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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 27-28 OCTOBER 2016

NOTE BY THE SECRETARIAT[1]

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

1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its 67th regular meeting on 27-28 October 2016. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/SPS/12/Rev.1).

2 INFORMATION SHARING

2.1 Information from Members on relevant activities

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

2.1. Japan provided an update on the developments since the last Committee meeting, reporting on the most recent data from its food monitoring exercise, its ongoing efforts to ensure food safety, and the latest assessment by the International Atomic Energy Agency (IAEA) in August 2016, which indicated that the situation remained stable. Japan recalled that all the test results in 2015, with the exception of wild animal products, had been beneath the Codex guideline level. In addition, the assessment by the IAEA had confirmed that Japan's food supply chain was under the effective control of the relevant authorities. Japan expressed its appreciation to French Polynesia, Israel, Nepal, New Caledonia, Qatar and the United States for either lifting or easing import restrictions. Lastly, Japan welcomed visits from Members still maintaining import restrictions to better assess the current food safety situation as well as to benefit from a guided tour of the plant site.

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

2.2. The Russian Federation provided an update on the spread of African swine fever (ASF) in Eastern Europe. It reported that since the last Committee, ASF had been introduced into the Republic of Moldova and was spreading across the Eurasian region as well as in Belarus, Estonia, Latvia, Lithuania, Poland, the Russian Federation and Ukraine, according to OIE data. The Russian Federation stressed that there was no cure for ASF, one of the most dangerous animal diseases. It noted that thousands of domestic pigs and wild boars had so far been destroyed, despite all quarantine measures taken since 2007 when ASF was initially detected in Georgia. Farmers had received financial compensation amounting to hundreds of millions of dollars. Additionally, live animal exporters had suffered losses due to trade restrictions. The Russian Federation indicated that the most dangerous route of transmission of infection was through illegal transboundary movement of contaminated products. A global framework for transboundary animal diseases was needed to improve transparency and data exchange between veterinary services of affected countries in view of controlling the disease spread.

2.1.3 Ukraine – New import requirements on live animals, food products of animal origin, and other products

2.3. Ukraine provided information on its new import requirements notified as G/SPS/N/UKR/111. An unofficial translation was available in line with the transparency proposal by Chile and the European Union. The new regulation, which covered live animals; reproductive materials of animals; food products of animal origin; and products not intended for human consumption, including feed, would likely come into force in the second quarter of 2017. Ukraine finally highlighted its efforts to strengthen its SPS regulatory framework and improve transparency.

2.1.4 Australia – Update on BSE country assessments

2.4. Australia provided information on the BSE food safety risk assessment completed for Sweden. The assessment undertaken by Food Standards Australia New Zealand (FSANZ) indicated that Sweden had in place comprehensive and well established controls to prevent the introduction and amplification of the BSE agent as well as contamination of the human food supply with the agent. Sweden was recommended for category 1 BSE status, which meant that heat treated and shelf stable beef products originating from cattle born, reared and slaughtered in Sweden could be exported to Australia once certification had been agreed.

2.1.5 Peru - Guide to improve the safety of mahi-mahi exports (G/SPS/GEN/1518)

2.5. Peru informed Members of the work being done by the National Fisheries Health Service (SANIPES) to improve the safety of Peruvian exports of mahi-mahi. SANIPES was established in 2013 to strengthen the fisheries health authority by enhancing its technical and scientific competitiveness. There was ongoing coordination between SANIPES and the US FDA to facilitate marketing of mahi-mahi in the United States. SANIPES had developed a guide for the cooling of mahi-mahi products, good practices for conservation, and rating tables for the evaluation of freshness. Peru invited Members to direct any questions on the guide and the rating tables to the officials whose details could be found in G/SPS/GEN/1518.

2.1.6 Canada – Update on safe food for Canadians regulations (G/SPS/GEN/1524)

2.6. Canada recalled the work undertaken since 2012 to modernize its food safety framework. Canada informed Members that after several years of consultation it planned to introduce the proposed Safe Food for Canadians Regulations (SFCR) for domestic and international consideration. The draft SFCR would be notified in the coming months and Members would be provided with a 90-day comment period. Canada intended to hold an information session in Geneva on the proposed regulations in early 2017. Additional information was available in G/SPS/GEN/1524.

2.2 Information from OIE, CODEX and IPPC on relevant activities

2.2.1 CODEX (G/SPS/GEN/1520)

2.7. Codex provided an overview of recent and upcoming events. In particular, it reported on the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF) held the week before, in Houston, United States. The CCRVDF had forwarded its maximum residue limits and risk management recommendations for some veterinary drugs to the Codex Alimentarius Commission for final adoption at its next session in 2017. Maximum residue limits for certain drugs would be considered in 2018. More information is contained in G/SPS/GEN/1520.

2.2.2 OIE (G/SPS/GEN/1519)

2.8. The OIE provided an update on developments in standards for terrestrial and aquatic animals and capacity building activities (G/SPS/GEN/1519). Since the last Committee meeting, its four specialist commissions had met to review or develop standards. The full reports of the meetings would be available on the OIE website by the end of November 2016. Comments were to be submitted by the deadlines provided in each report for consideration at a February 2017 meeting. Furthermore, the OIE highlighted its capacity building activities, including the OIE PVS Pathway Programme and the Regional Focal Point Seminars. The OIE highlighted that most developing countries had received a PVS evaluation. In addition, Australia had received a PVS evaluation in November 2015, Japan in 2016 and Canada would receive it in 2017. Finally, the OIE was planning to review the PVS Pathway Programme next year.

2.2.3 IPPC (G/SPS/GEN/1529)

2.9. The IPPC provided an update on its recent activities (G/SPS/GEN/1529). In relation with its efforts to establish an International Year on Plant Health in 2020, the IPPC would implement five thematic years. The theme for 2016 was "Plant Health and Food Security" and for next year it would be "Plant Health and Trade Facilitation". An initiative to determine how the IPPC could contribute to the UN Sustainable Development Goals had also been implemented. As a result of the 2014 IPPC Secretariat Enhancement Evaluation, a new oversight body for implementation of standards would be established in 2017. The IPPC highlighted its ongoing collaborative work with Codex and OIE, and recalled that the upcoming CPM would be held in Incheon, Republic of Korea, outside of Rome for the first time.

3 SPECIFIC TRADE CONCERNS

3.1 New issues

3.1. Before the adoption of the agenda, Mexico withdrew its new Specific Trade Concern regarding Saudi Arabia's restrictions on honey imports which had been included on the proposed agenda for the meeting, indicating that good progress had been made in bilateral talks.

3.1.1 EU MRLs for bitertanol, tebufenpyrad and chlormequat (G/SPS/N/EU/168) - Concerns of India

3.2. India expressed concerns regarding proposed amendments to Regulation (EC) No. 396/2005 to change maximum residue levels (MRLs) for bitertanol, tebufenpyrad and chlormequat in certain products. India had provided detailed comments on the proposed regulation intended to come into effect in February 2017. India highlighted its particular concern with the lowering of MRLs for chlormequat in table grapes from 0.05mg/kg to 0.01mg/kg, which would seriously impact Indian grape exports to the European Union, which accounted for almost 25% of India's grape exports. India further noted that according to a European Food Safety Authority (EFSA) study conducted in 2010, residue concentrates of chlormequat in table grapes were safe up to 1.06mg/kg. Codex had not fixed any acceptable daily intake limits for chlormequat in table grapes, but had recommended an MRL of 0.05mg per kg. India further highlighted that other countries had set higher MRLs for chlormequat in table grapes, such as Australia and New Zealand at 0.75mg/kg or Japan at 0.10mg/kg. The scientific reference included in the EU notification did not provide any specific recommendation on grapes. Thus the proposed lower MRL had no scientific justification, was not based on any relevant international standard and would have negative trade effects.

3.3. India further expressed its concern with respect to residue levels for bitertanol in wheat, set at a default level of 0.01mg/kg from 0.05mg/kg. India questioned the rationale behind the European Union decision of undertaking a detailed assessment on the Codex limit. India requested the European Union to provide relevant scientific justification in light of Articles 5.4 and 5.8 of the SPS Agreement, and to maintain the current MRLs. India welcomed bilateral discussions.

3.4. The European Union recognised Indian producers' and regulatory bodies' efforts to comply with the existing MRL of 0.05mg/kg for chlormequat. Since 2010 table grapes from India had complied with this MRL. For the time being, the European Union had decided to maintain the current MRL of 0.05mg/kg in grapes because the manufacturer had submitted new trial data supporting this level, and to review it on the basis of the 2017 JMPR evaluation aimed at establishing a Codex standard. In light of the above, the European Union considered that this concern of India had been addressed. The European Union explained that the default value of 0.01mg/kg for bitertanol resulted from a recommendation of the EU reference laboratories and not from EFSA's reasoned opinion. EFSA had highlighted that the lack of information on the toxicological relevance of certain impurities prevented the assessment of Codex levels and the inclusion of such levels in the EU legislation. The same issue had been raised in a previous EFSA opinion in 2010. The European Union informed India that it could make a request for an import tolerance under Article 6(4) of Regulation (EC) No. 396/2005 and submit additional data that would support re-establishing an MRL and alleviate any concerns about the metabolites. The European Union finally expressed its openness to bilateral consultations.

3.1.2 Guatemala's restrictions on egg products - Concerns of Mexico

3.5. Mexico expressed its concern on Guatemala's restrictions on egg products. Mexico considered the measure to be in violation of fundamental principles of technical and scientific justification based on international standards, principles enshrined in the SPS Agreement and the free trade agreement between Mexico and Central America. Mexico noted its preference to promote dialogue; however, these efforts had not been successful. Guatemala continued to impose import restrictions on Mexican egg products even though its legislation allowed imports of heat treated avian products. Mexico indicated that its egg products exports were significantly affected by the restrictions and requested that Guatemala withdraw its measure in order to resume egg products trade between the two countries.

3.6. Guatemala replied that in October, Guatemala had informed Mexico that it was currently conducting a risk assessment and would contact Mexico upon the conclusion of the analysis.

3.1.3 Indonesia's food safety measures affecting horticultural products and animal products – Concerns of the Philippines

3.7. The Philippines expressed its concern regarding Indonesia's food safety measures affecting horticultural products and animal products, and in particular with Ministry of Agriculture (MoA) Regulations No.88/2011, No. 42/2012 and No. 04/2015. The Philippines regretted that no progress had been made through all bilateral avenues tried so far. The Philippines considered the regulations to be in violation among others of Articles 2.2, 4, 5.4 and 5.6 of the SPS Agreement as well as the national treatment principle under Article III of GATT 1994. The measures had no scientific justification and were more trade restrictive than necessary to achieve Indonesia's appropriate level of protection (ALOP). Exports of horticultural exports had been growing until 2011, when the measures were first imposed, without posing any serious health or safety risks. Furthermore, Indonesia's closure of its main entry port in Jakarta in 2012 heavily impacted on Philippine exports of bananas and shallots. Indonesia had unduly delayed the processing of the Philippines' applications for recognition of its food safety control system for horticultural products, laboratory accreditation and accreditation for animal products, despite follow-up in writing and bilateral discussions on numerous occasions. Indonesia's latest measures under MOA Regulation No. 04/2015 further overshadowed efforts to recognise the Philippines' food safety control system. The Philippines recognized that some measures, currently being reviewed by dispute settlement panels, might not be covered by the SPS Agreement, but noted that the combined effect of both SPS and non-SPS measures made Indonesia's system more potently trade restrictive. The Philippines expressed its appreciation for Indonesia's availability on the margins of the current Committee meeting and remained committed to continue bilateral discussions to resolve this issue.

3.8. Indonesia indicated that some regulations at issue were no longer in force. A revision of MoA Regulation No. 88/2011 had been notified (G/SPS/N/IDN/94) and implemented in February 2016. The regulation set out food safety control systems recognition and laboratory registration requirements to export fresh foods of plant origin to Indonesia. Since 2012, the Philippines had submitted applications for food safety recognition systems for bananas, shallots and pineapples and had applied for registration of its food safety testing laboratory in June 2016. However, Indonesia was still waiting for additional data necessary for conducting the risk assessment. The requirements applied to all WTO Members and, so far, 26 countries had been granted access to the Indonesian market. Indonesia thanked the Philippines for the explanations received during their bilateral talks in the margins of the Committee, and expressed its willingness to continue bilateral discussions towards finding a solution.

3.1.4 US seafood import monitoring programme - Concerns of China

3.9. China raised its concern regarding the US Seafood Import Monitoring Program (SIMP), published by the National Oceanic and Atmospheric Administration (NOAA) in February 2016. China praised US efforts to combat illegal, unreported, and unregulated (IUU) fishing and seafood fraud. However, China considered the proposed rule to be inconsistent with a number of key principles of the WTO such as transparency, national treatment, scientific justification and least trade restrictiveness. China urged the United States to notify the measure as soon as possible, and to provide Members with at least a 60-day comment period and a 6-month transition period. China also noted that US traceability requirements and catch certification for at-risk species applied only to imported fish and fish products, and not to domestic products. Additionally, the measure was not based on science as it would finally apply to all imported aquatic products, regardless of risk levels, and making no distinctions between aquaculture products and wild capture fisheries. China indicated that the regulation required more information than necessary and overlapped with other rules, including the International Trade Data System (ITDS), which increased costs and generated unnecessary market access delays. China added that the rule would do little to combat illegal fishing. China requested more information and expressed its availability to work closely with the United States with a view to combating IUU fishing and seafood fraud in a WTO consistent manner. China looked forward to seeing the US notification for this measure.

3.10. Chile shared China's concern indicating that it would follow this issue closely and hoped that the measure would be notified soon.

3.11. The United States noted that this issue did not fall under the SPS Agreement. The objective of the proposed rule was to combat IUU fishing and seafood fraud. The proposed rule would require importers to report certain information upon entry into the United States to help trace back the shipment to the catch or harvest point. The United States further explained that the rule had been developed through a transparent process of public notice and comments involving domestic and foreign stakeholders, as well as exporting authorities. The NOAA had received many comments, including from China, which were being considered in the first phase of the programme covering a reduced list of species. The rule would eventually cover all seafood species in subsequent phases. The United States finally highlighted its common objective with China to combat IUU fishing and seafood fraud and expressed its interest in a continued engagement on this issue.

3.1.5 China's import ban on fresh mangosteen - Concerns of Indonesia

3.12. Indonesia expressed its concern regarding China's import ban on fresh mangosteen fruit since February 2013. Indonesia recognized China's right to adopt measures to protect human, animal and plant health, but considered the measures to be more trade restrictive than necessary and discriminatory. Indonesia reported that it had taken actions to resolve the alleged pest and heavy metal contamination detected on its mangosteen fruits. Such actions included field and laboratories verification, as well as negotiations with China on its proposed export protocol. Indonesia further expressed its appreciation to China for a field verification visit held in August 2014, and hoped to receive the report soon. Indonesia requested that China comply with Articles 2.3, 5.6, 7, 8 and Annex C (1a) of the SPS Agreement in order to resume mangosteen trade between the two countries, and expressed its willingness to continue bilateral engagement.

3.13. China stated that in 2013 it had detected quarantine pests and measured levels of cadmium above the level specified in its standard in Indonesian's mangosteen exports. China said that despite several bilateral consultations, the two sides had not been able to agree on the protocol issues yet. China urged Indonesia to continue to work closely with the competent authority of China with a view to finding a mutually satisfactory solution to the pending issue.

3.2 Issues previously raised

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

3.14. Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports in response to the nuclear power plant accident. Japan recalled that there had been no easing of China's import restrictions since June 2011, although an increasing number of WTO Members had already lifted or eased their import restrictions on Japanese foods. China's import ban was still imposed on all types of food and alcoholic beverages from ten Japanese prefectures and on various types of food products from the remaining prefectures. Japan expressed its particular concern with regard to the ongoing risk assessment by China. Japan questioned China's endless risk assessment process, which seemed to be continuously held at the stage of considering the latest data submitted. Japan expressed its willingness to invite the relevant Chinese authorities to assess first-hand the current food safety situation and visit the Fukushima Daiichi Nuclear Power Plant.

3.15. China thanked Japan for providing information on the latest developments of its food safety controls from July and September 2016. China was currently reviewing the updated information and would adjust its measures on the basis of the risk assessment results.

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

3.16. Japan reiterated its concerns regarding the import ban imposed by Chinese Taipei on food from five Japanese prefectures in response to the nuclear power plant accident. The ban was not scientifically justifiable as radioactive residues exceeding the regulatory limits were only found in certain types of food. Japan recognized Chinese Taipei's commitment to bilateral discussions and expressed its willingness to continue cooperating with Chinese Taipei towards a satisfactory solution.

3.17. Chinese Taipei recalled that a temporary suspension of inspection applications for food imported from the Fukushima and other four nearby prefectures was in place since March 2011. Food from other prefectures was inspected for radionuclide residues at port of entry on a batch-by-batch basis. In May 2015, Chinese Taipei amended its measures to require radioactive examination reports for specific food products from several prefectures and adopted flexible and pragmatic methods to allow safe trade of Japanese food products. Chinese Taipei remained concerned with radionuclide contaminated water and materials, which continued to leak from the plant site. Chinese Taipei highlighted that the measures implemented, including import restrictions and pre-test certificates, were necessary to address public health concerns. Increased trade figures demonstrated that consumers were regaining confidence in the safety of Japanese food products. Chinese Taipei reiterated its commitment to continue monitoring the effectiveness of Japan's radionuclide management system and ensure a comprehensive evaluation of its relevant surveillance and control measures. Chinese Taipei had appointed an inter-ministerial team to work on this issue, including risk communication, and looked forward to further cooperating with Japan.

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

3.18. Argentina reiterated its concern with the EU's revised proposal for categorization of compounds as endocrine disruptors (EDs), notified in G/SPS/N/EU/166. The EU proposed hazard-based approach would not efficiently assess risks posed by ED substances to humans and the environment. In addition, MRLs for phytosanitary products already approved following a rigorous European Food Safety Authority risk assessment would now be regulated under a mere risk identification approach inconsistent with Codex standards. Argentina further noted that the proposed hazard-based approach was incomplete as it did not include the essential elements of risk characterisation, such as potency, severity and reversibility of effects. Such elements were necessary to assess risks to humans or the environment according to the SPS Agreement and the World Health Organization/International Programme on Chemical Safety (WHO/IPCS). Argentina considered that the impact assessment option selected by the European Commission would have significant agriculture, food safety, trade and socio-economic impacts. Argentina hoped import tolerance derogations for agricultural products would be applied in a transparent and non-discriminatory manner, while avoiding technical obstacles to trade. Argentina requested the European Union to take countries' comments into account before adopting the measure. Finally, Argentina thanked the European Union for the information session held the day before, welcoming any additional information on the proposal.

3.19. China shared the concerns, and highlighted that in June 2016 13 Members had sent a joint letter to the European Union on this matter. China thanked the European Union for notifying the proposed regulation, and for holding an information session and bilateral consultations before the Committee meeting. Considering the potential significant impact of the measure, China requested that the European Union fully fulfil the transparency obligation and provide at least a six-month transition period between adoption and implementation. China asked the European Union to provide replies to the comments submitted and urged it to consider assessment of actual exposure and potency factors, rather than substances themselves in its measure as well as to apply existing Codex standards to minimize trade impacts.

3.20. The United States expressed its appreciation for the EU information session and for the extension of the comment period for the ED proposals. The United States raised concerns with two EU policies related to the approval and use of plant protection products; namely the EU's recent proposal on EDs published on 15 June 2016 (G/SPS/N/EU/166); and the reauthorisation of pesticides under Regulation No. 1107/2009. First, the United States expressed its concern that the EU's proposed approach to EDs would impose unnecessary trade restrictions and asked the European Union to provide the scientific evidence used to justify the establishment of definitive criteria to identify EDs. Neither Regulation No. 1107/2009 nor the impact assessment published on 15 June identified the scientific evidence considered in the development and selection of EDs "cut-off" criteria. The United States welcomed a revised proposal, soon to be available, that might clarify questions on the derogation process and the application of the WHO/IPCS EDs definition. The United States hoped that the updates for the derogation process would define the meaning of "negligible risk", include the important aspects of exposure and potency, and follow a risk-based approach under which all substances designated as EDs under the WHO/IPCS definition would be eligible to be registered provided they met the "negligible risk" standard. The United States further hoped that these changes would address its previous questions regarding other

substances that trigger "cut-off" criteria such as carcinogenic, mutagenic or toxic for reproduction (CMR) substances. The United States further stressed the importance of non-discrimination in the implementation of this measure, and requested that the European Union implement guidelines and processes for risk assessment that were consistent for all substances, in addition to pursuing a transparent and predictable approach throughout the risk management process. The United States noted two key questions that had previously been raised regarding these proposals and were yet to be addressed: (i) the possibility to file an application for an import tolerance, based on a risk assessment, for a substance designated as an ED and not authorized under EU regulation; and (ii) the list of substances the European Union expected to be identified as EDs under the WHO/IPCS definition as well as specific information regarding when and how potency and exposure would be taken into consideration.

3.21. Second, the United States again expressed its concerns with EU Regulation No. 1107/2009. The United States reiterated that in the European Union, original approvals appeared to be for ten years, while renewals were for 15 years. Substances approved before 2009 would therefore be scheduled to be renewed in 2019, and the process would begin in 2016. The United States also highlighted that under Regulation No. 1107/2009, pesticides approved for several years and determined to be safe under a risk-based system would no longer be subject to a risk assessment if a pre-determined hazard criterion was identified. The United States asked the European Union to explain how the hazard-based "cut-off" criteria would be applied in practice to substances undergoing the renewal process. The United States also raised concerns with the important trade impact that the regulation might have in the future, and requested that the measure be based on a risk assessment. The United States finally highlighted the need for close collaboration with trading partners and expressed its commitment to continue working with the European Union on this issue.

3.22. Australia, Brazil, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Egypt, Guatemala, Indonesia, Kenya, Mexico, New Zealand, Paraguay, Chinese Taipei, Thailand, Uruguay and Viet Nam shared the concerns expressed by Argentina, China and the United States. They highlighted, *inter alia*, the significance of the issue and the potential negative trade impact while also recognising the European Union's right to protect its citizens. They expressed concern over the hazard-based approach and called on the European Union to adopt a risk-based approach. They all expressed their appreciation to the European Union for the information session held the day before.

3.23. The European Union referred to the information session that had taken place prior to the Committee meeting and where experts from the European Commission had provided detailed information and answered questions from WTO Members on all the elements of the proposals. The European Union informed the Committee that a compilation of the responses to comments received would be circulated and noted that regarding implementation and practical consequences, uncertainty remained as to if and when the proposal would be adopted. The European Union would continue to be as transparent as possible on the matter, and take proportionate and appropriate decisions in compliance with international obligations. The proposals were going through the relevant regulatory procedures and the European Union would consider all the comments received.

3.2.4 Regulation of the European Parliament and of the Council on Novel Foods - Concerns of Peru (No. 238)

3.24. Peru recalled its concern regarding the new EU Regulation No. 2015/2283 on novel foods, which like its predecessor Regulation (EC) No. 258/97, restricted the entry into the European market of traditional biodiversity products not marketed in the European Union before 15 May 1997. Peru considered both regulations not to be based on scientific evidence and a risk assessment and therefore to be inconsistent with Articles 2, 5.1 and 5.2 of the SPS Agreement. As an example, Peru invited Members to review the case of products of stevia, a species native to the tropical region of South America used as a sweetener, described in G/SPS/GEN/1526. In particular, Peru urged the European Union to consider its comments on the implications of implementing its regulation, which constituted an unjustified barrier to trade with negative impacts on small farmers and producers.

3.25. Colombia recognized the European Union's right to protect its population, but highlighted the burden and high costs its small producers would face in complying with the regulation. Colombia urged the European Union to take into account the concerns raised. Costa Rica

highlighted that novel foods were a tool for fostering rural development and SMEs growth in countries largely depending on trade of biodiversity products. Guatemala also shared the concerns, and noted that this type of measures discouraged trade of biodiversity products. The measure jeopardized Guatemala's free trade agreements negotiated with the purpose of diversifying its exports. Ecuador requested that the European Union provide the necessary scientific justification for the regulation. Ecuador also highlighted the need to consider special and differential treatment as well as technical cooperation activities.

3.26. The European Union recalled that the new regulation had been adopted and would apply from January 2018. Implementation rules on administrative and scientific requirements for applicants would be finalized by the end of 2017 and duly notified under the SPS Agreement. In addition, two European Food Safety Authority guidance documents for applicants seeking authorisation and for notifications of traditional foods would be published in November. The guidance documents had been subject to public consultation and had been discussed with stakeholders, including non-EU countries, in April 2016. Technical reports on the outcome of these consultations would be published. The European Union was confident that the new regulation was consistent with the SPS Agreement. As it was not possible to anticipate potential risks associated with novel foods or processing methods in one comprehensive risk assessment, the high-level of food safety pursued in the European Union could only be achieved through a pre-market approval scheme, in accordance with Article 8 and Annex C of the SPS Agreement. The European Union considered the new regulation to be in line with special and differential treatment, as it provided for a simplified and faster procedure for traditional biodiversity products, including stevia. The European Union indicated that Peru's application on stevia had not been approved due to lack of information. Concerning the 25-year period of consumption, it translated to roughly one generation, which was on the lower end of the recommended spectrum. The European Union remained committed to continue working with Members and addressing their concerns on this issue.

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

3.27. China again raised its concern regarding the US regulation on mandatory inspection of catfish and catfish products, which transferred the regulatory food safety oversight of catfish from FDA to the Food Safety Inspection Service (FSIS) of the USDA and accorded unjustified discriminatory treatment to siluriformes and their products. China drew Members' attention to document G/SPS/GEN/1527 which provided further information on this issue. The US regulation had taken effect on 1 March 2016 and applied terrestrial animal meat inspection procedures to siluriformes (including catfish) and derivate products. China stated that the regulation was not based on scientific principles or on a risk assessment. Referring to the results of various US government reports, China argued that catfish did not pose a higher risk compared with other aquatic products, and that the effectiveness of the FSIS siluriformes inspection programme was uncertain. China stated that the US regulation failed to respect international norms and imposed unnecessary restrictions to trade, causing important financial losses to its industry and affecting tens of thousands of jobs. China again urged the United States to consider the comments it had provided and bring its measure into full compliance with the provisions of the WTO Agreements.

3.28. Viet Nam shared China's concerns and also argued that the measure was not based on scientific research or on a risk assessment. Viet Nam declared that it had exported catfish to the United States for nearly 20 years without raising any food safety concerns, and that the 2012 USDA FSIS risk assessment report had concluded that "illness from catfish [was] an uncommon event." Viet Nam indicated that it felt encouraged by the US Senate action on 25 May 2016 to pass a resolution to overturn the USDA programme, as well as the letters recently signed by the majority of the House of Representatives to support the Senate resolution. Viet Nam expected that the US administration would take similar steps and remove the programme, which otherwise would fail to comply with the SPS Agreement.

3.29. Thailand echoed the concerns expressed by China and Viet Nam, recalling that the programme was not supported by a risk assessment and violated various articles of the SPS Agreement.

3.30. The United States reiterated its commitment to working with its trading partners during the implementation of the measure in order to ensure a smooth transition and avoid disrupting imports following the new rule. The United States reminded Members that FSIS had been

conducting outreach events such as bilateral technical meetings and regional implementation seminars. The United States indicated that any Member interested in hosting an educational meeting for their national inspection team could contact FSIS.

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

3.31. The European Union reiterated its concerns regarding the Russian Federation's restrictions on imports of all fishery products from Estonia and Latvia, in place since June 2015. The European Union declared that this ban was inconsistent with various articles of the SPS Agreement as well as with the Russian Federation's WTO accession commitments. The European Union called on the Russian Federation to promptly share the outcomes of the inspections conducted in the summer of 2016. The European Union argued that the withdrawal of some establishments from the auditing list did not, as described by the Russian Federation in previous statements, constitute evidence of non-compliance, but were related to delays in carrying out the audits. The European Union reiterated its call on the Russian Federation to remove the ban while expressing its readiness to cooperate with the Russian Federation in a constructive manner.

3.32. The Russian Federation stated that it was ready to cooperate with the competent authorities from Estonia and Latvia, and recalled that systemic deficiencies in the work of these authorities had led to violation of fishery products safety and given way to the temporary restrictions. The Russian Federation however noted that cooperation was in progress and that a number of entities had been delisted. Re-inspections had been conducted by the relevant authorities of the Eurasian Economic Union members, and had showed that some positive measures had been taken in Estonia and Latvia. However, certain problematic measures relating to the access of dangerous products to the market had not yet been addressed, and the Russian Federation stated that it was waiting for the competent authorities to provide more data. The Russian Federation would inform the Latvian and Estonian authorities about the next steps as soon as it received and considered the relevant data.

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

3.33. The United States noted the importance of the OIE guidelines for highly pathogenic avian influenza (HPAI) to facilitate safe trade, and indicated that the United States would raise a more general concern on the adherence to these guidelines under agenda item 4(e). The United States expressed a specific concern regarding China's HPAI-related restriction on US poultry products, recalling that all HPAI cases in the United States had been successfully resolved in accordance with OIE guidelines since 22 April 2016 and that the United States was free of HPAI since June 2016. The United States noted that it had a strong surveillance and response programme for HPAI. The United States had engaged with China on numerous occasions: providing regular updates on the detection of HPAI, proposing a protocol outlining the management of poultry products if HPAI were to be detected, and inviting technical experts from China to review USDA's HPAI surveillance programme. In light of the HPAI-free situation, the United States called upon China to lift all remaining HPAI-related measures against US poultry products, and promised to continue to inform Chinese officials about the state of HPAI surveillance.

3.34. The European Union reiterated its concerns regarding China's country-wide bans on several EU member States due to HPAI, recalling that it had on previous occasions encouraged Members to recognize OIE standards and efficiency of the EU's regionalization measures. The European Union noted that China had previously declared that it applied regionalization for low pathogenic avian influenza but not HPAI, and that bans might be lifted after a risk assessment which would only start once risks were under control. The European Union disagreed with China's previous statement that China's measures were compatible with international standards. The European Union recalled that almost all WTO Members confronted with occasional outbreaks of HPAI implemented regionalization policies in their management of the disease. The European Union further stated that in full transparency it had provided to China all the necessary evidence to demonstrate that it had applied the stamping-out policy described in the OIE Code, the existence of HPAI-free areas and that such areas were likely to remain disease-free. The European Union considered that China's decision not to accept zoning in relation with HPAI disregarded the relevant OIE standard, Article 6 of the SPS Agreement and the Panel report of DS430.

The European Union called on China to respect its WTO regionalization obligations and remained open to work with China to find a rapid solution.

3.35. With regards to the EU concerns raised, China noted that the measure had been taken in 2015 in order to prevent the spread of HPAI into China after several EU member States had reported HPAI outbreaks. China indicated that it had been conducting HPAI risk assessments with the collaboration of the European Union and made adjustments to its measures accordingly. China stated that the disease was still present in some EU member States, with most recent reports in France and Italy. China continued to perceive the risk of HPAI in the European Union as high and therefore had to take cautious measures to protect safety of the poultry industry and health of the whole population.

3.36. With regards to the US concerns, China noted that numerous HPAI cases had been found in many US states since December 2014 and that the epidemic still continued in 2016, the latest case having been reported in August. China recognized that both the European Union and the United States had made use of bilateral channels to conduct technical communications, and encouraged both Members to continue these discussions with relevant Chinese authorities.

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

3.37. The European Union reiterated the importance of this long-standing concern, recalling its conviction that BSE-related science was solid and that the relevant OIE standards guaranteed safe trade. On the other hand, the European Union recalled that some WTO Members kept longstanding, discriminatory and unjustified bans in place due to BSE arguing the need for a further (and often too long) assessment before imports could take place, even for commodities (e.g. beef) declared by the OIE as safe. All of this was contrary to various principles of the SPS Agreement and the OIE. On a positive note, the European Union welcomed the recent market access granted by the United States to an additional EU member State, as well as the beginning of exports to China from some EU member States. The European Union urged these and other Members - such as Australia, Malaysia and South Korea - to swiftly proceed in order to ensure that beef from the European Union could be exported and hoped that the backlog of applications submitted by EU member States would soon disappear.

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

3.38. The European Union recalled that since February 2013, the Russian Federation had maintained a ban on imports of pig, beef and poultry meat from Germany, followed by a ban on imports of finished meat and milk products from three German federal states: Bavaria, Lower Saxony and North Rhine Westphalia. These import restrictions had been implemented due to claims by the Russian Federation that German veterinary services had not undertaken proper controls on the exports of such products. The European Union reaffirmed that the restrictions were inconsistent with several provisions of the SPS Agreement. The European Union noted that the German and Russian authorities were working on the issue, and expressed hope that their discussion would result in positive developments. The European Union argued that there was no justification for the restrictions and requested the Russian Federation to promptly repeal these measures. The European Union reaffirmed its willingness to engage in discussions with the Russian authorities.

3.39. The Russian Federation recalled that restrictions had been imposed on certain German export products following the results of inspections carried out between 2012 and 2015, which revealed non-compliance of these products with Russian SPS requirements. The safety guarantee for the importation of these products to the Russian Federation had not yet been confirmed. The Russian Federation recalled that its Rospotrebnadzor had been involved in developing a manual for inspections containing Eurasian Economic Union (EAEU) requirements. The Russian Federation indicated that this manual had been sent to Germany for comments and expected further cooperation with the competent German authorities.

3.2.10 Brazil's measures on shrimp - Concerns of Ecuador (No. 344)

3.40. Ecuador reiterated its concern regarding Brazil's suspension of shrimp imports from Ecuador. This measure was in effect since 2000 and aimed at protecting Brazil from endemic pathologies such as White spot syndrome virus and Yellowhead disease. Both diseases also existed in Brazil. Ecuador emphasized the importance of shrimp exports for its economy, recalling that Brazil had initiated an import risk assessment (IRA) for Ecuadorian shrimp at the beginning of 2011. The first of the four steps of the IRA had only been finalized in June 2013, and the second step had not yet been concluded. Ecuador insisted that it had provided sufficient information to Brazil throughout this time, and noted that in July 2014 a group of technical experts from Brazil had visited various entities in Ecuador. During the last meeting held in July 2016 the Brazilian officials in charge of the technical report recognized that the import risk assessment had exceeded the time usually deemed necessary for such a process. Ecuador recalled that since 2007 a residues and contaminants monitoring plan for all aquaculture establishments had been in place and its shrimp products regularly accessed markets with high SPS standards. Ecuador regretted that despite its bilateral engagement with Brazil on the IRA, half of the process had not yet been concluded after six years, and shrimp exports from Ecuador had been stopped for more than a decade. Ecuador requested that Brazil swiftly provide the timetable for the remaining steps of the IRA, and that the process move forward promptly in order for shrimp exports from Ecuador to regain access to the Brazilian market.

3.41. Brazil responded that in 2015 its health authorities requested that specific mandatory adjustment measures be implemented at the level of the Official Veterinary Services and private sector in Ecuador, and that missing information be shared. Brazil indicated that these measures – disease-specific monitoring plans, submission of samples and controls, training of staff and notification – were compulsory to allow imports of Ecuadorian shrimp into Brazil. Brazil explained that a final report with these various requests had been sent to the competent authorities in Ecuador, requesting a structured action plan integrating the mandatory measures within 60 days of receipt. However, Brazil reported it received Note 4-7-0/2015 from Ecuador past the proposed timeline and still there was no compliance with the established requirements, which justified the delay. Brazil stated that it was waiting to receive the structured action plan containing the requested changes at the official veterinary services and private sector levels. The information in this plan would be used to support the risk assessment phase of the IRA. Favourable results in the IRA, along with the finalized adjustment measures, would pave the way for authorizing shrimp imports from Ecuador.

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

3.42. The European Union again raised its concern regarding China's country-wide ban on pork products from Poland due to the outbreak of African swine fever (ASF) in early 2014. The European Union noted the lack of transparency demonstrated by China in this case and expressed concerns about the prospects of China lifting the ban in the future. The European Union noted that it was also an important pig producer and, like China, needed to be prudent regarding animal diseases, such as ASF. The European Union stated that the free flow of pig products on its own market had proven, time after time, that it dealt with animal disease outbreaks in an effective manner – also for exports. The European Union noted that the ban was not in line with the SPS Agreement's principle of regionalization and the OIE's concept of disease-free zones, as confirmed by the panel report in *India – Agricultural Products* (DS430). The European Union argued that China had not provided information on its procedures and anticipated timeline to recognize regionalization and further urged China to provide this information. The European Union declared that the country-wide ban in place was not supported by scientific justification and requested China to provide a risk assessment. The European Union urged China to respect its obligations under the SPS Agreement (namely Articles 3, 5, 6 and 8) and to allow, without further delay, trade of all safe products from disease-free zones.

3.43. China recalled that ASF was one of the most serious infectious diseases for pigs, and that the bans imposed by China on infected countries were based on science and safety considerations. China stated that great importance was attached to this issue and its international obligations were respected. China noted that before the ASF outbreaks, the trade of pig and pig products between China and the European Union had been smooth. In 2016, ASF outbreaks in domestic and wild pigs had been reported in Poland, and as such, China had found it necessary to conduct a further

evaluation of the measures taken by the European Union. China reminded Members that it was the largest pig producer in the world and could be subject to great losses if the disease were to enter the country, and that the ban had been imposed in line with relevant Chinese laws and regulations. China reported that a technical group had been established to deal with this issue, and encouraged the European Union to continue exchanging information within the bilateral setting in order to enhance mutual understanding.

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

3.44. The European Union stressed the importance of the recognition of regionalization measures by trading partners, and in that context reiterated its concern regarding Korea's import restrictions on pork and pork products due to ASF. The European Union recalled that Korea had performed a preliminary risk-assessment and on-site inspection in 2014, followed by the decision in 2015 to perform a risk analysis. The risk analysis had been suspended in August 2016 following FMD outbreaks in Poland. The European Union considered that the risk assessment ought to be pursued, as the European Union had (as always) adapted its regionalization measures in line with OIE standards to ensure that only safe pork products were placed on the EU market and exported to countries outside the European Union. The European Union insisted that it had provided Korea with the necessary information to demonstrate the existence of disease-free areas in Poland and that they were likely to remain so. The European Union therefore urged Korea to respect its obligations under Articles 3, 6 and 8 of the SPS Agreement and to continue and conclude quickly the import approval procedure by continuing the risk analysis, taking into account the information that had been collected before its suspension, limiting the information requests to what was necessary and providing, in a transparent manner, a timeline for concluding the analysis.

3.45. Korea recalled the highly contagious nature of ASF and the lack of a preventive vaccine to halt its spread, while underscoring that it remained ASF-free. Korea confirmed that it had suspended the risk assessment procedure for recognition of ASF regionalization following the 2016 outbreak of various cases in Poland in pig farms. Two additional areas were affected by this outbreak, and Korea declared that the suspension would hold until the newly affected areas recovered their ASF free status in accordance with the OIE standards. Korea notified Poland in October 2016 that it could resume the import risk analysis procedures if the Polish government requested them for specific regions free from ASF. Korea noted that in light of the possible causes of ASF stated by the European Commission Animal Health Regulatory Committee, the Polish government needed to further review its biosecurity measures. Korea hoped that Poland would succeed in controlling the spread of ASF, and indicated that it would cooperate to resume the process soon.

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

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

3.47. The United States shared Mexico's concerns and asked Costa Rica to take steps to recommence issuing phytosanitary import permits since the suspension was not consistent with international standards and guidelines, nor scientifically justified. Guatemala supported Mexico's concerns and expressed a systemic interest in this issue.

3.48. Costa Rica recalled that the suspension concerned measures proposed to minimize the risk of introduction of the avocado sun blotch viroid. A pest risk analysis (PRA) had been notified in July 2015 (SPS/N/CRI/162), providing 60 days for comments. Costa Rica indicated that in November 2015 it had circulated a revised PRA, taking into account some of the comments that it had received during the comment period. However, Mexican authorities had indicated that they disagreed with the findings and measures established by this revised PRA. Costa Rica explained that it had therefore broadened the review of the PRA, including an extensive work at the laboratory level. Costa Rica would notify the final PRA and the definitive measures once this work was completed. Costa Rica reaffirmed its commitment to find a mutually satisfactory solution for both sides.

3.2.14 India's amendment to its import policy conditions for apples; restriction to Nhava Sheva port - Concerns of New Zealand (No. 397)

3.49. New Zealand recalled that this concern had been raised in October 2015 following India's amendment to its import policy. This policy limited the entry of imported apples into India to one port instead of six. New Zealand explained that in January 2016, India had amended its import policy conditions for apples and re-allowed entry into most of its ports. However, two ports were still not permitted to receive apple shipments, including Tuticorin which was the third most used port previous to the amendment. New Zealand queried as to why the two ports remained closed and urged India to allow apples to be imported through them. New Zealand looked forward to further bilateral discussion on this issue in order to pave the way toward a solution.

3.50. The United States echoed New Zealand's concern and noted that it had expressed it in this and other WTO bodies.

3.51. India took note of the concern raised by New Zealand and indicated that the issue was currently being examined in consultations with the administrative ministry and authorities. India expressed its appreciation for the bilateral exchanges with New Zealand and looked forward to continued engagement on this issue.

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

3.52. The United States again raised its concern with the approval delay for products of agricultural biotechnology in China, and sought an update from China on its revised regulation on safety assessment of agricultural GMOs. The United States expressed appreciation for the bilateral dialogue that had taken place between Chinese and US officials, including the US-China strategic and economic dialogue held in Beijing in June 2016, and looked forward to the implementation of concrete action by China to ensure greater transparency and timeliness, and to rely on science-based risk assessment as the only criterion for the evaluation biotech products. The United States noted that China had taken a number of steps forward, including the issuance in July 2016 of its final revision of the regulation and the first meeting of its reconstituted national biosafety committee. The United States indicated that some uncertainty remained with regards to how these steps would translate into shorter and more predictable timelines for biotech approval. The United States also noted with some urgency that some products were still poised for final adoption, and stressed the importance of ongoing communication with these products' applicants. The United States encouraged China to take action on these pending products in a timely manner.

3.53. China stated that it attached great importance to safety management of agricultural GMOs and its GMO safety management had always been based on internationally recognized risk analysis principles and scientific information. China recalled that it had notified its draft amendment to the implementation regulations on safety assessment of agricultural GMOs to the WTO in June 2015. The comments received during the 60-day comment period were taken into careful consideration in finalizing the regulation. After fulfilling the WTO transparency requirements fully, the final rules entered into force on 1 October 2016. This amendment aimed at making the GMO safety assessment procedure more streamlined, transparent and science-based. With regards to the delay of the assessment process, China informed the United States that three out of the 11 applications submitted by the United States had been approved. During the process, China always kept the procedure transparent and had provided the United States with the detailed

reasons for the non-approval of the eight pending applications. China had asked the United States to continue to provide additional necessary information to allow completion of their approval procedures. China noted that after having received the supplementary information requested, its experts were currently conducting assessments. China invited the United States to make use of bilateral mechanisms in order to further discuss this issue.

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

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

4 OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

4.1 Equivalence

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

4.2 Pest- and disease-free areas

4.2.1 Mexico - Recognition of areas free of Classical Swine Fever and BSE

4.2. Mexico informed the Committee that the 84th General Assembly of the OIE (May 2016), it had recognized Mexico as a country free of contagious bovine pleuropneumonia and as a country with negligible BSE risk. Mexico indicated that these recognitions added to the previously-obtained statuses of country free from classical swine fever (CSF), peste des petits ruminants, and foot and mouth disease without vaccination. Mexico expressed its appreciation to Costa Rica for recognizing its status as a country free from CSF and BSE, and to Canada for its recognition as a country free from CSF. Mexico invited all Members to recognize the statuses granted by the OIE.

4.2.2 Mexico – Areas free of fruit flies (G/SPS/GEN/1512)

4.3. Mexico informed the Committee that the central-western region of the municipality of Coatepec Harinas in the State of Mexico was declared as an area free of fruit flies of the quarantine-significant genus *Anastrepha*.

4.3 Operation of transparency provisions

4.3.1 Update from the Secretariat on the modernization of the SPS IMS and NSS

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

4.5. The Secretariat recalled that the UNDESA ePing toolkit project for accessing SPS and TBT notifications and alerts had been presented during the Workshop on Transparency in October 2015. The WTO Secretariat had been collaborating with UNDESA and ITC to build on the existing SPS/TBT notification alert system, and a tripartite MOU had been signed. The alert system would be formally launched on 8 November during the TBT Committee meetings, with hands-on training sessions being held in the margins of the TBT Committee. The ePing application could be publicly accessed at http://www.epingalert.org.

4.6. Regarding the SPS tools, the Secretariat reminded the Committee that an update had been provided during the October 2015 transparency workshop on the two-phase IT project launched in 2015, aimed at enhancing the SPS IMS and SPS NSS tools. In phase I, the new SPS NSS had been developed and tested by a pilot group of volunteer Members. Phase II, which had begun in early September 2016, focussed on the SPS IMS and the same pilot group was invited to test it along with a few new added volunteer Members. The pilot group in phase II was asked to test both the IMS and NSS applications in order to verify their inter-operability, as well as the functioning of the new IMS. The Secretariat thanked all Members who tested the platforms and provided helpful comments for the further development of the tools. The Secretariat shared its hope that the new platforms would be launched before the end of the year, once the pending issues relating to certain specific functions, translations and design aesthetics were solved. The Secretariat provided a preview of the new IMS and NSS platforms through a live demonstration.

4.7. The European Union congratulated the Secretariat for the work and efforts it had put in the conception and development of the new platforms. The European Union asked if graphs of notifications or STCs by individual Members could be obtained by using the graph tool function. The European Union underlined that, if feasible, country-specific graphing functions would be of great value.

4.8. The Secretariat explained that no such option existed as of yet, but it could bring the suggestion forward to the developers. The Secretariat was in the process of developing additional graphs for notifications and comments such as these would be very useful.

4.9. Colombia requested more information on the Secretariat's outreach and training plan for Members on the new SPS IMS and SPS NSS.

4.10. The Secretariat explained that various training programmes would be organized at the regional and national levels, as well as in Geneva. The Secretariat also planned to update the step-by-step manual with the possible help of New Zealand, as had been offered during the Workshop on Transparency in October 2015. Hands-on sessions on the margins of the March Committee meeting could also allow delegates to familiarize themselves with the new tools and to pose questions. The Secretariat reminded the Committee that the new system would be much more user-friendly than the previous one and would offer more search and analytical functionalities.

4.11. New Zealand indicated that it would follow up with colleagues in capital regarding the update of the step-by-step manual.

4.3.2 Transparency overview (G/SPS/GEN/804/REV.9)

4.12. The Secretariat presented some key numbers from the annual transparency overview for the period from 15 September 2015 to 15 September 2016 (G/SPS/GEN/804/Rev.9). During this period, 1,453 notifications had been submitted. The number of notifications in the past year indicating existence of an international standard constituted 45% of regular notifications, and out of these, 80% indicated that the measure conformed to the relevant standard. For emergency notifications, these rates were significantly higher, at 97% and 100% respectively. The 60-day comment checkbox option was selected in 45% of regular notifications. Lastly, the Secretariat noted that 71 Members had requested access to the SPS NSS, the online system for submitting notifications, and 40 of these Members had submitted notifications via the SPS-NSS. More than 50% of all notifications were submitted via the SPS NSS.

4.3.3 Proposal by Chile and the European Union (G/SPS/W/290)

4.13. The Chairperson reported on discussions of the proposal on transparency by Chile and the European Union (G/SPS/W/290) held at the informal meeting on 26 October 2016. Chile had taken the floor to introduce the proposal developed as a follow-up to discussions from the Fourth Review and the 2015 Workshop on Transparency. The proposal had outlined three main areas, namely:

- posting unofficial translations of notified regulations in the WTO website;
- holding an informal discussion on notification of trade-facilitating measures in 2017; and
- setting up a platform to share, on a voluntary basis, access to Members' SPS regulatory measures.

4.14. Many Members had welcomed the proposals put forth by Chile and the European Union; some had indicated that they were still studying the document. In general, the proposals had been received as very practical and of great interest.

4.15. Regarding the proposal to develop a platform for sharing unofficial translations of notified regulations, many Members had indicated that this would be very useful, since preparing translations was costly and consumed a large share of the time-period available for comments. This was especially problematic for developing Members. Some Members had highlighted details that still needed to be discussed, particularly around the process of posting translations, the quality of translations, and management of various sites and platforms. The Secretariat had explained the current procedures for submitting supplements to notifications to share unofficial translations, as outlined in paragraph 28 of the Recommended Transparency Procedures

(G/SPS/7/Rev.3). The Secretariat was prepared to work with Members to develop a platform to share unofficial translations, if the Committee requested it, and was interested in ensuring that such a new platform would be used more than the current mechanism.

4.16. Regarding the proposal to hold an informal discussion on how Members identified trade-facilitating measures when notifying, Members had been open to share experiences on this. Some Members had indicated that further discussion would be needed before moving forward on developing a definition or guidance on this topic, but none had been opposed to holding a meeting on this topic in 2017.

4.17. Regarding the proposal to establish a central platform for links to Members' websites containing information on final regulations, certain Members had highlighted the fact that there might be synergies to explore with obligations under the Trade Facilitation Agreement, which contained transparency provisions that went beyond those contained in the SPS Agreement. One Member had indicated that a background note that had been prepared by the Secretariat was useful in this context, but needed to be updated.

4.18. The Chairperson had suggested that the Committee continue the discussion in the regular Committee meeting, with a view to outlining the next steps and possibly moving ahead with some of the proposals. In particular, the Committee might be able to move ahead with the planning of a meeting to exchange experiences on how Members determined which regulations to notify as trade-facilitating measures.

4.19. Chile and the European Union endorsed the Chairperson's report and indicated that they would jointly refine the proposal with the help of the Secretariat in order to provide a more detailed document for circulation to the Committee at a later stage.

4.20. At the request of the Chairperson, the Secretariat indicated that one option was to organize the Workshop on Transparency at the October 2017 meeting and include discussions on notification of trade-facilitating measures as part of one or various sessions. A second option was to organize a thematic session on trade-facilitating measures in the margins of the March 2017 meeting, either in addition to or instead of a Workshop on Transparency in October 2017. The Secretariat explained that for a Workshop on Transparency, it would probably be in a position to finance the participation of 25 to 50 participants from developing and least developed Members.

4.21. The United States expressed support for the proposal made by Chile and the European Union. The United States preferred holding the thematic discussion on trade-facilitating measures in March and a Workshop on Transparency in October 2017.

4.22. China also indicated a preference for holding the information session on trade-facilitating measures as soon as possible. Regarding the sharing of unofficial translations, China indicated its openness to the sharing of unofficial translations but expressed concerns regarding their accuracy, and legal implications this may have in the context of a dispute.

4.23. The Chairperson noted the Committee's agreement to hold a session on trade-facilitating measures in the margins of the March 2017 Committee meeting and a Workshop on Transparency in October 2017. The Chairperson also noted that Chile and the European Union would revise and resubmit their proposals, including that on unofficial translations. The Chairperson invited Members to inform the Secretariat by 31 January 2017 if they were willing to share current practices for identifying trade-facilitating measures at the March 2017 thematic session.

4.4 Special and Differential Treatment

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

4.5 Monitoring of the use of International Standards

4.5.1 New issues

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

4.5.2 Issues previously raised

4.5.2.1 United States – BSE restrictions not consistent with the OIE International Standard

4.26. The United States announced that in August 2016 the USDA Animal and Plant Health Inspection Service (APHIS) had published a Notice in the Federal Register that finalized the recognition of the OIE's negligible BSE risk designation for 14 countries. The United States noted that it was also recognized as negligible risk for BSE by the OIE, yet faced many restrictions on certain meat exports, inconsistent with this status. Some of these trade restrictions had been lifted in the past years and the United States called for the remaining BSE-related import prohibitions to be removed. The United States reminded Members that certain products such as protein-free tallow and blood products were deemed safe by the OIE regardless of a country's BSE risk status, and thus should not be subject to BSE-related import restrictions.

4.5.2.2 United States – HPAI restrictions not consistent with the OIE International Standard

4.27. The United States reminded Members that in April 2016 it had regained country-wide freedom from HPAI consistent with the OIE guidelines. The United States highlighted the importance of the stamping out and surveillance policies encouraged by the OIE guidelines as effective means towards guaranteed eradication of HPAI. Some AI-related restrictions on imports from the United States had been recently lifted, and the United States acknowledged Ecuador, Indonesia, Saudi Arabia and Turkey for their efforts. The United States urged Members to swiftly lift all remaining HPAI-related restrictions on US exports.

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

4.28. The United States reiterated concerns over the fact that some Members had already taken action, or were considering taking action, to no longer apply the Codex MRL for glyphosate. The measures being considered did not appear to be based on international standards or on risk of exposure. The United States recalled that a JMPR report from May 2016 had concluded that glyphosate was "unlikely to be genotoxic" and "unlikely to pose a carcinogenic risk to humans from exposure through diet." It was therefore important to distinguish these findings from that of IARC, which were based on hazard and not risk. The US EPA had recently published its review on glyphosate using all available data and would be seeking external peer review from a scientific advisory panel under the Federal Insecticide, Fungicide, and Rodenticide Act. The US EPA review had classified glyphosate as "not likely to be carcinogenic to humans at doses relevant for human health risk assessment." The US EPA was currently in the process of rescheduling the meeting of the fifth scientific advisory panel to ensure additional epidemiological expertise would be available to the panel. The United States stressed the importance of following international standards and basing SPS measures on risk assessments, recalling Article 12.4 of the SPS Agreement and the direction given in G/SPS/11/Rev.2. The United States invited Members to think of how the Committee could provide greater understanding of how risk-based regulation of pesticides could ensure food safety in trade.

4.29. Argentina, Australia, Brazil, Canada and New Zealand echoed the concern of the United States and stressed the importance of aligning national MRLs for glyphosate with the relevant Codex standard.

4.6 Fourth Review (G/SPS/W/279/Rev.2, G/SPS/W/280/Rev.2)

4.6.1 Report of the informal meeting

4.30. The Chairperson continued to report on the informal meeting that had been held on 26 October 2016.

Catalogue of Instruments

4.31. The Chairperson recalled that in her fax of 25 October, she had informed Members about her consultations. The idea of her consultations had been to separate the discussions around

the Catalogue of Instruments and the Fourth Review, with the former having seemed the easier of the two issues on which to reach consensus. The issue of contention had not been the substance of the Catalogue, but the need to add a disclaimer to clarify its legal status. The Chairperson had felt that the Committee had been very close to a convergence on the basis of language coming from a previous proposal, but it had not been possible to resolve the remaining differences.

4.32. Members had reaffirmed that the substance of the Catalogue had not been at issue. It was a very useful document to the Membership as a whole, and especially for delegates and officials who might be less familiar with the tools and instruments available to resolve SPS-related issues. Certain Members had reported that they had already made use of it. It was only the issue of the disclaimer on which opinions were divided. While some Members had felt that a strong disclaimer denied the value of the work of the Committee and was not needed, others had indicated that they needed such a disclaimer for comfort, to clarify the legal status of the document. Many Members had highlighted that they had demonstrated their flexibility, moving from their initial positions to allow the Committee to move on and adopt this useful document. Some Members had also raised concerns that this impasse was discouraging future work and productive discussions on other issues.

4.33. The Chairperson had concluded by encouraging Members to continue consulting on the margins of the Committee meeting in the hope of a possible solution before the close of the meeting.

Fourth Review

4.34. Regarding the Fourth Review, the Chairperson had opened the floor for any new positions as her consultations had focused only on the Catalogue.

4.35. The United States, in an effort to stimulate discussion, had proposed three options on potential ways forward. The first option was the status quo of remaining deadlocked on the paragraph in question. In the US view, this option was in conflict with decision of MC10 on reinvigorating the work of regular bodies. The second option proposed by the United States was to rewrite the private standards section of the Report of the Fourth Review to reflect the depth of engagement and discussion that had taken place, concisely describing the views and the engagement on all sides. This option could possibly include setting a deadline for completion of the work. The third option was to skip adoption of the Fourth Review altogether and start afresh with the Fifth Review, but on the basis of a new process for conducting and completing the Review. The United States had emphasized that these options were not mutually exclusive and were a starting point for more discussions.

4.36. Members had acknowledged that the discussions had been locked for too long and had welcomed that new ideas and approaches had been put forward. The options proposed by the United States were indeed not mutually exclusive. Certain Members had highlighted that the work already conducted in these areas should not be lost; several Members had put efforts into trying to bridge the differences, and coming up with new proposals. The Committee should bear this in mind in moving forward.

4.37. In closing, the Chairperson had proposed to continue consulting while being mindful of the new options proposed. The Chairperson had also suggested that the Committee could request the Secretariat to provide information on how the TBT Committee conducted its reviews, to further stimulate discussions around new processes for the future.

4.38. Pakistan highlighted the importance of the Catalogue and hoped that there could be convergence on the issue by the next Committee meeting.

4.7 Chairperson's annual report to the CTG

4.39. The Chairperson noted that she would make a factual annual report, under her own responsibility, on the activities of the Committee for consideration by the Council for Trade in Goods (CTG) in mid-November. Members could request a draft report from the Secretariat, and provide comments by 31 October 2016.

5 CROSS-CUTTING ISSUES

5.1 Report on Workshop on Maximum Residue Levels (MRLs)

5.1. The Chairperson reminded Members that a special SPS thematic workshop had been organized by the Secretariat to focus on pesticide maximum residue levels. The Chairperson invited the Secretariat to report on the workshop.

5.2. The Secretariat recalled that Members had been invited at several stages of the process to make comments on the programme for the workshop, as well as to put forward names of speakers. The final programme had been circulated in G/SPS/GEN/1514/Rev.1. The WTO Global Trust Fund had made it possible to cover the costs of travel for several of the speakers and for 27 participants from developing and least-developed countries. Sponsored participants had been selected from over 300 applications. The workshop had also been attended by the participants of the 2016 edition of the Advanced SPS Course, as well as interested delegates and a few non-governmental representatives who had participated as speakers in the workshop.

5.3. The objective of the workshop had been to bring together officials responsible for participation in and implementation of the SPS Agreement, as well as the relevant international standard-setting organization and scientific bodies for an in depth discussion, at a technical level, on pesticide maximum residue levels. More specifically, the objectives were for participants to:

a. Review the SPS Agreement and MRLs, including the relevant provisions of the Agreement and jurisprudence;
b. Review the Codex approach to establishing MRLs. This included relevant information on the respective work of Codex and scientific bodies, such as the Codex Committee on Pesticide Residues (CCPR) and the Joint FAO/WHO Meeting on Pesticide Residues (JMPR);
c. Be exposed to the relevant international, regional and bilateral work being undertaken on pesticide residues; and
d. Discuss experiences in complying with MRLs and establishing MRLs, including information on their domestic regulatory and legal infrastructures.

5.4. Throughout these two days, workshop participants benefited from detailed presentations, as well as discussions. In order to set the framework for the subsequent discussions, the Secretariat's presentation in Session 1 had focused on the relevance of the SPS Agreement to Pesticide MRLs, with particular reference to Annex A, as well as Article 8 and Annex C. Other relevant provisions of the Agreement had been identified, in addition to some key lessons learned from MRL-related jurisprudence and some statistics on MRL-related notifications and specific trade concerns.

5.5. Speakers in Session 2 had dealt with the Codex approach to establishing pesticide MRLs. In addition to the Codex Secretariat, representatives from relevant scientific bodies such as the Codex Committee on Pesticide Residues (CCPR) and the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) had outlined their respective work and how their activities contributed overall to the Codex process for establishing MRLs.

5.6. In Session 3, speakers had shared information on the ongoing regional work being undertaken by OECD, APEC and EAC to harmonize MRLs. In particular, the general work programme, guidelines and residue definitions had been outlined. Several speakers had also addressed the issue of establishing MRLs for minor-use crops in Session 3. The importance of capacity building and collaborative efforts had been highlighted through the work of projects being carried out at an international and regional level. In addition, Brazil's experience in establishing legislation for minor-use crops had been presented.

5.7. In Session 4, speakers had explained their domestic regulatory and legal infrastructures for establishing MRLs, and also had provided insights into their approach to risk assessment and risk management where no international standards exist, or where an existing international standard was not used. Members had shared their practical experiences in implementing and complying with Codex MRLs in Session 5, highlighting some of the challenges and difficulties encountered.

5.8. In Session 6, speakers from the private sector had engaged in a panel discussion which had provided insights into the various ways that the private sector can be involved in the establishment of MRLs, as well as the challenges encountered in the coordination and communication process. The impact of default MRLs and MRL expiration on agricultural trade had also been presented in Session 7.

5.9. In summarizing the key outcomes of the various workshop sessions in Session 8, speakers had highlighted the constraints and challenges from a developed and developing country perspective. In general, there had been rich discussions with many questions and comments made, and experiences shared. A detailed report of the workshop would be prepared, and all presentations would be posted on the SPS gateway page.[2]

5.10. Many Members expressed their appreciation for the workshop.

5.11. The United States also expressed its appreciation for the workshop, which had highlighted the importance of trade-related MRL issues being faced by Members. The United States made suggestions for future work by the SPS Committee in four topic areas. The first suggestion related to the enhancement of the Codex MRL system, urging Members to engage their Codex representatives and participate in inter-ministerial discussions on CCPR issues to consider options to enable a more productive Codex MRL system. The second suggestion related to transparency and predictability in Members' regulatory approaches. The United States urged Members to review their administrative procedures on notifying and commenting on MRLs in order to improve transparency, as well as to take into account private sector inputs in advance of MRL withdrawals. Thirdly, the United States welcomed the harmonization efforts being undertaken by APEC, NAFTA, OECD and EAC, which had been shared in the workshop. The United States proposed that these types of updates should take place regularly during Committee meetings, with the aim of inspiring similar harmonization initiatives at the regional level. The fourth area related to greater access of developing countries to newer, alternative pesticides that can replace older pesticides, as these could be the root of some MRL-related trade issues. The United States invited Members to consider ways in which their regulatory frameworks can impact the investment incentives of the private sector. The United States, in this regard, also encouraged Members to evaluate their own minor use needs and to consider attending the 2017 Global Minor Use Summit to be held in Montreal, Canada. In terms of next steps, the United States proposed that a statement by the Committee be drafted in support of this work, but deferred to the Chair and other Members as to the desirability and appropriate means to transmit this message.

5.12. The Chairperson underscored the relevance of the workshop and highlighted the need for adequate follow-up action on the part of the Committee. She invited Members to share their observations on the workshop and/or to comment on the US proposals.

5.13. Canada recalled that the workshop had highlighted both what works well, as well as some problem areas to address, which were covered by the US proposal. Canada underscored the need to have increased collaboration, coordination and communication in order to manage the impact of different MRLs on agricultural trade. Canada further expressed its support for the US proposals on increasing transparency, encouraging updates on harmonization efforts within the Committee, and supporting Members' increased engagement in the Codex process in order to improve its efficiency.

5.14. Uganda echoed the comments made by the United States and Canada and emphasized the major challenges faced by developing countries in this area. Uganda supported the suggestions for future work.

5.15. Chile highlighted the importance of the topic within the Committee. Given the investment made in this workshop by all parties, follow-up activities were needed. Chile requested that the United States and other delegations circulate their ideas in writing to allow further study and consideration by Members. Chile indicated that its initial reaction to the US proposals was positive and further underscored that any follow-up work would be beneficial for developing countries.

[2] https://www.wto.org/english/tratop_e/sps_e/wkshop_oct16_e/wkshop_oct16_e.htm.

5.16. Kenya expressed its broad support for the US proposal, while highlighting several areas of concern for developing countries. In particular, agricultural trade continued to be impacted by the absence of Codex MRLs and the use of default MRLs. Kenya further highlighted that this challenge was augmented by the absence of alternative chemicals, especially for minor use and specialty crops. Other concerns included the increased need for international and regional harmonization, greater involvement in data generation efforts and increased transparency in the data review process.

5.17. The European Union indicated that ideas proposed by the United States seemed interesting and requested that an appropriate time period be allotted to process the content of the workshop and to appraise potential follow-up activities. The European Union supported circulating any proposals in writing to facilitate this review.

5.18. Argentina, Brazil, Dominican Republic, India, Mexico, New Zealand, and Zambia also took the floor and stressed the significance of the topic for developing countries, agreed that follow-up activities were needed, and requested more time for consultation and review of potential follow-up activities with experts in capital.

5.19. The Chairperson noted that the Committee was in full agreement that follow-up activities were needed on this topic. The Chairperson requested that the United States, and any other interested Member, submit their proposals in writing. On this basis, informal consultations could be held before the next Committee meeting.

5.2 Creation of a Working Group on Implementation - Proposal from Brazil

5.20. Brazil provided an update on its proposal for the creation of a working group on the implementation of the SPS Agreement. Brazil was still reflecting on how to structure this group in order to ensure there was no overlap with existing practices. A written proposal that would also incorporate ideas from other Members was expected to be ready in advance of the March 2017 meeting.

6 TECHNICAL ASSISTANCE AND COOPERATION

6.1 Information from the Secretariat

6.1.1 WTO SPS activities

6.1. The Secretariat recalled that documents G/SPS/GEN/997/Rev.6 and G/SPS/GEN/997/Rev.6/Add.1 provided an overview of the technical assistance and training activities planned for 2016. Since the last Committee meeting, technical assistance on the SPS Agreement had been provided through three national seminars held in Guinea, Egypt and Tajikistan. In addition, a joint TBT and SPS Workshop on Regulations, Standards and Health had been held, as well as the Workshop on Pesticide MRLs. More general training on the SPS Agreement had also been provided through the WTO Advanced Trade Policy Course (in Spanish); a SIDA workshop in Stockholm; and two Regional Trade Policy Courses held for Latin America, in Ecuador; and for Asia and the Pacific, in Thailand.

6.2. The Secretariat further announced that national seminars would be held for Angola, Comoros and Guatemala before the end of the year. National Seminars were also being scheduled for: Bangladesh, Jordan, Pakistan, Paraguay, Peru and Tunisia. The following upcoming activities would also include general SPS training: the WTO Regional Trade Policy Course for the Arab region in Oman (8-10 November); and two Regional Workshops to be held in Singapore. Specifically, one would focus on Trade Facilitation, TBT and SPS issues (30 November – 2 December), and the second would focus on Agriculture and SPS issues (28-30 November).

6.3. The Secretariat also drew Members' attention to the 2016 Advanced Course that was currently underway, in French. It was the twelfth consecutive year that this course had been offered, and 25 officials from developing and least-developed countries had been selected to participate. This was a unique activity since it not only focused on transmitting knowledge on the SPS Agreement and the SPS Committee, but also on identifying actions to address specific implementation challenges and opportunities at the national level. Throughout the course, each

participant developed an action plan, to be implemented upon their return to their countries. This implementation was monitored by coaches, and through a follow-up session about nine months after the course. The Secretariat thanked the Chairperson and the delegates who had shared their knowledge and experiences during the Advanced Course, as well as the participating organizations (Codex, IPPC, OIE, ACWL, ITC), WTO and STDF colleagues, and the external consultants, Mr João Magalhães and Ms Gretchen Stanton.

6.4. The Secretariat recalled that the E-Learning course on the SPS Agreement was available year-round in the three WTO working languages. Further information on SPS technical assistance activities could be obtained on the WTO website (under trade-related technical assistance), or by contacting the Secretariat for additional clarification and assistance.

6.5. Egypt took the floor to highlight the recent national workshop held in Cairo and expressed its appreciation for the Secretariat's efforts in organizing and delivering this workshop.

6.1.2 STDF (G/SPS/GEN/1516)

6.6. The STDF provided an overview of its activities, as described in document G/SPS/GEN/1516. The STDF Working Group had recently met and approved a new work plan for 2017-2018. The STDF would continue to fund collaborative and innovative SPS projects. The STDF also recalled that, earlier in the week, participants of the Workshop on Pesticide MRLs had been informed about several Global Minor Use projects funded by the STDF in various regions, in collaboration with other partners. The STDF would also continue to fund project preparations grants, with greater focus placed on further improving the quality of proposals through the development of training manuals, working with the EIF and focused sessions during national SPS seminars.

6.7. Other highlights of the 2017-2018 work plan were to continue promoting the use of the PIMA framework to assist developing countries in prioritizing SPS investments for market access, as well as building on recent work undertaken on electronic SPS certification. Members of the Working Group had also started discussions on new work for the STDF to undertake in the years to come, with a focus on good regulatory practices in the SPS area and the role of the private sector.

6.8. More generally, a specific focus would be placed on further strengthening STDF's work on outreach and communications to convey the results and impact of the STDF, increase its visibility, and to attract additional and much-needed donor contributions to support its work. A communication plan, adopted by the Working Group, was available on the STDF website.

6.9. The STDF noted that information about ongoing projects and project preparation grants, the process to apply for funding, and the eligibility criteria were available in G/SPS/GEN/1516 and on the STDF website (http://www.standardsfacility.org). The next deadline for the submission of applications would be 26 December 2016.

6.10. The Chairperson noted the important work of the STDF and stressed the need for new donors to come forth, in order to allow STDF to continue its excellent work.

6.2 Information from Members

6.2.1 Technical assistance to developing countries provided by Canada

6.11. Canada provided information on its technical assistance to developing countries in calendar year 2015. Canada delivered or initiated a total of 20 SPS-related technical assistance projects targeting various geographic regions. More information could be found in G/SPS/GEN/1522.

6.2.2 Technical assistance provided by Australia

6.12. Australia provided information on its technical assistance to developing countries from July 2013 to June 2015. The aggregate value of the official development technical assistance during the reporting period exceeded 35 million Australian dollars. Full details on Australia's technical assistance could be found in G/SPS/GEN/717/Add.5.

7 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

7.1. The Chair indicated that this agenda item was closely linked to the discussions on the Fourth Review of the SPS Agreement, which had been discussed under an earlier agenda item. The Chair further invited any Member or Observer to take the floor on other matters relating to private and commercial standards.

7.2. China indicated that three panel sessions related to private standards had been held during the 2016 WTO Public Forum, and requested that the Secretariat share the content of these discussions with the Committee.

7.3. In accordance with Action 3 in G/SPS/55, the Secretariat confirmed that three sessions related to private standards had taken place during the WTO Public Forum. The Secretariat shared with the Committee the focus of these sessions, which had dealt with private standards and transparency; with standards, regulation and SMEs in relation to private standards; and with sustainability standards and their relationship with governmental regulatory actions and inclusive trade. The Secretariat invited Members to visit the WTO Public Forum page on the WTO website (https://www.wto.org/english/forums_e/public_forum16_e/public_forum16_e.htm) in order to access the podcasts of the sessions.

7.4. China shared its observations on the three core messages from the Public Forum sessions. Firstly, China stated that private standards could constitute serious barriers to trade for SMEs in developing and developed Members and could be challenged under the relevant WTO Agreements, including the SPS Agreement. Secondly, there was a strong necessity to bring private standards within the WTO rules framework, irrespective of Members' views on the scopes of the relevant WTO agreements. In this regard, China noted that there was an increasing number of standards which were affecting trade and being used in support of public policy objectives, which could conflict with the internationally recognized principles of standard-setting, e.g. transparency and non-discrimination. Thirdly, governments needed to play a proactive role in amplifying the potential benefits of private standards, while addressing their concerns about the proliferation, credibility, legitimacy and compliance costs of private standards. In light of these core messages, China invited Members to further reflect on their positions on private standards in the SPS Committee.

7.5. The European Union requested clarification on whether the messages put forth by China constituted the official conclusions of the relevant Public Forum sessions and also queried the profile of participants taking part in these sessions. In response, the Chairperson noted that China's comments reflected its own conclusions on the Public Forum. The Secretariat further clarified the nature of the WTO Public Forum, highlighting that participation was open to all interested stakeholders, such as representatives from academia, civil society, NGOs and producer groups. The Secretariat also noted that Public Forum sessions could be organized by the WTO Secretariat or by various stakeholder groups, and in particular, the sessions on private standards had been organized by different organizations and/or interested parties.

7.6. China thanked Members for their interest and further clarified that it did not find official conclusions provided by any of the organizers of the three panel sessions and that its intervention was based on its own observations. China added that speakers at the three panel sessions had a wide range of backgrounds, with some coming from international organizations such as UNCTAD, ITC, WTO, ISO, ISEAL Alliance and IISD, some from academia such as the Columbia University of the United States, Queen's College of Canada, the German Development Institute and Brazilian Getulio Vargas Foundation (FGV), and others from a law firm and WTO Members. China invited the European Union and other interested Members to visit the official website of the WTO Public Forum 2016 for details.

7.7. Argentina, Brazil, Ecuador, Egypt, India and Pakistan appreciated the information provided by China and by the Secretariat. Private standards had an impact on trade, and particularly on SMEs. They encouraged continued discussion on private standards within the SPS Committee. Pakistan suggested that discussions on private standards take place on the margins of the next information-sharing session and workshop of the Committee in March and October 2017. These discussions could focus on the link between private standards and transparency, information sharing, trade facilitation, as well as the cost of compliance and challenges for SMEs.

8 OBSERVERS

8.1 Information from observer organizations

8.1.1 IICA (G/SPS/GEN/1515)

8.1. IICA provided an update on its activities of interest to the Committee, described in more detail in document G/SPS/GEN/1515. Highlights included the conclusion of a regional SPS project to develop draft model legislation, the establishment of an antimicrobial resistance surveillance system, and continued work to improve the understanding of FSMA in interested countries.

8.2. IICA also drew attention, on behalf of OIRSA, to an on-going virtual train-the-trainer course on GAPs and HACCP, jointly developed by IICA and OIRSA. More information on this course was available in G/SPS/GEN/1523.

8.1.2 SADC (G/SPS/GEN/1517)

8.3. SADC provided an update on its activities and events of interest to the Committee, described in more detail in document G/SPS/GEN/1517.

8.1.3 IGAD (G/SPS/GEN/1521)

8.4. IGAD reported on recent activities of interest to the Committee through document G/SPS/GEN/1521. Highlights included updates on regional SPS, animal welfare and disease-eradication strategies.

8.1.4 OIRSA (G/SPS/GEN/1523)

8.5. The Chairperson drew attention to a report submitted by OIRSA contained in G/SPS/GEN/1523.

8.1.5 African Union (G/SPS/GEN/1525)

8.6. The African Union provided information on its activities of interest to the Committee in document G/SPS/GEN/1525 that included updates on events convened by the African Union Commission (AUC), the AU Interafrican Bureau for Animal Resources (AU-IBAR) and the AU Interafrican Phytosanitary Council (AU-IAPSC).

8.1.6 OECD (G/SPS/GEN/1528)

8.7. The Chairperson drew attention to a report submitted by OECD contained in G/SPS/GEN/1528.

8.1.7 ITC (G/SPS/GEN/1530)

8.8. The Chairperson drew attention to a report submitted by ITC contained in G/SPS/GEN/1530.

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

8.2.1 New requests

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

8.9. The Chairperson recalled that the Secretariat had received a new request for ad hoc observer status from the Caribbean Agricultural Health and Food Safety Agency (CAHFSA) and that the information received from CAHFSA had been presented in document (G/SPS/GEN/121/Add.17). The Chairperson also recalled that at the last Committee meeting, some Members had requested more time to consider this request.

8.10. Barbados and Haiti took the floor in support of CAHFSA's request for observer status.

8.11. The Committee agreed to grant CAHFSA ad hoc observer status in the SPS Committee.

8.2.2 Outstanding requests

8.12. The Chairperson proposed that, as had been done the previous year, the SPS Committee invite the organizations with ad hoc observer status to participate in all SPS Committee meetings in 2017 - with the exception of any closed meeting - unless any Member objected to the participation of any of these observers in advance of a meeting. It was so agreed.

8.13. The Chairperson also reminded the Committee that in 2012, it had agreed that if for any one-year period an ad hoc observer organization did not attend any meetings of the SPS Committee, its observer status would lapse, but only after the Secretariat had contacted the observer organization and received confirmation that it was no longer interested in maintaining its observer status. The Chairperson requested that the Secretariat verify after the current meeting whether any ad hoc observer organizations had not attended a single Committee meeting in 2016. She also requested that the Secretariat contact any such organizations and seek information regarding their continuing interest to participate in the SPS Committee.

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

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

9 OTHER BUSINESS

9.1. Panama expressed its concerns with India's measures related to requirements for teak tree wood to be fumigated with methyl bromide, as notified in G/SPS/N/IND/149. Panama wished to bring this issue to the attention of the Committee at the earliest opportunity. Panama requested further information from India on its pest risk analysis which was used as a basis for the measures, as well as a list of approved quarantine treatments for the identified products. Panama further requested India to consider granting a one-year extension in order to undertake implementation-related preparations, linked to human resource capacity and technology requirements. Panama further indicated that its comments would also be transmitted to India's IPPC focal point.

9.2. Ecuador expressed interest in this subject and would be awaiting further developments.

9.3. India stated that it had no prior notice of this issue and as such was not in a position to respond. India further indicated its willingness to engage in bilateral discussions.

10 DATE AND AGENDA FOR NEXT MEETINGS

10.1. The next regular meeting of the Committee was tentatively scheduled for 22-23 March 2017, with an informal meeting on 21 March 2017. The Secretariat also indicated a slight shift in the dates for the July 2017 meeting, which would see the regular meeting of the Committee being moved back by one day to 13-14 July 2017, in order to accommodate the Aid for Trade Review which would take place during the same week.

10.2. Brazil encouraged Members to continue using the current structure of the agenda for forthcoming meetings, as it had shown to be useful and had contributed to more fluid discussions.

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

1. Adoption of the agenda
2. Information sharing
   a. Information from Members on relevant activities
   b. Information from OIE, Codex and IPPC on relevant activities
3. Specific trade concerns
   a. New issues
   b. Issues previously raised
   c. Information on resolution of issues
4. Operation and implementation of the SPS Agreement
   a. Equivalence
   b. Pest- or disease-free areas
   c. Operation of transparency provisions
   d. Special and differential treatment
   e. Monitoring the use of international standards
      i. New issues
      ii. Issues previously raised
   f. Fourth Review
5. Cross-cutting issues
6. Technical assistance and cooperation
   a. Information from the Secretariat
      i. WTO SPS activities
      ii. STDF
   b. Information from Members
7. Concerns with private and commercial standards
8. Observers
   a. Information from Observer organizations
   b. Requests for observer status
9. Other business
10. Date and agenda of next meeting

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

- For submitting comments or suggestions on the Chairperson's draft annual report: **Monday, 31 October 2016**;
- For expressing interest in sharing experiences on trade-facilitating measures during the 2017 March thematic session: **Tuesday, 31 January 2017**
- For identifying new issues for consideration under the monitoring procedure and for requesting that items be put on the agenda: **Thursday, 9 March 2017**;
- For the distribution of the Airgram: **Friday, 10 March 2017**.