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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 15-16 JULY 2015

NOTE BY THE SECRETARIAT[1]

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

1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its sixty-third regular meeting on 15 and 16 July 2015. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/SPS/4 and WTO/AIR/SPS/4/Corr.1).

2 INFORMATION ON RELEVANT ACTIVITIES

2.1 Information from Members

2.1.1 Australia – Update on BSE country assessments

2.1. Australia provided information on the food safety risk assessment which was completed in May 2015 for the United States. This risk assessment was carried out under the Australian Government's BSE food safety policy 2009, which required that all countries exporting or seeking to export beef or beef products to Australia have a food safety risk assessment undertaken by Food Standards Australia New Zealand (FSANZ). The results of the risk assessment indicated that the United States had comprehensive and well-established controls to prevent the introduction and amplification of the BSE agent within the cattle population and to prevent contamination of the human food supply with the BSE agent. The assessment concluded that US beef products were safe for human consumption and recommended Category 1 BSE status for the United States. Australia informed the Committee that its authorities were working together with the United States to finalise certification requirements for shelf-stable beef products, and that a copy of the risk assessment was available on the FSANZ website (http://www.foodstandards.gov.au).

2.1.2 Argentina – Risk of introduction of BSE, information on notification G/SPS/N/ARG/181

2.2. Argentina provided an update on its BSE situation, highlighting that a health monitoring programme was currently in force for imported animals to avoid introduction of BSE. Argentina informed Members that it had updated its 2012 domestic legislation, including the relevant provisions related to the import of live animals, animal products and goods containing such products, with respect to BSE. This legislation was adopted in April 2015 and was subsequently notified to the WTO, with a 60-day comment period. Argentina indicated that a number of countries had submitted comments, which had been analysed. Where relevant, the legislation had been amended. This process had increased harmonization of Argentina's legislation with the recently adopted OIE recommendations for BSE. Argentina indicated that the revised version of the legislation had been published in June 2015 and notified in G/SPS/N/ARG/181/Add.1.

2.3. The European Union referred to its comments on the legislation notified by Argentina in April 2015. While the legislation recognized the OIE's BSE risk status, it was not fully aligned with the OIE because it still included requirements for importing safe commodities, regardless of the BSE status of the exporting country, contrary to OIE recommendations. The European Union provided additional information on other aspects of the legislation which were not in line with the OIE recommendations, such as the requirement to conduct a risk assessment for all goods intended for food and feed, regardless of the BSE status of the exporting country. Argentina had taken into consideration some of the EU comments on the legislation notified in April. However, the European Union noted that the revised legislation still did not recognize the OIE list of safe commodities and included requirements for the importation of such commodities from BSE controlled countries. The European Union urged Argentina to comply with its obligations under the SPS Agreement, and to fully align its requirements with those of the OIE.

2.4. Argentina thanked the European Union for its comments and indicated that it would pursue the issue through bilateral consultations.

2.1.3 Peru – Presentation of the National Agency for Health of Fisheries

2.5. Peru provided information on its National Agency for Health of Fisheries (SANIPES), created in 2013 to promote the growth and sustainable development of the production and marketing of fishery and aquaculture products and resources in accordance with international standards, as well as to protect public health. Peru outlined the functions of SANIPES, including the investigation,

regulation, supervision and monitoring of fishery and aquaculture activities. In addition, Peru highlighted the additional responsibilities of SANIPES such as issuing health certificates for exports of fishery and aquaculture products, as well as managing the international equivalence of sanitary regulations, in order to ensure recognition by its trading partners. Peru informed the Committee that SANIPES participated in several committees including the Codex Alimentarius Commission, and that it had budgetary, technical and scientific autonomy. Additional information on SANIPES activities was available in document G/SPS/GEN/1423 and from the agency's official website http://www.sanipes.gob.pe.

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

2.6. The Russian Federation recalled the spread of African swine fever (ASF) in the Eurasian region, noting that several ASF cases had been reported in the past year and a half. In the Russian Federation's view, the affected countries had not been prepared to manage the disease or to halt its rapid spread. The high density of the wild boar population alongside small-scale pig production and low biosafety levels were contributing factors. The Russian Federation informed Members that it had urged the European Union to comply with the requirements of the common veterinary certificate, noting that as a result, the trade in live pigs and raw pig products with the European Union had been suspended. The Russian Federation also noted several expansions of the European Union's quarantine borders as a result of the rapid spread of ASF, highlighting that at least ten trading partners were proceeding with trade on the basis of bilateral certificates, instead of EU guarantees. The Russian Federation further informed Members of its continued work to eradicate ASF and its collaboration with the Global Framework for the progressive control of Transboundary Animal Diseases (GF-TADS). The Russian Federation expressed concern at the number of outbreaks in Ukraine, which had led to requests for strengthened monitoring at the Ukrainian borders by some neighbouring countries. In order to avoid serious losses from the spread of ASF, the Russian Federation encouraged Members to base their measures on the OIE Code.

2.7. The European Union expressed concerns regarding use of the agenda item for purposes other than providing information to Members on relevant activities and stated that, because of the ongoing dispute settlement case, it would not discuss the Russian Federation allegations. The European Union recalled some of the information previously presented to the Committee, highlighting that the first case of ASF had been introduced into the European Union in January 2014, most likely from its Eastern neighbours, and that the disease had had very limited geographical spread from the EU border with the disease-source countries from where there were still occasional incursions. The European Union also stated that all occurrences were notified according to OIE recommendations, that comprehensive and harmonised disease control measures were in place to contain, and eventually eradicate, major animal diseases like ASF, that it applied zoning/regionalization in accordance with OIE principles, and that enhanced passive and active surveillance were in place. The number of cases in wild boar reflected the high quality of surveillance implemented in the affected EU member States. Moreover, the European Union stated that the effectiveness of the measures had been demonstrated by the limited geographical spread of the disease in terms of distance from the source and also confirmed by a recent EFSA report. Finally, the European Union called on other Members to show the same level of transparency, recalled the ongoing work within the Global Framework for the progressive control of Transboundary Animal Diseases (GF-TADS), and reiterated its commitment to work collaboratively with all affected countries to control the spread of ASF in a transparent, co-ordinated and structured manner.

2.1.5 European Union – Commission proposal to amend regulation (EC) no. 1829/2003 as regards the possibility for EU member States to restrict or prohibit the use of genetically modified food and feed

2.8. The European Union announced that on 20 May 2015, it had notified under the WTO TBT Agreement a proposal for amending the EU legislation on genetically modified food and feed. The regulation, notified under G/TBT/N/EU/284, would provide legal basis for the EU member States which so wished, to take a decision on the use of genetically modified food and feed on their territory, subject to certain conditions. The European Union emphasized that the proposal did not introduce any restriction or ban; EFSA would continue to assess the relevant products, and the European Union to authorise these products in accordance with this assessment. The regulation

would provide the possibility for EU member States to opt out of the EU decision for "overriding reasons of public interest", disconnected from the assessment of risk to health and to the environment. Such member-State measures must respect principles such as non-discrimination and proportionality; they would not be SPS-related. The European Union stated that the proposal was not an SPS measure but it was mentioned in the SPS Committee for reasons of transparency. The European Union further explained that the mobility of GM food and feed would be preserved and that the regulation would not allow members States to restrict the use of food and feed when GMOs are present at trace levels, or restrict products from animals fed with GMOs.

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

2.9. Japan reminded the Committee of different actions taken to ensure food safety, and indicated that the limit values of radionuclides in products established by Japan were consistent with an intervention exemption level adopted by Codex. The results of monitoring tests showed that the rate of products exceeding these levels had drastically decreased. Distribution of the most affected products was restricted. Consequently, Japanese food was safe, and unsafe products were not allowed to enter the food chain or to be exported. The International Atomic Energy Agency repeated on several occasions that the systems in place prevented products with radionuclides in excess of the national regulatory limits from entering the food supply. Japan appreciated that Thailand had lifted its import ban and the United Stated had eased its import restrictions. Japan would continue to provide regular information about the situation.

2.2 Information from the relevant SPS standard-setting bodies

2.2.1 CODEX

2.10. Codex provided an update about the Codex sessions that were held since the last SPS Committee meeting, as detailed in G/SPS/GEN/1432. The Codex Alimentarius Commission had met the week immediately preceding the SPS Committee meeting. Apart from adopting 36 new standards, the Commission had on a timeline for an internal review of the Codex work management and functioning of the Executive Committee. Moreover, there was a discussion on the future of scientific advice to Codex, and in particular on the funding for this advice. Members also discussed the second phase of the Codex trust fund, which should become operational next year. One agenda item that had taken up a lot of time at the Commission meeting: the maximum residue limits for recombinant bovine somatotropin (rBST). The Commission had recognized the validity of JECFA's risk assessment, but there had been no consensus on the adoption of the standard. The Commission thus decided to keep the standard at step 8.

2.2.2 IPPC

2.11. The IPPC introduced the new IPPC secretary, Mr Jingyuan Xia. The Commission on Phytosanitary Measures (CPM) held in March had unanimously supported the proposal to hold an international year of plant health in 2020. This project was also supported by FAO. The list of adopted ISPMs could be found on the International Phytosanitary Portal. The IPPC indicated that there would be a special topic session at CPM 2016 on the risk associated with the movement of sea containers, and gave an update of IPPC work on this topic. Additional information, including on topics for new standards, and for revisions of existing standards, can be found in document G/SPS/GEN/1433. Finally, the IPPC provided an update on the resolution of a dispute in relation to citrus black spot, where an expert panel was being formed to review the issue. The IPPC asked Members to submit named of suitable experts on citrus black spot to the IPPC secretariat.

2.2.3 OIE

2.12. The OIE provided information on the 83rd general session held in May 2015, during which a new Director General, Dr Monique Eloit, was elected. The OIE reported on the revision and addition of standards in the OIE Terrestrial Code and the Aquatic Code. The standard on foot and mouth disease (FMD) was revised, a new standard on Taenia solium was adopted, and a specific provision relating to the BSE standard was added to the Terrestrial Code. Chapters of the Aquatic Code were revised and new chapters were added; acute hepatopancreatic necrosis disease (AHPND) was listed by the OIE. The OIE also informed Members of the official recognition of members' disease

status relating to six priority diseases: BSE, FMD, contagious bovine pleuropneumonia, African horse sickness, peste des petits ruminants and classical swine fever. More information is contained in document G/SPS/GEN/1427.

3 SPECIFIC TRADE CONCERNS

3.1 New issues

3.1.1 Chinese import regime, including quarantine and testing procedures for fish - Concerns of Norway

3.1. Norway expressed concern about China's new import control regime for seafood from Norway, which included extensive testing for up to 40 substances. As a result, the costs for importers and exporters were increased, and products were kept in quarantine for a longer period. However, China had not notified any finding that could explain such measure. Norway highlighted that the new regulation was implemented in a non-transparent and discriminatory manner, since the increased testing only applied to Norwegian products. Furthermore, since 2011, Norway had repeatedly asked for consultations at technical level, but this request had never been addressed. Norway urged China to provide information on this new regime and on quarantine procedures in general, and on all specific measures applicable to Norwegian seafood. Norway also requested China bilateral consultations on food safety issues relating to trade in seafood.

3.2. China responded that uncompliant products had been found on several occasions and constituted a risk for consumer health. The General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) had issued an announcement in 2011 to further strengthen inspection and quarantine of salmons imported from all Members. China stated that these measures were not new and were based on existing Chinese laws and regulations. Moreover, the measures were addressing the threat represented by Norwegian aquatic products mentioned in several reports over the last years. China had therefore strengthened the inspection and quarantine of high risk products.

3.3. Norway reiterated its request for consultations with China at a technical level and informed the Committee that Norwegian food safety regulations were harmonised with the EU legislation, and as a result, were in compliance with EU requirements.

3.1.2 The Russian Federation's import restrictions on processed fishery products from Estonia and Latvia – Concerns of the European Union

3.4. The European Union indicated that, as of 4 June, the Russian Federation introduced a ban on imports of all fishery products from Estonia and Latvia, allegedly due to deficiencies detected during recent inspections. The European Union stated that the measure had been notified very late, was inconsistent with the SPS Agreement and taken in violation of Russia's WTO Accession commitments which included not to suspend exports from groups of establishments without having provided first the technical information and scientific justification of the risks detected, and not to take such measures before the expiry of the timeframe provided for the adoption of corrective measures. Indeed, Russia had not provided evidence of immediate risk to consumers caused by deficiencies in the control systems of Estonia and Latvia, which had been regularly inspected by the Russian Federation in recent years without having identified any major problems. The measures were clearly more trade restrictive than necessary and the ban had been announced before the official reports of the inspections were provided to the competent authorities of Latvia or Estonia. The European Union expressed its willingness to cooperate with the Russian Federation to address their concerns but requested the Russian Federation to lift the ban, to bring its measures in line with international standards, and to respect its WTO obligations.

3.5. The Russian Federation replied that conclusions by Russian experts about deficiencies in the work of the Latvian and Estonian competent authorities overlapped with the results of previous investigations by the European Union, and the presence of a risk was also confirmed by the notifications of the EU Commission in the rapid alert system. Russia stressed the importance and urgency of the report made by the European Union about the safety of food products. An inspection in 2013 had showed that Latvia and Estonia had not taken measures to withdraw unsafe products from the market. According to Russia, the European Union had failed to take necessary

measures in relation to establishments where violations were detected and to inform its trade partners. Indeed, between 2013 and July 2015, Russian inspections had revealed more than 2,000 cases of unreliable certification, and yet, no effective measures had been taken against the violators. The Russian Federation had concluded that the guarantees given by the European Union were not reliable. As a result, Russia was forced to impose temporary restrictions, as stated in official letters to the European Union. The measures were not bans, but temporary restrictions, and complied with the SPS Agreement, which allowed Members to adopt measures to protect human, animal or plant health.

3.6. The European Union clarified that they did not dispute Russia's right to take SPS measures, but expected proportionate measures taken in a transparent manner and in accordance with the SPS Agreement.

3.1.3 Malaysia's import restrictions related to approval of poultry meat plants – Concerns of Brazil

3.7. Brazil raised concerns regarding the Malaysian Government's delays in approving Brazilian poultry meat export plants and the lack of definition of the applicable international sanitary certification. Brazil had been negotiating access to the Malaysian poultry meat market since 2010, and had not received a mission from Malaysia to audit Brazilian plants before March 2014. Since then, the Brazil had only received a feedback about one establishment. According to Brazil, this situation was in breach of paragraph 1(a) of Annex C of the SPS Agreement. Brazil had also proposed an international sanitary certificate to support its exports of poultry meat, but Malaysia had provided no answer to this request. Malaysia had not presented scientific evidence for the lack of approval of the audited facilities. The final audit report and the response to the proposed certificate had also been unduly delayed. Brazil affirmed that the Malaysian measure did not comply with the provisions of Articles 2 and 5 of the SPS Agreement since it resulted in arbitrary and unjustified discrimination between Members and in disregard of the objective of minimizing negative trade effects. The measure was also inconsistent with the provisions on control, inspection and approval procedures contained in Article 8 and Annex C of the SPS Agreement, as it created undue and unnecessary delays in the opening of the Malaysian market. Therefore, Brazil requested the Malaysian authorities to approve the Brazilian poultry meat export plants and to react to the proposal made by Brazil regarding the international sanitary certificate.

3.8. Malaysia replied that, as mentioned by Brazil, there had been an inspection. The result had been communicated to Brazil, one plant had been approved, and three had been rejected because they failed to comply with the Malaysian halal standard. Malaysia encouraged the Brazilian Embassy to send a written request to the Malaysian veterinary services.

3.1.4 China's import restrictions due to African swine fever – Concerns of the European Union

3.9. The European Union raised concerns about China's bans due to African Swine Fever (ASF) and indicated that the vast majority of EU trading partners did not take any import measures against the European Union on African Swine Fever (ASF) grounds because they fully trusted the strict EU control system. China had imposed a ban on EU pork and pork products since February 2014 without applying regionalization, any scientific justification, or clarification on how and when it would recognise the stringent zoning measures put in place in the European Union to allow the prompt resumption of safe trade despite continuously receiving information from the European Union about these stringent control, surveillance and monitoring measures. The European Union had requested several times that China provide a risk assessment justifying the country-wide ban and the non-recognition of the EU zoning measures, but China had failed to respond. The European Union asked China to respect its regionalization obligations under the SPS Agreement and to allow the trade of all safe products.

3.10. China replied that its measures were entirely based on science and safety considerations. It highlighted the threat represented by ASF in the world, and the fact that China was a major pig producer, and as such subject to great losses in case the disease entered the country. China indicated that the measures were in line with relevant Chinese laws and regulations that prohibited imports of relevant animals and animal products from countries infected by ASF. Finally, China

stated that it needed to evaluate further the measures taken by the European Union, since a number of cases of ASF had still been detected in recent months in the region of Podlaskie, Poland.

3.1.5 Korea's import restrictions due to African swine fever – Concerns of the European Union

3.11. The European Union raised a concern about the import restrictions on pork and pork products put in place in February 2014 by Korea on African Swine Fever (ASF) grounds. The European Union repeated that trade could take place safely, and affirmed that Korea disrespected the SPS Agreement regarding regionalization. Korea continuously received detailed information on the control, surveillance and monitoring measures of the European Union. Korea's risk assessment process lacked of clarity about the required steps and the use of information provided by the European Union. The European Union called on Korea to respect its regionalization obligations under the SPS Agreement and to allow trade of all safe products. The European Union also restated its availability to continue working with Korea and any other trading partners with a view to finding a rapid solution on this matter.

3.12. Korea responded that it had banned pork and pork products from Poland since the first case of ASF was reported in February 2014, in agreement with Poland. In response to the European Union for regionalization, Korea had implemented the necessary steps to assess the current situation in Poland, and hired experts to that effect. The preliminary assessment on ASF had been delivered to Poland and an exchange of views was still under way. As a result, Korea had been consistent with Articles 6.2 and 6.3 of the SPS Agreement and hoped to continue bilateral discussion on the basis of science and future data.

3.1.6 Costa Rica's temporary suspension of the issuing of phytosanitary import certificates for avocados – Concerns of Guatemala and Mexico

3.13. Mexico raised concerns regarding the emergency measure taken by Costa Rica's phsytosanitary service in April 2015 through resolution DSFE 03-2015, notified to the WTO under G/SPS/N/CRI/160 and G/SPS/N/CRI/160/Add.1. Costa Rica had temporarily suspended the issuing of import certificates for avocados of various origins because of the supposed presence of the sunblotch viroid in imported avocados. Costa Rica had affirmed that the nature of the problem was urgent, but according to Mexico there was no international regulatory basis for this view. Indeed, the fact that Costa Rica had declared that its territory was free of a pest could not be a basis for the implementation of the emergency phytosanitary measure. The consequence was a complete interruption of trade, and Mexico did not believe that the measure was legitimate. Mexico requested a demonstration of the absence of the pest in line with ISPM 04, Requirements for the Establishment of Pest Free Areas. The interruption of trade meant that Costa Rica's measure was not proportional to the risk, especially because there has been no notification of the pest in Mexico for 21 years. Mexico noted that the measure contravened the SPS Agreement and the SPS Chapter of the Free Trade Agreement between Mexico and Latin America. Mexico finally requested several documents from Costa Rica showing that Costa Rica was actually free of the pest, and information on shipments of avocados from Mexico that had shown positive results for the pest.

3.14. Guatemala, South Africa and the United States shared Mexico's concern. Guatemala also requested information about Costa Rica's pest free pest status. The United States worried that this suspension of the issuance of import permits for avocados from eight countries and Florida was part of a larger attempt to use SPS measures to protect sensitive domestic industries. In the US view, the measure raised concerns regarding its consistency with international standards and guidelines, its scientific justification and its level of trade restrictiveness. South Africa was concerned that it appeared on the list of countries affected by the suspension despite the fact that it was not exporting avocados to Costa Rica. South Africa requested to be removed from the list.

3.15. Costa Rica reaffirmed its commitment to transparency and to to the multilateral system. It referred to measures taken to protect the country from the virus and repeated that this pest could cause considerable damage to the phytosanitary status of its crop. Studies carried out in 2014-2015 by its SPS authorities had established that Costa Rica was free from the virus. As a result, the country had taken SPS measures against Peru and California to avoid the introduction of the pest. Costa Rica indicated that Mexico was its main provider of avocados and had reported the presence of the pest, which demonstrated the presence of an imminent risk. The current measure

was temporary, and a risk assessment was under way. Costa Rica indicated that its authorities were in close contact with Mexico.

3.1.7 China's proposed amendments to the implementation regulations on safety assessment of agricultural GMOs – Concerns of Paraguay and the United States

3.16. Paraguay raised a concern about the inclusion of some socio-economic aspects in the Chinese risk assessment process for GMOs, contrary to Article 5 of SPS Agreement and to the guidance of the relevant international organizations recognized by the WTO. The amendments to the implementing regulations had been notified in G/SPS/N/CHN/881. Paraguay stated that the measures, which went beyond scientific principles, could lead to arbitrary or unjustified distinctions, and that the inclusion of these elements could undermine the production of safe food. Paraguay therefore requested China to reconsider the amendments to the regulations.

3.17. The United States shared Paraguay's concern, and stressed the importance of notification of such measures to allow trading partners to review proposed changes, provide and discuss comments, and see them being taken into account. The United States highlighted its concerns about the negative impact that policies related to regulatory approval procedures for biotech products could have on the ability of consumers and producers to reap the benefits of advances in technology through trade. The delays and lack of transparency in China's current biotech approval process meant that several products were pending at various stages in the process, despite the SPS Agreement's prohibition on undue delays in approval procedures and its obligation regarding standard processing periods and for a mechanism to resolve complaints. China was seeking to remove the specific timelines governing its regulatory review process, and was introducing new criteria referring to economic and social considerations. The United States had requested additional information from China in order to better understand the objectives behind the proposed changes. The United States also wished to ensure that the measures would comply with the SPS Agreement, and requested that China delay the implementation of the revisions to allow for a substantive dialogue with its trading partners. The United States further requested that China approve the currently pending events in a timely fashion and that the proposed changes to China's approval system not depart from the key tenets of timely, predictable science-based approvals required by the SPS Agreement.

3.18. China replied that the changes to its regulations aimed to enhance the management of safety evaluations for agricultural GMOs. The draft version of these management measures had been notified on 2 June and was open to comments until 1 August 2015. China indicated that it had not received comments from the United States and Paraguay, but would take any comments into consideration for further modification and improvement of the measures.

3.1.8 EU proposal to amend regulation (EC) No. 1829/2003 to allow EU member States to restrict or prohibit the use of genetically modified food and feed – Concerns of Argentina, Paraguay and the United States

3.19. Argentina raised concerns about this amendment, notified in G/TBT/N/EU/284, which would allow EU member States to restrict or prohibit the use of genetically modified food and feed approved at EU level. Currently, member States had the right to restrict or prohibit imports of such products when there was scientific proof that they represented a risk for health or for the environment. The new EU proposal would allow member States to ban or restrict the use of these products without requiring scientific evidence. In the past, the European Union and its member States had attempted to justify restrictions on use of GMOs for scientific reasons, without success. This new proposal could be considered as an alternative way to reach the same objective. The measure would enable EU member States to create unnecessary barriers to international trade. It would also introduce unpredictability in commodity trade, and would affect the single market and the free movement of goods in the European Union. Argentina therefore invited the European Union to reconsider this draft amendment and to implement the current EU legislation on authorization and approval of GMOs in the entire European Union in accordance with multilateral rules.

3.20. Paraguay shared Argentina's concerns with respect to the EU proposal, which could have an effect on products used for several years and which had not had any adverse effect on human and animal health or on the environment. The amendment would allow member States to take

measures not be based on scientific evidence, which would therefore not comply with the SPS Agreement. The European Union was a major trading partner for Paraguay and Argentina, and the proposal was of great concern for their producers. Paraguay therefore asked the European Union to reconsider the amendment of the regulation.

3.21. The United States also shared the concern, raising procedural questions, since the EU proposal had only been notified to the TBT Committee, but should also have been notified to the SPS Committee in accordance with Article 7 and Annex B of the SPS Agreement, and the SPS Committee's Recommended Transparency Procedures contained in G/SPS/7/Rev.3. The amendment related to Regulation (EC) No. 1829/2003 that was an SPS measure because it governed the health and safety approvals of biotech products. This measure had been notified to the SPS Committee in G/SPS/N/EEC/149, with several addenda and corrigenda. The United States also expressed substantive concerns regarding the amendment's potential adverse effects on trade, including unfair competition, regulatory uncertainty, increased costs, and damages to integrated supply chains. The proposal could lead to a proliferation of arbitrary and discriminatory measures and to a lack of clarity and certainty. Finally, the United States recalled the *EC-Biotech* (2006) dispute, in which the DSB had found that nine EU member State bans of biotech products approved at the EU level were inconsistent with the European Union's obligations under the SPS Agreement. Yet some EU member States had maintained such bans, and adopted new ones. The United States urged the European Union not to adopt the proposal.

3.22. Brazil, Canada and Uruguay also shared this concern, emphasizing the measure's potential negative effect on trade and seeking additional information.

3.23. The European Union explained that the proposal was not an SPS measure. It had no relation to the protection of life or health, since restrictions linked to health risks or to the environment were excluded. As a consequence, the measure did not fall under the scope of the SPS Agreement. The European Commission would report the comments received from the WTO Members to its co-legislators. The European Union indicated that it had complied with its transparency obligations by notifying the legislation, which clearly indicated that member States could not invoke the risks to health or life to impose a ban or a restriction on GMOs.

3.2 Issues previously raised

3.2.1 Application and modification of the EU regulation on novel foods - Concerns of Peru (No. 238)

3.24. Peru reiterated its concerns over the EU proposal for a regulation repealing Regulation (EC) No. 258/98 on novel foods notified in G/SPS/N/EU/64. Peru's traditional biodiversity products with high export potential were being affected by the European Union's current regulation on novel foods, to the detriment of small- and medium sized Peruvian producers and exporters. Peru gave the example of "huito", the marketing of which is restricted in the European Union, as described in document G/SPS/GEN/1422. Peru requested that the European Union indicate the scientific basis for its regulation on novel foods and take into consideration the points raised by Peru at different meetings.

3.25. Colombia, Ecuador, the Dominican Republic, Nicaragua, Guatemala, Costa Rica and Brazil supported Peru's statement, and highlighted the measures potential adverse effects on trade that the measure. They stated that the EU measure was not based on scientific principles and requested more information on its current status.

3.26. The European Union announced that the definitive text of the new regulation was not yet available, although some progress had been made by the co-legislators. It was not possible to anticipate the potential risk associated with all novel foods, production processes and methods, and to address them in an all-encompassing risk assessment. The high level of food safety pursued by the European Union could only be achieved on a case-by-case basis within the framework of a pre-market approval system, in accordance with Article 8 and Annex C of the SPS Agreement. Regarding "huito", there had been no application for its authorization as novel food. Since the current novel food regulation had been in place since 1997, but there had been substantial imports of "huito" into the European Union in 2008, there seemed to be no causal relationship between the regulation and the trade of this product into the European Union. Like all

other traditional biodiversity foods, "huito" should particularly benefit from the new novel food regulation, since it was likely to qualify for the simplified, shorter procedure for such traditional foods. The European Union announced that once the regulation was adopted, guidance on all the information to be presented by applicants would be made available for public consultation and an information session would be organized. The European Union remained committed to cooperating on this matter with all interested WTO Members.

3.2.2 US measures on catfish – Concerns of China (No. 289)

3.27. China recalled its concerns regarding US regulations on the mandatory inspection of catfish and catfish product notified in March 2011, which transferred the regulatory food safety oversight of all *Siluriformes* fish from the Food and Drug Administration (FDA) to the United States Department of Agriculture's Food Safety Inspection Service (FSIS). As a result, the United States applied terrestrial animal meat inspection procedures for the imports of *Siluriformes* fish, including catfish. According to China, the inspection programme was not based on science and would result in a disguised restriction on international trade. China also recalled that according to the 2012 US Government Accountability Office report, the risk of food poisoning from catfish might be overestimated. China urged the United States to revoke all legislation on mandatory inspection of *Siluriformes* fish and to maintain the catfish inspection programme under the FDA regulatory system of aquatic products.

3.28. The United States explained that the regulation was based on relevant international standards and would also apply to domestic products. The United States welcomed comments from Members in this regard.

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

3.29. The European Union reiterated the importance of this long-standing concern and restated the observations presented during the March 2015 meeting. The European Union again urged all Members to align their BSE requirements with OIE standards and welcomed progress made by China and United States by allowing imports from some member States to take place. The European Union urged Australia, Ukraine and Korea to progress rapidly to speed their import approval procedures. The European Union recalled also the international obligations of WTO Members, and its own high level of transparency towards other countries by providing technical information about the EU animal health and food safety system.

3.30. China reiterated the explanation that it had provided in March 2015 and recalled its interest in looking forward to enhanced technical exchange and consultation with the European Union on the prevention and control of BSE and other animal disease.

3.2.4 US and Australia non acceptance of OIE categorization of India as "negligible risk country" for BSE - Concerns of India (No. 375 and 376)

3.31. India restated its concern that the United States and Australia did not accept the OIE categorization of India as a negligible risk country for BSE. India had shared its OIE dossier with the United States, but had not received any response yet. India urged both countries to carry their assessment in accordance to OIE standards.

3.32. The United States restated its commitment to align its import regulations governing BSE with that of OIE guidelines as reflected in USDA APHIS final rule published in 2013. It was currently reviewing India's OIE dossier, and the result would be published and public comments welcomed.

3.33. Australia said it hoped previous bilateral discussions with India had helped to clarify Australia’s position and reiterated that it reserved its right to conduct its own risk assessments on India's or any other Member's status in relation to diseases of biosecurity concern, including BSE, in accordance with its appropriate level of protection.

3.34. India referred to the explicit recognition of OIE standards under Annex A.3 of the SPS Agreement, and invited the United States and Australia to share any additional factors that would be taken into consideration in determining India's BSE status.

3.2.5 China's measures on bovine meat – Concerns of India (No. 383)

3.35. India recalled its concern about China's import ban on buffalo meat and the various exchanges of FMD-related information that had taken place since 2013. India had implemented the OIE recommendations, in particular on importation from FMD free countries or zones where vaccination is practised (Chapter 8.5, Article 8.5.23), and was exporting frozen buffalo meat to several WTO Members.

3.36. China confirmed that the import ban on Indian *artiodactyla* and *artiodactyla* products was due to FMD concerns and recalled that a Memorandum of Understanding had been signed by both parties in May 2013. It had received supplementary materials on India's disease status in March 2015, which were being reviewed in preparation of a field visit to India.

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

3.37. Japan reiterated its concerns over the import ban imposed by Chinese Taipei on food exports from five Japanese prefectures after the accident at TEPCO’s Fukushima Daiichi Nuclear Power Station, as well as over the strengthened import restrictions imposed since 15 May 2015. According to information published by Chinese Taipei, none of the more than 70,000 samples of Japanese food products tested had exceeded Chinese Taipei's limit levels of radioactive cesium, which seemed to confirm the appropriateness of Japan's measures taken after the incident. Japan also noted that Chinese Taipei's import restrictions were not based on science, nor based on the relevant international standards, and were more trade restrictive than required. Japan requested that Chinese Taipei complete its risk assessment and immediately remove its measures. Japan also expressed hope that bilateral consultations would help find a mutually acceptable solution.

3.38. Chinese Taipei confirmed the implementation of control measures consisting in the temporary suspension of inspection applications for food produced in the Fukushima and the other four nearby prefectures since March 2011. However, in March 2015 food products from the restricted prefectures had entered the Chinese Taipei market using false labelling. Consequently, Chinese Taipei had implemented control measures requiring certificates of origin and, for specific food products and prefectures, radioactive examination reports. Chinese Taipei also noted concerns over the continuous leakage of radioactive contaminated water from Fukushima nuclear power plant since 2013. Chinese Taipei reiterated its commitment to bilateral efforts to find a solution to this matter.

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

3.39. Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports after the accident at TEPCO’s Fukushima Daiichi Nuclear Power Station. Japan recalled that despite raising this concern in each Committee meeting since March 2014, no progress had been made. Japan regretted that China maintained a ban on products from ten prefectures without considering additional information provided. Japan had proposed pre-test certificates in June 2011, answered all technical questions asked in August 2012 and shared a comprehensive monitoring result in June 2013. Japan reiterated its concerns that China had deliberately avoided any progress on this issue for more than three years, and that its measures and actions were not in line with the requirement of several articles of the SPS Agreement including Article 2.3, Article 7 and Annex B as well as Article 8 and Annex C. Japan urged China to accept the proposed form of the pre-test certificate and to immediately lift the import ban on the ten Japanese prefectures. Japan stressed that it would consider every effective option for the resolution of this issue.

3.40. China explained that it had been adjusting its measures on Japanese imports in accordance with Japan's nuclear pollution status and its risk analysis results. Import restrictions were currently imposed only for high-risk products from seriously polluted regions. China noted that through

smooth bilateral cooperation, exports from Japan had increased each year since 2012, and in 2014 represented more than 85% of the level of exports in 2010. China noted that the monitoring of the Fukushima Daiichi power plant revealed that Japan's control measures were unsatisfactory, especially regarding the treatment of radioactive waste water, which had delayed the lifting of import restrictions. China was currently conducting a risk assessment on the latest status of nuclear pollution, based on updated information received in April 2015.

3.41. Japan appreciated China's comments and welcomed more consultations between the competent authorities of both governments.

3.2.8 India's import conditions for pork and pork products – Concerns of the European Union (No. 358)

3.42. The European Union thanked India for the notification on its certificate for import of pork and pork products (G/SPS/N/IND/98). The European Union welcomed India's introduction of the regionalization and of references to alternative requirements to the Indian laws based on OIE and Codex standards. The European Union urged India to take into account its comments in finalizing the certificate and to allow imports quickly. The European Union requested that India provide a solid risk analysis demonstrating, for example, that the diseases included in the health certificate were transmitted by pork or pork products and that they pose a significant risk to India. The European Union asked India to make a series of specific changes to the certificates. The European Union was concerned because despite repeated requests, it had not received any scientific justification from India for deviating from the OIE standards, and because the Indian requirements would unnecessarily and unjustifiably restrict trade in safe products. The European Union requested that India notify the health certificate for imports of live pigs. The European Union welcomed future discussions to allow imports of safe products to India.

3.43. India explained that the requirements were being developed taking into account comments received from Members in accordance with paragraph 5(d) of Annex B. Comments had been received from Canada, South Africa and the United States, but not from the European Union.

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

3.44. India restated its concerns about the high cost of certification for mango exports to the United States. Since April 2007, India had been granted access to export mangoes to the United States on the basis that its mangoes would first be irradiated, under the supervision of US inspectors. India noted the high cost of certification that it had to bear, which amounted to approximately 12% of the FOB costs per metric ton of mangoes exported to the United States. India recalled that in a bilateral meeting held in March 2015, the United States had offered the possibility of irradiation upon arrival, and India had requested circulation of the corresponding draft work plan.

3.45. Brazil and the Dominican Republic shared India's concern. Brazil noted that during the 2015 mango exports season, Brazil had spent half a million US dollars for the on-the-spot inspection carried by the US inspectors. Brazil noted that the procedures were costly and duplicative, and urged the United States to ease its requirements. The Dominican Republic requested further information from the United States on the costs of import procedures.

3.46. The United States confirmed that India had exported mangoes every year since the market was opened in 2007, and the value of those exports had risen to reach nearly 2 million US dollars in 2014. The United States recalled the two options that had been discussed in March 2015: (1) expansion of the current irradiation programme by resolving substantial deficiencies of new irradiation facilities in Vashi and Innova; and (2) irradiation upon arrival in the United States. Additional information on the second option had been sent to India in June 2015. The United States welcomed further engagement with India to resolve these concerns and would plan a second visit when India's facilities were ready for certification. The United States noted that only the irradiation facility at Nasik was currently certified. The United States also welcomed bilateral consultations with Brazil and the Dominican Republic.

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

3.47. India recalled its concern regarding the EU ban on exports of mangoes and four types of vegetables, on the grounds of the increasing number of interceptions of harmful pests and organisms since May 2014. The ban on mangoes had been lifted in February 2015; however the ban on vegetables continued. India had shared information with the European Union on various control measures including the strengthening of plant quarantine systems and the increasing of sampling intensity. India also recalled the Commission's Food and Veterinary Office (FVO) visit to India in September 2014, which had reported overall improvement in the control system.

3.48. The Dominican Republic shared India's concerns, noting that it was currently facing a similar situation.

3.49. The European Union confirmed that its measures had been introduced on 24 April 2014 to prevent the introduction of harmful organisms. The European Union explained that the ban on mangoes had been lifted in February 2015 based on the positive feedback received after the visit of EU inspectors and the confirmation from the Indian competent authorities that they would apply a specific phytosanitary treatment on mangoes before exportation. Despite the progress made, many interceptions of harmful organisms were still occurring. These repeated interceptions raised EU concerns over the effectiveness of India's phytosanitary export system. The European Union recalled that the measures were temporary and would be reviewed before the end of 2015 on the basis of the evolution of import interceptions and the guarantees provided by the Indian competent authorities.

3.2.11 EU revised proposal for categorization of compounds as endocrine disruptors – Concerns of the United States (No. 382)

3.50. The United States recalled its concerns on EU roadmap outlining possible options for defining criteria to identify endocrine disruptors, specifically as they related to plant protection products. Referring to the public consultation held in Brussels on 1 July 2015, the United States questioned the scientific evidence underlying the options, and the consideration of any hazard-based "cut off" option instead of risk from actual exposure. It encouraged the European Union to share information on the methodology used in developing EU member States' impact assessments. The United States requested that the European Union recognize risk-based endocrine programmes developed by other countries. It also request that the European Union keep the Committee informed of relevant developments, and encouraged the European Union to publish the draft legislation, once developed, including any risk and impact assessments carried out.

3.51. Australia, Brazil, Canada, Chile, China, Colombia, the Dominican Republic, Egypt, India, Kenya, Mexico, New Zealand, Nigeria, and Peru also spoke about the revised EU proposal on endocrine disruptors. They urged the European Union to take into account all the comments made during the public consultation and requested that the Committee be informed of any relevant developments.

3.52. The European Union recalled that it was currently conducting an all-inclusive risk assessment, including impacts on international trade, and that the report of the public consultation conducted between September 2014 and January 2015 would be made public in the coming weeks. The European Union also noted that all the relevant information about the impact assessment had been made available on their website. The European Union recalled that two studies were being conducted, one on the identification of the endocrine disruptors and another on the assessment of impacts. Once, and if, a legislative proposal was eventually made, it would be notified to the Committee and comments from Members would be taken into account before adoption of the final regulation.

3.2.12 France's ban on *Bisphenol A* (BPA) – Concerns of the United States (No. 346)

3.53. The United States recalled its concern over France's ban of the use of the chemical Bisphenol A (BPA) in the production of food containers and food contact surfaces, including cans, for baby food beginning 1 January 2013 and for all foods beginning 1 January 2015. The United States again questioned the scientific justification for the ban, and recalled the assessments of BPA released by the European Food Safety Agency (EFSA) and the US Food and Drug Administration

(FDA). The United States reiterated its request for a scientific justification for the ban, which threatened to have a significant negative trade impact on the US food industry, and any other company whose products were packaged using safe levels of BPA. The United States requested that the European Union provide information on when the ban would be enforced and how it would be monitored. It also requested to be informed about the European Commission's current examination of the ban for possible violation of EU single market rules.

3.54. Brazil shared US concerns, noting that the ban was inconsistent with the SPS Agreement as it was not based on science and was more trade restrictive than necessary.

3.55. The European Union noted again that BPA had raised divergent views from scientists across the world for many years and that several countries, including some EU member States, the United States and Canada had introduced restrictions on the use of BPA in food contact materials. Some EU member States had imposed additional restrictions. The European Union reiterated that EU member States had the right to adopt their own national measures in areas that were not harmonised at EU level, and to temporarily suspend or restrict application of EU provisions within their territory in areas harmonized at EU level when there was new information about human health risks. According to the European Union, France had justified its national measures on these grounds. The European Union recalled that France had adopted its national law on the basis of an assessment by the French agency in 2011, subsequently underpinned by a specific risk assessment published in April 2013. From 1 January 2015, the ban on BPA in France included all food packaging, containers and utensils and was enforced by random checks on the market or checks targeted at operators. According to France, the ban was directed towards products for which BPA was intentionally used in the manufacturing process. The French Agency and EFSA had discussed the diverging views and the detail of the meeting had been published on EFSA website. The European Union was now evaluating the EFSA opinion as a matter of priority, and would shortly set out a series of options for the risk management of BPA at EU level. Any changes to the EU legislation on BPA in food contact materials would be communicated effectively to all stakeholders, including third countries and duly notified to the WTO SPS Committee.

3.2.13 US proposed rule for user fees for agricultural quarantine and inspection services – Concerns of Mexico (No. 388)

3.56. Mexico recalled its concern on an APHIS proposed rule for user fees for agricultural quarantine and inspection services. Higher transportation costs would result in higher prices for customers, threatening the livelihood of small-scale producers. In Mexico's views the measure violated the MFN principle, as well as Article 8 and Annex C of the SPS Agreement. Mexico urged the United States to take Members' comments into account.

3.57. The United States explained that the rulemaking process was still ongoing and that Mexico's comments would be considered before any decision was taken. The United States welcomed future bilateral discussions.

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

3.58. India recalled its concerns regarding the EU withdrawal of equivalence for processed organic products, which it had previously recognized since 2006. India restated the explanation that it had provided in July 2014 and March 2015. EU regulation No. 125/2013 with effect from 1 April 2013 had removed processed organic products from the equivalence agreement, on the grounds that the agreement required that all of the ingredients be grown in India. India noted that no processed organic products containing imported ingredients were exported to the European Union, and again requested that the equivalence recognition be restored, since it had withdrawn the 2012 guidelines that would permit certain imported ingredients.

3.59. The European Union restated its opinion that India's concern was not under the purview of the SPS Committee. India's concerns were being discussed bilaterally in the appropriate forum.

3.60. The United States supported the EU response and explained that organic programmes did not address risks to plant, animal or human health. Their requirements were similar to those of halal labelling and thus would fall under the TBT Agreement.

3.61. India noted that packaging and labelling requirements directly related to food safety fell under Annex A of the SPS Agreement. India also highlighted that document G/SPS/GEN/1354/Rev.1 listed 24 notifications related to organic products, and that Codex had developed standards on organic products. Furthermore, according to India, language used in EU regulation EC834/2007 linked organic products with protection of human, animal and plant health.

3.62. Chile expressed the view that Codex standards did not define the scope of the SPS Agreement.

3.63. Ecuador requested clarification on the relevant Committee to discuss organic products requirements.

3.64. Codex explained that its *Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods* contained a definition of organic products but did not establish any food safety standards, nor any MRLs for food products.

3.65. The Secretariat explained that many Codex standards included requirements related to nutrition, labelling and packaging for food products and were thus relevant for the TBT Committee. The Secretariat informed notifying Members when it was not clear whether a particular notification should be notified under the SPS or the TBT Agreement, but ultimately the Member decided under which Agreement it wished to submit a particular notification. Some notifications related e.g. to residues of organic pesticides had been notified under the SPS Agreement, and many notifications related to organic agriculture had been made under the TBT Agreement.

3.66. The European Union noted that India's selective reading of EU regulations led to the wrong conclusion. It confirmed that the regulation was not aimed at food safety, nor related to the SPS Committee.

3.2.15 EU phytosanitary measures for citrus black spot – Concerns of South Africa (No. 356)

3.67. South Africa reiterated its concerns on EU restrictive import requirements regarding citrus fruit. EU measures on citrus black spot (CBS) implemented since 2014, were significantly more stringent than previous ones, lacked a scientific basis, implied additional costs and had severe negative influence on South Africa's citrus industry. South Africa recalled that it had asked the IPPC secretariat to establish an expert committee in line with Article XIII of the IPPC to provide an independent science-based opinion. South Africa urged the IPPC to expedite the process.

3.68. The European Union stressed that the measures were in place to prevent the entry of CBS to EU territory. The strengthening of the requirements was the result of the risk assessment conducted by EFSA in February 2014 and the recurring number of interceptions. The European Union noted that there had been 28 interceptions in 2014 and four in 2015. Given the circumstances, the European Union was maintaining its import requirements and would consider taking further measures. The European Union acknowledged South Africa's efforts to remedy the situation, however the efforts has not yet resulted in a reduction of imports interceptions. The European Union welcomed bilateral discussion between the technical bodies of both countries to resolve the matter. With regard to the work in IPPC, the European Union indicated that it would provide its comments on the draft terms of reference proposed by the IPPC secretariat.

3.69. The IPPC noted that this was the first formal dispute under the IPPC, and would serve as a learning experience. The IPPC reiterated was facing significant difficulties in finding neutral scientific experts on CBS. The IPPC had expanded its search by including experts in the area of risk assessment as it is related to CBS. The IPPC encouraged Members to come forward with names of experts, and explained that the terms of reference of the panel were subject to the negotiation between the parties.

3.3 Consideration of specific notifications received

3.3.1 Korea's notifications G/SPS/N/KOR/495, G/SPS/N/KOR/503 and G/SPS/N/KOR/504 – Concerns of the European Union

3.70. The European Union noted that the notification G/SPS/N/KOR/495 on a special bill on imported food safety management did not contain a comment period. The European Union had requested the possibility to comment, but had been informed that comments would be accepted only after the enacted legislation would be notified. The European Union had sent EU comments on the draft legislation, but had not received a response. In notification G/SPS/N/KOR/503 and G/SPS/N/KOR/504 on reinforcement measures related to the bill, Korea allowed a 60 day comment period. However, the notified documents were over 200 pages long, and only in Korean. The European Union had requested an extension of the comment period, which had been refused. In light of the complexity of the technical measures and their expected effect on trade, the European Union considered this refusal unacceptable and urged Korea to allow sufficient time for trading partners to comment, or to provide translations of the notified documents.

3.71. Australia supported the EU request for an extension of the comment period in light of the time needed to translate the 214 pages of the notified regulation. Australia noted that the SPS Agreement obliged Members to allow reasonable time for Members to submit comments.

3.72. Korea explained that it had notified the regulation immediately to the Secretariat and had given a reasonable time for Members to submit their comments, in accordance with the SPS Agreement. The measures comprised the food sanitation act, an act on sanitary control of livestock products and a functional health act. The purpose of this combination was to enhance integrity, efficiency, convenience and transparency for trading partners. In order to facilitate understanding, South Korea had held a public hearing on 30 April 2015 and a briefing session on 30 June 2015 with foreign embassies based in Korea.

3.4 Information on resolution of issues in G/SPS/GEN/204/Rev.15

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

4 OPERATION OF TRANSPARENCY PROVISIONS (G/SPS/GEN/804/REV.7)

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

5 IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT

5.1. India asked the Secretariat whether there had been any experience sharing in the implementation of Article 10.1 and 10.2 of the SPS Agreement under this agenda item.

5.2. The Secretariat replied that there had been discussions a number of years earlier, and that two documents had resulted from these discussions: the Report on Proposals for Special and Differential Treatment (G/SPS/35) on the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members (G/SPS/33/Rev.1). Since its adoption, no requests had been submitted under this Procedure.

6 EQUIVALENCE - ARTICLE 4

6.1 Information from Members on their experiences

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

6.2 Information from relevant observer organizations

6.2. No observer provided any information under this agenda item.

7 PEST- AND DISEASE-FREE AREAS - ARTICLE 6

7.1 Information from Members on their pest or disease status

7.1.1 Morocco – Declaration of Morocco as a country free from African horse sickness

7.1. The Chair noted that Morocco had reported in document G/SPS/GEN/1414 that it had been recognized as free from African horse sickness by Resolution No. 22 at the 83rd OIE General Session in May 2015.

7.1.2 Switzerland – Disease status update

7.2. Switzerland reported that it had been declared free from classical swine fever (CSF) and classified as having a negligible risk for bovine spongiform encephalopathy (BSE) through Resolutions Nos. 24 and 21 at the 83rd OIE General Assembly, as communicated in G/SPS/GEN/1420. Switzerland requested WTO Members to lift all restrictions on Swiss products related to both these diseases.

7.1.3 Chile – Freedom from classical swine fever (CSF)

7.3. Chile reported that it had been officially declared free of CSF through Resolution 24 at the 83rd OIE General Assembly. Chile stated that it had been free of the disease since 1998, when it self-declared freedom from CSF (see G/SPS/GEN/81).

7.4. Chile also highlighted its notification G/SPS/N/CHL/506 of 12 June 2015 on its list of quarantine pests. Chile encouraged Members to routinely submit such notifications for transparency purposes even if these lists did not constitute SPS measures. Chile suggested that this agenda item contain updates to this effect in future meetings.

7.1.4 Mexico – Freedom from classical swine fever (CSF)

7.5. Mexico reported that it had been officially declared free of CSF through Resolution 24 at the 83rd OIE General Assembly.

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

7.2.1 Ecuador – Information on pest- or disease-free areas

7.6. Ecuador provided information on various pest- or disease-free areas. Last year, Ecuador had been declared free of African horse sickness and peste des petit ruminants. At this year's 83rd OIE General Assembly in, the island territory of Galapagos had been recognized as a zone free of FMD without vaccination and the area consisting of the mainland as FMD-free with vaccination. Ecuador also provided an update on a national fruit fly management project that had yielded positive results.

7.3 Information from relevant observer organizations

7.7. No observer organization provided any information under this item.

7.4 Annual Report in accordance with G/SPS/48

7.8. The Secretariat introduced the annual report prepared in accordance with the Committee's Guidelines to Further the Practical Implementation of Article 6 of the SPS Agreement (G/SPS/48) The report covered the period from 1 June 2014 until 31 March 3015, and was based on information provided by Members through notifications and reports provided during the Committee meetings (G/SPS/GEN/1412).

8 TECHNICAL ASSISTANCE AND COOPERATION

8.1 Information from the Secretariat

8.1.1 WTO SPS activities

8.1. The Secretariat recalled that document G/SPS/GEN/997/Rev.5 provided an overview of the planned technical assistance and training activities for 2015. Since the last Committee meeting, technical assistance on the SPS Agreement had been provided through two national seminars held in Honduras and Mexico; and a workshop on the SPS and TBT Agreements for member states of the Intergovernmental Authority on Development (IGAD) in Kenya. More general training on the SPS Agreement had been provided through: (a) the WTO Advanced Trade Policy Course (in English); (b) three Regional Trade Policy Courses held for: French-speaking Africa in Tunisia, English-speaking Africa in Botswana, and for the Caribbean in Barbados; (c) a WTO seminar for French-speaking journalists held in Geneva; (d) a SIDA workshop held in Stockholm; (e) an ADB SPS workshop held in Turkmenistan; and (f) several training sessions in Geneva with students from: Michigan State University; the American University Washington College of Law; and Duke University.

8.2. The Secretariat also indicated that upcoming Geneva-based SPS training activities by the WTO Secretariat included: the Advanced SPS Course, which would be held in English, from 5-23 October 2015; and the Workshop on Transparency to be held on the margins of the October SPS Committee meeting, on 12-13 October 2015. Regional activities were scheduled in Belize for the Caribbean (27-30 October); Bangkok, Thailand for Asia, covering both SPS and TBT (10-13 November); and for Arab countries from 25-28 January 2016, in Kuwait. Over 600 applications had been received to date for the planned technical assistance activities for 2015; however, the application period for the three regional workshops for the Caribbean, Asian and Arab countries had been extended to 17 July. The Advanced SPS Course had received 281 applications and the Workshop on Transparency had received 327. The specific dates of the technical assistance activities, eligibility criteria, prerequisites and application processes could be found in document G/SPS/GEN/997/Rev.5. Additional training on the SPS Agreement will also be provided in: a joint Agriculture and SPS regional workshop for French-speaking Africa, to be held in Benin in October; and a joint regional SPS and TBT workshop to be held for Portuguese-speaking African countries.

8.3. The Secretariat further announced that national seminars were scheduled to be held in Algeria (5-6 August); Macao, China (mid September); the Dominican Republic (September); Chinese Taipei (28-30 July); and Uganda (4-6 August). Other national seminars were planned for Iran, Madagascar, Oman, Paraguay and Sudan. The Secretariat was currently working out the details to carry out these seminars and also for previous requests received. The following activities would also include general SPS training: two SIDA workshops to be held in Stockholm in October and November; and a SADC SPS Awareness Creation workshop to be held in Zambia in September. The Follow-up Session to the 2014 Advanced SPS Course in Spanish was currently being held and attended by 23 participants from LDCs and developing countries. The Secretariat recalled that the E-Learning course on the SPS Agreement was available year-round in the three WTO official languages. Further information on SPS-related technical assistance could be obtained on the WTO website (under trade-related technical assistance), or by contacting the Secretariat for additional clarification and assistance.

8.4. Nigeria thanked the Secretariat for technical assistance provided to Nigeria and other Members. Nigeria requested clarification on the selection criteria, taking into account staff rotation within countries; as well as on the costs borne by the host country for national seminars. The Secretariat confirmed that WTO provided a resource person to provide the training at such seminars, but the host Member was responsible for providing the workshop venue and other related costs.

8.5. Honduras and Mexico thanked the Secretariat for having supported recent national workshops, as well as for the Advanced SPS Course and Follow-up. Honduras also thanked donors and urged the Secretariat to continue the course along this line.

8.6. Colombia, Cuba, Dominican Republic, and Ecuador also expressed their appreciation to the Secretariat for the Advanced SPS Course and Follow-up Session, noting the major benefits from the training which focussed on changing the ability of officials to actually implement the SPS Agreement in their countries.

8.1.2 STDF

8.7. The Secretariat of the Standards and Trade Development Facility (STDF) informed Members about its activities since the March meeting and upcoming activities, as detailed in document G/SPS/GEN/1418. The STDF thanked donor Members who have renewed their contributions recently, with a special word of thanks to Sweden for an important new 5-year contribution that had been signed during the 5th Global Review on Aid for Trade.

8.8. The STDF had worked with the WTO to organize a plenary session on implementing safe trade during the 5th Global Review on Aid for Trade, which had the theme "Reducing Trade Costs for Inclusive, Sustainable Growth". High-level speakers at this plenary session – including the Director General of FAO and the Director General elect of OIE, as well as representatives of the private sector – had discussed how robust, science- and risk-based SPS controls could assist with trade facilitation, and how to reduce SPS transaction costs while ensuring health protection. During the Global Review, the STDF had launched its new short film, Safe Trade Solutions, which looked at what Chile, Colombia and Peru had done to enable trade to flow faster across borders, while also ensuring the safety of imported food and preventing the entry of pests or diseases. The film was available on the STDF website in Spanish, with English and French sub-titles. Detailed information on STDF activities and how to apply for funding was available in G/SPS/GEN/1418 and from the STDF website (http://www.standardsfacility.org).

8.9. Nigeria thanked the STDF for the report and indicated it had submitted new applications for STDF consideration. Nigeria also suggested additional consultations with beneficiaries to assess the impacts of completed STDF projects.

8.2 Information from Members

8.2.1 Technical assistance provided by Canada

8.10. Canada provided information on its technical assistance to developing countries in calendar year 2014 (G/SPS/GEN/1426). Canada delivered or initiated a total of 34 SPS-related technical assistance projects targeting various geographic regions, amounting to approximately Can$27.93 million. Canada had also made a fourth contribution of Can$1 million as part of a multi-year, multi-million dollar contribution to the STDF.

8.2.2 Technical assistance provided by Japan

8.11. Japan provided an update on SPS-related technical assistance it had delivered between 1 April 2013 and 31 March 2014 (G/SPS/GEN/1160/Add.3). Since 2009, 54 programmes on technical assistance had been provided, targeting more than 40 countries and amounting to a total of 4.4 billion Japanese yen. The overseas aid programme was managed by the Japan International Co-operation Agency (JICA).

8.3 Information from observer organizations

8.3.1 IICA - Technical assistance activities

8.12. IICA informed Members about its technical cooperation activities, particularly supporting the participation of member countries in international meetings of Codex, OIE and the SPS Committee. A Codex symposium was held in June 2015 that convened participants from two regions for the first time (Africa and the Americas) to exchange experiences. Another Codex colloquium was scheduled for August in Uruguay. More details could be found in document G/SPS/GEN/1421.

8.3.2 OIRSA – Relevant activities

8.13. OIRSA reported on training and technical assistance activities; support provided in the areas of harmonization and equivalence; as well as on prevention, control and eradication activities; on strengthening of national institutions to facilitate trade; and on strategic alliances for the promotion of health and trade. More information is available in document G/SPS/GEN/1429.

8.3.3 AUC – Relevant activities

8.14. The Chair noted that the African Union Commission had submitted a written report on its activities in G/SPS/GEN/1430.

9 REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

9.1 Fourth Review

9.1.1 Report of informal thematic session on risk communication

9.1. The Chair reported that a thematic session on risk communication had been held on 15 July 2015. In the Chair's opening remarks, he had highlighted that this was the first time a thematic session had been held within the SPS Committee. The Chair had welcomed the opportunity to discuss issues of interest to the Committee within this type of forum and had indicated that he looked forward to other possibilities to continue discussions on other areas of work relevant to the Committee in this format.

9.2. The Chair had reminded Members that the SPS Committee had agreed, at its March 2015 meeting to hold a Thematic Session on risk communication preceding the July 2015 meeting, based on a proposal submitted by the United States. In this regard, the thematic session had been organized as a follow-up event to the October 2014 Workshop on Risk Analysis, which had generated much interest and discussion.

9.3. The objective of the thematic session had been to offer an opportunity for Members and relevant international organizations to share experiences and lessons learned in relation to risk communication strategies in the SPS area. In this regard, several suggestions had been received from Members and Observers on the programme and speakers, which had been incorporated into the final programme (G/SPS/GEN/1428).

Session 1: Importance of risk communication and its contribution to the operation of the SPS Committee and Members' implementation of the SPS Agreement

9.4. In session 1, the Secretariat had provided an historical context, recalling that when the SPS Agreement was negotiated, the Three Sisters had not yet developed clear guidance on the process of risk analysis. However, it had now been widely accepted that the risk analysis process involved: risk assessment, risk management and risk communication. The Secretariat had further underscored the importance of governments being able to communicate the results of a risk assessment, including uncertainties, to all stakeholders and trading partners.

Session 2: Frameworks and guidance in the area of risk communication

9.5. In Session 2, several panellists - representing Codex, IPPC, OIE, FAO, IICA and the United States – had responded to a series of questions on the existing guidance in the area of risk communication. The Three Sisters first had highlighted the relevant guidelines and recommendations, as well as the overall principles embodied in the risk analysis process, within their respective organizations.

9.6. FAO had presented information on its work in the area of risk communication, including a manual which had been developed to offer some practical tools, tips and examples on how to become more effective risk communicators. The United States had also provided information on the FAO risk communication manual, as well as outlining the work undertaken by the US Centers for Disease Control (CDC) and the US Food and Drug Administration (FDA) in developing risk communication guidelines. IICA had shared its experience and work in the region on developing capacity in the area of risk communication.

9.7. More specific questions had then been answered by the panellists regarding the goal of risk communication and the tailoring of messages to various audiences. Speakers had highlighted the importance of translating science into manageable messages, as well as taking into account the social dimension, such as the public perception of risk. In tailoring messages to various audiences, one speaker had emphasized the need to first identify whether the goal of the message was simply to share information, to persuade the audience, or to engage in dialogue. In this regard, the use of social media had been underscored as an important tool in crafting messages to various audiences. Risk communication also had been further highlighted as an ongoing process and not a linear action.

9.8. Panellists had also addressed the issue of how to communicate uncertainty by stressing the importance of providing consistent and honest answers, even if this meant communicating that there was unknown information. Understanding public perception and gaining public confidence had been underscored as important in order for risk communication to be effective. Questions from the audience had given Members the opportunity to address further issues, like the role of social factors in risk communication, or how to deal with the loss of public confidence after a risk communication message has been disseminated.

9.9. In addition, Codex had highlighted the member-driven nature of its organization and had indicated its openness to receive proposals from Members if more work was needed in the area of risk communication. IPPC had drawn attention to its portal which could be used for the sharing of risk communication materials.

Session 3: Practical experiences and lessons learned related to the risk communication strategies employed in response to specific SPS issues

9.10. In Session 3, four speakers from both developing and developed countries had presented practical experiences and lessons learnt in the area of risk communication, highlighting the specific risk communication strategies that had been employed in response to pressing SPS issues. From the European Union, Members had heard about how to effectively communicate risk in order to maintain and restore consumer confidence based on the experience from several contamination events in the European Union. The speaker from the United States had outlined the CDC strategy in communicating risk, specifically using the experience from the outbreak of listeriosis in caramel apples to highlight effective risk communication responses. From the Caribbean, Members had heard about the work of the Caribbean Public Health Agency in relation to the development of risk messages to address outbreaks related to salmonella in Trinidad and Tobago, Norovirus in Turks and Caicos, as well as the overall development of a food safety policy brief for Barbados. The Brazilian experience in communicating its plan for the use of genetically engineered mosquitoes to control dengue had also been shared, where Members had benefitted from hearing a creative musical example of a message developed to educate the public.

9.11. These presentations had generated questions relating to how to deal with initial errors in communicating the level of risk and the issue of how to evaluate the effectiveness of risk communication messages. In responding, speakers had highlighted the importance of ensuring that the scientific analysis was correct, so that the proper message could be formulated. However, it had been acknowledged that mistakes could occur in the identification of the risk and that this could negatively impact an industry over a long period of time. Several examples had been cited in this regard. Overall, speakers had stressed the importance of quickly communicating risk, while underscoring the need to be correct and honest in the messages. A critical takeaway point had been to communicate what you know and what you do not know and to avoid trying to cover up mistakes. In relation to the effectiveness of risk communication messages, one speaker had indicated that the impact was presented in terms of how many deaths had been averted and how many of these deaths would not have been averted if there had been a delay in the risk communication.

9.12. Overall, the Chair had indicated that these experiences had provided very interesting practical insights into the elements of effective strategies to be used in the risk communication process.

Session 4: Conclusions and Next Steps

9.13. In concluding, the Chair had underscored that this first Thematic Session had proven to be a good experience and that it had provided a useful opportunity to discuss an issue of importance to Members. The Chair had suggested that Members may want to consider using this type of forum, in the future, to discuss other topical and important issues of interest to the Committee. The presentations from the Thematic Session and links to the resources presented would be made available on the SPS Gateway page:
https://www.wto.org/english/tratop_e/sps_e/wkshop_jul15_e/wkshop_jul15_e.htm

9.14. In thanking the presenters and panellists for their insightful and interesting presentations, the Chair had also extended thanks to the Inter-American Institute for Cooperation on Agriculture (IICA) for funding the participation of one of the speakers.

9.15. New Zealand congratulated the organizers and speakers on the thematic session.

9.1.2 Report of the Informal Meeting

9.16. The Chair reported on the informal meeting on the Fourth Review of the Operation and Implementation of the SPS Agreement held on 14 July 2015. At the informal meeting, the Chair had reminded Members that according to the agreed timetable, the Fourth Review should have been completed in October 2014. Members had addressed several issues related to the Review process as identified in paragraph 4 of the airgram; namely (i) the draft report of the Fourth Review; (ii) the Catalogue of Instruments Available to WTO Members to Manage SPS Issues; and (iii) transparency.

9.1.3 Preparations for the Transparency Workshop

9.17. The Chair reported that Members had started with the easiest one, transparency, and had structured the discussion around two main points: (i) comments on the analysis of the replies to the questionnaire on transparency (G/SPS/GEN/1402); and (ii) comments on the draft programme of the October Transparency Workshop (G/SPS/GEN/1419). On the first point, the Chair had recalled that at the Committee's last meeting in March, the Secretariat had introduced the analysis of the replies to the questionnaire, and it had been proposed that the document be further discussed at the current meeting, since Members had not had much time to study the document for the March meeting.

9.18. Also, since many respondents had been of the view that the term "trade facilitating" should be further defined, it had been suggested that the Secretariat prepare a factual compilation of existing WTO definitions of this term, which had been circulated as document G/SPS/GEN/1417. The Secretariat had highlighted that no official WTO definition of the term "trade facilitating" or "trade facilitation" had ever been adopted by WTO Members. Several Members had expressed their interest in sharing their notification practices in the use of this term, rather than working on a definition.

9.19. Many Members had recognized the usefulness of the analysis of the replies in assessing 20 years of implementation of the transparency provisions. Some of the issues highlighted had included, among others: identification of the relevant international standard and whether there was conformity to such international standards; identification of HS Codes; emergency measures becoming permanent; measures notified after their adoption; and availability of translations.

9.20. Having moved to the second topic on transparency, the October workshop, the Secretariat had introduced the draft programme circulated as document G/SPS/GEN/1419, which had incorporated suggestions from several Members. It had combined hands-on training on the use of online tools and sharing of national experiences. Several Members had welcomed the sessions on the improved SPS IMS and NSS applications, and others had expressed interest in sharing experiences related to technical assistance as well as to coordination and interaction between stakeholders. Some Members had emphasized that the programme should not prejudge whether the Committee would decide to make changes to the current Recommended Transparency Procedures (G/SPS/7/Rev.3). The Chair had invited Members to submit comments and suggestions as well as possible speakers to the Secretariat by 21 August 2015. Comments received would be circulated by email to the Committee's mailing list.

9.1.4 Adoption of the Catalogue of Instruments

9.21. Next, Members had discussed the Catalogue of Instruments (G/SPS/W/279/Rev.2). The Chair had recalled that the joint submission by Canada and Kenya on such a Catalogue was first circulated in June 2014, and was subsequently revised based on comments received from Members. The last revision of the document had not been adopted in March, as several Members needed more time to consider the proposal by India to add an introductory paragraph to clarify its legal status. The Chair had recalled that he had held informal consultations on this topic on 29 May 2015, on which the Chair had reported in the fax circulated on 25 June 2015. In an attempt to bridge the differences between those delegations that submitted drafting proposals and those that explained why the disclaimer would not be needed or that a rather simple version would be preferable, the Chair had suggested, on his own responsibility, compromise language for a disclaimer. In response to the Chair's fax, Argentina, Australia, Canada and the European Union had submitted comments, which had been circulated by email through the Committee's mailing list.

9.22. Members had had a long round of discussions during which many Members expressed their views. While there had seemed to be a broad consensus on the need to adopt such a useful catalogue of instruments, the views on the disclaimer had remained unchanged. Some Members had suggested that the document be restructured to make the use of a disclaimer unnecessary. The Chair had noted that Members had seemed to have reached an impasse and had suggested that Members discuss possible ways forward with this issue in the margins of the meeting, which hopefully could have been presented at the regular meeting.

9.1.5 Adoption of the Report of the Fourth Review

9.23. Finally, Members had discussed the draft report of the Fourth Review (G/SPS/W/280/Rev.2). The Chair had reminded Members that according to the agreed timetable, Members should have adopted the report in October 2014. The draft report had reflected the Committee's work over the past few years, and had made recommendations for future work. These recommendations had provided Members with some guidance for future discussions, but had not pre-judged the outcome of these discussions. The Chair had recalled that at the March meeting Members had discussed comments received from Belize, Canada, Egypt and the European Union. Most of the comments had focused on the second recommendation under para. 14.20, on which Members had had small group meetings, but Members had not been able to find compromise language. Argentina had also expressed concerns with the fourth recommendation under para. 6.22. In an attempt to identify compromise language, the Chair had held, on 19 June 2015, an informal consultation on the draft report of the Fourth Review, on which the Chair had also reported in the fax circulated on 25 June 2015. Comments received from Argentina, Canada and the European Union, in response to the Chair's fax, had also been circulated by email through the Committee's mailing list. Additionally, Belize's statement from the March meeting had been circulated in document G/SPS/W/286.

9.24. No new views had been expressed, and therefore the Chair had only been able to note that on this topic, as on the Catalogue of Instruments, Members had seemed to have reached an impasse, since there had been no consensus on the proposed language for the second recommendation under para. 14.20, and some Members had been proposing that this recommendation be removed.

9.25. In summing up, the Chair had invited Members to explore new options to bridge these differences, including through a broader reflection on the nature of the Committee's work, for consideration during the regular meeting.

9.26. Having concluded his oral report, the Chair suspended discussions on the Catalogue of Instruments and Adoption of the Fourth Review report until the October meeting due to the reported impasse in views. The Chair invited Members to take a step back and propose possible ways to move forward instead of focussing on the details. In preparation for the October meeting, the Chair stated that he might call consultations on the Catalogue and Fourth Review should new ideas be put forth.

9.27. China expressed its regret that despite all of the discussions, Members were still at an impasse, particularly on the work on private standards as contained in the Fourth Review. China urged Members to be open to deeper discussions on the application of SPS measures.

9.28. Responding to a query by the Dominican Republic, the Chair clarified that the Catalogue of Instruments was a compilation of official information and Members should feel free to make use of the information it contains irrespective of its formal endorsement by the Committee.

10 MONITORING OF THE USE OF INTERNATIONAL STANDARDS

10.1 New Issues

10.1.1 United States – Use of the Codex international standard on glyphosate

10.1. The United States expressed concern that some Members had taken action, or were considering taking actions, to restrict the use of glyphosate, an active ingredient in many commonly used pesticides, due to a recent assessment from the WHO International Agency for Research on Cancer (IARC) declaring the compound "probably carcinogenic". It was important to note that IARC's findings were based on an assessment of hazard and not risk. The United States urged Members to base their SPS measures for glyphosate on the international standard provided by Codex, or on an assessment of the risk that includes realistic exposure scenarios and considers all available data.

10.2. Ukraine shared the US concern on the scientific justification of restricting glyphosate use.

10.3. Codex stated that at the last meeting of the Codex Committee on Pesticide Residues (CCPR), a delegate had questioned the lack of consistency between the IARC and Joint FAO/WHO Meeting on Pesticide Residues (JMPR) assessments of glyphosate. Codex emphasized that the roles of the bodies were different, as IARC focused on hazard characterization while JMPR performed risk assessments and exposure assessments for regulatory purposes.

10.2 Issues previously raised

10.2.1 United States – HPAI restrictions not consistent with the OIE international standard

10.4. The United States reminded Members about the OIE guidelines on imports of live poultry and poultry products (including heat-treated/cooked products) related to avian influenza, including highly pathogenic avian influenza (HPAI). The guidelines made clear that when HPAI was detected only in wild birds, OIE members should not impose bans on trade in poultry commodities. The guidelines also clearly established provisions for the recognition of zones or regions free of the disease. The affected country should define the control zones based on its response efforts, and the remainder of the country outside of those control zones could continue to be considered disease free. Additionally, poultry products (meat, liquid eggs, rendered meals, etc.) that had been heat-processed to destroy the HPAI virus in accordance with OIE guidelines were safe to trade irrespective of whether the products came from an area where HPAI had been detected. The United States called upon its trading partners to lift any import restrictions on live poultry and poultry products (including heat-treated products) that were not consistent with the OIE guidelines.

10.5. The European Union shared the US concern and urged the removal of import restrictions with relation to HPAI that were not in line with international standards. Canada noted that the OIE provided effective guidance on the principle of zoning and encouraged all Members to recognize zones established by affected Members, in accordance with this guidance.

10.3 Annual report in accordance with G/SPS/11/Rev.1

10.6. The Secretariat introduced the Annual Report on the Procedure to Monitor the Process of International Harmonization, as contained in G/SPS/GEN/1411. The report reflected the issues raised over the past year, and included only one new issue, raised by the United States at the March meeting regarding the application of the international standard for HPAI.

11 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

11.1 Report of the informal meeting

11.1. The Chair reported on an informal meeting on SPS-related private standards that had been held on Tuesday, 14 July 2015. He had begun that meeting by recalling the long history of the Committee's work on this matter, and in particular the hard work since October 2013 of the "electronic working group" (e-WG) under the very able stewardship of China and New Zealand.

11.2. The Chair had also recalled that at the March 2015 meeting, following the discussion of the co-stewards' latest report (G/SPS/W/283), the Committee had agreed that the e-WG would take some time off.

Action 1: Update from the Co-stewards of the Private Standards e-Working Group and Members Submissions

11.3. At the informal meeting, the co-stewards had recalled the longstanding effort to agree on a working definition of SPS-related private standards, and had reported on their consultations with the e-WG following the cooling off period agreed in March. The co-stewards had noted that they had received very limited feedback on how to progress work and that the e-WG had reached an impasse on the working definition.

11.4. Argentina had introduced document G/SPS/W/285 regarding discussions on a definition of SPS-related private standards and had stressed the need to agree on a definition, given the numerous harmful effects of private standards.

11.5. Belize had introduced document G/SPS/W/288 which proposed a new definition of SPS-related private standards. Nigeria had welcomed the proposal tabled by Belize and had stressed the need for a straightforward working definition which reflected the challenges faced by Members. Other Members had noted that compromise was possible through the inclusion of a disclaimer, and Chile had referred to the definition of an SPS measure in Annex A of the SPS Agreement as an existing starting point.

11.6. China had regretted the current impasse which had been having consequences on other WTO work and had urged all Members to show flexibility, including through a stronger disclaimer or possibly a horizontal approach, and to agree on the co-stewards' compromise definition.

11.7. The Chair had noted that the e-WG's difficulty to agree on a working definition of SPS-related private standards reflected more than a mere drafting problem and required a broader perspective. The Chair therefore had encouraged all Members to think about new and innovative ways to move forward, including any useful fresh approach. The Chair had suggested that the e-WG pursue its cooling off period, until new thinking or proposals emerged. The Chair would, in consultation with the co-stewards, also think about how to take the issue forward, including perhaps through open-ended informal consultations.

11.8. The Chair had concluded discussions by stressing that despite the well-known differing positions, the Committee had agreed to develop a definition of SPS-related private standards, and Action 1 would remain on the agenda until the Committee had adopted a definition to frame its work on the issue.

Implementation of Actions 2 to 5

11.9. Under Action 2, Chile had referred to the OIE's cooperation with private standard-setting bodies to ensure that their standards were aligned with OIE standards. OIE and Codex should increase the participation of private standard-setting bodies as observers in their standard-setting processes. This collaboration would help improve transparency and the implementation of official science-based standards.

11.10. Under Action 3, the Secretariat had noted that private standards had been discussed in some of the sessions of the 5th Global Review of Aid for Trade and that the reports on those sessions would be issued shortly.

11.11. Under Action 4, the Dominican Republic had referred to its notification G/SPS/N/DOM/51 regarding the requirement for all enterprises certifying compliance with Good Agricultural Practices to register with the Department of Food Safety of the Ministry of Agriculture.

11.12. Under Action 5, the Secretariat had referred to the ongoing cooperation with the Three Sisters to underline the importance of international standards, and had noted the resource constraints faced in that effort.

Suggestions on the implementation of proposed Actions 6 to 12

11.13. Belize, supported by Argentina, had indicated that it continued to favour the option of a working group to advance work on Actions 6 to 12. Brazil and Nigeria had indicated interest and Belize had clarified options for establishing such a group, including through a call to interested Members. Belize had further noted the specific linkages between Actions 1 to 5 and some of the proposed actions identified in G/SPS/W/256, which could serve as a basis to start work.

11.14. The European Union and the United States had reiterated that there was no consensus to proceed with Actions 6 to 12.

Other information on SPS-related private standards

11.15. Belize had reported on a recent UNEP regional capacity building workshop on food waste and had noted that data from pilot studies showed significant losses being incurred by producers due to overly stringent food safety requirements. Belize had cited the example of a papaya producer in Belize which had lost six million pounds of papayas as waste due to stringent market requirements. Belize had reported that UNEP was communicating with retailers on the impact of stringent requirements, and the related food wastage, with the hope that they applied requirements only to the extent necessary.

11.16. The United States had observed that the issue of food wastage did not fit in the work of the SPS Committee. Belize had responded that private standards not only negatively impacted entities trading agricultural products, but also led to many rejected products being dumped, hence affecting trade, the environment and revenue. Belize had urged Members to communicate with private standard-setting bodies in their territories on those negative impacts.

11.17. After concluding his report, the Chair stated that he shared the view of the co-chairs regarding the impasse and was not convinced that it was a question of drafting. The Chair urged Members to take a step back and look at the broader issue and to consult in order to find a way forward. The Chair clarified that any future consultations would be to prepare for the October meeting and not to make final decisions.

11.2 Communication from Argentina

11.18. Argentina thanked the Chair for his well-reflected report and stated that document G/SPS/W/285 reaffirmed Argentina's position from the March meeting and stressed the need to agree on a definition, given the numerous harmful effects of private standards.

11.19. Ecuador expressed support for the document and reminded Members that any standards should be compatible with the SPS Agreement.

11.20. Belize stressed the importance of advancing work to fulfil the mandate to develop a definition for private standards and called on Members to be as realistic as possible. Belize suggested revisiting the approach to the whole process as some Members had expressed more concerns the more specific the definition had become.

11.21. Cuba thanked Argentina for the document and urged Members to reflect on this issue considering its importance for developing countries.

11.22. Brazil, Egypt, India and Nigeria also expressed their support for the document and urged Members to continue discussing the issue.

12 OBSERVERS

12.1 Information from observer organizations

12.1.1 ISO (G/SPS/GEN/1416)

12.1. ISO drew attention to its report in document G/SPS/GEN/1404 and highlighted a new brochure on using ISO standards to support public policy initiatives. A conference on this topic, co-organized with IEC and UNECE, will take place in November in Geneva, Switzerland.

12.2 Requests for observer status

12.2.1 New requests

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

12.2.2 Outstanding requests

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

12.4. Jamaica enquired whether a method or criteria existed to evaluate requests for observer status. The Secretariat confirmed that the Committee had developed criteria and all organizations have submitted rationale. This background information can be found in G/SPS/GEN/121 and its subsequent addenda.

13 OTHER BUSINESS

13.1. India again introduced its document on the need for measures on detection of pesticide residues not registered in the country of import for unimpeded flow of trade (G/SPS/W/284). The purpose of the paper was to put in context the persistent problem faced by exporters from developing countries due to importing countries' application of limits of detection (LoD) for these pesticides. India had observed that LoD were being applied even for substances where Codex standards existed. India noted that the disciplines contained in Articles 2, 3 and 5 of the SPS Agreement applied in this case, and provided examples where the application of LoDs had a trade impact. The document concluded by suggesting certain steps in dealing with this issue. India encouraged Members to take the paper into consideration and welcomed further discussion at the next Committee meeting.

13.2. Argentina, Belize, Brazil, Dominican Republic, Egypt, Jamaica and South Africa welcomed the document and looked forward to continuing discussions at the next Committee meeting as an agenda item.

13.3. The United Sates thanked India for the document and requested more time to reflect on the content as well as where it best fit on the agenda. Chile expressed similar sentiments and suggested addressing the topic under Agenda Item 10 or as an informal thematic session.

13.4. Chinese Taipei clarified that the depiction of its measure by India in G/SPS/W/284 on page 3, paragraph G was inaccurate and the actual measure was aligned with the Codex standard.

13.5. New Zealand thanked India and supported the need for discussions. New Zealand looked forward to discussing the paper internally as New Zealand featured heavily in the document itself.

13.6. India thanked Members for supporting the document and welcomed inclusion of this topic as an official agenda item. Several suggestions were made by delegations on the best place in the agenda, or the possibility to discuss this during an informal meeting prior to the October regular meeting.

14 DATE AND AGENDA FOR NEXT MEETINGS

14.1. The next regular meeting of the Committee is tentatively scheduled for 15 and 16 October 2015 with a special workshop on transparency scheduled for 12-13 October 2015.

14.2. The Committee agreed to the following tentative agenda for its upcoming regular meeting:

1. Adoption of the agenda
2. Information on relevant activities
   a. Information from Members
   b. Information from the relevant SPS standard-setting bodies
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.15
4. Operation of transparency provisions
   a. Report on Workshop on Transparency
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 observer organizations
9. Review of the Operation and Implementation of the SPS Agreement
   a. Fourth review
      i. Adoption of the Fourth Review
      ii. Adoption of the Catalogue of Instruments
10. Monitoring the use of international standards
    a. New issues
    b. Issues previously raised
11. Concerns with private and commercial standards
12. Observers
    a. Information from observer organizations
    b. Requests for observer status
       i. New requests
       ii. Outstanding requests
13. Chairperson's Annual Report to CTG
14. Other business
15. Date and agenda of next meeting

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

- For submitting ideas for the programme of the Workshop on Transparency to be held in October: **Friday, 21 August 2015**;
- For identifying new issues for consideration under the monitoring procedure and for requesting that items be put on the agenda: **Thursday, 1 October 2015**;
- For the distribution of the Airgram: **Friday, 2 October 2015**.