Several Members had requested that inter-sessional meetings be avoided because it was difficult for capital-based experts to actively participate.

108. To advance the work, the Chairman had invited all Members who had not already done so to submit comments in writing on G/SPS/W/259 by 29 July 2011. Members who had already provided comments were welcome to submit additional comments if they so desired. Canada in particular had noted that they had made an error in their submission and would take this opportunity to correct their comments. The Chairman had requested the Secretariat to incorporate all comments received into a new revision of G/SPS/W/259. This new revision would be distributed to Members in early September and would form the basis for discussions at an informal meeting scheduled for 18 October 2011.

109. Lastly, at the informal meeting, the Chairman had encouraged those Members who held differing views on specific issues to meet together to develop a better understanding of the concerns and constraints of each other's positions, in order to try to identify possible ways to move forward at the October meeting.

110. In commenting on the Chairman's oral report, Argentina reiterated the view that the discussion should focus on the five issues and on how to move ahead with the procedure, rather than Member's repeating their current views.

111. India queried whether the request to avoid informal inter-sessional meetings related solely to this issue. The Chairman clarified that the request had been made in the context of this issue, but it was not clear whether this would always be the case.

112. Norway supported the recommendations by the Chair and looked forward to working with other Members on this issue. Norway considered that inter-sessional meetings could be helpful in advancing discussions.

113. The Philippines agreed on the suggestion to first focus on the five issues, but noted the need to also focus on the remaining issues. Developing countries faced limited resources, and there was a need for an effective consultation mechanism.

(b) Issues Arising from the Third Review (G/SPS/GEN/1086)

(i) Report on the Informal Meeting

114. The Chairman reported that at an informal meeting on 29 June, the Committee had discussed ways to advance work on issues arising from the Third Review.

115. The Chairman had first recalled that at its March 2010 meeting, the Committee had adopted the report of the Third Review, which was contained in document G/SPS/53. The report identified several issues where the Committee had agreed to further work.

116. At the October 2010 informal meeting, Members had agreed to prioritize three issues for consideration of further work: (i) the cooperation between the SPS Committee and the three Sisters; (ii) improving the procedure for monitoring the use of international standards; and (iii) control, inspection and approval procedures (Article 8 and Annex C).

117. On cooperation between the SPS Committee and the three Sisters, two items had been discussed. The first was the upcoming October workshop on national coordination. The second related to a joint submission by Canada and Japan to advance Recommendation 3 of the October 2009 workshop, regarding joint work by the three Sisters.

118. Several Members, as well as the IPPC and the OIE, had expressed their support for the upcoming workshop, and provided suggestions for its programme. Some Members had volunteered to give presentations on their experiences in national coordination. The Secretariat had provided an update on the draft programme for the workshop, and had invited any further comments by 29 July 2011. The Secretariat had noted that the participation of about 50 officials from developing and least-developed country Members and Observers could be sponsored by the WTO, and flagged that the deadline for applications was 8 July 2011.

119. The importance of cooperation between the SPS Committee and the three Sisters had been stressed by several Members. The Secretariat had noted the timeliness of the issue, given that the G20 Ministers of Agriculture had noted in their recent final declaration the importance of the SPS Agreement and the work of the relevant international standard-setting bodies.

120. Canada had recalled that the October 2009 workshop on the relationship between the SPS Committee and the three Sisters had resulted in several recommendations. The joint submission with Japan (G/SPS/W/258) proposed a formal decision by the SPS Committee to implement Recommendation 3 of the 2009 workshop by encouraging the three Sisters to undertake joint work on cross-cutting issues. Canada had observed that this also responded directly to the G20 ministerial declaration.

121. Japan had stated that Recommendation 6 on soliciting more information at the strategic planning phase of the three Sisters' work was substantially interconnected to Recommendation 3, and had suggested that the SPS Committee needed to indicate to the three Sisters what the Committee would like to see as the implementation of those recommendations.

122. While some Members had supported the draft decision proposed by Canada and Japan, others had requested more time for further consideration. The IPPC and the OIE had noted the importance of collaboration in their standard-setting work, but also cautioned that as a result of their different fields of activity, the scope for common work may be limited.

123. The Chairman reported that he had suggested that the Committee re-examine this issue at the October meeting, when the discussions would benefit from the results of the workshop on coordination.

124. In relation to improving the procedure for monitoring the use of international standards, the Committee had discussed the Secretariat's background document, and submissions from Argentina, Canada and New Zealand.

125. The Secretariat had presented its background document, circulated as G/SPS/GEN/1086. Several Members had welcomed the background document and the information it presented.

126. Argentina had reiterated its call for a way to adequately reflect, in the annual reports on the procedure to monitor the process of international harmonization, all situations involving international standards. Chile had noted that Members' notification authorities were not fully complying with the recommendation to notify measures when based on international standards, and were not accurately identifying the existence of relevant international standards.

127. Canada had referred to previous suggestions to include more specific trade concerns under the monitoring agenda item, and stressed that it was for Members to decide where to place their items on the agenda. The Secretariat had observed that any modification of its mandate for preparing annual reports would require a decision from the Committee to revise the procedure in G/SPS/11/Rev.1.

128. Some Members had agreed that the procedure for monitoring international harmonization had been underutilized. These Members nevertheless stressed that before considering a process to change these procedures, Members should provide more information on why they were not making better use of the existing system.

129. The Chairman indicated that he had concluded the discussions on this point by inviting Members to submit, by 29 July 2011, any specific submissions regarding the underutilization of the current monitoring procedure or proposals for its revision.

130. Under the third prioritized issue, control, inspection and approval procedures (Article 8 and Annex C, the Committee had discussed submissions from Argentina, Canada and New Zealand.

131. Argentina had noted that it was currently reviewing on-site audit procedures at the national level, and that it was considering presenting the results of this work to the Committee when available.

132. New Zealand had reaffirmed its joint proposal with Canada, that Members should first exchange information on their experiences regarding control, inspection and approval procedures before discussing the provisions more generally.

133. The European Union had presented its approach to SPS audits and inspections in third countries. Several Members had welcomed the EU presentation, and emphasized the importance of continued discussion on this theme.

134. To advance the work, the Chairman had encouraged Members to reflect on the submissions made and to continue sharing their experiences with control, inspection, approval procedures.

135. Chairman reported that he had concluded the informal meeting by inviting Members to submit, in advance of the October meeting of the Committee, other specific inputs on the identified priority issues and on how to advance the work of the Committee on issues resulting from the Third Review of the SPS Agreement.

136. In commenting on the Chairman's oral report, Argentina stressed that the annual monitoring report should reflect the real situation regarding the use of international standards, however the data available was not entirely reliable. The Committee should seek to ensure that more notifications more accurately indicated whether or not a relevant international standard existed. With regard to exchanging information on inspection practices, Argentina would need to consult with its technical experts as to what information could be presented, and when.

X. MONITORING THE USE OF INTERNATIONAL STANDARDS

(a) New Issues

137. No Member raised any issue under this agenda item.

(b) Issues Previously Raised

(i) Costa Rica and United States - Preservation of Scientific Principles by Codex - Ractopamine

138. Costa Rica again raised concerns about the delays in the adoption of the proposed standard for ractopamine by the Codex Commission (G/SPS/GEN/1092). Maximum residue levels (MRLs) for ractopamine had been proposed, based on the safety assessment by the FAO/WHO Joint Expert Committee on Food Additives (JECFA), the advisory scientific body of the Codex. There were no scientific or procedural reasons to delay adoption of the standard for ractopamine. Costa Rica considered that this was a matter of major systemic importance, as there was a need to ensure that Codex standards were based on scientific analysis in order to guarantee the safety of international food supplies. The failure to adopt the standards cast doubts on the validity of JECFA, and discouraged Codex members, especially developing country members, from participating in the standard-setting process. Costa Rica stressed that Codex should base its decision on science, as this was important for protecting consumer health internationally, the promotion of consumption, and maintaining Codex as an international reference body in the area of food safety standards.

139. The United States recalled that the matter of approving MRLs for ractopamine would be considered for the fourth time by the Codex Commission the following week. The unjustified opposition by some countries to the adoption of a science-based international standard threatened the institutional integrity of Codex. Ractopamine was approved by 25 national authorities, including the United States, for use in the production of beef and pork. It had been used for 12 years in the United States with no adverse effects. JECFA, an independent panel of experts, had evaluated it numerous times and recommended MRLs for ractopamine in muscle, fat, kidney and liver tissues of cattle and swine. Science-based decision making allowed Codex to be free from national and political influences. Blocking this decision for non-scientific reasons created a dangerous precedent for countries to block other standards for reasons unrelated to food safety and consumer health protection. While the United States could understand that some Members did not want to approve the use of

ractopamine at the national level, blocking the adoption of an international standard without scientific evidence was disruptive to the integrity of Codex. If international standards were no longer science-based, this could have adverse effects on the implementation of the WTO SPS Agreement, as it refers to Codex standards, and it would likely lead to the development of expensive private standards. Failure to adopt the MRLs at the next Codex meeting would undermine the scientific decision-making process and have adverse impacts on food security, sustainability and international trade in food.

140. Canada reiterated its support for the science-based standard-setting process in Codex, while acknowledging that non-science factors may be considered in the risk management process where appropriate. In developing international food safety standards, the Codex process was based on sound scientific analysis and evidence provided by leading international scientists in the field, national experts, and independent scientific expert committees such as JECFA, JMPR, and JEMRA. Codex had been unable to reach a consensus in this case because there is an attempt to introduce into the Codex decision-making process regional consumer preferences which is not a legitimate factor in the global context and does not satisfy the Codex criteria for the consideration of other legitimate factors. Canada observed that the recommended MRLs were based on the scientific evaluation by JECFA and that all Codex procedures were followed, so there was no reason to further delay their adoption. The failure to adopt the standards could seriously impact the FAO/WHO scientific process on which Codex relies, undermine the integrity of the standard-setting process and lead to questioning the relevance of the Codex as a reference body under the SPS Agreement.

141. Brazil recalled that it had expressed similar concerns in the past. Given the exhaustive work by JEFCA, the non-adoption of MRLs could result in systemic problems that jeopardized Codex' role in food safety and posed a risk to the credibility of JEFCA and Codex. It was important that scientific data underpin decision-making to avoid trade barriers with no scientific basis, and to assist the provision of safe food at reasonable cost, especially for developing countries. Brazil requested that these concerns be brought to the attention of Codex, FAO and WHO.

142. Argentina, Australia, Chile, New Zealand, Peru and the Philippines all shared the concerns that had been raised regarding the need to ensure that the basic principles and processes of Codex be respected. Chile noted that a great deal of work had been done to develop a strategic plan for Codex, in order to make the standard-setting process less cumbersome. However, the insistence on national preferences, in this case and in another that had dragged on for ten years, had exhausted the strength of the international standard-setting system. The Philippines stated that the establishment of a standard for ractopamine would allow countries, especially those with limited resources, to differentiate ractopamine from other substances that are unsafe or used illegally, therefore ensuring safe food supplies for consumers. Australia and New Zealand shared concerns that the failure to adopt the proposed standard could have broad implications for the integrity of the Codex standard-setting process.

143. The European Union stated that it was strongly committed to the role of science in the development of all international standards, as well as in its own legislation. However, it was imperative to understand the role of science as part of the risk analysis approach. The risk assessment by JECFA was valuable input for the Codex discussion, but the full range of factors had to be considered by Codex acting as risk managers, as was clearly stipulated in the Codex Procedural Manual. The European Union observed that their concerns on the use of ractopamine were supported by a significant number of other members, including China, which together with the European Union, constituted the largest producers and consumers of pig meat and which would thus be the most seriously impacted by the adoption of MRLs for ractopamine. Insofar as the relevance of Codex being put into question by delays in the adoption of such a standard, it was rather the adoption of a Codex standard when there was no consensus that would undermine the validity of Codex. The European Union was disappointed that some Members put more emphasis on the Codex mandate of facilitating trade rather than on the mandate of protecting the health of consumers. The European

Union would make every effort to ensure that consumers remain at the centre of the Codex decision-making process.

144. China supported the statement of the European Union and highlighted that it was the largest consumer and producer of pigs in the world. Its ban was based on inadequate scientific evidence regarding ractopamine, and on the need to consider ractopamine residuals in lung tissue. China did not support the rush to adopt international standards where there was no consensus.

145. Switzerland and Norway shared the concerns of China and the European Union. Switzerland indicated that the work of the SPS Committee was based on existing standards, and as currently there was no standard for ractopamine, this issue should more appropriately be considered under Other Business. It was fundamental that Codex standards be based on scientific principles, and clear scientific conclusions, to ensure health. Overlooking divergent scientific conclusions and the lack of a consensus on this matter would create systemic concerns and jeopardize the role of Codex. Norway supported the use of science in the development of international standards, but observed that other elements also had to be taken into account in risk management decisions.

146. Costa Rica and the United States asked Members who had indicated that other factors should be considered in the adoption of Codex standards to elaborate on what these other factors were. The European Union replied that the SPS Committee was not the appropriate forum for the discussion of these factors but that all interested parties to the discussion on ractopamine were familiar with what these other factors were as extensive consultations had taken place on this matter. It was important that these factors be taken into account when the discussion took place in the appropriate forum, namely the Codex.

(c) Adoption of the Annual Report

147. The Chairman noted that a draft Annual Report had been circulated in G/SPS/W/260.

148. The Secretariat indicated that the only issue identified in the annual report was that regarding ractopamine. Given the substantial discussions at this meeting on the issue, the Secretariat would revise G/SPS/W/260 to include a summary of the most recent discussions. This would be circulated with a deadline for comments by Member. If no objections were raised, the revised annual would be considered to be adopted. Should there be any objections, adoption of the report would be postponed until the October meeting.

XI. CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

(a) Report on Informal Meeting

149. The Chairman reported that an informal meeting on the implementation of the agreed actions with respect to SPS-related private standards and other identified actions was held on Wednesday, 29 June.

150. At that meeting, the Chairman had reminded Members that at its meeting in March, the Committee had (i) adopted Actions 1 through 5 as recommended by the ad hoc working group on private standards in G/SPS/55, and had (ii) agreed to revert to the proposed Action 6 of G/SPS/W/256.

151. The Chairman had invited Members to comment on the proposed amendments to Action 6 received from the United States, New Zealand, Japan and Brazil, and circulated as document G/SPS/W/261.

152. Some Members had supported the proposed revisions to the title of Action 6. They had stated that private standards were outside the scope of the SPS Agreement and hence exchanges of information among Members should be on the margins of SPS Committee meetings. Other Members had noted their support for the adoption of Action 6 as recommended by the working group report and had opposed any limitation on where the discussions on private standards could take place. These Members were of the view that SPS-related private standards fell within the jurisdiction of the SPS Committee and that the issue of private standards should be on the agenda of the Committee. It was also noted that paragraph 9 of the working group report in G/SPS/W/256 clarified that endorsement of Actions 1 to 6 would be without prejudice to the views of Members regarding the scope of the SPS Agreement.

153. As a consensus could not be reached on the adoption of Action 6, the Chairman had suggested that Members discuss among themselves proposed changes to the title of Action 6 before the October meeting to try and resolve differences. It had been agreed that paragraphs 26 and 27 in the text of Action 6 would not be revised.

154. The Chairman reported that he had then invited the Committee to discuss the implementation of the five agreed Actions and had asked for concrete suggestions on how to move forward on these actions.

155. With regards to Action 1, the Chairman had noted that the text of the action contained a proposed working definition, and asked whether this proposed working definition was acceptable.

156. Some Members had stressed the need to further discuss and agree on a working definition of SPS-related private standards first, as the basis for work on the remaining agreed actions. Other Members had noted that the implementation of some actions, for instance Action 5, could be undertaken without a working definition of SPS-related private standards.

157. Regarding Action 2, the Chairman had suggested that the Committee could ask the Secretariat to (i) draw the attention of the three Sisters to the request to regularly inform the Committee, and (ii) ensure that the three Sisters were likewise kept informed of SPS-related private standards discussions at the SPS Committee.

158. On Action 3, the Chairman had noted that the Secretariat could keep the Committee informed of relevant discussions in other WTO fora. One Member had suggested that the Secretariat could circulate a report on any relevant developments.

159. On Action 4, the Chairman had observed that communicating at the national level with entities involved in SPS-related private standards was for each Member to do individually, but that there might be some useful ideas to be shared that could assist other Members to undertake such communications.

160. On Action 5, the Chairman had encouraged specific suggestions for what materials might be developed to stress the importance of Codex, IPPC and OIE standards, and to ensure a better understanding how these differed from SPS-related private standards.

161. The Chairman had concluded the discussion of Actions 1 to 5 by inviting Members to submit specific proposals on how to implement any or all of the agreed 5 Actions, by 29 July, and had noted that this did not prevent any Member from moving forward on Action 4.

162. The Chairman indicated that he had then invited comments regarding the six actions on which the working group could not reach consensus, as presented in the Annex of the report of the ad hoc working group on SPS-related private standards in G/SPS/W/256.

163. A number of Members had noted that while there had been no consensus on proposed Actions 7 to 12, work on private standards had produced concrete results with five agreed actions for further work. Hence, Members needed to concentrate on making substantial progress first on Actions 1 to 5 and then perhaps revert to Actions 7 to 12 at a later stage.

164. Other Members, however, had suggested that Members should continue to exchange views and information on Actions 7 to 12 within a new ad hoc working group, with a view to help advance the work of the Committee.

165. The Chairman had concluded the discussion by inviting those Members who wished to further discuss Actions 7 to 12 to submit suggestions of how to move forward, including revisions that could help find a consensus, by 29 July.

166. At the informal meeting, IICA had reported on a new study it had undertaken on the impact of private food standards in the Southern Cone, and highlighted its main findings (G/SPS/GEN/1088). The full study was available on the IICA website in Spanish, with an English version to be made available shortly.

167. IPPC had flagged the interest of IPPC members in the SPS Committee annual reports to the CPM, including on SPS-related private standards. On agreed Action 2, IPPC could, if requested by its members as a priority and if resources were available, provide regular analytical reports to the Committee on the importance of private standards in plant health, although such type of standard had not yet been identified in this area. Regarding Action 5, the IPPC had noted the link with its proposed communication strategy and sought feedback from the Committee. Finally, IPPC had drawn attention to a recent publication on the application of international phytosanitary standards that IPPC had developed recently with the FAO Forestry Division, and its upcoming effort to develop the same type of guidelines for the seeds sector.

168. In concluding the informal meeting the Chairman noted that he had proposed that at an informal meeting be scheduled immediately prior to the October SPS Committee meeting to discuss: (i) the implementation of Actions 1 to 5, based on specific proposals submitted by 29 July; (ii) any developments or proposals for consideration arising from Members' discussions on Action 6; and (iii) Actions 7 to 12, based on any new potential compromise proposals or suggested revisions submitted by Members by 29 July.

XII. REQUESTS FOR OBSERVER STATUS

(a) Ad hoc Observers

169. The Committee agreed to invite all of the ad hoc observers to participate in the next Committee meeting, including the informal meetings on ad hoc consultations, on private standards and on issues arising from the Third Review.

(b) New Requests

170. There were no new requests for observer status.

(c) Outstanding Requests

171. The Secretariat indicated that there were now outstanding requests from nine organizations: the Asian and Pacific Coconut Community (APCC), Convention on Biological Diversity (CBD), Gulf Cooperation Council Standardization Organization (GSO), International Vine and Wine Office (OIV), Center for Agricultural Bioscience International (CABI), Economic Community of Central African

States (ECCAS), Common Market for Eastern and Southern Africa (COMESA), Intergovernmental Authority on Development (IGAD), and the Convention on International Trade in Endangered Species (CITES). The Secretariat suggested that the Committee might wish to consider the requests by categories of organizations, such as those with specific geographical focus, those with specific commodity focus, etc.

172. Kenya, Swaziland, Uganda, Zambia and Zimbabwe supported granting observer status to COMESA, noting its important contributions in assisting countries in the region on SPS-related matters.

173. The Philippines supported granting observer status to CABI, highlighting their capacity-building initiatives that had resulted in improvements in essential work within the region.

174. The United States stated that they were not able to agree on any of the requests for observer status at this meeting, but thought that a categorization of the organizations could facilitate their consideration. Chile noted that some of the requests were of long standing, and that consideration of the organizations by categories could facilitate decision-making.

175. Egypt indicated that they had no objections to granting observer status on an ad hoc basis. In the Committee on Trade and Development, group of countries had proposed a set of criteria for approving requests for observer status, whether from regional or international organizations, to avoid the politicization of the issue that had created difficulties since 1999.

176. Canada requested that the Secretariat remind the Committee of previously established guidance regarding observers, including references to the relevant documents.

177. The Committee agreed to revert to the outstanding requests at the next regular meeting.

XIII. OTHER BUSINESS

178. Ecuador expressed concern about Japan's decision to apply MRLs to additives based on a positive list system. Similar concerns had been raised by Paraguay (G/SPS/GEN/1091), and Ecuador was hopeful that a solution could be found. The current approach was particularly damaging to the livelihood of Ecuador's small producers and exporters of cocoa.

179. Brazil expressed their support of the interventions by Ecuador and Paraguay.

180. Japan observed that they had not previously received information from Ecuador regarding this issue, but were keen to work with Ecuador on this issue bilaterally.

181. The United States expressed appreciation to Japan for sharing information on how they were dealing with the aftermath of the earthquake. This was an example of sound and transparent practices.

XIV. DATE AND AGENDA OF NEXT MEETING

182. The Chairman recalled that the next meeting of the Committee was tentatively scheduled for 19-20 October 2011. Informal meetings on ad hoc consultations, on private standards and on issues arising from the Third Review would be scheduled immediately prior to the next Committee meeting.

183. The Secretariat proposed a tentative calendar of SPS Committee meetings for 2012: weeks of 26 March, 9 July, and 15 October (G/SPS/GEN/1106).

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

1. Adoption of the agenda
2. Information on relevant activities
   - (a) Information from Members
   - (b) Information from Observer organizations
3. 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.11
4. Operation of transparency provisions
5. Implementation of special and differential treatment
6. Equivalence – Article 4
   - (a) Information from Members on their experiences
   - (b) Information from relevant Observer organizations
7. 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
8. Technical assistance and cooperation
   - (a) Information from the Secretariat
     - (i) WTO SPS Activities
     - (ii) STDF
   - (b) Information from Members
   - (c) Information from Observers
9. 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
     - (i) Report on Workshop on national and regional coordination
     - (ii) Report on informal meeting
10. Monitoring of the use of international standards
    - (a) New issues
    - (b) Issues previously raised
11. Concerns with private and commercial standards
    - (a) Report on informal meeting
12. Transitional Review under Paragraph 18 of the Protocol of Accession of the People's Republic of China
13. Observers – Request for observer status
    - (a) Ad hoc Observers

(b) New Requests
(c) Outstanding requests

14. Chairperson's annual report to the Council for Trade in Goods

15. Other business

16. Date and agenda of next meeting

185. The Secretariat noted that following the October meeting, the Chairman would need to submit an annual report to the Council for Trade in Goods, on his own responsibility. Delegates would be given the opportunity to comment on a draft of this report, which would be made available at the beginning of the October meetings.

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

- For applications to participate in WTO funded activities, including the October workshop, the Advanced Course on the SPS Agreement, and three Regional workshops: **Friday, 8 July**[3];
- For Members comments and suggestions on ad hoc consultations, private standards, and issues arising from the Third Review: **Friday, 29 July**;
- For identifying new issues for consideration under the monitoring procedure, and for requesting that items be put on the agenda: **Thursday, 6 October**;
- For the distribution of the Airgram: **Friday, 7 October**.

[3] This deadline was subsequently extended to 22 July 2011.