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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 25-26 MARCH 2021

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 79th regular meeting on 25-26 March 2021. The proposed agenda for the meeting (JOB/SPS/13) was adopted with amendments. In light of the COVID-19 pandemic, delegates participated in the meeting via a virtual platform.

1.2. Members were able to submit agenda items, support specific trade concerns (STCs), and upload statements through eAgenda. Members could support items through eAgenda until they were discussed in the meeting, and to upload statements for STCs and other agenda items that had been raised by other Members before the distribution of the annotated draft agenda until Friday, 26 March. Only oral interventions by Members that took the floor during the meeting were reflected in the present report. Some Members also circulated their interventions as GEN documents.

2 INFORMATION SHARING

2.1 Information from Members on relevant activities

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

2.1. Japan thanked the United Arab Emirates, the Lebanese Republic and Israel for lifting their remaining import measures on Japanese food products, and called on the 15 countries and regions still maintaining import measures to remove them. Japan explained that its control system prevented the distribution of food products that exceeded the Japanese maximum levels of radio-caesium, which had been set conservatively on the safe side. Japan emphasized the steady recovery of the agricultural and fisheries sector in the 10 years after the earthquake and the improved perception of consumers, and complained that discriminatory import measures damaged the reputation of products from the affected areas. Updated information on the safety of Japanese food was available on the site https://www.maff.go.jp/e/export/reference.html.

2.2. Korea expressed its appreciation for the updates provided by Japan and reiterated concerns about the possible release into the sea of contaminated water currently stored in tanks. This release would damage sea water and sediment, affecting marine biota and potentially developing a food hazard factor if moving up the food chain. Korea asked Japan to provide accurate information and to implement a more transparent and inclusive process of decision on the disposal method. In response, Japan indicated that the decision about the disposal of the treated water had not been taken and that it would only be allowed if it met international standards. Japan underlined its transparent approach to information sharing and invited Korea to hold bilateral discussions.

2.1.2 Colombia, Paraguay - Request for the suspension of the processes and entry into force of reductions of maximum residue levels (MRLs) for plant protection products in light of the COVID-19 pandemic (G/SPS/GEN/1778/Rev.5)

2.3. Colombia reported that 40 Members were now sponsoring this request to the European Union. While understanding the complexities of the internal EU process, Colombia regretted that no alternative solutions had been proposed. Colombia urged all Members that were currently in the process of reviewing or modifying maximum residue limits (MRLs) to also consider this request and base their MRLs on international standards, guidelines and recommendations.

2.4. Peru reiterated the need to focus available resources on economic recovery further to the COVID-19 pandemic and called on the European Union to take into consideration this request.

2.5. Costa Rica underscored that multilateralism should guide countries' efforts to provide the best conditions for the post-pandemic recovery of global food trade, namely through the use of science-based, harmonized international standards. In Costa Rica's view, the reduction of MRLs implemented by the European Union could potentially cause difficulties to farmers around the world. Costa Rica requested the European Union to interrupt its regulatory process and suspend the implementation of MRLs more restrictive than those adopted by Codex for critical substances for agricultural production, as requested by numerous Members in the SPS and TBT Committees and in the Council for Trade in Goods (CTG). While supporting the EU objective of a global transition to

sustainable agri-food systems, Costa Rica believed that this should be reached through dialogue and multilateral cooperation.

2.6. Paraguay indicated interest in co-sponsoring this agenda item and reiterated the request made by 40 Members for the European Union to avoid the adoption of measures more trade-restrictive than necessary that would affect the post-pandemic economic recovery.

2.7. The European Union indicated that it had examined the revised document contained in G/SPS/GEN/1778/Rev.5 and G/TBT/GEN/296/Rev.5, noting the inclusion of Morocco as a co-sponsor. The European Union reiterated its position expressed in G/SPS/GEN/1814/Rev.1. Amidst the challenges imposed by the COVID-19 pandemic, the European Union had strived to keep its markets open, taken actions to facilitate the continuation of trade, and launched a number of financial and technical assistance packages to support its partner countries. The European Union remained open to having a meaningful and constructive dialogue.

2.1.3 United States - "Global Economic Impact of Missing and Low Pesticide Maximum Residue Levels (MRLs), Vol. 2" Report by the United States International Trade Commission (G/SPS/GEN/1883)

2.8. The United States called attention to the second volume of the US International Trade Commission (USITC) report entitled "Global Economic Impact of Missing and Low Pesticide Maximum Residue Levels", requested by the Office of the United States Trade Representative (USTR). Details on the first volume of the report were available in document G/SPS/GEN/1842. The second volume indicated that costs and effects of missing and low MRLs could vary widely. The models and analysis presented showed some effects on bilateral trade, such as lower imports associated with stricter MRLs or modest production impacts due to MRL changes in export markets alone. The United States viewed the USITC report as an important contribution to the Committee's ongoing discussions around MRLs and welcomed comments from Members. The US statement is contained in document G/SPS/GEN/1883.

2.9. Costa Rica urged all Members to take into consideration the conclusions of the report, in particular Members implementing or planning to implement regulations reducing or eliminating MRLs for substances critical for production in tropical countries.

2.10. Paraguay acknowledged the important work undertaken in the report to analyze the problems associated with very low or missing MRLs and their potential to affect and distort trade. The study showed how the heterogeneity and the stringency in the adoption of MRLs had negative effects on global trade, and implications for agricultural production. Policies on MRLs could have negative consequences on prices, both for producers and end consumers, and could affect food security in the future. According to the study, producing countries could balance trade losses by looking for new destination markets, although this would be difficult. Paraguay urged its trade partners to maintain measures based on conclusive scientific evidence that did not restrict trade more than necessary to achieve legitimate objectives for the protection of health.

2.11. The European Union noted that the report indicated its focus on challenges and costs that missing and low MRLs created, and on the magnitude of those costs, but it did not look at all US major markets. The European Union pointed out that the report did not acknowledge the growing and important role of organic and soil regenerative production methods, which were not affected by missing and low MRLs, nor the consumers' increasing preference for production systems that used less xenobiotic pesticides, such as organic production. The report did not examine nor acknowledge the benefits of scientifically-based low MRLs on the protection of consumer health from exposure to harmful pesticide residues in food, nor the economic losses due to health impacts and environmental degradation from the use of certain molecules. The European Union questioned the modelling contained in the report and argued that the hypothetical assumptions led to debatable results. The European Union noted that the report contained factual inaccuracies in the description of the EU system for setting MRLs and urged the USITC to review them. In concluding, the European Union welcomed the statements in the report indicating that, for tropical fruits, EU MRLs were more closely aligned with Codex values than those of any other country. The European Union reiterated its commitment to further engage with the United States and any WTO Member.

2.12. Brazil stated that the report, although based on the realities of US producers, shed light on the impacts of low and missing MRLs on agricultural trade and the livelihood of farmers in many countries, including Brazil. In Brazil's opinion, impacts on livelihoods and on the health of crops and that of consumers were major.

2.13. Peru indicated that it had participated in the elaboration of the study through case studies included in the first volume of the report. Peru recalled that Members should take into account economic factors in assessing risks, and that the implementation of measures should minimize negative trade effects, in accordance with Articles 5.4 and 5.5 of the SPS Agreement.

2.1.4 Canada, Colombia - Updates from Seminar on Farmers' Perspective on SPS Challenges for Sustainable Food Production and Trade (G/SPS/GEN/1890)

2.14. Colombia recalled that the objective of the seminar had been to provide a forum to discuss real-world SPS challenges that farmers around the globe face to safely and sustainably produce and trade food. Colombia pointed to the written report circulated as document G/SPS/GEN/1890 (co-sponsored by Canada, Colombia, Costa Rica, Ecuador, Guatemala, Paraguay and the United States), containing the weblinks for the recordings available in English, Spanish, and French, and to its more comprehensive statement on eAgenda.

2.15. Canada thanked the organizers of and participants in the seminar. Canada understood the producers to have shared a common message on the need to use science and risk-based decision-making processes, and on Codex standards as a means for further harmonization. To Canada, the seminar had highlighted the importance of better communication with consumers and of having a more inclusive approach with farmers in the decision-making process on the tools available that affected their ability to produce crops. Canada added that it had repeatedly raised the importance of mitigating trade risks pertaining to missing and low MRLs and reducing the uncertainty for the trade of safe and nutritious food. Canada strongly encouraged Members to establish transparent and predictable measures based on science and risk analysis, taking into account the standards, guidelines and recommendations developed by the international standard-setting bodies (ISSBs).

2.16. Peru indicated that it encountered challenges and identified opportunities similar to those that had been presented in the seminar. Peru highlighted the importance of relevant international standards, guidelines and recommendations, in particular those of Codex, and of harmonization as a means to generate a predictable trade environment and facilitate trade.

2.17. The European Union stated that it had followed the seminar with great interest. While different perspectives from a number of segments of the food chain had been presented, an important stakeholder had been missing: the consumers. While appreciating some of the MRL-related challenges listed in the report, the European Union stressed the importance that only factual science-based information be circulated by Members. The European Union reiterated its commitment to engage and provide technical assistance to achieve high food safety standards via responsible and sustainable production methods.

2.18. Brazil observed that the seminar had been very useful in bringing to the attention of the Committee the realities that farmers and producers faced.

2.1.5 Canada - International initiatives undertaken by Canada to support the development of standards, guidance or recommendations within the International Standard-Setting Bodies

2.19. Canada expressed its commitment to the work of the ISSBs in establishing international standards, guidelines and recommendations based on strong and independent scientific advice. Canada indicated that it was providing funding and in-kind technical expertise to support ISSB work on standards, guidelines and recommendations. In the past year, Canada had provided approximately CAN $ 1,7 m in funding to support initiatives, including OIE work on guidance on African swine fever (ASF); FAO development of risk assessment guidance for antimicrobial use in the horticulture sector; FAO scientific advice on food allergens to support the development of Codex international standards and guidelines; and IPPC to support a number of projects, including

the development of guidance to assess the risk of introduction of pests with seeds. Canada encouraged other Members to contribute to the ISSBs.

2.1.6 Malaysia - 27th Session of the Codex Committee on Fats and Oils

2.20. Malaysia informed the Committee that it would be virtually hosting the 27th Session of the Codex Committee on Fats and Oils, tentatively scheduled on 18-25 October 2021.

2.2 Information from Codex, IPPC and OIE on relevant activities

2.2.1 IPPC (G/SPS/GEN/1882)

2.21. The IPPC presented its report on relevant activities in document G/SPS/GEN/1882, indicating that the Commission on Phytosanitary Measures had since then held its 15th meeting virtually (CPM-15) and that the corresponding report would be up for adoption on 1 April. At CPM-15, standards, CPM recommendations, and the IPPC strategic framework for 2020-2030 had been adopted, three focus groups established (on climate change and plant health, the implementation of the IPPC strategic framework, and communications), and discussions held on a number of topics, in particular on sea containers. IPPC invited anyone interested to join the virtual closing ceremony for the International Year of Plant Health to be held on 1 July 2021.

2.2.2 OIE (G/SPS/GEN/1887)

2.22. The OIE highlighted the main points of its report contained in document G/SPS/GEN/1887, referring to its COVID-19 related activities, work on ASF, the OIE Observatory to monitor the implementation of standards, and work on antimicrobial resistance (AMR). The OIE also referred to its upcoming virtual annual General Session, which would include the adoption of administrative and technical resolutions, the election of the OIE Director General and members of governing bodies and specialist commissions, as well as the first requests for endorsement of official control programmes for dog-mediated rabies. Finally, the OIE informed Members of the upcoming launch of its renovated website and that its new World Animal Health Information System (OIE-WAHIS) was now available.

2.2.3 Codex (G/SPS/GEN/1892)

2.23. Codex presented its report on relevant activities contained in document G/SPS/GEN/1892. Codex referred to (i) the last session of its Executive Committee, with discussions on, *inter alia*, how Codex could move ahead with its work virtually in the COVID-19 context; (ii) the last session of its Committee on General Principles, with discussions on the monitoring of the use of Codex standards; (iii) recent Codex events; and (iv) forthcoming meetings of four Codex subsidiary bodies.

3 SPECIFIC TRADE CONCERNS

3.1. Before the adoption of the agenda, Viet Nam withdrew a specific trade concern (STC) regarding Brazil's regulation on the use of phosphates for fishery products, product registration before export and heat treatment regime for cooked shrimps, due to progress in bilateral consultations. Similarly, Brazil withdrew its STCs regarding Viet Nam's restrictions on live cattle and Viet Nam's restrictions on melon. These three STCs were included in the annotated draft agenda circulated as JOB/SPS/13.

3.1 New issues

3.1.1 China's proposed new health certificate format for shrimp imports - Concerns of India

3.2. India raised its concern about China's proposed new health certificate format for shrimp imports, requiring every shrimp consignment to be tested for OIE-listed pathogens, including the White Spot Syndrome (WSS) and the Infectious Hypodermal and Hematopoietic Necrosis (IHHN) viruses. India observed that (i) requiring health certificates in the revised format would make most of India's shrimp consignments unfit for export to China; (ii) the viruses were prevalent in China and the WSS virus was also present in other countries that export shrimps to China; and (iii) the presence of these viruses posed no threat to human health. Referring to Article 2.3 of the

SPS Agreement, India considered the conditions in China and India to be similar regarding the prevalence of the WSS and IHHN viruses and requested China to share the objective behind enforcing the new health certificate. India also pointed to Article 3 of the SPS Agreement and section 5.1.2.2 of the OIE Aquatic Animal Health Code, which did not allow requirements for the exclusion of certain pathogens or animal diseases that were present in the importing territory and were not subject to any official control programme. India requested China to share the details of its official control programmes on WSS and IHHN or, in the absence thereof, to share its risk assessment and indicate the less trade-restrictive measures it had considered.

3.3. China responded that the new certificate format detailed information of overseas fishing vessels, transport vessels, processing vessels, refrigerators and processing enterprises, and added the requirements of implementing FAO/WHO guidelines. In December 2020, China had informed India that Indian certificates were missing important information on fishing boats and refrigerators. China stressed that the information at issue was not a new requirement, but was listed as a special item in the certificate to avoid omissions. China added that from November 2020 to March 2021, China had detected COVID-19 five times on the packaging of aquatic products from India, indicating problems in the implementation of FAO/WHO guidelines in the Indian food safety management system. China hoped that India would adopt the new certificate format as soon as possible.

3.1.2 Mexico's resumption of frozen shrimp imports - Concerns of China

3.4. China expressed its concern regarding Mexico's suspension of imports of shrimp products from China on the grounds of preventing the introduction of the Acute Hepatopancreatic Necrosis disease (AHPND). China referred to Chapter 2.2.1, Article 2.1.3 of the OIE Manual of Diagnostic Tests for Aquatic Animals, according to which the source of AHPND was not transmitted by frozen shrimp. In light of Article 3.1 of the SPS Agreement, China considered Mexico's measure to be inconsistent with the SPS Agreement and the GATT 1994. China also pointed to Article 9.1.12 of the OIE Aquatic Animal Health Code, pursuant to which authorities should not add any conditions related to AHPND when authorizing the importation or transit of peeled frozen shrimp that were prepared and packaged for retail trade and complied with Article 5.4.2. Considering Article 5.6 of the SPS Agreement, China believed that Mexico put forward an excessively high level of protection. China hoped that Mexico would resume importing frozen shrimp from China as soon as possible.

3.5. Mexico responded that it was ready to work with China and that it had recently requested a bilateral meeting. Mexico highlighted that its SPS measures systematically recognized the principles in the SPS Agreement and OIE guidance. Mexico added that it was seeking a mutually satisfactory solution to address the risk raised in line with OIE standards and that it had been looking at a risk mitigation strategy to facilitate trade in shrimp from China. Mexico also added that it wished to continue advancing in the process of enabling exports of fresh pork and bovine products to China and that it was waiting for feedback from China with regard to the analytical methodology used to detect SARS-CoV-2 on foodstuffs. In that regard, Mexico stated that it applied FAO and WHO guidelines regarding COVID-19 and food safety.

3.1.3 Russian Federation - Procedures for authorizing units eligible for exports of fish and fish products to the Eurasian Customs Union - Concerns of India

3.6. India raised its concern regarding measures imposed in respect of fish and fish product exports to the Eurasian Customs Union (ECU). India stated that it had been sharing a list of approved Indian processing establishments in accordance with a Memorandum of Understanding (MoU) between India and Russia to facilitate trade in fish and fish products. However, the register of approved enterprises had not been updated by the Russian Federation, and newly approved enterprises had not been able to export to the ECU. India considered that, by not including new facilities in its register and requiring verifications by Russian authorities, the Russian Federation seemed to have imposed a non-tariff barrier and to be in violation of the MoU and Articles 2.3 and 5 of the SPS Agreement, in particular the obligation to adopt the least-trade restrictive measure. India also referred to the equivalence principle in the SPS Agreement. India requested the Russian Federation to share its risk assessment in support of insisting on inspections by Russian authorities.

3.7. The Russian Federation responded that there were no quantitative restrictions on Indian fish products. The ECU requirements for conducting inspections prior to expanding the list of exporting enterprises that could supply fish and seafood aimed to ensure the safety of imported products and

were applied to all Members. The Russian Federation pointed to Eurasian Economic Council Commission Decision No. 94 as supporting its inspection of foreign enterprises. The Russian Federation also stated that, in February 2020, it had proposed inspections, but no response had been received thus far. In addition, the Russian Federation took issue with delays in India in the process of approving export certificates for Russian products. In conclusion, the Russian Federation expressed its readiness to include new Indian exporting fish and fish products enterprises in its register after the implementation of existing requirements and agreements.

3.1.4 Panama's undue delays in the renewal of authorizations for plants of Peruvian fishery and livestock enterprises - Concerns of Peru

3.8. Peru expressed its concern regarding Panama's undue delays in the renewal of authorizations for plants of fishery and livestock enterprises. Peru considered Panama's actions to be inconsistent with Articles 2.2, 5.1 and 8, and Annex C.1(a)-(c) of the SPS Agreement, as no response had been provided by Panama concerning the pending request for authorization of fishery and livestock enterprises. In addition, Peru emphasized that Panama had failed to communicate the foreseen processing period, and that the timeframe that would be given to Peruvian enterprises in case of renewal of authorizations was uncertain. Peru requested Panama to renew the authorizations for Peruvian export plants and avoid barriers to trade.

3.9. Costa Rica supported this concern regarding the practices implemented by Panama which restricted trade through measures lacking a scientific basis and risk analysis. Costa Rica called upon Panama to address Members' concerns, which were indicative of an inadequate application of SPS measures and a non-observance of the obligations in the SPS Agreement.

3.10. Panama indicated that the information received would be reported to capital. Panama reported on the recent establishment of a bilateral technical commission that would review all pending issues, including Peru's STC. Panama hoped to move forward in the search of solutions in this matter.

3.1.5 China's restrictions on bovine meat imports - Concerns of India

3.11. India raised its concern regarding China's import restrictions on bovine meat based on India's foot-and-mouth disease (FMD) status. India noted that China continued to impose restrictions despite previously raised STCs, a MoU signed between the two countries in 2013, the clearing by China in 2017 of 14 centres for the export of bovine meat from India, and China's FMD status. India recalled that the OIE did not prohibit exports of meat from FMD-affected countries to FMD-free countries, provided there was compliance with Article 8.8.22 of the OIE Terrestrial Code. India highlighted that it had a recognized official FMD control programme similar to Namibia, from which China allowed bovine meat imports. India considered China's measures to be inconsistent with Articles 2.2, 2.3, 3.3 and 5.1 of the SPS Agreement. India requested China to share its scientific justification and the risk assessment undertaken to impose a higher standard of disease-free status than that required by the OIE.

3.12. China explained that it had imposed a ban on Indian beef imports in accordance with the principles of regional management of FMD and with OIE standards. China indicated it classified FMD as a first-class infectious disease, which required the adoption of strict measures, such as prohibiting flows of products from epidemic areas. China noted that it had conducted inspections and assessments on the control of FMD in India, concluding that FMD had not been effectively controlled in the country. China highlighted its plan to initiate the relevant procedures for lifting the ban and conducting technical consultations once FMD was effectively controlled in India and the country was recognized as a disease-free area by the OIE.

3.1.6 Saudi Arabia's import restrictions on animal and plant products - Concerns of Turkey

3.13. Turkey expressed concerns regarding Saudi Arabia's import restrictions on agricultural products. Turkey indicated that it had been informed by Saudi Arabia on November 2020 of the temporary suspension of imports of beef and its products, sheep meat and its products, white meat and its products, fisheries and aquaculture products, foods alternative to milk and breast milk, eggs and egg products and honey and honey products. In a communication to Turkey, Saudi Arabia had stated that the request to conduct on-site inspections and questions submitted to Turkey in

November 2018 had not been answered. Turkey clarified that these questions had been answered in 2019 and that no reply had been received from Saudi Arabia. Turkey stressed that it had submitted additional information to Saudi Arabia concerning these agricultural products through official letters in 2018, 2019 and 2020. Turkey considered Saudi Arabia's measure to be inconsistent with Articles 2.2 and 5.4 of the SPS Agreement and invited Saudi Arabia to lift the import restrictions. Turkey expressed its willingness to work in close collaboration with Saudi Arabia on this matter.

3.14. Saudi Arabia stated that its legislation imposed a series of requirements to ensure that imported food of animal origin met standards that were at least equivalent to those required for production in Saudi Arabia. Saudi Arabia noted it had notified the "Procedures for inspecting and approving foreign meat establishments" and the "Requirements and Conditions of Importing Food Products to the Kingdom of Saudi Arabia" in 2014 and 2018, respectively, which had not been fulfilled by Turkey. In addition, Saudi Arabia indicated it had not imposed any restrictions with respect to plant products. Saudi Arabia reaffirmed its commitment to facilitate trade between Members.

3.1.7 Panama's restrictions and procedure to regain access for Peruvian potatoes and onions - Concerns of Peru

3.15. Peru raised concerns regarding Panama's import restrictions for Peruvian onions and potatoes and undue delays in the phytosanitary procedures to regain market access. Peru noted that Panama had suspended onion imports from Peru in 2016 following a pest risk analysis (PRA) undertaken to update its phytosanitary import requirements. Concerning trade in potatoes, Peru indicated imports had been suspended by Panama since 2009 due to the detection of a pest. Peru had shared in 2010 a phytosanitary protocol proposal with Panama, on which no response had been provided. Peru considered Panama's measures to be inconsistent with Articles 2.2, 5, 5.4 and 8, and Annex C of the SPS Agreement. Peru emphasized that Panama had continuously requested information which had been previously sent by Peru in a timely manner, causing unnecessary delays. Peru requested Panama to reopen the market for Peruvian onion and potato exports and avoid unjustified barriers to trade.

3.16. Costa Rica supported this concern regarding the practices implemented by Panama which restricted trade through measures lacking a scientific basis and risk analysis. Costa Rica called upon Panama to address Members' concerns, which were indicative of an inadequate application of SPS measures and a non-observance of the obligations in the SPS Agreement.

3.17. Panama explained that these trade concerns were being addressed bilaterally through a technical commission.

3.1.8 Korea's mandatory HACCP certification for imported kimchi - Concerns of China

3.18. China raised its concern regarding Korea's mandatory Hazard Analysis and Critical Control Point (HACCP) certification for imported kimchi. While appreciating Korea's fulfilment of its transparency obligations, China stated that the implementation of the measure would constitute a restriction for Chinese kimchi exports. China noted it had signed a cooperation agreement on November 2015 with the Global Food Safety Initiative (GFSI), which recognized the China-HACCP accreditation system. In addition, China indicated that most of its kimchi manufacturers had obtained China-HACCP certification, complying with the "Korea Kimchi Manufacture HACCP Management Standard Guideline" and the "Korea Kimchi Manufacture Prerequisite Management Standard". Notwithstanding, China noted that, under Korea's notification, manufacturers needed to obtain a Korean certification. China urged Korea to withdraw the measure designating kimchi as a product under mandatory HACCP application or recognize the equivalence of the Chinese food safety supervision system.

3.19. Korea appreciated China's cooperation in a recent bilateral meeting. As a traditional Korean food, Korea noted kimchi required strict safety controls in its manufacturing process. Korea indicated that it had adopted a mandatory HACCP certification for domestically manufactured kimchi and planned to apply the same measure to imported kimchi to ensure the same level of food safety. Korea highlighted its consultation meetings with China since 2019, which had been postponed due to technical difficulties and COVID-19. Korea expressed its willingness to further discuss with China on this matter.

3.1.9 Mexico's restrictions on chili imports - Concerns of India

3.20. India raised concerns on the measures adopted by Mexico regarding imports of dried chili from India. India noted that Mexico had suspended imports of dried chili in 2017 citing the interception of the khapra beetle, following which a standard operating procedure for the export of pest-free dried chili had been formulated and shared with Mexico. India remarked that Mexico had insisted on sending Mexican inspectors to verify warehouses and treatment facilities, which had added delays and costs for chili exports. Recalling Articles 5 and 5.6 of the SPS Agreement, India requested Mexico to respond why it considered a one-time joint inspection, or monitoring and inspections performed by Indian authorities, to be insufficient to meet its appropriate level of protection (ALOP); share the risk assessment for arriving at the present regime of inspection; and share other less trade-restrictive measures that had been considered.

3.21. Mexico replied that it favoured the dialogue between the competent authorities and was respectful of the rights and obligations of Members under the SPS Agreement. Mexico noted that in February 2018, it had proposed a workplan for the exportation of dried chili from India to Mexico, with phytosanitary treatment and verification at origin. In addition, Mexico had adopted an alternative phytosanitary measure establishing specific conditions and requirements for importing and exporting enterprises, which had allowed the first imports of dried chili from India. Qualified Mexican personnel verified at origin the procedures followed by India, to maintain an adequate level of phytosanitary protection. Mexico remarked that India had not issued a response for the acceptance of the workplan proposed in 2018 and reiterated its willingness to continue with the bilateral work required.

3.1.10 Panama's authorization of Federal Inspection Type establishments - Concerns of Mexico

3.22. Mexico expressed concerns regarding delays in Panama's procedures for the renewal of authorizations for establishments that exported bovine products and by-products. Mexico noted that the delays in responses to the correspondence sent to Panama had prompted the expiration of authorizations in several establishments. Mexico mentioned a bilateral meeting held in February 2021 in which Panama had explained that, for the renewal of authorizations and in addition to the evaluations of veterinary services, a procedure needed to be developed for the eligibility of countries wishing to export bovine products and by-products. Mexico recalled the provisions of the SPS Agreement to base measures on science and highlighted the provisions of Annex C.

3.23. Peru and Costa Rica supported this concern. Peru considered Panama's policies to be inconsistent with Annex C and Articles 2, 5, and 8 of the SPS Agreement. Peru urged Panama to avoid unnecessary and unjustified barriers to trade. Costa Rica referred to the practices implemented by Panama which restricted trade through measures lacking a scientific basis and risk analysis. Costa Rica called upon Panama to address Members' concerns, which were indicative of an inadequate application of SPS measures and a non-observance of the obligations established in the SPS Agreement.

3.24. Panama indicated that the information would be reported to capital. Panama reported that it had recently communicated with Mexico's Undersecretariat for Foreign Trade and had agreed to convene an administrative commission of their Free Trade Agreement (FTA) to address this trade concern.

3.1.11 China's delay in approving requests for new listing and reinstatement of export establishments - Concerns of Australia

3.25. Australia raised its concern regarding undue delays and lack of transparency in China's approval procedures for a range of products and establishments. Australia urged China to apply consistent criteria and transparent timeframes on a non-discriminatory basis for approval procedures including the procedures for approval of commodity registrations, establishment listing and lifting of restrictions on suspended establishments. Australia requested China to apply a risk-based approach when implementing measures on imported food. In addition, Australia considered China's approach to be inconsistent with Annexes B and C of the SPS Agreement. Australia welcomed bilateral engagement on the matter.

3.26. Canada supported the concern, noting undue delays and lack of transparency and predictability faced by Canadian companies in securing the necessary approvals to export to China. Canada indicated it had longstanding market access requests that had not progressed, and also noted undue delays and lack of clarity in the reinstatement of suspended establishments. Canada urged China to base its approval procedures for imported food products and establishments on international standards, guidelines, and recommendations, scientific principles and assessment of risks. Canada recalled the need to publish the standard processing period of each approval procedure; examine the completeness of the documentation and communicate any deficiencies in a precise and complete manner; transmit the result of the approval procedures as soon as possible in a precise and complete manner; process applications that have deficiencies as far as practicable; and provide information on the stage of the approval and an explanation for any delays. Canada welcomed close cooperation with China.

3.27. The European Union supported the concern and called for more transparent and predictable approval procedures in China for a range of products.

3.28. China indicated that the concern raised would be forwarded to the competent authorities. China noted that food safety incidents regarding meat and other products from Australia had occurred continuously since 2019, causing adverse effects on China's assessment of Australia's recommended registered companies. China urged Australia and other Members to strengthen the supervision on their exporting establishments and ensure the safety and quality of their exported products to China.

3.29. Australia clarified that its concern preceded the incidents China referred to. Australia indicated it had provided all requested information and undertaken corrective actions following audits and inspections in a timely and transparent manner. In addition, Australia noted that it had attempted to engage in bilateral consultations with China to address this matter and remained concerned by the lack of engagement.

3.2 Issues previously raised

3.2.1 EU MRLs for buprofezin, chlorothalonil, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ioxynil, iprodione, molinate, picoxystrobin and tepraloxydim (STC 448) - Concerns of Colombia, Costa Rica, Ecuador, Paraguay and the United States

3.30. Paraguay requested the European Union to provide written answers to the questions contained in document G/SPS/GEN/1886, raised together with Colombia, Ecuador and Guatemala. Paraguay noted that these questions followed-up on the responses received from the European Union after the last SPS Committee meeting[2] and aimed to obtain further clarification on various concepts presented in the EU responses and additional information on some of the elements incorporated in its policies.

3.31. Colombia clarified that its intervention referred to both this STC and STC 475 concerning mancozeb. Colombia expressed concerns regarding the application by the European Union of restrictive pesticide-related measures and MRLs. Colombia asked the European Union to clarify why some of the science- and risk-based MRLs adopted by consensus by Codex were not considered to meet the EU's ALOP. Colombia noted that the European Union continued to apply short transition periods which prevented countries from making the necessary adjustments to their production systems. Colombia requested the European Union to provide written answers to the questions contained in document G/SPS/GEN/1886.

3.32. Ecuador clarified that its intervention referred to both this STC and STC 475 concerning mancozeb. Ecuador reiterated its request for the suspension of the entry into force of the reduction of MRLs considering the efforts made by the productive sectors for the economic recovery following the COVID-19 crisis. Ecuador indicated that certain products currently under evaluation for the reduction of MRLs were crucial to manage pests in tropical climates. Ecuador expressed its concern regarding the non-renewal of the authorization for the use of chlorothalonil and the establishment of its MRL at 0.01 ppm (G/SPS/N/EU/394/Add.1), which would highly impact production costs. Ecuador stated there were currently no alternative phytosanitary products with a similar

[2] The EU's responses are contained in document G/SPS/GEN/1872.

environmental or toxicological profile as chlorothalonil, since the European Union had also questioned the environmental and sanitary effects of alternatives such as mancozeb and metiram. Ecuador requested the European Union to reconsider the non-renewal of mancozeb and maintain its MRL within the parameters established by Codex. In addition, Ecuador expressed concern regarding the modification of Annexes II and V of Regulation (EC) 396/2005 on the MRLs for chlorpyrifos and chlorpyrifos-methyl (G/SPS/N/EU/360). Ecuador urged the European Union to take into account available scientific information, such as information provided by Codex, and provide at least 36 months for producers in developing countries to adapt when reducing MRLs.

3.33. Costa Rica reiterated its concern regarding the impact on its production systems of the reduction by the European Union of MRLs to the minimum level of detection for several of the substances at issue. In previous meetings, Costa Rica had specifically highlighted concerns on chlorothalonil, imazalil, buprofezin, and mancozeb, all of which were substances used to control pests that affected the production and transportation of bananas. In addition, Costa Rica reiterated its concern regarding the lack of scientific evidence and the divergence with findings of other international institutions such as Codex. Costa Rica urged the European Union to reconsider its regulatory approach, establish an effective dialogue with affected Members, and consider measures to limit the impact that these new regulations would have globally.

3.34. The United States reiterated its concern that the EU continues to lower many MRLs to trade-restrictive levels without clear scientific justification or measurable benefit to human health. The United States also reiterated its concerns regarding the EU hazard-based approach to pesticide regulation and the implementation of its precautionary principle, which the United States considered would lead to trade barriers. The United States called on the European Union to continue to facilitate dialogues with third countries on this matter. The United States submitted its statement in document G/SPS/GEN/1897.

3.35. Chile, Guatemala, Honduras, Brazil, Panama, Argentina, Uruguay, Peru and Canada supported this concern. Chile expressed concern regarding the situation surrounding the pesticides phosmet and thiacloprid. Given that the expiration of the approval for phosmet was scheduled for 31 July 2021, Chile was concerned about the possible reduction of the current MRLs, which would cause serious harm to its national production due to the lack of alternative products. Concerning thiacloprid, Chile also expressed concerns about the possible reduction of the MRL as a result of the non-renewal of the approval by the European Union.

3.36. Guatemala reiterated its concern regarding the EU policies on pesticides, which it considered to unnecessarily restrict trade. Guatemala requested the European Union to share the relevant information on the analysis regarding the use of certain substances such as chlorothalonil and imazalil.

3.37. Honduras supported this concern and requested the European Union to ensure that its measures did not restrict trade more than necessary and follow Codex international standards.

3.38. Brazil supported this concern and recalled its previous comments in the SPS and TBT Committees regarding Commission Implementing Regulation (EU) 2017/360. Brazil considered certain MRLs to be more trade-restrictive than necessary and to lack scientific justification. For instance, Brazil considered the evaluations carried out by the European Medicines Agency (EMA) and the European Food Safety Authority (EFSA) to be inconclusive regarding the genotoxic quality of buprofezin and noted that the establishment of low MRLs for this substance would have major consequences on international trade.

3.39. Panama supported this concern and highlighted that the non-renewal of certain substances would be inconsistent with the SPS Agreement and detrimental to the livelihoods of small producers in developing countries. Panama noted that chlorothalonil, for instance, was an important substance to control black sigatoka in tropical climates for which there was no alternative product. Panama urged the European Union to reconsider its measures until conclusive scientific evidence was available, and harmonize them with Codex international standards as established in Article 3 of the SPS Agreement.

3.40. Argentina supported this concern and extended its support and intervention to STC 475 concerning mancozeb. Argentina reiterated the need to ensure that Members applied risk-based

SPS measures taking into account the risk assessment techniques developed by the relevant international organizations. Argentina was particularly concerned by the increasing number of substances banned by the European Union and the consequences for developing countries which were highly dependent on agricultural exports. Argentina urged the European Union to use a risk-based approach and determine the different aspects that could affect human health and the environment on the basis of conclusive scientific studies.

3.41. Uruguay reiterated its concern about the EU approach to reduce MRLs for an increasing number of active substances without a complete risk assessment. Uruguay recalled that it had requested the European Union, as part of its last Trade Policy Review, to present a complete list of active substances whose authorization or MRLs would be subject to review in the following five years. Uruguay considered six months to be an insufficient transition period to adapt the production and ensure compliance with the modified MRLs. Uruguay called upon the European Union to take into consideration the concerns expressed by Members, respond to the questions raised and reconsider its regulatory approach to avoid unnecessary barriers to trade.

3.42. Reiterating its support, Peru expressed its concern regarding the increasing number of MRLs deviating from Codex international standards, which resulted in negative economic effects on its agricultural exports and in measures more trade-restrictive than necessary.

3.43. Canada supported this concern and reiterated the need to base decision-making processes on risk assessment techniques developed by relevant international organizations. Canada requested the European Union to notify the SPS Committee of any anticipated changes in its MRLs while taking Members' comments into account. In addition, Canada requested the European Union to allow for transition periods for producers to adapt to new requirements, and avoid discrimination between domestic producers and foreign exporters.

3.44. The European Union reminded that most questions had previously been answered. The European Union reiterated that MRLs should be set at the lowest achievable level consistent with good agricultural practices to protect consumers. Concerning chlorothalonil, the European Union indicated that, following the non-approval decision of 29 April 2019, it had adopted a regulation lowering the MRLs which had been notified under G/SPS/N/EU/394. The regulation had entered into force on 2 March 2021 and would become applicable on 2 September 2021, allowing a six-month period for EU member States and non-EU countries to prepare to meet the new requirements. Regarding imazalil, the European Union noted that in January 2021, the applicant for an ongoing import tolerance for imazalil on bananas had formally withdrawn the application. The European Union announced that it would provide written responses to the questions received from Colombia, Ecuador, Guatemala and Paraguay. The EU responses were subsequently circulated as G/SPS/GEN/1896.

3.2.2 Modification of EU MRLs for plant protection products: Mancozeb (STC 475) - Concerns of Chile, Colombia, Costa Rica, Ecuador and Paraguay

3.45. Paraguay reiterated its concerns on the EU non-renewal of approval and modification of MRLs for mancozeb. The exclusion of mancozeb, as well as chlorothalonil, from the rotation of substances during the productive cycle would cause problems for producers in Paraguay, who faced different pests and diseases than EU producers. Paraguay urged the European Union to reconsider its regulatory approach and ensure import tolerances based on science and procedures established by Codex.

3.46. Chile stressed that mancozeb was practically the only dithiocarbamate being used in Chile and there was currently no product to replace it. Chile was of the view that the non-renewal of the approval of mancozeb, notified in G/SPS/N/EU/384, was more trade-restrictive than necessary and did not minimize trade impacts, as required in Article 5.4 of the SPS Agreement. Chile insisted that no adverse effects on health attributable to the use of mancozeb had ever been reported and that the burden to prove associated risks to human health was on the European Union. Likewise, there were no documented cases of the potential reproductive toxicity of the fungicide, as claimed by the European Union. Chile reiterated that, according to Article 5 of the SPS Agreement, measures should be risk-based, not hazard-based, and respectfully requested the European Union to reconsider its measure.

3.47. Costa Rica recalled that mancozeb was used in Costa Rica to produce more than 20 crops, including to combat black sigatoka in bananas, which were exported to the European Union. There was currently no alternative substance in regard to effectiveness, costs, and the protection of environment and workers' health. Mancozeb was effective in a wide range of doses, making it possible to streamline its use, cost and impact, and was also stable in a tropical environment (high precipitation and temperatures). Should the decision to reduce the MRL for mancozeb in bananas be taken, Costa Rica strongly urged the European Union to provide a transition period of at least 24 months.

3.48. Guatemala supported the previous interventions and noted that it had communicated its concerns directly to the European Union, highlighting the negative effects on producers in Guatemala and the crucial role of the fungicide in strategic crops, including fruits and vegetables such as banana and plantain exported to the European Union. The EU measure would affect exports from Latin American countries, which were more prone to pests than the European Union.

3.49. Brazil shared the concern regarding the non-renewal of the approval of mancozeb, notified in G/SPS/N/EU/384 and G/SPS/N/EU/384/Add.1. In Brazil, mancozeb was used against plant diseases damaging several crops exported to the European Union. Substances of similar use as mancozeb, such as chlorothalonil, had also been banned in the EU market, limiting the availability of alternative substances in the short to medium term. Brazil reiterated its concerns on the EU general approach to pesticide MRLs and urged the European Union to revise its regulation and base its decision-making process on a risk assessment grounded in scientific evidence, in line with Codex standards.

3.50. Panama reiterated its concern on the modification of MRLs for mancozeb and urged the European Union to reconsider its measures and wait until it had conclusive scientific evidence.

3.51. Colombia, Ecuador and Argentina referred to their statements delivered under the preceding agenda item on STC 448.

3.52. The European Union recalled that existing authorizations of plant protection products containing mancozeb would be withdrawn and such products would not be allowed to be placed on the market on the basis of a scientific assessment conducted under Regulation (EC) 1107/2009 by experts from EU member States and EFSA. Mancozeb could not be approved since it did not meet to criteria outlined in Article 4, and further detailed in Annex II of Regulation (EC) 1107/2009. The Commission Implementing Regulation (EU) 2020/2087 concerning the non-renewal of the approval of the active substance mancozeb had been adopted on 14 December 2020. Existing authorizations had to be withdrawn by 4 July 2021, at the latest. The grace period in line with Article 46 of Regulation (EC) 1107/2009 would expire by 4 January 2022, at the latest. Further action on MRLs was likely to be taken and would be notified in accordance with the relevant procedure under the SPS Agreement.

3.2.3 European Union legislation on endocrine disruptors (STC 382) - Concerns of Paraguay

3.53. Paraguay had submitted a new set of questions to the European Union in document G/SPS/GEN/1885, as a follow-up to answers received from the European Union.[3] Paraguay sought further information on several aspects such as the application of the precautionary principle in the EU risk management decisions; the definition of sufficient scientific certainty; the consideration of environmental factors and the technical criteria taken into account when granting emergency authorizations for the use of substances prohibited within the European Union; and the list of all requested import tolerances from November 2017 to date, including the reasons for rejecting requests. Paraguay looked forward to receiving replies in due course.

3.54. Guatemala thanked the European Union for the answers provided to Paraguay's questions and regretted that the EU restrictions would have serious consequences on exports to the European Union. Guatemala strongly reiterated its request for the European Union to reconsider its hazard-based approach and base its measures on technical and scientific evidence, taking international standards into account.

[3] The EU's responses are contained in document G/SPS/GEN/1871.

3.55. Costa Rica reiterated its concern on the STC and on the EU approach for the implementation of Regulation (EC) 1107/2009. Costa Rica urged the European Union to ensure that the regulation of endocrine disruptors was based on risk assessments, using criteria supported by sufficient scientific evidence, in line with the commitments in the SPS Agreement.

3.56. Uruguay reiterated its trade and systemic concern relating to the EU adoption and implementation of a hazard-based approach in its regulatory determinations concerning products with endocrine-disrupting properties. This approach could have negative and disproportionate impact on sustainable agricultural production, food security and international trade in food products. Uruguay insisted on the need to base such determinations on conclusive scientific evidence to avoid some of these important components of pest management systems being withdrawn despite their safe use. Uruguay supported the multilateral work undertaken by Codex to develop a harmonized, risk-based approach and requested the European Union to reconsider its regulatory approach to avoid unjustified barriers to international trade and their socio-economic consequences.

3.57. Peru supported the concern and considered that the EU regulations were hazard-based, and not risk-based as required in Article 5 of the SPS Agreement, leading to measures that were more restrictive than necessary with direct effects on trade.

3.58. Chile shared this concern, which had been raised several times in the Committee without receiving a satisfactory reply. Chile was particularly concerned by the negative impact of the gradual reduction of effective and safe phytosanitary tools due to the hazard-based cut-off criteria applied in the assessment of active substances in Regulation (EC) 1107/2009. These criteria deviated from the principles on risk analysis internationally agreed, unnecessarily lowering MRLs for substances commonly used in agriculture.

3.59. Canada was concerned with the trade implications of the EU approach for active substances in plant protection products and its impact on setting import tolerances. Canada reiterated its request for the European Union to consider both hazards and risks in its regulatory decision-making. Canada thanked the European Union for the information provided on the process for establishing import tolerances, the intention to conduct risk assessments for all import tolerance requests and for hosting a seminar on the topic. Canada requested the European Union to consider maintaining MRLs for substances that did not pose unacceptable dietary risks and to explain the scientific justification for inclusion of environmental considerations as part of the assessment of import tolerances for pesticides. Canada encouraged the European Union to notify all proposed regulations arising from the Farm to Fork Strategy and allow sufficient time for comments. Canada also highlighted the importance of providing sufficient time for the industry to adapt to legislative and regulatory changes.

3.60. Honduras invited the European Union to establish risk-based criteria and harmonize its MRLs with those established by Codex, in accordance with the SPS Agreement.

3.61. Brazil recalled that the criteria for the determination of endocrine-disrupting substances needed to be established under Article 5 of the SPS Agreement to avoid unnecessary trade restrictions. Brazil requested the European Union to provide more clarity on the implementation of the cut-off criteria set out in Regulation (EU) 528/2012 and Annex II to Regulation (EC) 1107/2009 for the establishment of effective and science-based import tolerances, as well as on transition periods.

3.62. The European Union affirmed that the scientific criteria in place in the European Union to identify endocrine disruptors were based on the WHO definition of endocrine disruptors. The criteria to identify pesticides had been applicable since November 2018. The criteria also applied to ongoing procedures for the approval or renewal of approval of active substances. The European Union announced that it would provide written responses to questions submitted in document G/SPS/GEN/1885. The EU responses were subsequently circulated as G/SPS/GEN/1894.

3.2.4 EU restrictions on exports of chocolate and cocoa products due to the application of the Commission Regulation (EU) N° 488/2014 of 12 May 2014 amending Regulation (EC) N° 1881/2006 as regards maximum levels of cadmium in foodstuff (STC 503) - Concerns of Peru

3.63. Peru raised its concern regarding Commission Regulation (EU) 488/2014, establishing maximum levels for cadmium in chocolate and other cocoa products that, in practice, had a negative impact on trade in cocoa beans and cocoa. First, Peru highlighted the trade performance and the social importance of the cocoa production chain, showing comparative advantages for cocoa beans, cocoa butter, cocoa paste and cocoa powder. While exports had decreased by 5.6% in 2020 compared to 2019, Peru was the 9th largest producer of the world, cocoa being the second main alternative product to illicit crops. Secondly, Peru was of the view that the EU regulation violated Article 2 of the SPS Agreement. Thirdly, Peru highlighted the negative consequences of the EU regulation, which had led to a reduction of exports of cocoa and cocoa products to the European Union and a shift to Asian markets, with a lower purchase value. Peru also complained that EU importers established requirements for cocoa beans and cocoa powder that were not set in the EU regulation. Fourthly, Peru presented the case of a reduction in the exports of a company as a result of requirements established by EU importers. In light of the above, Peru called upon the European Union to rescind Commission Regulation (EU) 488/2014, with respect to chocolate and other cocoa products, since it was inconsistent with the SPS Agreement and created unnecessary barriers to trade.[4]

3.64. Ecuador noted that cocoa was one of its main traditional export products, the basis of the household economy for small producers and one of the main alternatives to illicit crops. Ecuador insisted that measures be taken so that Commission Regulation (EU) 488/2014 would not become a trade restriction due to the erroneous interpretation of some European importers. Ecuador agreed with the statement delivered by the Joint FAO/WHO Expert Committee on Food Additives (JECFA) in the 42nd session of the Codex Alimentarius Commission indicating that dietary exposure to cadmium in cocoa was insignificant compared to other sources of dietary exposure and did not amount to a public health concern.

3.65. Malaysia expressed its support for the concern and stated that the maximum level for cadmium of 0.6 mg/kg set in Commission Regulation (EU) 488/2014 for cocoa powder or as an ingredient in sweetened cocoa powder, sold to the final consumer, was very stringent and not proportional to the level set for other product categories. As such, Malaysia requested the European Union to reconsider the imposition of the new maximum level of cadmium in foodstuffs.

3.66. Colombia shared Peru's concerns, as well as its views on the importance of cocoa on employment and on the substitution of illicit crops. Colombia urged the European Union to take as a reference the maximum level for cadmium recommended by Codex.

3.67. The European Union explained that the measure was necessary to protect the health of consumers and was based on a risk assessment, which took into account the tolerable weekly intake (TWI) established by EFSA and the EU consumption patterns of children. The European Union stressed that the exceedance of the TWI for EU consumers for cadmium was a sufficient justification to set limits for chocolate and cocoa products and other commodities. On the basis of the most recent updated JECFA assessment, issued on 5 March 2021, the European Union confirmed the need to keep at current levels the exposure of consumers to cadmium from cocoa products.

3.68. The European Union noted the 4-year transitional period granted for chocolate and chocolate products since the entry into force of the regulation on 1 January 2015 to take into account concerns of producing countries. The EU maximum level for chocolate over 50% total dry cocoa solids was in line with the recently agreed Codex levels and stricter limits had only been introduced to the extent necessary to protect human health. Maximum levels had been set for final products, not for cocoa beans, to avoid unnecessary trade restrictions. While the European Union was aware that some private operators applied strict limits for cadmium in imported cocoa beans instead of finished products, it did not have jurisdiction over contractual arrangements between private parties.

[4] Peru submitted more information in document G/SPS/GEN/1870.

3.69. The European Union was providing targeted technical assistance in the framework of the Standard and Trade Development Facility (STDF), through the development of a regional strategy and a proposal to establish mitigation and remediation measures for cadmium contamination in cocoa beans in Latin America and the Caribbean region; and in the framework of the European Commission (DEVCO) initiative, in the context of a specific development programme under the Development-Smart Innovation through Research in Agriculture Initiative (DeSIRA) to put more science in development with a view to foster innovation for increased impact.

3.2.5 EU review of legislation on veterinary medicinal products (STC 446) - Concerns of the United States

3.70. The United States reiterated its concern regarding the implementation of EU legislation on veterinary medicinal products (Regulation (EU) 2019/06). Concerning the list of antimicrobials reserved for human use, the United States noted that the European Union had not yet published the relevant EU implementing act, which it understood needed to be adopted no later than January 2022. The United States further noted that the European Union had not provided the scientific justification and risk assessments that would inform this list. The United States urged the European Union to consider the needs of agricultural producers and to recognize the level of protection provided by national regulatory systems. The United States provided its statement in document G/SPS/GEN/1895.

3.71. Paraguay, Australia, Canada, Argentina, Japan, and Brazil supported this concern.

3.72. Paraguay requested the European Union to provide an update on the status of the legislation, given that it was foreseen for the beginning of 2022.

3.73. Australia requested the European Union to consider the conditions, availability of antimicrobials and disease prevalence in third countries before releasing its list of antimicrobials reserved for the treatment of human infections. Australia highlighted this list should be based on science and encouraged the European Union to hold early consultations with third countries.

3.74. Canada looked forward to the response of the European Union regarding its technical questions on the veterinary medicinal products and the EU secondary legislation. Canada urged the European Union to provide to trading partners the basis to be considered during the preparation of the list of antimicrobials reserved for human use and to share this list with third countries. Canada expressed its interest in working collaboratively with the European Union as it developed this secondary legislation to minimize any potential negative trade impacts.

3.75. Argentina expressed its concern regarding the final list of antimicrobials reserved for human use and the implementation by the European Union of Article 118 of Regulation 2019/06, following which third countries would have to demonstrate the non-use of those antimicrobials. Argentina urged the European Union to base its regulations on science and avoid unnecessary barriers to trade.

3.76. Japan urged the European Union to provide Members the opportunity to comment on the implementing rules, taking into account the potential burden on producers and exporters. Japan requested that (i) antimicrobials prohibited for use in animals and kept for human use only should be limited to antimicrobials that truly needed to be prohibited considering international consensus; (ii) since management systems for antimicrobials differed from country to country, the details of the verification be limited as necessary, and the method of certification should be flexible; and (iii) appropriate grace periods should be established considering the production period for each type of animal and the preparation period of the producers.

3.77. Brazil noted that the EU regulation had the potential to impose a heavy burden on producers by limiting the use of currently available veterinary drugs and introducing sanitary requirements that were more trade-restrictive than necessary. Brazil considered that the unilateral ban of the use of several veterinary drugs and the prohibition of imports from countries where their use was authorized was inconsistent with the provisions of the SPS Agreement. Brazil urged the European Union to consider the ongoing global efforts undertaken by the WHO, OIE, FAO in setting international standards and guidelines for AMR, as well as the work of the Codex Taskforce on Antimicrobial Resistance.

3.78. The European Union reiterated that its Regulation (EU) 2019/6 would strengthen EU action to fight AMR. The European Union indicated that the legislation had entered into force in January 2019 and would apply as of 28 January 2022. The European Union stressed that the new EU regulation would impose stricter rules on operators in the European Union than on those of non-EU countries, and should therefore not be seen as a trade barrier. The European Union provided information on the adoption timeline for its legislations: (i) the delegated act establishing the criteria to designate the antimicrobials to be reserved for human use was to be adopted by 27 September 2021; (ii) the implementing act establishing the list of antimicrobials reserved for human use was to be adopted by 27 January 2022; and (iii) the delegated act detailing the rules for the importation for animals and products of animal origin was to be adopted by 27 January 2022.

3.79. Referring to the delegated act establishing criteria to designate the antimicrobials to be reserved for human use, the European Union stated the draft had been discussed with member States and would soon be open for public consultation under the EU feedback mechanism, and notified for comments to the SPS Committee. Concerning the implementing act establishing the list of antimicrobials reserved for human use, the European Union noted that the European Medicines Agency had set up an expert group in 2019 to prepare the scientific advice, which would be finalized once sufficient certainty on the criteria to designate antimicrobials reserved for human use would be available. Regarding the last delegated act detailing the rules on imports from third countries, the European Union indicated that information on the current discussion concerning its preparation had been provided to third countries in December 2020, and that the EU Commission had adopted on 9 March 2021 a proposal notified in G/SPS/N/EU/464 to amend the Official Controls Regulation to allow the official control system for imports of animals and products of animal origin to apply to verification of compliance with Article 118(1) of Regulation (EU) 2019/6.

3.80. The European Union highlighted the regulation had been notified under the TBT and SPS Agreements, and that implementing measures would be notified for comments under the SPS Agreement. The proposal to amend the Official Controls Regulation was notified under the SPS Agreement (G/SPS/N/EU/464) and the draft delegated act on the criteria to designate antimicrobials reserved for human use would soon be notified. The European Union reassured Members that non-EU countries would have the opportunity to provide inputs during the EU feedback mechanism, and after the notification of the draft acts to the SPS Committee. The European Union reiterated its commitment to fight AMR and to engage with Members.

3.2.6 EU proposal requiring residue testing of casings (STC 500) - Concerns of Australia

3.81. Australia reiterated its concerns regarding changes to the model health certificate for casings set out in Commission Implementing Regulation (EU) 2020/2235, referenced in notification G/SPS/N/EU/401. Australia considered the measures to be arbitrary, unjustified and more trade-restrictive than necessary, and that they would set a precedent for similar trade-limiting actions on other processed animal products. The EU concerns over the possible use of antimicrobial substances during the production of animal casings did not justify the imposition of a separate residues testing system for casings for countries such as Australia, where controls were in place to prevent establishments from using antimicrobials in the production of casings. The measures did not include any provision for countries with EU-approved residues monitoring plans for each species of animal from which the casings may be derived. Australia encouraged the European Union to notify the requirements, provide an opportunity for comments and take them into account before implementing the measure.

3.82. The European Union said that the new requirements had been presented to trading partners through an SPS notification (G/SPS/N/EU/401) and by letter. The European Union clarified that imports of casings were subject to the animal health rules, and were authorized from the establishments listed in the TRACES system. The risks of residues of veterinary medicinal products following treatment of animals were very low in casings, the main risk being linked to treatment to avoid spoilage by bacteria. Guarantees on the residues status of casings were being required to mitigate the risk posed by the presence of antimicrobial residues in casings, with a focus on antimicrobial substances prohibited from use in food-producing animals in the European Union. As of 21 April 2021, the animal health requirements in place would change, and requirements to mitigate the risk posed by the presence of residues in casings during production and new requirements on residue testing of casings intended for importation into the European Union would apply. Regulation (EU) 2016/429 established that the entry of products of animal origin into the European Union was subject to listing of the third countries, territories or zones of origin.

Regulation (EU) 2017/625 required that products of animal origin entered the European Union only from listed third countries. A specific import certificate including attestations on animal health, public health and residues would have to accompany the batches of casings destined to the European Union. The European Union remained open to continuing the dialogue with Australia.

3.2.7 China's actions related to COVID-19 that affect trade in food and agricultural products (STC 487) - Concerns of Australia, Canada, the European Union, the Russian Federation and the United States

3.83. The United States reiterated its concerns on COVID-19 related measures imposed by China. Several Members had requested China to withdraw these restrictions, which, according to G/SPS/N/CHN/1173, were implemented on an emergency basis. While the United States had continued to underscore the lack of evidence of viral transmission through food or food packaging, China had not provided any science-based justification or testing results in support of its measures. In the context of COVID-19, unjustified trade restrictions threatened the integrity of global food supply chains. The United States encouraged China to withdraw its measures and work to support the guidance of international organizations by building the body of scientific evidence on COVID-19. The US statement is contained in document G/SPS/GEN/1900.

3.84. The European Union recalled that, according to several international, regional and national bodies, there was no evidence of transmission of COVID-19 through food and packaging. The European Union regretted that the restrictions imposed by China, without providing scientific evidence, caused uncertainty, delays and increased costs of exports to China. The European Union invited China to share its risk assessment or any scientific evidence which justified its measures and to explain why these measures were considered necessary and proportionate. The European Union would continue to work with trading partners to support global trade on the basis of internationally agreed standards and recommendations.

3.85. The Russian Federation was concerned by the reduction of Russian food and agricultural cargo traffic to China as a result of the imposed COVID-19 measures, which, in its view, were not transparent and applied exclusively to foreign companies. The Russian Federation noted the lack of scientific consensus on the transmission of COVID-19 through contaminated surfaces. The Russian competent authorities had informed China about the measures taken to prevent the spread of the virus, and had not received any scientific justification confirming the risk of cross-border spread of COVID-19. The Russian Federation expressed its readiness to cooperate with China to ensure food safety and resume previous trade volumes.

3.86. Canada emphasized the need for cooperation to meet the challenges that COVID-19 posed to health and economies, avoid unnecessary barriers to trade, and contribute to food security. Canada also emphasized the importance of basing COVID-19 related measures on sound scientific principles and a risk assessment. Canada sought further information from China regarding the scientific basis for its recent measures relating to COVID-19, notified in G/SPS/N/CHN/1173. Canada noted that, according to available scientific evidence, food, food packaging and food handling were not transmission routes. Canada referred to the International Commission on Microbiological Specifications for Foods opinion on SARS-CoV-2 of 3 September 2020, as well as to the FAO/WHO document "COVID-19 and Food Safety: Guidance for Food Businesses". Canada requested China to share the scientific evidence it might have suggesting transmission of COVID-19 through food, food packaging, or food handling. Canada encouraged China to maintain ongoing dialogue towards reinstating suspended meat establishments.

3.87. Australia stated that China's implementation of additional measures to prevent the risk of introducing COVID-19 had yet to be notified to the WTO. Australia expressed its concern regarding COVID-19 measures implemented by China without sufficient scientific evidence, as required under the SPS Agreement, and requested China to reconsider the measures and base future COVID-19 related SPS measures on agreed scientific principles.

3.88. Paraguay, the United Kingdom, Switzerland, and New Zealand supported the concern. Paraguay expressed its systemic interest in this concern and urged Members to base SPS measures on scientific evidence. The United Kingdom provided information on the qualitative risk assessment carried out by its Food Standards Agency, which had noted that available global evidence had so far not identified food or its packaging as a source of COVID-19 infection. The United Kingdom

encouraged China to share with Members the scientific evidence upon which these measures had been applied. Switzerland noted that China had not shared the risk assessment or scientific proof for the additional requirements. While recognizing Members' right to set their ALOP and adopt emergency measures to protect against entry and establishment of COVID-19, New Zealand requested greater transparency and a timely and consistent process for the relisting of an establishment once the causes for suspension were deemed resolved by the exporting country.

3.89. China considered its prevention and control measures to be consistent with the SPS Agreement. China pointed to research proving that the virus could survive for a long time under low-temperature conditions. In China's view, the COVID-19 clusters in food businesses experienced by many countries showed the risk of SARS-CoV-2 contaminating food and/or food packaging. After the detection of the COVID-19 virus on the packaging and containers of imported products, China had strengthened the supervision of cold chain foods and taken prevention and control actions. China considered these measures to be consistent with the FAO/WHO guidance in the document "COVID-19 and Food Safety: Guidance for Food Businesses". China indicated that its measures to fight against the COVID-19 pandemic treated domestic and foreign enterprises equally. Reiterating that the objective of its COVID-19 related measures was to protect people's lives, China stressed the need for global cooperation to be strengthened to battle COVID-19.

3.2.8 China's administrative measures for registration of overseas manufacturers of imported food (26 November 2019) (STC 485) - Concerns of Australia and the United States

3.90. The United States reiterated its concern regarding China's draft "Administrative Measures for Registration of Overseas Manufacturers of Imported Foods" (notified to the TBT Committee as G/TBT/N/CHN/1522) and its draft "Administrative Measures on Import and Export Food Safety" (G/SPS/N/CHN/1191). The United States indicated that the draft measures appeared to apply to all food products, regardless of risk or whether foods were already subject to additional certification requirements. In addition, the United States considered that China's draft measures would mandate additional certification, audit and inspection documents and procedures, and would likely create trade disruptions. The US statement is contained in document G/SPS/GEN/1899.

3.91. Australia expressed its concern on certain aspects of the draft "Administrative Measures for Registration of Overseas Manufacturers of Imported Foods" which it considered to be more trade-restrictive than necessary to fulfil China's food safety objectives. Australia requested China to provide information on the risk analysis and the technical information used to develop the draft regulation. Emphasizing the importance of compliance with WTO obligations, in particular those related to the adoption and recognition of international standards, Australia urged China to reconsider the draft regulation and revise it accordingly.

3.92. Japan, the European Union, Canada, Korea and Switzerland supported the concern. Japan considered the proposed "Administrative Measures for Registration of Overseas Manufacturers of Imported Foods" would create unnecessary barriers to trade and have negative impacts on food trade. Japan requested China to notify these measures in the SPS Committee, reconsider the content of the draft regulation to account for Members' comments and concerns and provide an adequate transition period. Regarding these same draft measures, the European Union remarked that the trade registration and control procedures should be proportionate to risk and should avoid unnecessary requirements. Canada considered the new measures proposed by China in G/SPS/N/CHN/1191 to be more trade-restrictive than necessary, and not to be based on a risk assessment. Canada requested China to notify the draft measures proposed in G/TBT/N/CHN/1522 to the SPS Committee for Members' comments and review. In addition, Canada called on China to provide an explanation on these latter proposed measures as it considered the additional licensing, inspections, and approvals to be unjustified, overly burdensome and beyond what was required to ensure food safety. Korea indicated the draft "Administrative Measures for Registration of Overseas Manufacturers of Imported Foods" would apply to a broad spectrum of products leading to an increase in cost, time, and administrative effort, resulting in unnecessary barriers to trade. Korea requested China to reconsider the draft measures and notify them to the SPS Committee. Regarding these same proposed measures, Switzerland noted they included all food categories irrespective of their risk profile and seemed more trade-restrictive than necessary.

3.93. China indicated the purpose of the revised administrative measures (Administrative Measures for Registration of Overseas Manufacturers of Imported Food) was to optimize the registration

procedures, clarify responsibilities and facilitate trade. China noted it was in the process of replying to Members' comments and that it would study Members' suggestions and promote the implementation of the revised version. China clarified that the newly revised version would not affect the implementation of the agreements already signed between relevant Members and China.

3.2.9 India's new requirements for animal feed in the Food Safety and Standards Act, 2006 (dated 27 January 2020) (STC 479) - Concerns of the United States

3.94. The United States indicated that it remained concerned with India's new directive on animal feed, which it anticipated to have a significant impact on trade in feed ingredients and possibly on meat and dairy products from livestock. The United States commented on the requirements imposed by the directive, including India's notification obligations, as detailed in the US statement contained in document G/SPS/GEN/1898, and requested India to provide further clarification and the scientific basis for certain requirements.

3.95. India indicated that the draft notification for amendment in the Food Safety and Standards Regulations had been notified to the WTO in November and December 2020, under G/TBT/N/IND/174 and G/SPS/N/IND/258. India invited the United States to provide specific inputs on the additional feed ingredients for the consideration of the Bureau of Indian Standards.

3.2.10 General import restrictions due to BSE (STC 193) - Concerns of the European Union

3.96. The European Union reiterated its concerns regarding unjustified and long delays in approving imports of beef from the European Union in light of bovine spongiform encephalopathy (BSE) concerns of certain Members. The European Union took the view that the delays in the approval procedures of some Members, in particular China, Colombia, Chinese Taipei, and the United States, were inconsistent with Article 8 and Annex C of the SPS Agreement. The European Union urged all Members to comply with their obligations under the WTO agreements, apply international standards, lift remaining BSE-related restrictions for all EU member States and finalize the remaining pending approval procedures without further delay. The European Union remained open to continue to work constructively with all trading partners.

3.97. China highlighted great caution had been taken when importing beef and related products from countries where BSE was reported, to ensure public health and the safety of the industry. China noted it had carried out technical exchanges with the European Union and had advised EU member States to submit bilateral export applications. China assured it would continue to carry out risk assessments and improve the relevant measures according to the assessment results.

3.2.11 China's import restrictions due to African swine fever (STC 392) - Concerns of the European Union

3.98. The European Union again raised concerns over China's ASF-related country-wide import bans on pork products, encompassing EU member States that had successfully eradicated the disease in livestock and wildlife and had regained a disease-free status in accordance with OIE rules. The European Union recalled that the issue had first been raised in July 2015 and regretted that China had since then expanded the bans, despite having the same sanitary profile as the European Union. The European Union requested China to respect its obligations under the SPS Agreement and OIE standards and allow trade from disease-free areas. While appreciating the dialogue between several EU member States and China, the European Union urged China to identify its procedures, counterparts, and information requirements to engage in meaningful exchanges.

3.99. China stressed the challenges in the control of ASF and considered the latest OIE data on ASF outbreaks to be indicative of an ineffective control of the disease by EU member States. China indicated it had taken strict measures for the prevention and control of ASF which had achieved phased results. China advised EU member States to submit bilateral export applications and assured it would continue to carry out risk assessments and improve the relevant measures according to the assessment results. In addition, China expressed its willingness to cooperate with the European Union at a technical level.

3.2.12 Korea's import restrictions due to African swine fever (STC 393) - Concerns of the European Union

3.100. The European Union reiterated its concern regarding Korea's ASF-related ban on pork and pork products from several EU member States since February 2014, which did not take into account EU regionalization measures. The European Union considered the measure to be more trade-restrictive than necessary. In addition, the European Union indicated that Korea had continued to receive detailed information on all outbreaks in full transparency and had received all necessary evidence demonstrating the effectiveness of the EU regionalization measures. The European Union urged Korea to lift the bans and to recognize the EU harmonized regionalization measures.

3.101. The Russian Federation supported the concern. Since 2014, the Russian Federation had requested Korea to grant market access for its products on numerous occasions and had provided all relevant information regarding ASF control measures and regionalization. According to the OIE Terrestrial Code, imports of pig products from a country with cases of ASF were possible under certain conditions. Korea's position, however, had remained unchanged. The Russian Federation requested Korea to comply with its obligations under Articles 3 and 6 of the SPS Agreement and urged Korea to approve its pending application for market access for pork products.

3.102. Korea noted it had imposed import bans on ASF-affected countries according to the import health requirements mutually agreed upon with an exporting country. Korea indicated it had engaged in consultations with the European Union to explain its procedures for the recognition of ASF regionalization. Korea noted that verifiable evidence was needed to recognize ASF regionalization from ASF-affected countries. In addition, Korea indicated that the same procedures were applied to the Russian Federation and the European Union concerning ASF regionalization.

3.2.13 Peru's import restrictions on pork (STC 482) - Concerns of Brazil

3.103. Brazil reiterated its concern regarding Peru's undue delays in finalizing the risk analysis process for Brazilian pork exports. Brazil considered Peru's actions to be inconsistent with Article 5 and Annex C of the SPS Agreement. Despite exchanges between its authorities, Brazil indicated that Peru had not presented technical or scientific reasons for not having concluded the process. Following a commitment by Peru to send a technical mission to Brazil in 2019, Brazil had withdrawn its request for inclusion of this STC in a previous SPS Committee meeting. Notwithstanding, Brazil noted there had since been a lack of progress. In addition, Brazil stated that Peru had refused its proposal to conduct an audit through videoconference. Brazil requested Peru to conclude the process without further delays.

3.104. Peru highlighted that it was respectful of the obligations established in the SPS Agreement and was currently working on the opening of its market to pork meat from Brazil, according to national regulations. Peru hoped to reach a mutual understanding in favour of bilateral trade.

3.2.14 Mexico's import restrictions on pork (STC 489) - Concerns of Brazil

3.105. Brazil noted that, in April 2019, its authorities had been informed of the negative result of the risk analysis concerning market access to Mexico of Brazilian pork produced in the state of Santa Catarina. Despite the OIE recognition of the state of Santa Catarina as free from FMD without vaccination, Mexico had continued to question the efficiency of its risk mitigation strategies. Brazil considered this position to be inconsistent with Article 6 and Annex C of the SPS Agreement. Brazil reiterated that pork meat exported to Mexico presented no risk as it came from a zone free from classic swine fever (CSF) and FMD, as recognized by the OIE, and that pork imports were to be processed by Mexico's food industry. In July 2019, Brazil had proposed an international sanitary certificate model for pork meat for industrial processing, and was waiting for Mexico's response.

3.106. Mexico considered the two Brazilian normative instruments for the mobilization of animals to be conflicting, and had notified Brazil that, in addition to the review of the technical information provided on the control of FMD in the state of Santa Catarina, a legal analysis of these normative instruments would be carried out in accordance with the SPS Agreement and the relevant international standards. Mexico reiterated its willingness to continue working with Brazilian authorities and encouraged a continued technical dialogue to deal with this concern.

3.2.15 China's import restrictions due to highly pathogenic avian influenza (STC 406) - Concerns of the European Union

3.107. The European Union raised its continued concern with China's imposition, since 2015, of country-wide bans on several EU member States on account of highly pathogenic avian influenza (HPAI). The European Union had repeatedly requested China to recognize the principle of regionalization, lift country-wide import restrictions, and take more targeted measures. The European Union regretted that there was not much progress to report on the resolution of this issue. The European Union considered that China continued to disrespect the concept of regionalization and the OIE Terrestrial Code. The European Union reiterated its continued interest to work constructively with China on this issue.

3.108. China highlighted the importance of its poultry industry and the challenges in the prevention and control of HPAI. China considered the latest OIE data on HPAI outbreaks to be indicative of an ineffective control of the disease by EU member States, and noted it had suspended the importation of live poultry from the European Union to protect the safety of its poultry industry. China welcomed the exchanges and technical discussions with the European Union to resolve the issue.

3.2.16 South Africa's import restrictions on poultry due to highly pathogenic avian influenza (STC 431) - Concerns of the European Union

3.109. The European Union regretted that South Africa maintained country-wide bans on poultry products from six EU member States and did not apply the regionalization principle. The European Union considered the measure to be at odds with Article 6 of the SPS Agreement. The European Union noted that South Africa had carried out inspections in certain EU member States and was aware of the structure and capacity of EU veterinary services. The European Union called for South Africa to respect its obligations and reiterated its interest to resolve the issue in a constructive and mutually satisfactory manner.

3.110. South Africa considered the EU measures for the control of HPAI to be non-compliant with Chapters 4.4 and 4.5 of the OIE Terrestrial Code. South Africa encouraged Members to make use of the principle of regionalization and to explore the possibilities brought about by it in ensuring continuous trade. South Africa reminded the European Union that the envisaged engagements could not take place due to the COVID-19 global impact and associated travel restrictions.

3.2.17 Korea's import restrictions on poultry due to highly pathogenic avian influenza (STC 456) - Concerns of the European Union

3.111. The European Union reiterated its concern regarding Korea's country-wide bans on poultry imports from certain EU member States due to HPAI. The European Union had, on numerous occasions, provided information on the sanitary control systems in place to demonstrate that avian influenza was reliably controlled, and disease-free areas were likely to remain free. The European Union indicated that Korea had not offered, thus far, any dialogue to implement the regionalization concept. The European Union urged Korea to lift the country-wide bans and recognize its harmonized regionalization measures.

3.112. The Russian Federation supported the concern. The Russian Federation stated that, according to Korea, market access for Russian poultry would only be granted when the entire territory of the Russian Federation was recognized as HPAI-free. In this regard, the Russian Federation recalled that the OIE Terrestrial Code allowed imports of poultry products from HPAI infected countries under certain conditions. The Russian Federation urged Korea to comply with Articles 3 and 6 of the SPS Agreement.

3.113. Korea indicated that it had imposed import bans on HPAI-affected countries according to the import health requirements for poultry and poultry products mutually agreed upon with an exporting country. Korea highlighted that, based on OIE standards, if HPAI-free status was recovered in an exporting country, it would quickly evaluate the status and lift the import ban. Korea reported that it would engage in bilateral consultations with EU member States concerning the request for HPAI regionalization.

3.2.18 Saudi Arabia's temporary suspension of Brazilian poultry exporting establishments (STC 486) - Concerns of Brazil

3.114. Brazil expressed its concern regarding the suspension of imports by Saudi Arabia affecting two major Brazilian poultry-producing plants in February 2020, without providing technical reasons. Brazil noted Saudi Arabia's reference to media reports on an investigation conducted in Brazil regarding an alleged fraud scheme in the production of animal feed. Brazil indicated that neither of the plants affected by the suspension of imports had been involved in the investigation. Brazil urged Saudi Arabia to reconsider the measure as soon as possible.

3.115. Saudi Arabia indicated that the temporary import suspension affecting two Brazilian poultry establishments was due to risks associated with potential food fraud in Brazil's poultry industry. Saudi Arabia reported it had officially communicated with Brazil in February to request a technical visit to the two establishments. Saudi Arabia stressed that it welcomed cooperation to resolve the matter at a bilateral level.

3.2.19 Korea's lack of progress on pending applications for authorization of beef imports (STC 490) - Concerns of the European Union

3.116. The European Union reiterated its STC regarding import bans for bovine products maintained by Korea due to BSE concerns. The European Union welcomed the re-opening of Korea's market in 2019 for imports from two EU member States, stressing that identical food safety and animal health control conditions prevailed in all its member States. The European Union reminded Korea to limit the information requirements to what was necessary under the SPS Agreement. In addition, Korea had been more diligent in re-opening its market to other Members with similar BSE status, and thus seemed to discriminate against EU applications. The European Union considered that delays in approval procedures were not justified and that Korea was not complying with its commitments, in particular under Articles 2.3 and 8, and Annex C.1 of the SPS Agreement. While open to continue working with Korea, the European Union urged Korea to grant market access to EU member States without further delay.

3.117. The Russian Federation supported this STC. The Russian Federation noted that the Korean authorities had been informed in May 2019 of its restored OIE status as a country with an FMD-free zone without vaccination. Additional information requested by Korea had been provided. While Korea had announced, in 2019, the start of a risk assessment process for beef imports from three regions of the Russian Federation, Korea had not yet authorized Russian beef imports. The Russian Federation requested Korea to comply with Article 8 and Annex C of the SPS Agreement and approve its pending application for market access of Russian beef.

3.118. Korea responded it applied risk assessment procedures for beef in full compliance with WTO rules, to all trading countries in a non-discriminatory manner. In this context, Korea noted that risk assessment procedures were underway for France and Ireland, and that import approval procedures for the remaining EU member States were carried out in consecutive manner. Korea added that it would continue to discuss this matter with the European Union.

3.2.20 Delays in Malaysia's approval procedures for meat and dairy imports (STC 491) - Concerns of the Russian Federation

3.119. The Russian Federation reiterated its concern about the lack of transparency and unmotivated delays in Malaysia's approval procedures for meat and dairy imports. The Russian Federation had been waiting, since October 2019, for veterinary certificate approvals for products of animal origin (pork, poultry, beef, and dairy products), and since March 2020, for veterinary and sanitary requirements on import of dairy products. In December 2020, it had submitted materials on measures undertaken for the control of avian influenza and export of safe Russian poultry meat to South Asian countries. Despite repeated attempts to organize bilateral negotiations and reminders of requests and materials sent, no responses had been received from Malaysia thus far. The Russian Federation considered Malaysia's lack of reaction to be a deliberate delay and a violation of Article 8 and Annex C of the SPS Agreement. The Russian Federation urged Malaysia to comply with its WTO obligations regarding the application of transparent and timely approval procedures, accelerate the provision of responses, and resume effective cooperation.

3.120. Malaysia took note of the concerns expressed and indicated that it would work bilaterally with the Russian Federation to find an amicable solution.

3.2.21 India's approval procedures for animal products (STC 484) - Concerns of the Russian Federation

3.121. The Russian Federation acknowledged progress in the cooperation with India regarding the approval procedures for imports of Russian feed and non-food raw materials of animal origin. The Russian Federation nonetheless reiterated its STC, indicating that, thus far, it had not had an opportunity to supply any food products of animal origin to the Indian market. In addition, India had not shared its view regarding the issue of regionalization for avian influenza and access of safe Russian poultry products to the Indian market. The Russian Federation further considered India to unreasonably delay the approval of veterinary certificates for poultry meat and poultry products (offal) and veterinary certificates for fish products. The Russian Federation urged India to comply with Article 8 and Annex C of the SPS Agreement and requested India to undertake and complete its approval procedures properly and without undue delay.

3.122. India responded that it was engaging with Russia in discussions on sanitary protocols. In January 2021, it had requested the Russian Federation to provide copies of certain original veterinary certificates for necessary internal approvals. India had also conveyed information regarding the draft Veterinary Health Certificate for supplies from the Russian Federation with respect to the following categories: feed additives for cats and dogs as well as heat-treated ready-to-eat feeds for cats and dogs; animal feed of plant origin, feed and feed additives of animal origin, sheep wool washed and not washed and goat fine hair, and poultry. India referred to its statement uploaded on eAgenda for more information.

3.2.22 Non-publication of US final rule on importation of sheep, goats and certain other ruminants (STC 493) - Concerns of the European Union

3.123. The European Union reiterated its concerns about the unjustified and long delay in the publication of the US final rule on importation of sheep, goats and certain other ruminants. The European Union noted that this would be only the starting point for EU member States and other WTO Members to start the relevant procedure to get approval for exports of small ruminant meat. It would also complete the protracted process of aligning US animal health rules with international standards for BSE and transmissible spongiform encephalopathies (TSE). Considering that necessary technical and administrative work had been completed in 2017, the European Union considered the accumulated delays to constitute a violation of Article 8 and Annex C of the SPS Agreement. The European Union urged the United States to comply with its WTO obligations and apply international standards to lift remaining TSE related restrictions for all EU member States and not to delay further the publication of the final rule.

3.124. The United States responded that it continued to work through its administrative procedure to process this request. The United States noted the bilateral engagement on this matter and looked forward to continuing cooperation with the European Union.

3.2.23 The Philippines' trade restrictions on imports of meat (STC 466) - Concerns of the European Union

3.125. The European Union reiterated that the Philippines did not adhere to OIE international standards, did not apply the regionalization principles to the European Union, and maintained a policy of imposing scientifically unjustified country-wide bans on imports of meat and meat products from EU member States on grounds of ASF or HPAI. The European Union recalled that nine EU member States were subject to country-wide import bans imposed by the Philippines on pork meat or poultry meat and relevant products. To the European Union, the Philippines' measures lacked scientific justification, were against the principle of regionalization, and were thus inconsistent with Articles 2.2 and 6 of the SPS Agreement. The European Union indicated that it remained ready to engage further with the Philippines with the objective to minimize the disruption of trade, calling on the Philippines to respect its international obligations and to allow trade of pork and poultry from disease-free EU member States and zones.

3.126. Recognizing the principle of regionalization, the Philippines responded that it had initially imposed import restrictions on specific areas or regions of eight EU member States due to HPAI outbreaks and had then imposed provisional measures on five of these EU member States. The Philippines emphasized the possibility under the SPS Agreement to maintain measures at levels higher than those of the OIE. The Philippines also emphasized the provisional nature of its measures restricting imports from countries with ASF or HPAI outbreaks based on available pertinent information consistent with Article 5.7 of the SPS Agreement. In reviewing its measure pursuant to Articles 5 and 6 of the SPS Agreement, the Philippines viewed as imperative the consideration of prevalence of the diseases, the effectiveness of controls to be supported by convincing evidence of disease contraction or elimination, as well as the SPS characteristics of the area to which the product was destined. The Philippines indicated that it continued to monitor the disease situation and sought to obtain additional information for the review of its provisional measures. The Philippines concluded that it would welcome further discussion with the European Union.

3.2.24 Guatemala's restrictions on egg products (STC 413) - Concerns of Mexico

3.127. Mexico reiterated its concern regarding the import restrictions imposed by Guatemala on thermally processed egg products, which could be a violation of fundamental principles of the SPS Agreement and of the FTA between Mexico and Central America. The National Health, Food Safety and Agrifood Quality Service (SENASICA) had repeatedly requested the procedure and requirements to export thermally processed liquid and dried egg products, and had provided technical information on these products to Guatemala. In its response, Guatemala had referred to Ministerial Agreements No. 105-2012 and No. 228-2013, which stated that import restrictions would be based on OIE guidelines. However, Mexico believed that import restrictions imposed on thermally processed poultry and poultry products that did not pose a health risk restricted trade without scientific evidence. Guatemala did not allow imports of these products, despite the objective evidence provided by Mexico of the existence of HPAI-free zones and compartments. Mexico asked Guatemala to provide import requirements for thermally processed egg products in accordance with OIE guidelines. Mexico remained open to dialogue and looked forward to Guatemala's comments.

3.128. Disagreeing with some of the points made by Mexico, Guatemala considered that the requirements in place protected poultry health and were compatible with OIE recommendations. The issue should be addressed at a technical level, and the Ministries of Economy in Mexico and Guatemala had agreed to discuss bilaterally within the frameworks of the SPS Committee and the FTA between Mexico and Central America.

3.2.25 Indonesia's approval procedures for animal and plant products (STC 441) - Concerns of the European Union

3.129. The European Union reiterated its concerns about the lack of transparency of and undue delays in Indonesia's approval procedures for imports of plant and animal products. The European Union regretted the limited feedback received from Indonesia following a request for information on its market access approval procedures for agri-food products from EU member States pending export applications. Specifically, the European Union expressed concerns about the lack of progress on export applications for beef, dairy, poultry, pork, and plant products, which in some instances had been submitted more than seven years ago. The European Union requested Indonesia to be transparent about its approval procedures and finalize pending market access applications without undue delay, in line with the SPS Agreement.

3.130. Indonesia indicated that it had communicated with EU member States on a regular basis regarding the progress of their applications. Indonesia added that it had been carrying out necessary measures to accelerate the approval procedure process for EU member States, as a result of which, some of the applications had been approved and some were at the final stage. Indonesia noted, however, that some EU member States still needed to complete their documents and fulfill their audit fee obligation. While encouraging trade facilitation, Indonesia considered, in reference to Article 8 and Annex C of the SPS Agreement, that document and fee requirements needed to be fulfilled. Indonesia expressed its appreciation for the bilateral consultations and hoped that its response would address the European Union's concern.

3.2.26 Indonesia's food safety measures affecting horticultural products and animal products (STC 414) - Concerns of the Philippines

3.131. The Philippines reiterated its concern about Indonesia's food safety measures affecting horticultural and animal products, without regard to the objective of minimizing negative trade effects in Article 5.4, the requirement in Article 5.6 not to introduce SPS measures that are more trade-restrictive than necessary, transparency obligations under Article 7 and Annex B, and the obligation to undertake approval procedures without undue delay in Article 8 and Annex C of the SPS Agreement. Indonesia noted that additional requirements, such as a GAP certificate, and a license to operate prior to the issuance of permits to importers of shallots, had not been notified to the WTO and that, currently, no permits had been issued to allow the Philippines to export shallots to Indonesia. The Philippines added that undue delays, lack of transparency, the piecemeal and unpredictable approach, and discriminatory requirements without scientific justification were also issues with respect to Indonesia's approval measures for the import of meat and meat products. The Philippines urged Indonesia to be transparent and timely in its approval measures, and refrain from its piecemeal approach of introducing requirements that were cumbersome, costly, and restrictive of trade. The Philippines hoped that bilateral consultations would lead to the resolution of this concern.

3.132. Indonesia recalled that the issue had been discussed through bilateral channels and that it had addressed some of the Philippines' concerns regarding pest-free area recognition for bananas, shallots, and pineapples, as well as the importation requirements for animal products. Indonesia confirmed that the Philippines had obtained pest-free area recognition for shallots and bananas and invited the Philippines to take advantage of this to export their products according to the demand of the Indonesian market. Indonesia encouraged the Philippines to complete the application document to obtain pest-free area recognition for pineapples and sought clarification regarding the animal products at issue, asking for the HS codes concerned. Indonesia emphasized that risk assessment procedures regarding the importation of animal and animal products would be applied in line with Articles 5, 6, and 8 of the SPS Agreement, noting that compliance to international standards, guidelines and recommendations (OIE) needed to be upheld by all Members.

3.2.27 Thailand's phytosanitary restrictions on imports of fresh citrus fruits due to sweet orange scab (STC 470) - Concerns of Japan

3.133. Japan reiterated its concern regarding Thailand's phytosanitary restrictions on imports of fresh citrus fruits due to sweet orange scab. Japan regretted that Thailand had not accepted its proposal for an alternative measure, nor had entered into consultations on recognition of equivalence of phytosanitary measures. Thailand had also not provided a PRA report for its measure. Japan considered that Thailand did not conform to Article 5.1 of the SPS Agreement. Japan requested Thailand to provide a PRA report conducted in accordance with IPPC international standards (ISPM 11), in case of non-acceptance of the equivalence of Japan's proposed measure. In addition, Japan noted that at a recent bilateral meeting, Thailand had not provided any scientifically convincing response. Japan therefore requested Thailand to give answers to the concerns it had raised at this bilateral meeting, enter into consultations on recognition of the equivalence of the alternative phytosanitary measure, and provide a PRA report.

3.134. Thailand responded that there was a scientific rationale for its measures, which were necessary to eliminate the risk of quarantine pests and address insufficient information regarding Japan's proposed alternative measure. Thailand pointed to a document from the US Department of Agriculture (USDA) involving a five-step procedure for packinghouses and added that it was also complying with Article 5.7 of the SPS Agreement. Thailand and Japan had mutually agreed on the requirement of this 5-step procedure, after which Japan had requested Thailand to consider an alternative measure in September 2020. Thailand had engaged with Japan through several technical consultations, but Japan had not provided sufficient technical information, scientific evidence and detailed procedures and/or measures. Thailand expressed its readiness to engage should further discussions be required.

3.2.28 US import restrictions on apples and pears (STC 439) - Concerns of the European Union

3.135. The European Union regretted that the United States continued to refuse imports of apples and pears from the European Union under a systems approach, instead of the existing preclearance approach. The European Union recalled that the United States had concluded, several years ago, that imports of apples and pears could take place under a systems approach, but had not undertaken the final administrative step of publishing a final notice to allow trade to start. To the European Union, there was no justification on scientific grounds to continue to block imports into the United States of apples and pears from the EU under the agreed systems approach. The European Union indicated that it continued to work constructively with the United States, but also urged the United States to solve this matter without any further delay.

3.136. The United States responded that it continued to work through its administrative procedures to process this request. While noting that the European Union was able to export apples and pears under the existing preclearance programme and appeared to misrepresent these aspects of the issue, the United States expressed its appreciation for the bilateral engagement.

3.2.29 Chinese Taipei's phytosanitary risk assessment procedure on imports of fresh vegetables and fruits (STC 496) - Concerns of Ukraine

3.137. Ukraine remained concerned by Chinese Taipei's lack of progress in conducting PRAs regarding imports of fresh vegetables and fruits from Ukraine. Ukraine thanked Chinese Taipei for its communication following the November 2020 Committee meeting, but noted the lack of practical results as Ukraine was still awaiting substantial information on the PRAs for imports of onions and apples. Ukraine considered that further delays in the finalization of risk assessment procedures created unjustified barriers to trade and could not be justified from a scientific point of view. Ukraine urged Chinese Taipei to follow its obligations under Article 8 and Annex C.1(a)-(b) of the SPS Agreement and finalize with no undue delay Ukraine's applications. Ukraine added that it remained open to continue working with Chinese Taipei on this issue.

3.138. Chinese Taipei noted that Ukraine had confirmed onions as its priority in December 2019, following which experts had initiated the PRA. Chinese Taipei explained that experts were now evaluating information on crop production, pest management, and disease status provided by Ukraine. Chinese Taipei acknowledged Ukraine's concern and stated that it looked forward to continuing its dialogue and cooperation with Ukraine.

3.2.30 Ecuador's import restrictions on grapes and onions (STC 498) - Concerns of Peru

3.139. Peru reiterated its concerns regarding Ecuador's restrictive measures on Peruvian grapes and onions. Ecuador had closed its market to grapes in 2015 and to onions in 2016, requesting Peru to develop an action plan to mitigate contamination risks. Peru was of the view that Ecuador's actions constituted a violation of the legislation in place in Ecuador, of Articles 5.4, 7 and 8, and Annexes B and C of the SPS Agreement, and of Codex Guidelines for the Exchange of Information Between Countries on Rejections of Imported Food (CAC/GL 25-1997). While the Technical Resolution DAJ-20133EC-0201.0096 had been notified in document G/SPS/N/ECU/132, Resolution 0064, from 2017, had not been notified and Members had not been able to submit comments, despite the impact of the regulation on trade. Peru regretted that, despite having answered all of Ecuador's requests, restrictions were still in place without a technical justification, contravening Articles 2.2 and 5.1 of the SPS Agreement, as well as the principle of non-discrimination. Given the resulting economic losses, Peru requested Ecuador to avoid imposing measures that were against the provisions of the SPS Agreement and the basic principles of the WTO, not to disregard technical agreements previously developed, to notify its measures and provide opportunities for comments, and to reopen the market for grapes and onions.

3.140. Ecuador informed the Committee that imports of onions and grapes from Peru had been suspended on the basis of the Technical Resolution DAJ-20133EC-0201.0096, National Plan for Surveillance and Control of Pollutants in Primary Sector Production, of 2013. Its regulations were consistent with Article 2 of the SPS Agreement and the Codex Code of Ethics for International Trade in Food including Concessional and Food Aid Transactions (CAC/RCP 20-1979), and MRLs were consistent with Codex guidance and Article 3 of the SPS Agreement. Ecuador pointed out that

sampling of onions from Peru had evidenced residues of endosulfan and dimethoate above established MRLs. Likewise, sampling of grapes had evidenced residues of dimethoate, procymidone and pyriproxyfen above allowed MRLs. Ecuador had subsequently requested Peru to develop action plans to mitigate contamination risks. Following new detections of difenoconazole and tebuconazole in grapes, Ecuador had suspended imports to protect consumers' health. In the ongoing exchanges aiming at finding solutions, Peru's comments on grapes were being taken into account. On onions, Ecuador was awaiting confirmation of Peru's interest to maintain market access. Ecuador reiterated its willingness to continue working with Peru to reopen trade flows for grape and onion.

3.2.31 India's import requirements for pulses (STC 497) - Concerns of Canada

3.141. Canada reiterated its concern regarding India's trade-restrictive measures on pulses, including mandatory fumigation requirements and measures on weed seeds. Canada recalled that India had committed, at the November 2020 Committee meeting, to continue engaging on the issue of alternatives to India's fumigation requirements. However, there had been a lack of engagement since then and India had not yet responded to Canada's overtures of November 2020. Turning to India's measures on weed seeds, Canada noted that India had added 26 new weed seeds species to its List of Quarantine Weed Seeds in October 2019. In Canada's view, these actions were inconsistent with the principles of transparent and predicable international rules-based trade. Canada was troubled by the lack of transparency, predictability and scientific basis for these measures, as well as their non-conformity with relevant international standards. Canada urged India to continue engage with the aim of finding an early resolution of these issues.

3.142. The Russian Federation supported this concern. India's fumigation requirements based on methyl bromide created unjustified trade barrier and did not have a sufficient scientific justification. In this light and given the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer limiting the use of methyl bromide, the Russian Federation called upon to India accept the use of alternative fumigants based on phosphine in accordance with prevailing international practice.

3.143. Reaffirming its commitment to finding a mutually acceptable solution, India responded that it was currently in the process of examining information provided by Canada. India pointed to information provided following a visit to Canada to review its systems approach and information provided in the context of Canada's request for a review of the list of quarantine seeds. India also indicated that it was still awaiting a response from Canada in relation to India's review of the PRA for pulses following the interception of quarantine pests in consignments in October 2019. Responding to the Russian Federation, India referred to a visit to study the Russian fumigation procedure and requests for additional information. India also pointed to a series of communications in 2018-2020 as detailed in its statement uploaded on eAgenda. India stated that it was now of the view that in-transit fumigation of grains from the Russian Federation with phosphine could be considered, but that the importer would have to ensure proper degassing and removal of fumigant residues and submit a certificate from accredited fumigation agencies. India added that, in March 2021, it had proposed a bilateral meeting to the Russian Federation but had not received a response.

3.2.32 US non-recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle (STC 471) - Concerns of the European Union

3.144. The European Union reiterated its concern concerning unjustified and long delays in the United States' recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle. The European Union regretted the absence of progress on this topic, indicating that the United States had satisfactorily finalized its scientific assessment several years ago on the country pest freedom recognition of the EU member States concerned, but had yet to publish a final Federal Order in this respect. The European Union added that there was no scientific basis for the United States to block this last administrative step and that the United States was therefore not complying with the SPS Agreement. Having expressed its openness to continue working with the United States, the European Union urged the United States to publish without further delay the notice at issue and accept the EU pest-free areas.

3.145. The United States assured the European Union that it was working through its administrative procedures to process this request. The United States noted the bilateral technical engagement on the matter and looked forward to continued cooperation.

3.2.33 Proposed new EU rules on composite products (STC 504) - Concerns of Australia, China, the Russian Federation and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu

3.146. Australia expressed concerns about the potential negative impact that the EU proposed changes relating to shelf-stable composite products under Regulation (EU) 2019/625, notified in G/SPS/N/EU/401, might have on trade in shelf-stable composite products. Products previously excluded from the original EU regulation of 2007 would now be captured in the proposed requirements for food manufacturers of shelf-stable composite products to attest the sourcing of animal origin ingredients (dairy, fishery, or egg origin) from EU-approved establishments either in EU member States or in authorized third countries. Australia considered that these requirements were not justified and would not lead to significant improvements in safety or a higher quality of products.

3.147. Australia requested the European Union to recognize equivalence of third countries already implementing a sufficient level of sanitary regulation for low-risk shelf-stable composite products, as established in Article 4 of the SPS Agreement. It also requested the European Union to indicate how the proposed changes corresponded with the level of risk posed by the presence of low levels of animal origin ingredients contained within shelf-stable composite products, as required under Article 5 of the SPS Agreement. Australia requested the European Union to reconsider the implementation of this regulation as currently drafted, including product coverage and thresholds, and looked forward to receiving the EU response on these issues.

3.148. Chinese Taipei reiterated its concerns about the EU proposed new rules on composite products. Chinese Taipei urged the European Union to reconsider the necessity of requiring minor or trace ingredients of animal origin in composite products to be produced in establishments approved by the European Union, which, in its view, imposed a disproportionate burden on business operators and was likely to discriminate composite products of specific cultural characteristics. Chinese Taipei thanked the European Union for taking their concerns into account and looked forward to a written response by the European Union.

3.149. China was of the view that the implementation of the new EU rules would have a great impact on the exportation of processed products, namely increases in the costs for manufacturers and of supervision. As such, China proposed the formulation by the EU Commission of a list of low-risk products to be exempted from the new rules, and the adoption of the principle of equivalence so that Members with a relatively well-established regulatory system be recognized to meet the requirements of the EU regulations, and the composite products under the supervision of their competent authorities be accepted by the European Union.

3.150. The Russian Federation considered that new EU rules for composite products, entering into force on 21 April 2021, were excessive and more trade-restrictive than necessary. The new rules now covered goods that did not previously fall under the requirements, such as raw materials that had undergone a deep heat treatment. The Russian Federation urged the European Union to provide sufficient scientific evidence and a risk assessment supporting the requirements established, which were not feasible for a number of companies worldwide. The Russian Federation proposed the inclusion of producers of raw materials for composite products in the registers of the European Union under the guarantees of the competent authorities of the exporting countries. The Russian Federation was of the view that the EU requirements for mandatory certification of manufacturers of products of no or low veterinary risk were excessive and could be eliminated. Finally, the Russian Federation requested the European Union to provide a transition period for the application of a new form of veterinary certificate for products of short-term storage containing less than 50% of animal origin, and a special certificate for non-perishable food products.

3.151. Japan regretted that, despite the consultations held, the European Union had adopted without modifications the new EU rule on composite products. In Japan's view, the rule was disproportionate to the risk posed by the referred products and would impose a procedural burden on numerous kinds of low-risk seasonings that were important for the food culture of each country. Japan regretted that the European Union had not notified its trading partners well ahead of adoption to allow for a thorough preparation before the departure of the relevant consignments. Japan strongly requested the European Union to conduct flexible operation at the border after 21 April 2021.

3.152. The United States highlighted concerns on the negative effect on supply chains of the proposed model certificates notified under G/SPS/N/EU/401, G/SPS/N/EU/402 and G/SPS/N/EU/403. Certification and verification requirements applied to a broad spectrum of products. The United States requested the European Union to delay the entry into force for composite product requirements until it had addressed how to accommodate overlapping regulatory jurisdiction in third country markets. The US statement is contained in document G/SPS/GEN/1902.

3.153. The Philippines was concerned that the new EU composite products regulation would entail disproportionate costs and adjustments to the Philippine manufacturers and exporters. The Philippines was particularly concerned by the private attestation required for shelf-stable composite products containing less than 50% of animal origin, which they considered to lack scientific support. In its view, the lack of transition period for this requirement was discriminatory compared to the six-month transition period (until 20 October 2021) granted for other categories of composite products requiring official certificates. The Philippines also questioned the requirement to use milk and eggs produced only in the European Union or EU-accredited third countries for shelf-stable composite products. The Philippines urged the European Union to reconsider the revision of the regulation, or at least to postpone the implementation of the private attestation requirement for six months. The Philippines looked forward to bilateral discussions with the European Union.

3.154. While supporting the establishment of import SPS measures based on risk, New Zealand considered that low-risk foods should not, in the absence of a risk analysis, be subject to increased requirements more appropriate for high risk food commodities.

3.155. The European Union recalled that the science- and risk-based import conditions for composite products, modified in 2019, were due to apply from 21 April 2021. While most of the rules remained unchanged, some of the changes introduced referred to the three-tier approach to categorising composite products depending on their level of risk. The European Union highlighted that more flexibility was now offered, making it easier to source ingredients from other countries, with a longer list of composite products being exempted from controls at the border due to their lower risk, and through the replacement of official certificates by a private attestation for certain categories of shelf-stable meatless composite products. Additional information explaining the new rules on composite products had been submitted in documents G/SPS/GEN/1763 and G/SPS/GEN/1786, all draft measure had been notified and all comments had been answered. The European Union had set up a special website to provide up-to date on the import conditions of composite products (https://ec.europa.eu/food/safety/international_affairs/trade/special-eu-import-conditions-composite-products_en).

3.156. The European Union noted that Commission Implementing Regulation (EU) 2020/2235 provided for transitional provisions for the use of certificates issued in accordance with Regulation (EU) No 28/2012 for consignments of composite products. Animal health requirements for the entry into the Union of shelf-stable composite products were laid down in Delegated Regulation (EU) 2020/692, which had been duly notified to the SPS Committee in 2019. The European Commission might propose slight modifications to certain requirements after the assessment of comments received. The European Union remained open to continue the dialogue with interested Members.

3.2.34 EU restriction on highly refined products imported from China (STC 502) - Concerns of China

3.157. China acknowledged that Decision 2002/994/EC had been amended and updated by a series of EU Decisions, including Decision 2015/1068. China regretted that the latest consolidated version of Decision 2002/994 only covered chondroitin regarded as feed material, and not for human consumption. China suggested that the European Union amend Decision 2002/994/EC to include chondroitin, hyaluronic acid and chitosan in the list of products of animal origin intended for human consumption. China also looked forward to the EU response on the harmonization and consistency of enforcement raised in the previous Committee meeting.

3.158. The European Union clarified that Decision 2002/994 applied to all products of animal origin imported from China and intended for human consumption or animal feed use. It listed food and feed products authorized to be imported from China into the European Union. Chondroitin sulphate was authorized to be imported from China for human consumption if it was to be used as or in food

supplements, as established in Part I of Annex to the Decision. The European Union had not been informed thus far of any discrepancy in the interpretation of this Decision amongst the EU Border Control Posts.

3.2.35 India's requirement for certificate for non-GM origin and GM-free status (STC 501) - Concerns of China and the United States

3.159. The United States reiterated its concerns with India's new measure mandating non-GM (genetically modified) origin and GM-free certificates for certain agricultural imports into India, notified as G/TBT/N/IND/168, with a proposed entry into force date of 1 March 2021. The United States referred to the concerns expressed in the November 2020 Committee meeting and in document G/SPS/GEN/1865. The United States was optimistic that the Food Safety and Standards Authority of India (FSSAI) would agree to the technical cooperation proposed by USDA to develop alternatives to the non-GM origin and GM-free certificates. The United States requested India to withdraw its measure or, alternatively, to delay its implementation to January 2022. The United States requested India to provide the scientific justification and any relevant risk assessments or international standards for establishing a one percent tolerance for presence of genetically engineered (GE) food in imported consignments. The US statement is contained in document G/SPS/GEN/1901.

3.160. China raised its concerns on the scope of the products which required a non-GMO (genetically modified organisms) certificate. The common bean exported to India from China was free of GM ingredients, as confirmed by the sampling conducted by the Chinese Customs, and should not be included in the scope of the control of this measure. China requested India to publish the risk assessment and decision-making basis for implementing these requirements of non-GMO certificates for 24 categories of agricultural products. While according to Article 5.4 of the SPS Agreement, Members should take into account the objective of minimizing negative trade effect when determining the ALOP, the measure had increased the compliance costs and burdens for enterprises in the food value chain. The common bean from China accounted for about 50% of India's imports and the implementation of the measures would add costs, harming the interests of Indian consumers and Chinese farmers.

3.161. Paraguay supported the concern and requested further information on the criteria used to identify the 24 crops to which the regulation was applicable. India had not provided an impact assessment, scientific evidence nor a risk analysis supporting the measure. In Paraguay's view, the requirement for a certificate for each consignment was not technically justified and would result in additional costly obstacles. Paraguay was concerned that the measure could lead to the unsupported assumption that GM food products were less safe than non-GM, once evaluated and authorized through strict regulatory processes. While awaiting a response from India to the concerns submitted in January, Paraguay requested India to reconsider its measure.

3.162. New Zealand considered that India's requirements added unnecessary costs on existing trade of 24 horticultural food products. New Zealand asked India to explain the science- and risk-based justification for introducing a certification requirement even from GMO-free countries. New Zealand requested India to consider less trade-restrictive options and noted its proposal for India to accept a country-wide assurance as an alternative to consignment-by-consignment certification, for a specified period-of-time, thus reducing the burden and costs without affecting India's ALOP.

3.163. Japan shared the view that India's proposed requirements would create unnecessary trade barriers and negatively impact agricultural trade. Japan sought clarity on the scientific justification and the implementation of the measure, as well as the need for a non-GM certificate from exporting countries where production and importation of such GM crops was effectively prohibited. Japan requested India to reconsider the implementation of the measure.

3.164. Australia associated itself with this concern. Australia had indicated to the FSSAI that the requirements would create unnecessary obstacles to trade. Australia had also joined several Members in a letter to the relevant Indian Ministers to request that the notification be withdrawn or nuanced. It had also supported the corresponding concern raised in February 2021 in the TBT Committee. Australia looked forward to further comments from India.

3.165. Canada remained concerned about the implementation of India's Order notified under G/TBT/N/IND/168, and requested India to confirm whether the measure had been notified to the SPS Committee. Canada noted that GM food products were only authorized for commercialization once they had received appropriate safety approvals under robust, science-based regulatory frameworks. Canada found it unclear how India's non-GM certification requirement would fulfil the objective to ensure the health and safety of its population. Canada was of the view that India's Order would disproportionately impact exports of GM-producing Members to India and unnecessarily restrict international trade. Canada requested India to suspend the implementation of the measure to ensure that Members' comments and concerns were taken into account. Canada looked forward to a detailed response from India to the comments submitted through India's TBT Enquiry Point, and remained available for further bilateral discussion.

3.166. Argentina supported the concern and highlighted that measures should be based on science and a risk analysis, as well as on international standards. Argentina hoped that India modified the measures to avoid restrictions to international trade, and that the comments sent to the TBT Enquiry Point would be taken into account.

3.167. Brazil expressed its concerns on India's Order notified under G/TBT/N/IND/168, which included a template for the certificate to be issued by the competent authority of each country. Brazil was not aware of the publication by India of a regulatory impact assessment, a risk analysis nor a technical document linking the regulation and its objectives. India's regulation was expected to harm Brazilian exporters of apples, cowpea beans, tobacco and corn. In Brazil's view, GM exemption guarantees for these crops would only add unnecessary costs and regulatory burdens to food value chains, without scientific justification and with no additional benefits to food safety.

3.168. Uruguay reiterated that the measure should be notified to the SPS Committee, since it mentioned food safety objectives. Uruguay noted the international consensus that GM products approved by exporting countries based on Codex recommendations were as safe as their conventional counterparts. Uruguay believed there was no technical justification for the implementation of the measure and looked forward to receiving a reply from India.

3.169. Thailand was concerned by the potential adverse impacts of India's Order on agricultural trade. Thailand requested India to specify the scope and definition of processed products and identify the HS codes of the food crops covered. Thailand also asked India to accept their certificate of non-GM plants, since such crops were not allowed to be planted in Thailand. Thailand looked forward to receiving a response to the written comments submitted to India's TBT Enquiry Point.

3.170. India clarified that the measure had not been notified to the SPS Committee. The Genetic Engineering Appraisal Committee had so far not approved any of the crop varieties of GM- or GE-origin listed in the Order. In pursuance of the above, FSSAI was only seeking a certificate from exporting countries to ascertain the GM-free status of listed crops. FSSAI had also clarified the non-applicability of this requirement for the import of processed food.

3.3 Information on resolution of issues

3.171. 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 - Declaration of an area free from fruit flies of the quarantine-significant genus *Anastrepha* (G/SPS/GEN/1875)

4.2. Mexico reported on document G/SPS/GEN/1875 regarding the declaration of several areas located in the states of Guerrero, Aguascalientes, Durango and Tamaulipas as areas free from fruit

flies of the quarantine-significant genus *Anastrepha*. Mexico indicated that phytosanitary measures had been taken to maintain and protect these areas.

4.2.2 Mexico - Declaration of areas free from large avocado seed weevils, small avocado seed weevils and avocado seed moths (G/SPS/GEN/1869)

4.3. Mexico reported on document G/SPS/GEN/1869 regarding the declaration of several areas located in the states of Michoacán de Ocampo, Jalisco, Nayarit, Puebla, Guerrero and the State of Mexico as areas free from the large avocado seed weevil (*Heilipus lauri*), the small avocado seed weevil (*Conotrachelus aguacatae* and *C. perseae*) and the avocado seed moth (*Stenoma catenifer*). Mexico indicated that phytosanitary measures had been taken to maintain and protect these areas.

4.2.3 Colombia – Declaration of foot-and-mouth disease-free status (G/SPS/GEN/1768)

4.4. Colombia recalled that, in February 2020, the OIE had restored Colombia's health status as a FMD-free zone where vaccination was practiced, and referred to document G/SPS/GEN/1768. Colombia thanked the Members that had recognized this status and reiterated its invitation to Members to inform their health authorities so that the restrictions imposed by some countries could be lifted, thus facilitating ongoing processes to ensure compliance with sanitary requirements.

4.3 Operation of transparency provisions

4.5. The Chairperson recalled that, as had been proposed in the informal SPS consultations on 16 September 2020, the annual report on the implementation of the transparency provisions of the SPS Agreement (G/SPS/GEN/804 and revisions) was now to be issued in March of every year along with the annual report on specific trade concerns (G/SPS/GEN/204 and revisions). Concomitant issuance of both reports was to allow the reports to cover the same reporting period and facilitate analyses and comparisons. The Secretariat presented the March 2021 reports in documents G/SPS/GEN/804/Rev.13 and G/SPS/GEN/204/Rev.21, and Corr.1, highlighting the additional analysis undertaken, and invited Members to submit comments to improve subsequent versions of the reports.

4.4 Control, inspection and approval procedures

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

4.4.1 Working Group on Approval Procedures

4.7. The Chairperson drew the Committee's attention to the summary of the work of the Working Group on Approval Procedures, which was contained in his draft report on the informal Committee meeting held on 24 March 2021. This draft report had been shared with Members to provide comments. The final version of the report is included in Annex A.

4.5 Special and differential treatment

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

4.6 Monitoring the use of international standards

4.6.1 New issues

4.9. No new issues were raised under this agenda item.

4.6.2 Issues previously raised

4.6.2.1 European Union - ASF restrictions not consistent with the OIE international standard

4.10. The European Union drew the Committee's attention to inconsistencies in the application of OIE international standards related to ASF. The European Union considered that many Members did

not follow the OIE Terrestrial Code guidance for the identification, treatment and certification of tradable products. The European Union highlighted that it had, as well as other Members, demonstrated that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak. The European Union added that ASF was a disease affecting many EU and non-EU countries. The European Union invited Members to work on the removal of country-wide and scientifically unjustified trade bans.

4.6.2.2 European Union - HPAI restrictions not consistent with the OIE international standard

4.11. The European Union praised those Members trusting the EU effective and transparent system of surveillance, regionalization and eradication of animal diseases such as avian influenza. The European Union regretted, however, that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified where effective movement controls were in place, and there was no justification to wait one year or more to restore the disease-free status, instead of the three months in the OIE Terrestrial Code. The European Union reiterated its call to Members to respect their regionalization obligations; allow trade from non-affected zones; lift bans three months after eradication and reinstate trade conditions applicable to disease-free countries without delay; refrain from imposing trade restrictions in case of HPAI in wild birds; and refrain from imposing trade restrictions in case of detected low pathogenicity avian influenza (LPAI). The European Union called on Members to respect the recommendations of ISSBs, which had been developed and adopted with their support.

4.12. The OIE provided an update regarding the relevant chapter of the OIE Terrestrial Code (Chapter 10.4), which had undergone extensive revisions to be proposed for adoption at its May 2021 General Session. The OIE highlighted some of the revisions, including a change to the title of the chapter (to refer to infection with HPAI viruses), a modification to the list of disease names in Chapter 1.3, and impacts on notification and surveillance requirements notably for LPAI, a new article on safe commodities, and a revision of the definition of poultry. The OIE pointed to the Terrestrial Code Commission Report of February 2021 (Part A) on its website, detailing the amendments.

4.6.3 New Zealand – Procedure to monitor the process of international harmonization (G/SPS/GEN/1851, G/SPS/GEN/1877)

4.13. The Chairperson reminded the Committee that Members had had an opportunity to discuss New Zealand's submissions in G/SPS/GEN/1851 and G/SPS/GEN/1877 regarding the procedure to monitor the process of international harmonization at the informal meeting of the Committee of 24 March 2021. The Chairperson drew the Committee's attention to the summary of these discussions in his draft report on the informal meeting, which had been shared with Members to provide comments. The final report is included in Annex A.

4.7 Follow-up to the Fifth Review of the Operation and Implementation of the SPS Agreement

4.7.1 Report on the Thematic Session on African Swine Fever

4.14. The Chairperson reminded Members that the draft report on the Thematic Session on African Swine Fever, which had been held on 23 March 2021, had been circulated for Members to provide comments. The final report is included in Annex B.[5]

4.15. The European Union thanked the Secretariat for its support and all the Members and international organizations that had contributed actively to the success of the Thematic Session.

[5] The dedicated webpage for the Thematic Session can be accessed here: https://www.wto.org/english/tratop_e/sps_e/sps_thematic_session_230321_e.htm.

4.7.2 Report on the Informal Meeting

4.16. The Chairperson drew the Committee's attention to the draft report on the informal meeting of the Committee of 24 March 2021, specifically referring to the summaries of the discussions on the follow-up to the Fifth Review, the upcoming Workshop on Risk (G/SPS/GEN/1769/Rev.1), and the proposed Thematic Session on Pesticide MRLs. The Chairperson reminded Members that this draft report had been shared with Members to give them an opportunity to provide comments. The final report is included in Annex A.

5 CROSS-CUTTING ISSUES

5.1 COVID-19 and SPS issues

5.1. The Chairperson reminded the Committee that the informal Committee meeting of 24 March 2021 had included discussions on COVID-19 and SPS issues. These discussions had been summarized in his draft report on the informal meeting. The final report is included in Annex A.

5.2 United States, Canada - SPS Declaration for the 12th WTO Ministerial Conference (G/SPS/GEN/1758/Rev.5)

5.2. The Chairperson reminded the Committee that the informal Committee meeting of 24 March 2021 had included discussions on the SPS Declaration for the 12th WTO Ministerial Conference. These discussions had been summarized in his draft report on the informal meeting, which had been shared with Members. The final report is included in Annex A.

5.3. The United States appreciated Members' openness and willingness to engage on the Declaration. The United States acknowledged two new co-sponsors, Mexico and Tajikistan, noting that there were now 22 co-sponsors representing a diverse group of Members. The United States reiterated that the Declaration was an opportunity to establish a forward-looking programme of work for the Committee dealing with issues within the ambit of the SPS Agreement and mandate of the SPS Committee. The United States emphasized that it was very interested to work with Members to continue building co-sponsorship for the Declaration.

5.4. Canada supplemented the US intervention, underlying that the Declaration was an important opportunity to celebrate the success and value of the SPS Agreement. Canada also considered the Declaration equally to be an important opportunity to note the changes in the global agricultural landscape since 1995 and initiate a work programme open to all Members and Observers to consider how to further enhance the implementation of the SPS Agreement in light of the opportunities and pressures created by the evolution of the global agricultural landscape. The Declaration would not indicate in any way the need to reopen the negotiation of the SPS Agreement. In light of the recently confirmed date for MC12, Canada invited Members to continue to reflect on this important initiative and join as co-sponsors.

5.5. Brazil thanked Mexico and Tajikistan for joining the Declaration as co-sponsors and invited other Members to engage on the Declaration. Brazil stated that it was very enthusiastic about the initiative and that the recently set date for MC12 was an opportunity to build momentum.

5.6. El Salvador informed the Committee that it was joining as a co-sponsor and that an official communication would follow.

5.7. Chile took the floor to stress that the Declaration should be focusing on what is within the scope of the SPS Agreement.

6 TECHNICAL ASSISTANCE AND COOPERATION

6.1 Information from the Secretariat

6.1.1 WTO SPS activities (G/SPS/GEN/521/Rev.16, G/SPS/GEN/997/Rev.11)

6.1. The Secretariat pointed to document G/SPS/GEN/521/Rev.16, describing technical assistance activities that had been undertaken, and document G/SPS/GEN/997/Rev.11, providing an annual

overview of planned activities and detailing practical information, for instance on how to request national seminars.

6.2. Chile thanked the Secretariat for its efforts on technical assistance activities. Chile drew the Committee's attention to the regional workshop on good practices for national notification authorities that had taken place in November-December 2020. Chile highlighted the participation of many countries in Latin America and the good outcome in terms of enhancing the understanding of the transparency obligations and exchange of experiences.

6.1.2 STDF (G/SPS/GEN/1881)

6.3. The STDF Secretariat reported on its recent activities detailed in G/SPS/GEN/1881, in particular its new short film "Shaping a safer world", which highlighted the importance of investing in SPS capacity for developing countries. The STDF Secretariat also referred to the webinar of 24 March 2021 on investing in safe trade systems to protect health and market access, during which the importance of partnerships, technical capacity, technical training, and the need to prioritize resources had been highlighted.[6] Finally, the STDF Secretariat referred to STDF work on public-private partnerships, good regulatory practices, electronic SPS certification, and current STDF projects. The STDF indicated that the deadline for new project applications was 23 July 2021.

6.2 Information from Members

6.2.1 Canada, United States - APEC Maximum Residue Limits (MRLs) Harmonization Workshop Summary (G/SPS/GEN/1884/Rev.1)

6.4. The United States read the summary of the Asia-Pacific Economic Cooperation (APEC) workshop on MRLs contained in document G/SPS/GEN/1884/Rev.1, which was co-sponsored by Australia, Canada, Chile, New Zealand and the Philippines. In particular, the United States announced a second workshop to be held in June 2021 and indicated that APEC economies would work to produce a best practice guide on MRL regulatory approaches.

6.5. Canada noted that the APEC workshop had provided an opportunity to discuss best practices for the enforcement and risk management of MRLs and had explored approaches to facilitate international trade. Canada stated that it was committed to continue its engagement in international cooperation initiatives to discuss and develop best practices and trade facilitative approaches to MRL compliance and find inclusive and common solutions to address trade issues related to MRLs. Canada encouraged Members to do the same. Canada equally encouraged Members to establish transparent and predictable compliance measures based on science- and risk analysis, and take into account ISSBs standards, guidelines and recommendations.

7 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

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

8 OBSERVERS

8.1 Information from Observer Organizations

8.1.1 ECOWAS (G/SPS/GEN/1876)

8.1. ECOWAS provided a summary of its SPS activities as detailed in document G/SPS/GEN/1876. Activities included (i) a continuation of a training workshop on the use of the Harmonized Phytosanitary Inspection and Decision-Making Guide for plant quarantine inspectors in pilot countries; (ii) a virtual meeting to validate the regional programme on plant pests and diseases control with emphasis on fall armyworm in West Africa and the Sahel; (iii) the finalization of its SPS operation plan for 2021-2024; and (iv) the participation in the continental SPS committee meeting organized by the African Union Commission.

[6] The recording of the webinar is available on the STDF website: https://www.standardsfacility.org/aid-trade-investing-safe-trade-systems-protect-health-and-market-access.

8.1.2 IICA (G/SPS/GEN/1878)

8.2. IICA reported on its activities, detailed in document G/SPS/GEN/1878. IICA referred to a regional workshop on transparency and good practices of national notification authorities developed jointly with Chile and the WTO Secretariat. IICA also referred to interregional virtual colloquia in preparation for the 32nd Session of the Codex Committee on General Principles, its 6th edition of its OIE Strategy Session, actions to support the alignment of national pesticide registration systems and harmonize MRLs to facilitate trade in Central America and the Andean region, as well as past and upcoming seminars, courses, and training sessions.

8.1.3 OIRSA (G/SPS/GEN/1879)

8.3. The Chairperson drew the Committee's attention to the report of activities provided by OIRSA in document G/SPS/GEN/1879.

8.1.4 OECD (G/SPS/GEN/1880)

8.4. The OECD had provided a written report, circulated as document G/SPS/GEN/1880.

8.1.5 ITC (G/SPS/GEN/1888)

8.5. ITC had provided a written report, circulated as document G/SPS/GEN/1888.

8.1.6 SADC (G/SPS/GEN/1889)

8.6. The Chairperson drew the Committee's attention to the report of activities provided by SADC in document G/SPS/GEN/1889.

8.1.7 GSO (G/SPS/GEN/1891)

8.7. The Chairperson drew the Committee's attention to the report of activities provided by GSO in document G/SPS/GEN/1891.

8.1.8 IGAD (G/SPS/GEN/1893)

8.8. The Chairperson drew the Committee's attention to the report of activities provided by IGAD in document G/SPS/GEN/1893.

8.2 Requests for observer status

8.9. The Chairperson referred to document G/SPS/W/78/Rev.15, listing the outstanding requests for observer status. The Chairperson indicated that, absent any intervention, he would assume that the positions of Members had not changed. No Member took the floor.

9 ELECTION OF THE CHAIRPERSON

9.1. The Chairperson reminded the Committee that, according to the Rules of Procedure, the term of office of the SPS Committee Chairperson finishes with the conclusion of the first meeting of every year. However, the Chairperson of the CTG had not yet concluded consultations on chairpersons for the CTG subsidiary bodies in accordance with the established Guidelines for Appointment of Officers to WTO bodies (WT/L/31). The Committee therefore agreed to postpone the election of the Chairperson until the next Committee meeting in July 2021.

10 OTHER BUSINESS

10.1. Under this agenda item, the Chairperson noted that, at the beginning of the meeting, India had raised a question regarding timelines for uploading statements pertaining to STCs on eAgenda. On this issue and referring to the use of eAgenda in the TBT Committee, India suggested setting a deadline for Members raising STCs to upload their statements on eAgenda in advance of the Committee meeting, so as to allow Members to respond effectively and efficiently and provide

updates. Responses could be provided orally at the meeting and corresponding statements uploaded later, for example by the end of the Committee meeting day.

10.2. The Secretariat recalled that several options had been explored in the SPS and TBT Committees and that Members in the SPS Committee had expressed the wish to maintain the flexibility to submit statements after taking the floor at a Committee meeting. The Secretariat stated that it would be happy to revisit the use of eAgenda and that it was in Members' hands on this issue.

10.3. Referring to previous discussions in the Committee with respect to eAgenda, Paraguay and the United States cautioned against setting prescriptive deadlines for uploading statements in advance of Committee meetings. Paraguay stressed that eAgenda should assist in the exchange between Members and facilitate technical detailed interventions but should not replace oral interactions. The United States stated that different committees had different dynamics and that eAgenda should serve as a tool to support each Committee as appropriate. The United States added that the Committee should continue to engage to ensure that eAgenda worked well.

10.4. India clarified that it did not intend to be prescriptive; its idea was a recommended timeline for statements by Members raising STCs to ensure that discussions are effective and efficient. India noted that, if a statement pertaining to a new STC or an update on a previously raised STC were to be made for the first time orally at the Committee meeting, the Member maintaining the measure would be unlikely to be in a position to respond or provide an update.

11 DATE AND AGENDA OF NEXT MEETING

11.1. The Chairperson recalled that the next regular meeting of the Committee was scheduled for 15-16 July 2021 and that the proposed calendar of meetings for 2021 was contained in G/SPS/GEN/1823.

11.2. The Secretariat informed the Committee that it would prepare a summary report based on oral interventions at the meeting, complemented by Members' ability to download complete statements via eAgenda.

11.3. The Chairperson also reminded of the following deadlines:

a. For submission of statements: **Friday, 26 March 2021**;

b. For comments on the Chairperson's draft report on the informal meeting, and the Thematic Session on African Swine Fever: **Wednesday, 31 March 2021**;

c. For comments on the draft programme for the Workshop on Risk Assessment, Risk Management and Risk Communication (G/SPS/GEN/1769/Rev.1), including suggestions of speakers: **Friday, 23 April 2021**;

d. For comments on the revised collection of resources for Members in implementing their national coordination mechanisms (G/SPS/GEN/1850/Rev.1): **Friday, 23 April 2021**;

e. For comments on New Zealand's submissions on the procedure to monitor the process of international harmonization (G/SPS/GEN/1851 and G/SPS/GEN/1877): **Friday, 23 April 2021**;

f. For identifying new issues for consideration under the monitoring procedure, and for requesting that items be put on the agenda: **Wednesday, 23 June 2021**;

g. For the distribution of the Annotated Draft Agenda: **Friday, 25 June 2021**.

ANNEX A

INFORMAL MEETING – 24 MARCH 2021

REPORT BY THE CHAIRPERSON

1 FOLLOW-UP TO THE FIFTH REVIEW

1. At the informal meeting on 24 March 2021, the Committee discussed how to take forward some of the recommendations in the Fifth Review Report, as well as discuss ongoing work in various areas.

SPS Committee Working Group on Approval Procedures (G/SPS/W/328/Rev.1)

2. At the informal meeting, the co-stewards for the Working Group on Approval Procedures, Canada and Paraguay, provided an update on the activities of the Working Group.[1]

3. Since the co-stewards' last report to the SPS Committee in November 2020, participants exchanged on suggested themes to be explored by the Working Group. This included submissions on four themes: (1) common understanding of "approval procedures"; (2) key challenges of approval procedures; (3) principles of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of protection; and (4) tools available and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures.

4. In these written exchanges, several participants suggested that the Working Group develop a common understanding of "approval procedures" to enable the deliberations of the Working Group. It was noted that, based on a wide range of regulatory approaches among Members, there is a variety of approval procedures used by Members with unique characteristics and trade impacts. Regarding challenges of approval procedures, written input from participants identified challenges relating to: timing and undue delays; transparency; communication or information exchange; justification and discrimination of approval procedures; international standards; and other challenges, such as COVID-19. Regarding key principles of approval procedures, participants identified: transparency; necessity of science-based or risk-based SPS measures; timely or without undue delay; communication and publication; non-discrimination or consistent treatment of Members with the same SPS status; international standards; and equitable fees. Participants also shared a number of areas to explore tools and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures.

5. The Working Group also held a meeting on Monday, 22 March 2021, during which the co-stewards gave an overview of Members' contributions thus far and walked through the co-steward proposal for next steps and overarching process for the Working Group. The discussions focused on: (1) developing a common understanding of the term "approval procedures"; and (2) assembling a collection of available tools and best practices.

6. At the Working Group meeting, the co-stewards invited participants to identify the scope of the term "approval procedures", which could include, as appropriate, determining types or categories of approval procedures and their general characteristics. The co-stewards emphasized that this would be without prejudice to the rights and obligations of Members under the SPS Agreement, would not be used to develop an exhaustive list of approval procedures, nor would it constitute legal definitions.

7. A number of Working Group participants expressed support for developing a common understanding of "approval procedures" or otherwise clarifying the scope of work. Some participants considered the development of a common understanding to be an essential first step to have a

[1] The Working Group on Approval Procedures was established in November 2020. Twenty-four Members are participating in the Working Group: Argentina, Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, the European Union, Japan, Mexico, New Zealand, Norway, Paraguay, the Philippines, the Russian Federation, Singapore, South Africa, Switzerland, Chinese Taipei, Ukraine, the United Kingdom, the United States, and Uruguay. The OECD is also a participant.

convergence discussion in the Working Group. It was highlighted that it would not amount to creating legal definitions; rather, the discussions would be on the implementation of the SPS Agreement as it relates to approval procedures. Other participants stressed that the focus of the work should be on the implementation challenges that Members face with approval procedures and on helping Members develop good practices or tools to help address these challenges. The co-stewards noted that, irrespective of what the Working Group may achieve in discussing a common understanding of approval procedures, it will work on challenges and principles of approval procedures.

8. Regarding the scope of work, the Working Group also discussed whether it might extend to discussing elements such as inspection, sampling, laboratory, or analytical capacity, based on Members' interest in these elements and provided there is consensus.

9. Finally, the Working Group discussed assembling a collection of existing tools and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures. The co-stewards invited Working Group participants to submit any materials or resources readily available, including weblinks and copies of documents, and identify the types or aspects of approval procedures these materials or resources relate to.

10. With its meeting of 22 March 2021, the Working Group concluded its first round of work. The Working Group will move to the second round of work with written exchanges and a next meeting to take place on the margins of the July 2021 SPS Committee meeting.

11. Following the co-stewards update, I provided an opportunity for Members to raise any questions or comments on the activities of the Working Group. No Member took the floor.

Exchange of experiences or continued discussions on various topics

12. We then discussed the recommendations that encourage Members to continue to exchange experiences or have continued discussions. I highlighted that these recommendations were found in various sections of the Fifth Review Report, such as: appropriate level of protection, risk assessment and science (para. 2.15); equivalence (para. 4.11); fall armyworm (para. 5.16); national SPS coordination mechanisms (para. 6.7); MRLs for plant protection products (para. 8.6); and regionalization (para. 9.15).

13. Similar to the November 2020 meeting, I again sought your views on the best way to move forward with these recommendations. I recalled that in the September 2020 consultation, one Member had observed that the proposed work plan for the MC-12 SPS Declaration, also currently being discussed by the Committee, was consistent with these recommendations and could provide a pathway to continue exploring these topics. I also noted that in the November 2020 informal Committee meeting, another Member had reminded the Committee of its previously raised concerns regarding some of the topics covered by the recommendations.

14. I invited Members to provide any further comments or suggestions on the identified recommendations. No Member provided additional inputs.

Preparation of a collection of resources for Members in implementing their national coordination mechanisms (G/SPS/GEN/1850/Rev.1)

15. Next, we discussed the recommendation in the Fifth Review Report (G/SPS/64, para. 6.7) on the preparation of a collection of useful resources for Members in implementing their national coordination mechanisms. By way of background, I recalled that Members had requested that the Secretariat prepare such a compilation of resources, starting with those mentioned at the 2019 Workshop on Transparency and Coordination, and including additional resources as suggested by Members. I also reminded the Committee that in the November 2020 meeting, the Secretariat had presented a draft compilation of these resources in document G/SPS/GEN/1850. Members had also been invited to provide comments.

16. In the informal meeting, the Secretariat presented a revised version of the document, circulated as G/SPS/GEN/1850/Rev.1. In particular, the Secretariat highlighted the changes to Section 3 of the document on useful tools and resources for national SPS coordination, noting that the table had been updated to include the annotated agenda for SPS Committee meetings, as suggested by Chile

in the November 2020 SPS Committee meeting. In addition, five new resources had been incorporated from the Standards and Trade Development Facility (STDF), as well as an update of one of the STDF resources.

17. No Member provided additional inputs in the meeting. I further invited Members to submit comments and inputs on additional resources by the deadline of **Friday, 23 April 2021**.

2 SPS DECLARATION FOR THE 12TH WTO MINISTERIAL CONFERENCE (G/SPS/GEN/1758/Rev.5)

18. At the informal meeting on 24 March 2021, the Committee discussed the SPS Declaration for the 12th WTO Ministerial Conference (G/SPS/GEN/1758/Rev.5). I first recalled that following the discussions on the proposal in the November 2020 Committee meeting, a Chair-facilitated informal consultation had been held in mid-November to further discuss the proposal. The proponents had provided additional background information and responded to Members' queries in this consultation, which had been organized based on a suggestion from a Member.

19. In the informal meeting, I first invited the proponents to provide an update. The proponents expressed appreciation for Members' participation in the November 2020 consultation which had been productive and had provided another opportunity to explain the Declaration and respond to Members' queries. The United States explained that the Declaration provided an avenue for the SPS Committee to raise the profile of its work and establish a forward-looking and proactive agenda for the coming years. The United States also indicated that it had been further consulting with several Members and regions to build support and understanding of the Declaration, and reiterated its interest in engaging with Members and receiving their feedback.

20. Canada acknowledged that, since the initial submission in 2020 by Brazil, Canada and the United States, the number of co-sponsors had expanded to 22. Canada emphasized that it was timely for the Committee and WTO Members to underline the benefits of the SPS Agreement and take stock of the evolving nature of the global agriculture landscape since 1995, in particular the new opportunities and pressures relating to international trade in food, animals and plants.

21. Brazil expressed its enthusiasm for the Declaration, noting its timely nature, and thanked all the co-sponsors, including recent ones: Mexico and Tajikistan. Brazil recalled the importance of the SPS Agreement, and the progress its implementation had brought to agriculture trade, despite the challenges faced. Brazil underscored the need to look ahead, guided by a common understanding that enhanced implementation of the SPS Agreement would help to address the 21st century issues facing farmers, as captured in the proposal.

22. The proponents drew attention to the recently announced date for the 12th WTO Ministerial Conference (MC12). The United States noted that having a fixed date made the work easier, but also signalled a time pressure. Given the confirmed date, Canada urged Members to engage with the co-sponsors to indicate whether it was necessary to have more discussion on the Declaration before the July 2021 SPS Committee meeting. Brazil noted that the document should be dealt with urgently by Members, in order to move ahead with the building momentum. The proponents encouraged delegations (both capital- and Geneva-based) to participate in the conversation, as well as to reach out to co-sponsors to raise questions and/or continue the conversation.

23. Several Members indicated the need to emphasize the importance of the SPS Agreement. In particular, one Member noted that MC12 represented an excellent opportunity to reinforce the message that trade in general – and particularly, trade in food – must take place in full consonance with sustainable development. In particular, reference was made to upcoming events such as the 15th Meeting of the Conference of the Parties to the UN Convention on Biological Diversity and the UN Food Systems Summit, and their anticipated role in transforming food systems globally, as well as providing a strong response to current health and environment challenges. The Member saw the need to include stronger references in the Declaration to current and future environmental, climate and ethical challenges for trade in food, such as protecting biodiversity and the ecosystems of the planet, global transformation towards sustainable food systems, animal welfare and establishment of best practices in risk management which respected legitimate consumer expectations, while avoiding disguised protectionism. The Declaration should avoid overlaps and

duplication with the Fifth Review. The Member remained open to have discussions on the context, language, content and appropriateness of the work programme.

24. One Member noted that the current draft still emphasized the use of innovative tools, such as new plant breeding techniques in support of food security objectives. However, the Member suggested that the Declaration should instead highlight the consistent use of relevant science or international standards to inform SPS measures and meet the appropriate level of protection. Since this would apply to any new and existing technological developments, the Member queried the need to specifically mention new technological developments in the proposal. The Member also noted the reference to developing country Members in Articles 9 and 10 of the SPS Agreement, while observing that since the Declaration's intention was not to change the text of the SPS Agreement, a reference to developing countries should similarly be included in bullet six of paragraph 8 of the proposal.

25. Another Member supported the co-sponsors' views in relation to reaffirming the importance of science-based measures and improving transparency through timely notifications. In principle, the Member could support the draft Ministerial Declaration if specific language was added to address the need for future SPS Committee discussions to contribute to ensuring that SPS measures be based on science; and be conducted in a productive and efficient manner. The Member observed that some SPS regulations were formally adopted before being notified, which later posed problems in seeking modifications. This situation contributed to the same STCs being raised in Committee meetings without any resolution - 27 out of the 49 STCs being raised in the current meeting were related to final measures – which made the process unproductive. The merit of having a mechanism for interested parties to exchange views at an early stage of the development of SPS measures was noted. The Member would work with the co-sponsors to develop language reflecting its interest, with the hope that the next version would include it as a co-sponsor.

26. Australia indicated that the SPS Agreement was working very well, and highlighted that it had contributed to the Declaration. The Declaration provided a good opportunity for Ministers to recognize the importance of the SPS Agreement and its continued relevance to international trade, as well as reaffirming the rights and obligations of the SPS Agreement. Australia also noted the call for Members' strengthened adherence to support international trade while ensuring human, animal and plant life or health, which was especially relevant during COVID times.

27. Chile, while noting the considerable contribution by the SPS Agreement, also highlighted certain aspects of implementation for improvement, such as risk assessment; raising of the same STCs in Committee meetings; regionalization; and equivalence. In addition, several emerging issues were highlighted, such as climate change, scientific advances and various areas of new focus.

28. The United States reiterated its availability and interest to engage in discussions, using the most relevant discussion format, and also invited Members to submit written comments. The United States underscored the forward-looking nature of the work plan, noting that many lessons had been learnt during the 25 years of the SPS Agreement and that the objective was not to rehash these. In responding to a Member's comments, the United States highlighted that the Declaration addressed a number of relevant issues for global trade and agricultural production, as well as the need to examine the role played by the SPS Agreement and Committee.

29. Another Member suggested the need to carefully consider whether the proposed SPS Declaration would fit well with the usual style of Ministerial Declarations, particularly in relation to the length and level of detail of the proposal. The Member also highlighted the need to consider how the Declaration would fit into the landscape of possible Declarations on other WTO agreements celebrating 25 years of existence, while avoiding the impression of prioritizing the enhanced implementation of the SPS Agreement, over other agreements. The Member suggested that the text of the proposal be condensed and further improved to take into account other aspects mentioned by Members, such as sustainable food systems, considerations for animal welfare and consumer expectations, as well as to frame the text within the wider context of other WTO agreements. The Member indicated its willingness to participate in the process and to contribute to revising the text ahead of MC12.

3 PROCEDURE TO MONITOR THE PROCESS OF INTERNATIONAL HARMONIZATION (G/SPS/GEN/1851 AND G/SPS/GEN/1877)

30. At the informal meeting on 24 March 2021, the Committee discussed New Zealand's submissions on the procedure to monitor the process of international harmonization (G/SPS/GEN/1851 and G/SPS/GEN/1877). By way of background, I recalled that New Zealand had presented its first proposal (G/SPS/GEN/1851) in the November 2020 Committee meeting, following which Members and the international standard-setting bodies (ISSBs) had been invited to propose ideas and suggestions on how the Committee could proactively explore this topic. Subsequently, New Zealand submitted document G/SPS/GEN/1877, which presents some specific ideas for consideration by the Committee.

31. In the informal meeting, I first provided an opportunity for New Zealand to present its submissions. New Zealand provided the context for its proposal, noting that there had been renewed interest among ISSBs in recent years to monitor the use of their standards and related texts. New Zealand drew attention to its first submission (G/SPS/GEN/1851) which highlighted some of the current initiatives being undertaken by OIE, IPPC and Codex to better understand the uptake and use of their standards and related texts. New Zealand further noted that a fresh approach to monitoring might be helpful to: (i) recognize the important role that the SPS Committee has in monitoring international harmonization; (ii) raise awareness of ISSB standards, guidelines and recommendations; (iii) support ISSB initiatives to promote understanding and implementation of international standards; and (iv) recognize and support efforts to enhance the impact of international standards consistent with the role and mandate of these organizations and taking into account the needs of their members.

32. New Zealand outlined the specific initiatives proposed in document G/SPS/GEN/1877 to improve the monitoring process, which include: (i) organizing a thematic session on international harmonization; (ii) reviewing the format and content of the notification template; (iii) Members' voluntary statements to the Committee on the use of ISSB standards; and (iv) statements from ISSBs on their initiatives related to monitoring the use of standards and related texts. In summary, New Zealand reiterated the broad objectives of its paper and welcomed the views of other Members.

33. Several Members took the floor to support New Zealand's proposals, welcoming the Committee's reinvigorated discussions on the topic and the timeliness of the Committee's review of its role in monitoring and promoting Members' use of international standards, and underscoring the significance of harmonization as an important requirement of the SPS Agreement and the value of understanding the extent of Members' adoption of ISSB standards. One Member observed that the situation had changed since the drafting of the SPS Agreement, noting that not all of the ISSBs had been established at that time and that technologies had since radically changed, which now facilitated information exchange. In addition, the notification formats had been revised and now contained solid, scientific data which could be conveyed to other scientific organizations.

34. Another Member noted its active participation in the ISSB's programmes to monitor implementation of international standards. Some Members viewed the ongoing work of ISSBs as essential in supporting the monitoring of the implementation of international standards, which would help ISSBs to better understand the use of their standards. One Member suggested that initial focus be placed on the implementation of international standards as an important first step to inform any future consideration of international harmonization approaches, while recognizing the challenging nature of this task. In addition, the Member encouraged continued efforts by ISSBs and their close cooperation with the SPS Committee, should Members agree with the proposal.

35. Several Members underscored the importance of hearing the ISSB's views on the proposals, given their ongoing work in the area, while noting that some of the ISSB's have projects which were still at an early stage. One Member emphasized that any work undertaken by the Committee should also complement and provide data for the parallel work being undertaken by the ISSBs, but avoid duplication of effort and burden in relation to data collection. This Member queried how the work on monitoring and implementation would be undertaken with ISSBs, and the role that the SPS Committee would play relative to that of ISSBs.

36. The "Three Sisters" welcomed New Zealand's proposal, noting its timely and complementary nature to work being undertaken in their respective bodies. The OIE referred to its Observatory

project, providing background information on the project's genesis, objectives and current status of work, noting the challenges with identifying data sources and accessing these sources to inform the project's work. The OIE highlighted the importance of ensuring that the proposal was in line with the ISSB's work and that they could benefit from the initiative, noting that the SPS monitoring mechanisms are a useful data source for the Observatory project. Codex acknowledged the challenges in collecting data on the use of standards, and that there was no one definition of "use". Given that Codex had integrated an ambitious new goal in its 2020-2025 Strategic Plan to "Increase impact through the recognition and use of Codex Standards" any elements of use that could be captured in the framework of the SPS Committee would be very welcome. The IPPC underscored that standards were only useful when implemented, and provided information on its Implementation Review and Support System, and other monitoring/evaluation work such as the development of a Theory of Change, a Monitoring and Evaluation Framework for the IPPC community, and gathering case studies on good practices for monitoring and evaluation of national phytosanitary systems, and its Phytosanitary Capacity Evaluation (PCE) tool.

37. Some Members provided specific comments or questions on document G/SPS/GEN/1877. In relation to the proposed **thematic session on international harmonization**, several Members expressed support for the organization of this event, indicated interest in contributing to the thematic session and also raised questions in relation to the timing, scope and a potential draft programme. In addition, some Members emphasized the need for the thematic session to be a starting point aimed at the sharing of Members' experiences, ISSBs' perspectives, as well as reviewing Members' implementation of international standards and ISSBs' progress in this area, including any challenges.

38. In particular, one Member noted the importance of having in-depth discussions in the thematic session on Members' expectations in relation to monitoring the use of international standards before deciding on the appropriate next steps. Without prejudice to the proposals, the Member noted that it would be premature at this point to have discussions on specific follow-up or secondary analysis and next steps, while underscoring that the resource limitations of Members and the Secretariat should also be taken into consideration.

39. The "Three Sisters" expressed support for the thematic session which would provide a good forum to present the state of play for their monitoring mechanisms developed or currently under development by the ISSBs and to highlight the value of obtaining more information from WTO Members. The session would also allow for discussion on how the ISSBs approach monitoring the implementation of standards.

40. With respect to **reviewing the notification template (in consultation with the ISSBs)**, some Members indicated support for this suggestion. One Member queried whether New Zealand had any initial thoughts on potential revisions/adjustments to the notification template and on potential inputs from ISSBs on the template. Another Member had a similar query on the envisioned improvements given that the current notification template (and the SPS IMS) allows Members to indicate the alignment of their measures with international standards. One Member noted the amount of work that goes into notification and monitoring transparency requirements, further highlighting that it was premature to engage in discussions of next steps without first having wholesome discussions in the thematic session. The OIE indicated that there was value in reviewing the notification template as it was important to be able to extract useful data for its monitoring purposes. Codex also noted that it was always better to build on existing mechanisms, and further indicated that it would need to have more discussions and look more closely at the template.

41. In relation to **the review/analysis of specific trade concerns**, one Member queried whether New Zealand envisioned the review being conducted by the Secretariat, and requested the Secretariat to provide its views on the feasibility and resource implications. Another Member viewed the contribution from Members and ISSBs as essential in undertaking this work, which could provide useful inputs for the thematic session. The OIE highlighted the importance of the review/analysis of STCs for its work, noting that it had already incorporated this type of analysis in some of the preliminary prototypes of the OIE Observatory project. Some challenges had included lack of information or instances where the information could be viewed as subjective. Codex indicated that STC analysis could highlight where standards have value, the gaps that exist and where non-harmonization has led to issues. Codex further noted that consideration could be given to incorporating this information into prioritization of its standard-setting work.

42. Regarding **Members' voluntary statements to the Committee on the use of ISSB standards**, some Members expressed support for this suggestion and queries were raised in relation

to the types of exchanges envisioned through the discussion platform and how this platform would be operationalized. In addition, a few Members queried whether these statements would fall under a new recurring agenda item during the formal or informal Committee meeting, an independent session on the margins of the regular meeting or via an upload of statements. One Member further suggested that rather than exploring how measures are based on international standards, it would see additional value in statements, and particularly case studies, that focus on the impact of the use of ISSB standards on protecting consumers' health and facilitating fair practices in food trade. This Member noted that the development of a template could be useful to structure this information, bearing in mind the additional burden this would place on Members when drafting their case studies or statements. The OIE noted the relevance of New Zealand's suggestion to the Observatory project as it helped to identify and analyze the different national approaches to implementation of OIE standards and would also facilitate aggregated analysis. Codex indicated the value in hearing from Members, underscoring that such statements could provide the basis for subsequent case studies.

43. With reference to **statements from ISSBs on their initiatives,** some Members requested clarification on whether the annual report was envisioned as separate from the current reports provided by the ISSBs under the existing agenda item on "Information from Codex, IPPC and OIE on relevant activities". If separate, one Member suggested that this report should coincide with the Secretariat's annual report on monitoring the use of international standards. The Secretariat, along with Codex, OIE, and IPPC were requested to share their views on the feasibility of this request, as well as the resource implications – in light of potential duplication and additional burdens. The OIE noted that it already provided this type of information as part of the Observatory project, so this information could also be presented to the SPS Committee. Codex noted that as capacity building for its food safety texts was mainly taken care of by FAO and WHO, such a report would have to be developed jointly with these organizations as well as the Codex Trust Fund. Since a report was prepared for CAC each year, this could be an opportunity to consider how the paper could be adapted to also fulfill this additional role.

44. In relation to **reviewing the list of international standards, guidelines and recommendations and using the data to inform future proposals on monitoring**, one Member queried whether this review was envisioned to be conducted by the Secretariat, what would the review entail and whether it would be a review of the issues raised under the agenda item on monitoring the use of international standards. The Member also requested the Secretariat's views on the feasibility of this request and the resource implications. Another Member expressed support for having a list of standards with an impact on trade, as this would promote their adoption and aid in the context of international harmonization. The OIE indicated the usefulness of New Zealand's proposal, especially given its current focus on how to prioritize which standards to target. Codex noted that this proposal highlighted the ultimate goal for monitoring the implementation of standards, underscoring that the WTO would be best placed to undertake this task since Members would feel more obliged to report.

45. Several Members indicated their willingness to continue the discussions and highlighted the need for the discussions to include Members, the Secretariat and the ISSBs. New Zealand indicated appreciation for the broad support received for the proposals, as well as the useful comments and questions. New Zealand looked forward to future discussions, and to further explore the various suggestions and ideas in moving forward.

46. I then invited Members and ISSBs to submit comments on the submissions by the deadline of **Friday, 23 April 2021**. I also indicated that the Committee would need to consider the scheduling of the proposed thematic session on international harmonization, in light of the other proposed thematic session on pesticide MRLs which would be discussed in the subsequent agenda item.

4 PLANNED WORKSHOP ON RISK (G/SPS/GEN/1769/Rev.1) AND PROPOSED THEMATIC SESSION ON PESTICIDE MRLS

47. Members discussed the Workshop on Risk Assessment, Risk Management and Risk Communication, which will be held in July 2021. Canada thanked Members for their inputs and presented a summary of the revised programme in document G/SPS/GEN/1769/Rev.1. Canada suggested inviting the Secretariat and speakers from the international standard-setting bodies, academia, NGOs, the private sector, to explore the three components of risk analysis: risk assessment, risk management and risk communication. Members would also be invited to share case studies of practical examples to examine their interlinkages and common challenges.

The programme would be adjusted to a virtual format, ensuring an interactive element to the workshop.

48. The United States requested information on the deadline for comments. Côte d'Ivoire expressed its support for a workshop on this topic.

49. Members also discussed the thematic session on default pesticide MRLs, proposed by China, and a thematic session on international harmonization, proposed by New Zealand in G/SPS/GEN/1877. China explained that it was preparing a programme on the uniform limit approach in setting pesticide MRLs, inviting Members, international experts and the Secretariat to share their views and challenges faced in this area. China indicated it would welcome comments on the draft once it was shared.

50. The European Union expressed appreciation to the Secretariat, Members and the international standard-setting bodies for their participation in the Thematic Session on African Swine Fever.

51. The Chairman invited Members to submit comments on the proposed programme of the Workshop, and to suggest speakers, by **Friday, 23 April 2021**. He also invited Members to submit their views on the timing of the proposed thematic sessions by the same deadline.

5 COVID-19 AND SPS ISSUES

52. As in the November 2020 informal meeting, the WTO Secretariat and the three standard-setting bodies provided updates on COVID-19 and SPS issues in their respective areas. The WTO Secretariat reported that there had been 86 SPS notifications and other communications related to COVID-19 submitted by Members, and highlighted the revised Secretariat note "Standards, regulations and COVID-19 – what actions taken by WTO members?", available on the COVID-19 gateway of the WTO website.

53. The IPPC referred to the impact that COVID-19 had had on all its meetings. The IPPC highlighted the positive uptake the ePhyto system had seen and encouraged Members to be flexible in accepting electronic certificates and copies. It also continued to encourage Members to follow international standards and risk assessments; and reminded Members about the dedicated COVID-19 gateway.

54. The OIE referred Members to the updated COVID-19 portal of the OIE website and invited Members to visit the renewed WAHIS platform on animal health data. The OIE has been working with WHO and FAO on the One Health Approach. It requested Members to provide updates on their investigations on SARS-CoV-2 on animals. The OIE reminded Members that measures on trade in animals and live animals would not be justified by COVID-19. OIE also shared its work on wildlife trade and the ad-hoc group convened to diminish the risk of disease transmission for animals.

55. Codex informed the Committee that all its meetings in 2021 would take place virtually, and that the work programme would be adjusted accordingly. Codex was also organizing webinars to prepare Members for the discussions in formal committees.

56. Some Members provided updates. The European Union drew attention to document G/SPS/GEN/1799 and the extension of the acceptance of electronic certificates. It also referred to the assessments of WHO, FAO and other bodies, which found no evidence that food could be a source of COVID-19, and therefore expressed concern regarding Members requirements of tests and certificates for imported food products. The European Union requested Members maintaining such measures to share their relevant data and studies that would explain these measures as valid and proportionate.

57. Indonesia explained that it had taken necessary measures to ensure that fisheries products were safe for consumption through testing and asked Members to share their experience in preventing COVID-19 in fisheries products. Indonesia added that it had taken a risk-based approach, consistent with Article 5 of the SPS Agreement, and also explained it was following the guidance of WHO and FAO.

58. Switzerland expressed concern regarding the additional requirements from certain Members for the importation of food products, including tests, inspections and certificates, without sharing the risk assessments on which these were based.

ANNEX B

SPS COMMITTEE THEMATIC SESSION ON AFRICAN SWINE FEVER

23 MARCH 2021

CHAIRPERSON'S SUMMARY

1. A thematic session on African swine fever (ASF) was held on 23 March 2021. The programme was circulated in document G/SPS/GEN/1874/Rev.2, based on the proposal submitted by the European Union in document G/SPS/W/322.

2. The main objective of the thematic session was to provide WTO Members with an opportunity to increase their awareness of regionalization principles, and to learn from each other by sharing experiences about the challenges, as well as the benefits, of defining safe trade conditions for pigs, pork and pork products. This, in turn, should contribute to building confidence among trading partners.

3. In Session 1, the WTO Secretariat presented the main principles of the SPS Agreement relevant to the topic and the work of the SPS Committee, highlighting the importance of adaptation to regional conditions, including disease-free areas and areas of low disease prevalence, as established in Article 6. The Secretariat recalled the key elements of the Guidelines to further the practical implementation of Article 6 of the SPS Agreement, adopted by the Committee in May 2008 and contained in document G/SPS/48. The Secretariat also reported on notifications on ASF submitted by Members and on discussions held in the Committee.

4. In Session 2, the World Organisation for Animal Health (OIE) presented an overview of the international standards relevant to the disease and the epidemiological situation worldwide, highlighting the global threat posed by the continuous spread of ASF, and the OIE science-based recommendations for ensuring safe international trade, even from infected zones. Representatives from the Food and Agriculture Organization (FAO) and GIRA provided data on the economic impact of ASF on global meat and feed markets and global pigmeat supply, highlighting the significant economic losses experienced by farmers. The impact of the disease on global markets had caused fluctuations in supply, demand and prices for substitute goods.

5. Members shared their national experiences in Session 3. Representatives from Asia, Europe, Africa and the Americas, ranging from Members where the disease is endemic in wildlife to others where it is absent, shared their trade strategies. China described the epidemic situation of ASF and its normalized prevention and control in the country, detailing the control policies in place such as sampling and testing in high-risk areas, daily report systems in slaughterhouses and the establishment of compartments free from ASF.

6. Representatives from the European Commission, Belgium and Germany presented on EU regionalization and special ASF control measures adopted to ensure safe trade. Preparedness, research, regionalization measures based on science and in line with international standards, public awareness, international cooperation, and the availability of transparent information to trading partners were underlined as vital to ensure safe trade. The successful eradication of ASF in Belgium was presented as an example of the effective implementation of the strategy in place. Germany provided the perspective of trade in pork from a Member where ASF is present in wildlife, explaining the steps taken to secure trading based on OIE specifications and emphasizing the importance of biosecurity measures to sustain compartmentalization efforts.

7. Canada, where the disease has never been detected, explained its preparation to prevent the introduction of ASF, including zoning as a key component of the strategy, and insisted on the need for the global community to work together. South Africa, where the disease is endemic in wildlife, shared its strategy for trade in pork, recalling its national legislation and the relevance of zoning to maintain market access. Mexico presented its epidemiological surveillance programme applied in Manzanillo port, highlighting the implementation of measures such as epidemiological surveillance

in properties near seaports, field research and farm visits, sampling, technical assistance to producers, and tracing.

8. Session 4 dealt with international and regional initiatives in the context of ASF. FAO presented the Global Framework for the Progressive Control of Transboundary Animal Diseases (GF-TADs), a joint OIE-FAO global initiative that contributes to the development and support of ASF control strategies at the global and regional levels. Part of its objective is to improve the capacity of veterinary services to control ASF using OIE standards and best practices, and to establish an effective coordination and cooperation framework for the global control of ASF. Under the GF-TADs umbrella, the Standing Group of Experts on African swine fever in Europe works to build up closer cooperation among countries affected by ASF and thereby address the disease in a more collaborative and harmonized manner. The regular exchange of information on the ASF situation and the regular review of national control strategies are essential to fulfill this role. The United States shared USDA's involvement in international collaboration around ASF, emphasizing that a global response to ASF can be ensured by the exchange and cooperation with other regions and by the involvement of Members in international collaboration on ASF. Finally, a representative from the Global African Swine Fever Research Alliance (GARA) spoke about existing global research partnerships that are crucial to generate scientific knowledge, and the tools to contribute to the prevention, control and eradication of ASF.

9. The European Union highlighted the role of regionalization in providing guarantees for safe trade and the importance of regional cooperation and exchanges to ensure a global response to ASF.

10. In concluding, I remarked that the thematic session had proven to be informative and interesting, and trusted it would help increase Members' understanding on the topic.

11. Presentations from all sessions of the thematic session will be made available on the SPS Gateway.[1]

[1] The programme and the presentations of the Thematic Session are available in the website: https://www.wto.org/english/tratop_e/sps_e/sps_thematic_session_230321_e.htm.