



**Committee on Sanitary and Phytosanitary Measures**

**SUMMARY OF THE MEETING OF 9-11 NOVEMBER 2022**

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<sup>1</sup> 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.

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## 1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its 84<sup>th</sup> regular meeting on 9-11 November 2022. The proposed agenda for the meeting ([JOB/SPS/23](#)) was adopted with amendments. In light of the COVID-19 pandemic, the meeting was held in hybrid form, with some delegates attending in-person and others joining via a virtual platform.

1.2. The Secretariat drew Members' attention to the annual report from the SPS Chairperson to the Council for Trade in Goods (CTG), which would be updated with the current meeting and Members' comments ahead of submission for consideration by the CTG. 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 upload statements for STCs and other agenda items until Friday, 11 November 2022. Only oral interventions by Members who took the floor during the meeting were reflected in the present report. In addition, longer statements could be shared through eAgenda or circulated as GEN documents. The Secretariat drew Members' attention to an [introductory presentation](#) on the SPS Committee, available for delegates in the [SPS Gateway](#) on the WTO website, and invited Members to inform the Secretariat of email addresses to be added or removed from the delegates' distribution list and eAgenda.

## 2 INFORMATION SHARING

### 2.1 Information from Members on relevant activities

#### 2.1.1 United States - Crop Grouping VI Expansion ([G/SPS/N/USA/3302](#))

2.1. The [United States](#) announced the publication of the final rule "Pesticides: Expansion of Crop Grouping Program VI", notified by the US Environmental Protection Agency (EPA) in document [G/SPS/N/USA/3550](#) (and previously as [G/SPS/N/USA/3302](#)). The US EPA had expanded from 168 to 248 the number of commodities in several crop groups, including certain minor or specialty crops, covered by maximum residue limits (MRLs) for new crop groups. This increased compatibility with international food safety standards benefitted both US domestic producers as well as food importers. Additional crop group updates were expected to be completed over the next few years.

#### 2.1.2 Chinese Taipei - APEC Workshop on the Application of Electronic Veterinary and Phytosanitary Certificate ([G/SPS/GEN/2066](#))

2.2. In October 2022, [Chinese Taipei](#) had hosted an APEC virtual Workshop on the Application of Electronic Veterinary and Phytosanitary Certificates (eCertificates), proposed under the APEC Agricultural Technical Cooperation Working Group. The conclusions of a pre-workshop questionnaire highlighted the desire for a multilateral veterinary eCertificate system; the urgency of expanding the IPPC ePhyto solution to include more types of products and more economies; and the need to develop security measures to prevent repeated use of photocopy paper certificates. APEC economies would work together to build an open, fair, transparent, productive, sustainable and resilient APEC food system through capacity building and best practice sharing programmes.

2.3. [Chile](#) saw great interest in the initiative of electronic certification, given its potential to facilitate trade and the security of the issuance of sanitary and phytosanitary certificates.

2.4. [New Zealand](#) thanked Chinese Taipei for outlining APEC's work on electronic certification, which remained an important tool to ensure the safety and suitability of exported goods. Noting the disruptions to supply chains caused by the COVID-19 pandemic, New Zealand announced that APEC Ministers had committed to accelerating digital processes. In view of the increased efficiency and expedited clearance of goods at its border, New Zealand was investing to further improve the functioning of the eCertificate systems. New Zealand reminded delegates of the OECD's report on digital opportunities for SPS systems and the trade facilitation effect of SPS eCertificates.

#### 2.1.3 Japan - Update on the import measures on Japanese food regarding radionuclides

2.5. [Japan](#) expressed its appreciation to Indonesia for lifting its import measures on Japanese food. The annual report circulated as [G/SPS/GEN/1233/Rev.5](#) provided an update of the food monitoring

and study results proving safety of the Japanese public food supply. The lack of significant changes in the survey results since the previous meeting was an indication that the health risk of food produced in Japan was negligible. According to Japan, the FAO/IAEA Center assessments acknowledged that the food supply chain was controlled effectively and that the public food supply was safe, evidencing that there was no need to maintain the import measures.

2.6. Noting that 43 out of 55 countries and regions had totally lifted the import restrictions and/or measures introduced after the accident, and that 90% of WTO Members accepted Japanese products with no additional conditions, Japan regretted that 12 countries and regions still maintained them without providing satisfactory explanations. Japan reiterated that the discharge of the Advanced Liquid Processing System (ALPS) treated water would be implemented in accordance with the international practice and strictly comply with regulatory standards regarding safety, under IAEA review. Therefore, the discharge could not be a reason for restricting imports of Japanese food. In Japan's view, the import measures were inconsistent with the SPS Agreement and were maintained without justifiable scientific evidence. Japan invited Members to review the restrictions in place and underlined its availability to assist Members concerned in conducting risk assessment and risk communication. Japan requested Members to lift the remaining measures shortly.

2.7. Korea pointed to the high level of caesium detected in fishery products in Japan, and was of the view that concerns over the safety of Japanese products should be addressed before talking about import measures. Korea reiterated the importance of holding consultations and sharing information on the potential environmental impact of the post-accident measures to address the concerns of neighbouring countries.

2.8. Praising its well-functioning monitoring and control system, Japan replied that the government had suspended the shipments of the marine fish species caught in the Fukushima prefecture, which were neither distributed nor exported. Japan had held regular briefing sessions with Korea's relevant authorities on the planned controlled discharge of treated water, and looked forward to an early response from Korea to the request to hold bilateral meetings on its import restrictions on Japanese food.

2.9. Reiterating its concerns on the measures taken after the accident, Korea asked Japan to deliver a detailed request through diplomatic channels.

2.10. Referring to the statement uploaded in eAgenda, Japan clarified that a request had already been made through the diplomatic channel.

#### **2.1.4 Ukraine – Information on Ukraine's SPS situation**

2.11. Ukraine reminded the Committee that it had been granted candidate status by the European Council in June 2022. Ukraine had been implementing a national food quality and safety control system equivalent to that of the European Union, and Ukrainian legislation was increasingly aligned with EU regulations, as reflected in the notifications submitted to WTO. In the de-occupied territories of Ukraine, the State Food and Consumer Service carried out timely and quality work on the prevention of infectious diseases of animals. On territories under Ukrainian control, inspections were carried out in accordance with the current national legislation and the relevant international treaties. Twenty-one of the 24 phytosanitary laboratories continued to operate, and the competent SPS authorities continued to guarantee the compliance of Ukrainian products with the phytosanitary requirements of their trading partners.

2.12. Ukraine noted the resumption of sea grain exports through the grain corridor established by the Black Sea Grain Initiative, and thanked Türkiye for facilitating its further implementation. The Government had allowed the fumigation of grain in compliance with the requirements of the International Standard for Phytosanitary Measures (ISPM) 43 to facilitate shipments under the Initiative. Additionally, six bulk carriers had been sent under the UN World Food Programme. Ukraine underscored that it remained a reliable partner and its readiness to continue to contribute to global food security, and thanked WTO Members for their support.

2.13. Expressing their support, several Members showed appreciation for Ukraine's efforts to fulfil its SPS WTO obligations. The European Union, the United States, Switzerland, Canada, Australia, New Zealand, Korea, the United Kingdom and Japan strongly condemned the Russian Federation's

military action in Ukraine, noting that it constituted a violation of international law and the UN Charter. Several Members stated that the invasion was further exacerbating the current food security crisis, since Ukraine was unable to export and inspect its grain, and called on the Russian Federation to withdraw its forces and cease military operations in Ukraine. Türkiye noted it would continue diplomatic efforts to ensure food security and to stabilize food supply in international markets.

2.14. The Russian Federation underlined that the matter was not within the mandate of the WTO, and complained that the politically motivated trade restrictive actions against the Russian Federation imposed by several WTO Members were behind the possible shortages in net food importing countries. With regards to the accusations on lack of SPS controls in the mentioned areas, the Russian Federation explained that competent authorities in the areas where products originated were issuing SPS certificates, and that assistance was being provided to the competent authorities with regards to the harmonization of SPS legislation to ensure compliance with the requirements of importing countries. In Russia's view, the global food crisis and hunger was part of a macroeconomic crisis that had evolved over the years. The Russian Federation lamented that some foodstuffs exported through the Grain Deal concluded in Istanbul in July 2022 reached developed and not developing countries, as declared in the humanitarian goals. The parties were working on the extension of the Grain Deal, which would otherwise cease to operate in November 2022.

## **2.2 Information from Codex, IPPC and WOAH on relevant activities**

### **2.2.1 Codex ([G/SPS/GEN/2064](#))**

2.15. Codex presented its report on relevant activities, contained in document [G/SPS/GEN/2064](#). It first referred to the ongoing work on the application of the statement of principle concerning the role of science, aimed at developing guidance towards a common understanding and its homogenous application for the adoption or the advancement of its standards. Codex invited Members to participate in the discussions of the Executive Committee on emerging issues in food safety and trade and on standards development mechanisms, as well as on the activities celebrating the 60<sup>th</sup> anniversary of the Commission. Regarding the work of the Committee on Pesticide Residues (CCPR), Codex also noted the ongoing process of adoption of MRLs; the finalization of the Guidelines on biopesticides; the coordination with the Committee on Residues of Veterinary Drugs in Foods to harmonize definitions; the agreement to consider environmental inhibitors in agriculture to mitigate trade impacts arising from the use of these substances; and the management initiatives to enhance the work of the Joint FAO/WHO Meeting on Pesticide Residues, namely to increase the establishment and harmonization of MRLs for international trade.

### **2.2.2 WOAH ([G/SPS/GEN/2075](#))**

2.16. WOAH referred to its submission on relevant activities contained in document [G/SPS/GEN/2075](#), and drew Members' attention to the reports of the meetings of the four Specialist Commissions to advance work on standards in the terrestrial and aquatic codes and manuals. Regarding terrestrial animal standards, WOAH mentioned the circulation of a proposed revision of numerous chapters of the manual for several diseases relevant to international trade; in relation to aquatic animals, WOAH highlighted the continuous evaluation of susceptibility of species, the update of numerous chapters of the manual and the update of the work plan of the Aquatic Animals Commission. WOAH also noted the continuous work of the Working Group on Antimicrobial Resistance (AMR), the new WOAH database on antimicrobials to be used in animals and the development of online training modules for veterinary services. A more detailed intervention on the Observatory project would be provided under the agenda item on [monitoring the use of international standards](#).

### **2.2.3 IPPC ([G/SPS/GEN/2073](#))**

2.17. The IPPC presented its report on relevant activities in document [G/SPS/GEN/2073](#). Besides referring to the meetings of the Commission on Phytosanitary Measures (CPM) Bureau, the IPPC informed the Committee that its Observatory was transitioning to a more sustainable approach on the monitoring of the implementation of the IPPC standards, and that the three sisters were involved in a working group created to improve collaboration and experience sharing on their respective monitoring activities. The main agenda item of the upcoming meeting of the



IPPC Standards Committee would be the revision and potential approval of specifications that would become international standards, including commodity-specific standards. The IPPC also summarized some of the activities of the Implementation and Capacity Development Committee, that was accepting nominations at that time. The IPPC also highlighted progress and the further potential of the ePhyto Solution, and the holding of the first Plant Health Conference, in parallel with meetings of the ePhyto Industry Advisory Group and the Focus Group on Sea Containers.

2.18. [Senegal](#) queried how many of the 112 countries registered in ePhyto had an operational system in place. Senegal asked the IPPC about any future charges envisaged to ensure the sustainability of ePhyto. Acknowledging the usefulness of tools developed by the IPPC, Senegal invited the IPPC to expand its capacity building programmes.

2.19. [Indonesia](#) appreciated the IPPC for its capacity building on ePhyto and emphasized its positive effects on trade facilitation.

2.20. Aware that not all 112 registered countries were active in ePhyto, the [IPPC](#) was working to maximize its use. Sustainable funding for ePhyto was one of the main topics discussed by the CPM Bureau and the IPPC Strategic Planning Group, and it was expected that some concrete proposals would be presented for approval at the upcoming CPM. Work on capacity development was also being undertaken, and the IPPC took notice of the need to strengthen capacities on ePhyto.

### 3 SPECIFIC TRADE CONCERNS

3.1. Before the adoption of the agenda, India withdrew two new specific trade concerns (STCs): Japan's compulsory inspection of farmed shrimps; and Canada's SPS notification ([G/SPS/N/CAN/1366/Rev.1](#)) pertaining to aquatic animals requirement of zoosanitary certificate. Regarding previously raised STCs, Brazil withdrew the concern "US undue delays in opening its citrus market (ID 542)" and China did not raise the concern "EU regulatory approach to maximum levels for contaminants (ID 519)", which was only raised by Canada.

#### 3.1 New issues

##### 3.1.1 EU regulation No 396/2005 setting pesticide MRLs in food and feed of plant and animal origin (ID 549) – Concerns of India

3.2. [India](#) expressed its concern regarding the reduction to the level of determination of MRLs for the neonicotinoids clothianidin and thiamethoxam for imported agricultural products, notified in document [G/TBT/N/EU/908](#). India requested the European Union to share the risk assessment used as a basis for this decision, as well as to indicate the alternative measures that had been considered. Given the widespread use and the large-scale applications of neonicotinoids, the EU decision would severely impact the choice of available plant protection measures. India urged the European Union to postpone the implementation of the proposed regulation; to justify the link between the new MRLs and the objective to be achieved; and to notify the measure to the SPS Committee.

3.3. [Israel](#) shared the concerns regarding the justification, the lack of notification to the SPS Committee, the equivalence of measures, the transition periods and the usage in greenhouses. More generally, Israel feared that the EU policy of reducing MRLs to the level of determination based on concerns not covered by the SPS Agreement could threaten the WTO rules-based trading system. Israel looked forward to receiving answers to its concerns.

3.4. [Colombia](#) referred to its full statement in eAgenda, which applied to both this concern and to STC [ID 534](#). Colombia stated that the EU Draft Commission Regulation amending Annexes II and V to Regulation (EC) No 396/2005 reduced MRLs on the basis of environmental, and not on sanitary criteria. Noting that the above-mentioned Regulation aimed at ensuring a high level of protection for consumers and animals and at avoiding trade barriers within the EU market and facilitate international trade, Colombia was of the view that the environmental aspects were beyond the scope of the Regulation and were, therefore, inconsistent with EU internal legislation. Unlike Regulation (EC) No 1107/2009, which allowed for the non-approval or renewal of an active substance on the basis of the precautionary principle, Regulation (EC) No 396/2005 required a risk assessment based on the dietary exposure of the active substances whose MRLs were being reviewed. Colombia invited

the European Union to review its Draft Commission Regulation in light of WTO rules and Codex recommendations, and the take into account the available scientific evidence.

3.5. Noting the EU MRL legislation gave raise to numerous concerns, Paraguay supported this STC and referred to its intervention under STC [ID 534](#).

3.6. Costa Rica echoed previous interventions and provided a detailed intervention under STC [ID 534](#).

3.7. Uruguay shared the concern and provided further details on the establishment of MRLs for certain pesticides to reach environmental goals in third countries under STC [ID 534](#).

3.8. Noting the similarities, Brazil supported this concern on that same basis and developed further its response under STC [ID 534](#).

3.9. Guatemala expressed a global concern regarding the modification by the European Union of MRLs for environmental reasons, without taking into account the recommendations by Codex. Guatemala shared other Members' concerns and provided its intervention under STC [ID 534](#).

3.10. Making an intervention relative to both this STC and STC [ID 534](#), China appreciated the opportunity to comment on the notification [G/TBT/N/EU/908](#). Acknowledging the importance of protecting pollinators, China was of the view that the proposed EU regulation would create unnecessary barrier to trade and encouraged the European Union to consider Members concerns. China invited the European Union to notify the proposed MRL amendments to the SPS Committee and to provide more time for comments. Given the lack of scientific agreement on the real reason for the decline in honeybee colonies, China recommended that the European Union provide the relevant data in order to confirm the completeness of the risk assessment of neonicotinoid pesticides on bees. Referring to Article 5.1 of the SPS Agreement, China invited the European Union to formulate MRLs reasonably, or in line with Codex, while effectively safeguarding the safety of bees and other non-target organisms.

3.11. Argentina echoed India's request for the full risk assessment. Argentina noted the increasing global concern on the departure from scientific criteria in the adoption of sanitary measures and provided further arguments supporting its concern under STC [ID 534](#).

3.12. Canada delivered its statement under STC [ID 534](#).

3.13. Acknowledging the similarities with STC [ID 534](#), the European Union provided a complete answer under that concern.

### **3.1.2 EU Commission proposal for reduction of the current MRL for "nicotine" for imported tea from India ([G/SPS/N/EU/581](#)) (ID 550) – Concerns of India**

3.14. India thanked the European Union for its reply in the context of notification [G/SPS/N/EU/581](#) and raised its concerns on the reduction of the MRL for nicotine in tea from 0.6 mg/kg to 0.5 mg/kg. India was of the view that the study on which the European Food Safety Authority (EFSA) had based the lowering of this MRL was not representative of the EU population. Noting that SPS measures should be based on scientific principles, as established in Article 2.2 of the Agreement, India requested the European Union to share its scientific risk assessment. India further explained that some plants naturally produced nicotine, and that recent studies had shown that the content of endogenous nicotine present in tea plants remained constant during manufacturing of green, oolong and black teas. India urged the European Union to maintain the current limit of nicotine in tea in the absence of scientific data and a proper risk assessment.

3.15. The European Union clarified that Commission Regulation (EU) No. 812/2011 had temporarily set an MRL for nicotine in tea at 0.6 mg/kg, pending the evaluation of new data. However, EFSA's risk assessment had confirmed an acute consumer risk for the existing MRL. A new MRL of 0.5 mg/kg had been temporarily proposed, and would be automatically lowered to 0.4 mg/kg three years following the publication of the notified Commission Regulation, unless data justifying the necessity to retain it were provided by 30 June 2025. A six-month transition period would be provided following the publication of the Commission Regulation, expected in the first half of 2023, and no further

transition periods would be granted. The European Union expressed its willingness to provide any additional information regarding this matter.

### **3.1.3 EU Regulations 2021/405 and 2017/185 on vitamin D3 (ID 551) – Concerns of China**

3.16. China noted that the Netherlands had banned the entry of exports of vitamin D3 on grounds of its classification as a product of animal origin, and therefore subject to approval for market access. The bans had taken effect in 2021, after the expiry of the established transitional periods. China regretted that the bans had been applied prior to the entry into force of the EU Regulations, and reminded Members of the obligations to seek additional information and to review provisional measures in accordance with Article 5.7 of the SPS Agreement. China appreciated the EU suggestion to put vitamin D3 on the list of highly refined products, and requested the European Union to restore the imports from China.

3.17. The European Union would look into the particular concerns raised by China and looked forward to continue the discussion bilaterally.

### **3.1.4 EU increased sampling frequency for inspection of farmed shrimps and newly listed fishery establishments not permitted to export aquaculture products (ID 552) – Concerns of India**

3.18. In India's view, the EU increased sampling frequency for antibiotic residues in farmed shrimp from 10% to 50% imposed a non-tariff barrier to trade. India requested the European Union to revert to the previous sampling frequency as a result of the corrective actions taken and the reduction in the number of rejections due to antibiotic detection. Expressing gratitude for the enlisting of new units to export sea-caught items, India further requested that newly enlisted units be permitted to export aquaculture products. Regretting that only five of the 14 aquaculture units delisted in 2016 and 2017 had been relisted for export of wild-caught items, India urged the European Union to relist the remaining units to export both wild-caught and aquaculture products.

3.19. Acknowledging significant progress since the previous audit, the European Union informed the Committee that a high level of non-compliant results for prohibited antimicrobials were still detected both in the Indian-initiated pre-harvest testing programme in hatcheries and in the mandatory pre-export testing programme. An audit carried out in 2022 had also concluded that follow-up investigations and measures to dissuade illegal use, as well as the testing regimes operating in India, were still necessary. The European Union awaited India's response on the audits' findings and a proposed plan of action to deal with the audit recommendations. Expressing its willingness to continue bilateral discussions, the European Union would review the situation regarding the pre-listing of aquaculture establishments in due course.

### **3.1.5 India's Draft Food Safety and Standards (Import) Amendment Regulation (ID 553) – Concerns of the European Union**

3.20. The European Union regretted that the Indian Order requiring the registration of foreign facilities manufacturing five product categories, issued by the Food Safety and Standards Authority of India (FSSAI) and notified as [G/TBT/N/IND/180](#), had been adopted without a response to EU comments. The European Union requested India to clarify the scope of products subject to registration; to postpone the entry into force of new requirements for 12 months; to provide four-digit level HS codes for products subject to registration, with the indication of associated risks; to make Indian import sanitary measures easily accessible; to clarify the facility inspection modalities; to notify the measure at issue to the SPS Committee; and to respond to the comments submitted by the European Union. The European Union would welcome the opportunity to engage in bilateral discussions with Indian authorities.

3.21. Having raised the concern at the TBT Committee, Canada stressed that India's measure also contained SPS elements and could create unnecessary barriers to trade. The criteria used to determine the level of risk for imported food products and the circumstances that would instigate an audit remained unclear. Canada urged India to respond to its request for information submitted to the enquiry point, and to notify this measure to the SPS Committee.

3.22. Thanking India for the information provided on its requirements, [New Zealand](#) emphasized that the registration and auditing of foreign manufacturing facilities should have been managed by the competent authorities of the exporting country. New Zealand was also concerned about the level of detail required for registration. New Zealand expressed interest in receiving detailed written guidance on this requirement prior to its entry into force.

3.23. [India](#) informed the Committee that, in pursuance to the 2006 Food Safety and Standards Act, FSSAI regulated safety of imported food. The 2021 Draft Food Safety and Standards (Import) Amendment Regulations provided the legal framework for the registration and inspection of foreign food manufacturing facilities on the basis of risk of food categories. The FSSAI had addressed the comments by notifying the need for the competent authorities of the exporting countries to provide information to register food manufacturing facilities falling under certain categories of food products, as well as information on manufacturers willing to export such articles to India. India emphasized that the practice of listing and registration of foreign establishment, also prevalent in other Members, reduced inspection and clearance times and ensured the quality and safety of food products.

### **3.1.6 India's Order related to requirement of health certificate accompanied with imported food consignment of milk, pork, fish and related products (ID 554) – Concerns of the European Union**

3.24. The [European Union](#) raised its concerns regarding an FSSAI Order introducing three new health certificates for milk, pork, fish and related products. While appreciating the two-month delay in the implementation of the Order notified to the TBT Committee, the European Union remained concerned that exporters and competent authorities would require extra time to prepare for its implementation. The European Union pointed to the duplication of sanitary requirements and approval procedures between different competent authorities in India, and requested India to postpone the Order's entry into force for one year; to provide clarifications on certificates modalities; to consider duplication avoidance in the different certificates; to notify this measure to the SPS Committee; and to provide written replies to EU comments. The European Union welcomed bilateral discussions on this matter.

3.25. [Japan](#) shared this concern stating that the Order implementation schedule had been insufficient to consider Members' comments, and pointing to the importance of announcing extensions in advance to avoid negative trade impacts. Japan thanked India for its openness to bilateral discussions and urged India to ensure enough time for Members to adjust to the new health certificate forms, to provide answers to its comments, and to notify the Order to the SPS Committee.

3.26. [Norway](#) supported the concern, specially concerning fish and fish products. Norway highlighted the substantial equivalency undertakings required for the fulfilment of India's Order, the duplication of some requirements, and the additional costs and burdensome bureaucracy imposed by the Order. Norway requested India to delay the implementation of the Order and to revise existing certificates to avoid trade disruption.

3.27. [Chile](#) shared the concern regarding India's Order notified as [G/TBT/N/IND/233](#). According to Chile, the measure's scope and product coverage were unclear and the implementation schedule for new certifications was unfeasible. Underscoring the sanitary objectives of the Order, Chile requested India to notify the measure to the SPS Committee, to respond to the comments submitted on the TBT notification and to provide a period of at least one year prior for implementation of the Order.

3.28. [Canada](#) voiced concerns on the duplication of health certificate requirements and the regulatory burden and costs imposed for the covered commodities. Welcoming India's decision to integrate new FSSAI requirements into existing certificates, Canada remained concerned about its implementation and demanded further explanations regarding the implications of this measure on certificates currently under negotiation. Canada requested India to provide replies to its comments, to further delay implementation until the finalization of revised single certificates and to notify this measure to the SPS Committee.

3.29. Concerned with the new requirements, [New Zealand](#) sought confirmation that Indian authorities would accept a single health certificate for the covered commodities. New Zealand encouraged India to recognize exporting countries' food safety regulatory systems in accordance with the SPS Agreement principle for recognition of equivalence. Noting the 1 January 2023 deadline

established for export certifications, New Zealand urged India to offer a transition period for the implementation of any revised certification and to accept existing certificates during that time.

3.30. India informed the Committee that the health certificate requirement for milk, pork and fish products was introduced to ensure products' compliance with FSSAI safety requirements. Following the notification of the requirement to the TBT Committee, India had addressed Members' comments related to the number of certificates and the delay of implementation by issuing a clarification on certificates format and postponing the enforcement date until 1 January 2023.

### **3.1.7 Namibia's approval procedures for beef and meat of small ruminants (ID 555) – Concerns of the Russian Federation**

3.31. The Russian Federation raised its concern on the lack of progress in Namibia's approval of veterinary certificates for imports of Russian beef and meat of small ruminants. Although the Russian Federation had been recognized by WOAHA as a country with zones free from foot and mouth disease (FMD) with or without vaccination, and all relevant documentation had been shared with Namibia, the risk assessment of the Russian FMD control system had been ongoing for more than five years without any response. The Russian Federation also regretted the postponement, without further confirmation, of an invitation for Namibian experts to review and visit the Russian veterinary supervision system and exporting enterprises. Emphasizing the pending approval of proposed drafts of certificates for the import of dairy products, honey, finished meat products, fish and seafood products, the Russian Federation urged Namibia to respect its obligations under Articles 5 and 8 of the SPS Agreement and to allow imports of beef, meat of cattle and small ruminants.

3.32. Namibia took note of the concerns and planned to respond through appropriate channels following consultation with capital-based officials.

### **3.1.8 Japan's approval procedures for poultry products (ID 556) – Concerns of the Russian Federation**

3.33. The Russian Federation expressed its concerns with delays in Japan's approval of veterinary certificates for Russian poultry. Referring to Article 6.2 of the SPS Agreement, the Russian Federation informed the Committee that it had submitted all appropriate materials confirming the regionalization of Russian territory in terms of highly pathogenic avian influenza (HPAI). The Russian Federation was disappointed that, despite Japan's visit in 2017 and the positive consideration of Russian poultry products in 2019, no market access had been granted. The Russian Federation also noted the lack of progress in the approval of veterinary certificates, regretted it had not received the questionnaires for Russian poultry meat exporters, and that Japan had not responded to the invitations to conduct video inspections. The Russian Federation welcomed bilateral discussions and urged Japan to prevent undue delay in its approval procedures.

### **3.1.9 Korea's requirement of a health certificate with a declaration of aquatic disease status (ID 557) – Concerns of India**

3.34. India raised its concerns regarding Korea's requirement for a health certification and disease status declaration for aquatic animal exports. Highlighting the duplication and the burden of testing exported frozen shrimp for four diseases in accredited laboratories, India encouraged Korea to limit certification requirements to those considered necessary and to prevent trade disruption of safe products.

3.35. Korea stated that its quarantine requirements for imported aquatic animals were reasonable, in line with WOAHA standards, and a common measure across the world. Emphasizing the industrial importance of shrimps, Korea had pre-emptively implemented disease control actions since 2008. Korea informed the Committee that India had consented in 2017 to perform quarantine on chilled and frozen shrimp and to issue health certificates guaranteeing the absence of five diseases.

### **3.1.10 EU import restrictions on ostrich meat (ID 558) – Concerns of South Africa**

3.36. Despite the bilateral agreement in place that allowed for the exports of fresh ostrich meat even during HPAI outbreaks, South Africa expressed concerns over the implementation of Commission Delegated Regulation (EU) 2020/692, which *de facto* banned the importation of

terrestrial animals and animal products from third countries' compartments. While Regulation (EU) 2016/429 (Animal Health Law) and Commission Delegated Regulations (EU) 2020/689 and 2020/687 recognized the disease-free status of terrestrial animal compartments for trade within and between EU member States, Regulation (EU) 2020/692 did not grant this possibility to third countries, violating the SPS Agreement and the WOHAT Terrestrial Code. South Africa regretted the lack of information by the European Union on its intention to terminate the bilateral agreements.

3.37. The European Union explained that its Animal Health Law, in force since 2021 following its notification as [G/SPS/N/EU/45](#) and addenda, laid down the requirements for imports of animal and germinal products and products of animal origin. Supplementing the Animal Health Law, Regulation (EU) 2020/692 repealed the possibility to import meat of farmed ratites from registered closed ratite holdings approved by the third country's competent authority in case of HPAI. Highlighting its compliance with the regionalization principle, the European Union looked forward to continuing bilateral discussions and was about to provide technical assistance to inform South Africa about the procedures to apply for regionalization recognition.

## 3.2 Issues previously raised

### 3.2.1 EU MRLs for alpha-cypermethrin, buprofezin, chlorothalonil, chlorpyrifos, chlorpyrifos-methyl, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ixonylin, iprodione, mancozeb, molinate, picoxystrobin and tepraloxym (ID 448 - See also related STCs ID 453, 454, 457, 474, 475, 517) - Concerns of Paraguay, Ecuador, Costa Rica and the United States

3.38. Paraguay drew the Committee's attention to document [G/SPS/GEN/2076](#), submitted as a follow-up to the responses provided by the European Union in document [G/SPS/GEN/2038](#). Besides the nine questions included in the document, Paraguay sought further clarification on how the European Union balanced the existence of efficient, alternative, non-chemical methods and EFSA's consideration that the emergency authorizations might be justified. Paraguay specifically referred to the emergency authorization for the active substances thiametoxam, clothianidin and imidacloprid to control *Tanymecus dilaticollis* in maize, which had been granted in 2022 despite having been considered as unjustified by EFSA in 2018. Paraguay reiterated its request for the European Union and its 27 member States to respond in writing to the questions raised.

3.39. Reiterating its concerns on EU MRL policies, Ecuador reiterated the need for certain active substances to combat pests in tropical climates, that differed from those in the European Union, and to avoid the economic and social negative effects of crop losses. Without substances such as imazalil, chlorothalonil, mancozeb and metiram, farmers lacked viable alternatives to combat black sigatoka, banana fusarium wilt (TR4) and other fungal diseases. Regarding mancozeb, recent research had confirmed that it did not cause adverse effects on humans nor on wild and laboratory animals at concentrations lower than those expected as a result of systemic toxicity. The ban of alpha-cypermethrin, chlorpyrifos and chlorpyrifos-methyl posed greater challenges in minor crops that were making themselves known in the European market. Ecuador called upon the European Union to conform with Codex standards when possible, to take into account the challenges faced by its trading partners to adapt their production methods and to find alternatives. Ecuador expressed a particular concern regarding the granting of emergency authorizations.

3.40. Costa Rica's concerns related to the impact that the reduction of MRLs to the level of detection could have on its production system. No alternatives were available for the substances included in this STC, which were necessary for production in tropical climates. Costa Rica had also raised concerns about the lack of conclusive scientific evidence and the divergence with conclusions reached in other international fora in the TBT Committee and in the CTG. Costa Rica supported the questions raised by several Members on the emergency authorizations granted by EU member States. Underscoring its willingness to cooperate towards trade facilitating solutions in line with the SPS Agreement, Costa Rica asked the European Union to reconsider its regulatory approach and to incorporate measures that reduced the impact of the regulations on global food security.

3.41. Concerned by the impact on global agricultural supply chains, the United States was of the view that the EU pesticide policies of reduction of MRLs for plant protection products were a burden both for trading partners and for EU member States. Noting the continued use of emergency authorizations for EU farmers and the absence of effective alternatives available, the United States

requested that the European Union afford producers in third countries equal access to important and efficacious crop protection tools available to farmers in EU member States. The United States was also concerned that the EU approach to reducing MRLs was not based on adequate scientific evidence and technical information, which could result in the adoption of MRLs that were more restrictive than necessary. Reminding Members of the obligation to apply least restrictive measures that accomplished their stated level of protection, the United States believed that the EU approach introduced uncertainty for farmers and trading partners and did not advance shared efforts towards global food security and strengthening the global food supply chain. The United States submitted its statement in document [G/SPS/GEN/2080](#).

3.42. Supporting the concern, Peru regretted that no changes had been introduced in EU MRLs, which were more restrictive than necessary.

3.43. Colombia referred to its full statement uploaded on eAgenda and to its previous interventions on this concern. Together with other Members, Colombia had raised questions to individual EU member States to seek clarity on the flexibilities in Article 53 of Regulation (EC) No 1107/2009. In Colombia's view, imposing default MRLs on the basis of precaution without a risk assessment violated the SPS Agreement and the GATT, was more restrictive than necessary and was discriminatory in light of the flexibilities established in Regulations (EC) No 1107/2009 and (EC) No 396/2005.

3.44. Guatemala emphasized the challenges faced by farmers due to the non-approval of some of the pesticides included in this STC. In Guatemala's view, the European Union disregarded the fact that climate-related factors altered interactions between pests, natural enemies and hosts, which was a major issue for producers. Botanical fungicides, copper- and sulphur-based products and synthetic fungicides had been evaluated as substitutes to mancozeb with unsatisfactory results. Guatemala insisted on the need of longer transition periods to undertake practical analysis in the field since, up to date, there were no molecules as effective as chlorothalonil to control fungal diseases. As its exported products had been rejected and destroyed at EU borders, Guatemala asked the European Union to explain how these measures would not restrict trade from tropical developing countries. The questions to EU member States contained in document [G/SPS/GEN/2076](#) aimed at further understanding challenges faced by European producers with respect to emergency authorizations, which were an exception that was not granted to producers in third countries.

3.45. Reiterating its support for this concern, Chile specifically indicated that the non-renewal of mancozeb affected national production of stone fruits and apples. Chile requested the European Union to reconsider its measures in order to generate a regulatory framework appropriate to maintain the flow of international trade.

3.46. The Dominican Republic was of the view that EU measures should be elaborated in line with Articles 2.2, 5.2 and 5.3 of the SPS Agreement, taking into account scientific evidence generated in experimental and epidemiological studies, and eliminating the presumption of adverse effects. Specifically, the Dominican Republic was of the view that the EU MRL for imazalil, set at 0.01 mg/kg in bananas, departed from the Codex MRL without being based on scientific evidence and restricted trade more than necessary. Concerned by the systemic and trade impact of these measures on exports and their socioeconomic impact in the region, the Dominican Republic invited the European Union to adhere to Codex standards and to reconsider the implementation of its measures.

3.47. Uruguay reiterated its concerns on the EU approach to MRL reduction for an increasing number of substances, specifically mancozeb, imazalil, iprodione and buprofezin, to limits lower than those established by Codex without a scientific risk assessment. Uruguay agreed with other Members that the emergency authorizations granted by EU member States to domestic producers could be in conflict with EU health protection policies and with trading conditions with third countries. Uruguay looked forward to receiving answers from the European Union and its member States to questions asked by several WTO Members. Highlighting that pesticide regulations should be non-discriminatory and based in scientific principles and risk assessments, Uruguay pointed out that sufficient transition periods should be granted for producers to adapt to the modified MRLs. Uruguay requested the European Union to reconsider its regulatory approach to avoid adverse effects on other Members, and hoped that the EU openness to participate in a dialogue would lead to a solution to this concern.

3.48. Argentina's concern comprised technical and structural aspects affecting Members from all regions. Recalling that the European Union considered its policy as part of the One Health approach, Argentina clarified that these considerations were beyond trade and that the implementation of this approach did not justify a departure from agreed multilateral rules. In Argentina's opinion, this concern was to be considered as part of a proliferation of unilateral, extraterritorial measures that aimed at protecting EU producers. Argentina appreciated the European Union's positive response agreeing to discuss the issue.

3.49. El Salvador echoed the concerns expressed by other Members about the consequences of MRL reduction on food insecurity and global supply chains.

3.50. Reiterating its concern on the non-renewal of these substances, Panama invited the EU member States to respond to the questions raised in [G/SPS/GEN/2076](#). The lack of alternatives for substances such as mancozeb severely affected Panama's exports to the European Union. Panama requested the European Union to reconsider its measure.

3.51. Brazil was of the view that the EU regulatory policies disregarded Codex standards, violating the principle of harmonization of the SPS Agreement, and negatively affected Members who complied with them. Reiterating the importance of science- and risk-based measures, based on realistic exposure scenarios, Brazil looked forward to the EU responses to questions raised by several Members on emergency authorizations.

3.52. Canada reiterated the need for risk-based decision making and requested the European Union to harmonize MRLs with Codex limits or to maintain MRLs for substances that did not pose unacceptable dietary risks, unless a full risk assessment had been completed. Canada insisted on the importance of providing sufficient transition time for businesses to adapt to new requirements. In Canada's view, the number and frequency of emergency authorizations by EU member States unjustifiably discriminated third country producers and contradicted the EU approach to the non-renewal of plant protection products. Canada asked the European Union to explain the criteria applied by EU member States to justify an emergency, and the circumstances for rejection of the authorizations. Canada also sought clarification on whether farmers' needs were determined from data on emergency authorizations, and whether re-instating certain active substances with no or low dietary risks would be considered. Canada requested the European Union to avoid discrimination between domestic producers and foreign exporters and to ensure that emergency authorizations were not extended to substances that were not registered for use in the European Union.

3.53. In Kenya, mancozeb was used to control tropical fungal diseases in numerous products, namely in the flower industry and in vegetable crops. Mancozeb's multisite contact activity was key for management of resistance. Given the lack of alternative effective pesticides, the European Union's restrictive measures were impacting livelihoods and leading to high annual yield losses in Kenya.

3.54. The European Union referred to the numerous answers already provided, the information sessions organized, the details on the ongoing revisions of MRLs circulated as [G/SPS/GEN/1494/Rev.2](#) and its presentation on the EU risk assessment process and the harmonization with Codex MRLs delivered in the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs. The European Union emphasized that its policies had never impeded imports of agricultural commodities. Decisions on the approval of active substances and on MRLs were based on risk assessments carried out by EFSA and EU member States, and the scientific data justifying the lowering of MRLs was available on the EFSA website and in the rationale of each EU decision. The European Union also noted that EU MRLs were aligned with more than 70% of Codex MRLs established between 2012 and 2019, and that the science-based deviation from international standards was justified for the protection of public health, in conformity with Article 3 of the SPS Agreement. Reiterating its openness to engage in discussions and the shared interest of human health protection, the European Union would analyze the questions regarding emergency authorizations circulated in document [G/SPS/GEN/2076](#).



### **3.2.2 EU classification of 'anthraquinone' as a pesticide and the MRL for imported tea (ID 518) - Concerns of India**

3.55. India reiterated its concern regarding the classification of anthraquinone as a pesticide and the setting of the EU MRL at 0.02 mg/kg for tea. Anthraquinone was not registered in India and there was neither a standard as per the Food Safety and Standards Act 2011, nor a Codex MRL for anthraquinone in tea. Noting that the sources of exposure were both natural and environmental, India referred to recent studies confirming the natural occurrence of anthraquinone in tea plantations. India requested the European Union to remove the classification of anthraquinone as a pesticide and to avoid unnecessary trade disruptions due to MRL checks for anthraquinone in tea.

3.56. Noting the lack of new elements on this issue, the European Union indicated that the authorization of plant protection products containing anthraquinone had been withdrawn in 2009 pursuant to Commission Decision 2008/986/EC, and that MRLs had been set at the limit of quantification (0.02 mg/kg for tea and 0.01 mg/kg for other commodities). The European Union further clarified that EFSA's successive reasoned opinions had not provided new elements to consider the need for further measures and that, according to its legislation, MRLs applied regardless of the source, including atmospheric deposits. Given the classification of anthraquinone as carcinogenic category 1B and the importance of applying good practices during production processes, the European Union expressed its readiness to provide further clarifications as well as technical assistance on laboratory methods upon request.

### **3.2.3 EU legislation on endocrine disruptors (ID 382) - Concerns of Paraguay**

3.57. Referring to its previous interventions, Paraguay reiterated its systemic trade concern on the EU hazard-based approach. In Paraguay's perspective, the series of measures adopted by the European Union were not based on conclusive risk analyses and considered factors outside of the scope of the SPS Agreement.

3.58. Costa Rica underscored that this was part of a larger set of concerns around the same issue, and referred to the arguments raised in previous meetings and uploaded in eAgenda.

3.59. Chile reiterated its concern with the EU approach to pesticide regulation, which negatively impacted agricultural production. In Chile's view, the hazard-based cut-off criteria in Regulation (EC) No 1107/2009 deviated from the internationally agreed principles of risk analysis, and unnecessarily lowered MRLs for commonly used substances.

3.60. Ecuador supported the concern and reiterated its comments on inconclusive risk assessments, on the justification for banning substances such as mancozeb on the basis of alleged endocrine disruption effects, and on the non-dietary exposure estimates exceeding the reference values.

3.61. Brazil reaffirmed that the criteria for the determination of endocrine-disrupting substances had to be established in accordance with Article 5 of the SPS Agreement, in line with scientific principles and available scientific evidence and data to avoid unnecessary trade restrictions. Brazil highlighted the importance of conducting risk assessments appropriate to the circumstances, and the need to obtain the additional information necessary for an objective assessment of risk.

3.62. Peru considered that the EU legislation was inconsistent with Article 5 of the SPS Agreement, and that maintaining a hazard-based approach could lead to measures that negatively impacted and restricted trade in food products more than necessary.

3.63. Referring to its detailed information uploaded in eAgenda, Uruguay reiterated its trade and systemic concerns regarding the EU adoption and implementation of a hazard-based approach for products with potential endocrine-disrupting properties.

3.64. Canada referred to its past interventions on this concern, which remained valid, and reiterated its request for the European Union to amend its hazard-based approach for the regulation of active substances in plant protection products and to consider both hazards and risks in its regulatory decision-making. According to Canada, this would align the EU regulatory framework with internationally recognized approaches to risk management.

3.65. Referring to its detailed information uploaded in eAgenda, [Guatemala](#) considered that the issue of endocrine disruptors was linked to the implementation of new MRLs affecting agricultural production in tropical countries. Guatemala reiterated its concern regarding the European Union's hazard-based, rather than risk-based measures, as stipulated in the SPS Agreement.

3.66. Noting that no new information had become available since the previous SPS Committee meeting, the [European Union](#) affirmed that the scientific criteria in place to identify endocrine disruptors were based on the WHO definition and had been applicable since November 2018. The European Union reiterated that, to date, there had been no cases of non-approval of a substance solely based on endocrine disruptor criteria that had been followed by the lowering of MRLs. For all substances for which MRLs had been lowered following the non-approval under Regulation (EC) No 1107/2009, other intake concerns, in addition to their classification as endocrine disruptors, had been identified. The European Union noted that imports of the potentially affected commodities had grown since 2018 and, therefore, the alleged trade barriers had not materialized. The European Union reiterated its commitment to keep Members informed of further developments.

### **3.2.4 EU import tolerances for certain pesticides to achieve environmental outcomes in third countries (ID 534) - Concerns of Australia and China**

3.67. Referring to the new STC raised by India ([ID 549](#)), [Australia](#) questioned the design of the EU draft regulation on the neonicotinoid insecticides clothianidin and thiamethoxam. Australia had submitted comments following the TBT notification and had raised an STC in the TBT Committee. Australia was of the view that decisions regarding import MRLs should only be assessed in light of food safety risks, and that taking into account environmental impacts in exporting countries when setting import MRLs and assessing requests for import tolerances threatened third countries' ability to apply their own environmental policies, in contradiction with WTO rules. Australia considered MRLs as an inappropriate tool to achieve environmental outcomes and highlighted that third country national authorities were the best decision makers for the responsible and sustainable application of pesticides in each country, in accordance with their unique environment. Australia requested the European Union to provide robust scientific evidence in support of the link between the lowering of MRLs to the limit of determination and pollinator health, and looked forward to continued engagement on the matter.

3.68. [China](#) referred to its statement under STC [ID 549](#). China had also raised this concern in the TBT Committee and looked forward to bilateral engagement.

3.69. [Uruguay](#) hoped to receive answers to the concerns raised in the SPS, TBT and Market Access Committees and to the comments submitted bilaterally on the EU draft Regulation notified in [G/TBT/N/EU/908](#). Citing the definition of MRLs in Regulation (EU) No 396/2005, Uruguay clarified that MRLs were measures aimed at protecting human health and were thus under the realm of the SPS Committee. Additionally, Uruguay reminded Members that Codex was the international reference body in this respect and that SPS measures adopted or implemented by WTO Members should be in line with the objectives states in Annex A and other substantive obligations of the SPS Agreement. Uruguay reiterated its willingness to cooperate towards reaching the shared objective of protecting the environment, pollinizers and human, animal and plant health, without unnecessarily restricting trade, and questioned the legal basis for reducing MRLs to the level of determination for reasons other than human health.

3.70. [Ecuador](#) shared the concern regarding the European Union's extraterritorial objectives, which did not seem to follow WTO rules. The European Union had provided information on its Farm to Fork Strategy in document [G/SPS/GEN/1868](#), but the measures had not been notified to the SPS Committee. The EU proposal to use non-tariff trade barriers for environmental protection disqualified the legislation, production systems, climatic conditions and development status of trading partners. Ecuador observed that the lowering of MRLs without conclusive risk analyses regarding the effects of neonicotinoids on human health and on pollinators was *de facto* leading to a closure of markets.

3.71. [Paraguay](#) insisted on its position that environmental objectives were outside the scope of the SPS Agreement and that MRLs had to be established to protect human health, and thus dealt with in Codex. If the European Union was of the view that the presence of clothianidin and thiamethoxam within the limits established by Codex negatively affected health, Paraguay asked for the relevant

risk assessment and for the notification of the measure to the SPS Committee. While awaiting responses to the comments submitted through the TBT channels, Paraguay had also raised the concern in the TBT and Market Access Committees. Paraguay stated that EU methods eroded multilateral rules, international law and Members' trust and spirit of cooperation, and urged the European Union to pursue its shared legitimate objectives within the multilateral fora.

3.72. Noting the importance of considering all three dimensions of sustainability, the United States was of the view that diverse approaches were required to meet the shared objectives of more sustainable food systems. The United States was concerned about the proposed extraterritorial application of EU domestic environmental policies to imported agricultural products from third countries. Further to the comments to notification [G/TBT/N/EU/908](#) and the concern raised in the TBT Committee, the United States noted that numerous factors affected pollinator health and questioned the scientific evidence provided by the European Union and the link with the stated objectives. As such, the United States considered that using pesticide MRLs as an environmental safety metric might unintentionally undermine the use of international standards for food safety. Since EFSA had granted emergency authorizations for the use of clothianidin and thiamethoxam in the European Union, the United States requested the additional scientific evidence to support the reduction of the MRLs. Concerned at the short period of time between the due date for comments on the notification of the draft regulation and the decision taken by the EU Standing Committee on Plant, Animal, Food and Feed, the United States wondered how comments by stakeholders had been taken into consideration. Emphasizing the required collaboration across the global community, the United States expressed its willingness to contribute to a collaborative, international approach to protecting pollinators. The United States submitted its statement in document [G/SPS/GEN/2081](#).

3.73. Indicating its intervention could equally apply to STC [ID 549](#), Canada echoed concerns about the EU approach to integrate global environmental impacts in decisions on MRLs and import tolerances. Recalling the European Union's own definition that MRLs existed to protect vulnerable consumers, Canada noted that MRLs should be maintained or harmonized with Codex MRLs if residues posed no risk to consumers. Canada further stressed that reducing MRLs to default values when no dietary risks of concern had been identified was incompatible with the WTO obligations and an inappropriate and ineffective way to pursue non-SPS objectives. Canada defended the robustness of its regulatory system to protect consumers and the environment through appropriate mechanisms and reminded the Committee that other multilateral fora existed for Members to develop effective global approaches to environmental challenges.

3.74. Although worried about the environmental challenges facing the international community, Argentina was concerned with the European Union's extraterritorial approach to environmental issues. Argentina highlighted the methodological weaknesses of the EU approach, which disregarded the principles of permanent sovereignty over natural resources and of common but differentiated responsibilities, as well as the obligation to grant special and differentiated treatment. Argentina also intended to monitor the granting of emergency authorizations for banned substances to EU producers.

3.75. Japan was of the view that any reduction of EU MRLs for the neonicotinoid pesticides clothianidin and thiamethoxam should be discussed with third countries and that regulations for environmental protection should be set by each Member, reflecting its particular environment. Noting that the proposed measure would unnecessarily restrict trade, Japan requested the European Union to consider its comments on the TBT notification and to ensure measures consistent with WTO rules.

3.76. Committed to environmental discussions in multilateral fora, Brazil emphasized that Members should not adopt SPS measures with extraterritorial effects, according to the definition established in the SPS Agreement.

3.77. Sharing the systemic concerns expressed by Members, Costa Rica affirmed that the shared objectives of biodiversity and environmental protection should be pursued in line with the obligations under the multilateral trade system. MRLs were established to ensure food safety and, as such, Costa Rica questioned the EU justification to reduce MRLs on the basis of global environmental concerns, as stated in [G/TBT/N/EU/908](#). This justification was not within the scope of the SPS Agreement and was neither a legitimate objective under the TBT Agreement for the introduction of a technical requirement. Costa Rica urged the European Union to notify the measure to the SPS Committee; to look for mechanisms of multilateral cooperation to reach global environmental

objectives; to reconsider its regulatory approach; to listen to concerns expressed by Members; and to review its measures in light of the SPS Agreement and Codex standards.

3.78. Noting the similarities with other Members' concerns, [Kenya](#) informed the Committee it would make its submission in the TBT Committee.

3.79. [New Zealand](#) sought clarification on the rationale and justification for using an SPS tool with the stated aim of addressing a global environmental concern. While supporting the EU goal of mitigating climate and environmental challenges, New Zealand feared the failure of measures that did not consider various geographic and climatic contexts. New Zealand encouraged all WTO Members to address global environmental issues multilaterally and to use evidence-based, least trade restrictive measures appropriate to the desired outcome.

3.80. [Guatemala](#) affirmed that each country had the right to choose its measures to address global concerns regarding protection of pollinators. MRLs were a tool to ensure food safety, and the EU proposal seemed to deviate from the objective to protect human health. Expressing concern on the extraterritoriality of the measures that did not reflect environmental realities, Guatemala requested the European Union to establish its measures in conformity with the SPS Agreement and to respect the sovereignty of third countries' sanitary authorities.

3.81. [Colombia](#) delivered its statement under STC [ID 549](#).

3.82. The [European Union](#) explained that it took into consideration environmental aspects when setting MRLs for substances no longer approved in its territory due to global environmental concerns, and reviewed active substances on a case-by-case basis. The European Union affirmed that, based on current knowledge, reducing the use of neonicotinoids was an effective action to tackle the decline of pollinators, and had therefore decided to lower MRLs for clothianidin and thiamethoxam. The European Union had reviewed comments received on its notification [G/TBT/N/EU/908](#) and in document [G/SPS/GEN/2054](#). EU member States had endorsed the proposal, which would be adopted by the European Commission in early 2023 if no objections were raised.

3.83. The European Union clarified that the Regulation would not prohibit the use of neonicotinoids by third countries, but products destined to the EU market would have to comply with the MRLs in place. The European Union considered that it was acting in compliance with its WTO obligations since there was no equally effective and less trade restrictive alternative to protect pollinators. Acknowledging the difficulties third countries might face, import tolerances could be granted for active substances not authorized in the European Union. The draft Regulation also included trade facilitating provisions, deferring the implementation date to 36 months after entry into force, and allowing products placed on the market before the implementation date to remain on the market until the end of their shelf life. Noting that its statement was also applicable for STC [ID 549](#), the European Union remained available for further discussion.

### **3.2.5 EU restrictions on exports of chocolate and cocoa products due to the application of the Commission Regulation (EU) No 488/2014 of 12 May 2014 amending Regulation (EC) No 1881/2006 as regards maximum levels of cadmium in foodstuff (ID 503) - Concerns of Peru**

3.84. [Peru](#) raised its concerns regarding Commission Regulation (EU) No 488/2014 establishing maximum levels (MLs) of cadmium in chocolate and other cocoa products that, in practice, had an impact on trade in cocoa beans and cocoa powder. Peru was of the view that the EU regulation violated Article 2 of the SPS Agreement. Considering that the European Union had not taken into account several opinions of the joint FAO/WHO Expert Committee on Food Additives, Peru called upon the European Union to review the new information shared in the context of this concern and to revise its legislation in the light of the conclusions of the Codex Committee on Contaminants in Foods.

3.85. Noting the lack of new elements since the June 2022 Committee meeting, the [European Union](#) referred to its written statement submitted in eAgenda. The European Union emphasized the significant efforts undertaken during the preparation of the relevant regulation to alleviate the difficulties of its trade partners in complying with the legal requirements, namely 1) the granting of an exceptionally long transitional period for cocoa and chocolate products by deferring the

implementation date to 1 January 2019; and 2) the establishment of MLs on finished products, that did not apply to cocoa beans or other intermediary cocoa products. The European Union reiterated its commitment to work constructively with Members to address outstanding issues without prejudice to consumer safety aspects.

### **3.2.6 EU regulatory approach to maximum levels for contaminants (ID 519) - Concerns of Canada**

3.86. Canada considered that the lowering of MLs for contaminants in food products was a result of the EU implementation of the precautionary-based regulatory decision-making requirements under Regulation (EC) No 1881/2006. Canada reiterated that the MLs did not align with international standards and would negatively impact trade for many products exported to the European Union. In particular, Canada was concerned with the negative trade implications of the EU approach to the regulation of MLs of cadmium in cereals, pulses and oilseeds; ergot and ergot alkaloids in cereals; ochratoxin A in cereals; and cyanogenic glycosides in linseed. Canada hoped for a continuation of the productive dialogue with the European Union, and requested that transition periods for changes to MLs be extended to a minimum of two years; that measures not inadvertently restrict trade; and that Canada's comments be taken into account to facilitate the trade of goods.

3.87. Ecuador shared the concern with respect to cadmium in chocolate and regretted that the EU measures that negatively affected exports of cocoa were maintained despite the scientific evidence available and the work undertaken by Codex.

3.88. Brazil was of the view that EU policies for MLs of contaminants disregarded Codex standards. Brazil reiterated that SPS measures should be based on scientific evidence and on realistic exposure scenarios, rather than on a presumption of hazard, and that potential trade impacts should be taken into account, in line with Article 5.4 of the SPS Agreement.

3.89. The European Union explained that the measures in question were based on a risk assessment and took into consideration relevant consumption patterns and levels of dietary risk. According to the European Union, the population's exposure to cadmium should be reduced in view of its toxicity and possible health risks. The MLs for cadmium had been established at levels as low as reasonably achievable, considering the occurrence data for cadmium in the specific foodstuffs from various origins, in order to ensure a rejection rate of 5% or lower. The expected effect on trade was thus limited. There were no particular new developments concerning ergot sclerotia and ergot alkaloids in cereals and cereal products. The issue of hydrocyanic acid in linseed had been approached in the well-established EU-Canada framework, where an agreement had been reached to hold a follow-up technical meeting. Finally, the European Union hoped that the recent reply to Canada's comments on EU notification [G/SPS/N/EU/547](#) clarified the issue of ochratoxin A in cereals. The European Union referred to its written statement submitted in eAgenda for further details.

### **3.2.7 EU review of legislation on veterinary medicinal products (ID 446) - Concerns of the United States**

3.90. The United States reiterated its concerns regarding the implementation of article 118 of Regulation (EU) No 2019/6, and pointed to its previous intervention contained in document [G/SPS/GEN/2046](#). Emphasizing that conditions varied between regions, the United States considered that the European Union should allow trading partners to use tools appropriate to the exporting countries' own domestic context to meet the EU level of protection. The United States sought clarification on the process to amend and update the list of antimicrobials reserved for human use, which could impact livelihoods of livestock producers and negatively affect the achievement of food security. Regretting that the meeting proposed by DG SANTE to provide updates to third countries had not taken place, the United States reiterated its request for the Commission to share a new timeline for the implementation of these measures, which would take into account the recent experience on the renegotiation of certificates for animals and animal products. The United States requested the European Union to work with its trading partners to develop science-based measures, consistent with the relevant international standards, and to be mindful of the impact of its SPS measures on global animal health, food security, international trade and agricultural sustainability. The United States submitted its statement in document [G/SPS/GEN/2082](#).

3.91. Paraguay reiterated its systemic concern about the European Union's extraterritorial application of Regulation (EU) No 2019/6, without considering the conditions of its trading partners. Paraguay requested the European Union to apply a more inclusive approach in the implementation of its measures.

3.92. Referring to its previous interventions, Uruguay requested information on the next steps of the EU regulatory process. Uruguay asked when the delegated act would be notified to the SPS Committee, and when the final rules would enter into force. Uruguay reiterated the need to communicate draft measures, to allow sufficient time for comments, and to take Members' comments into account. Uruguay was of the view that, in case of significant regulatory changes, transition periods should take account of the realities of affected sectors and products.

3.93. Australia had no current registrations of veterinary products containing the antimicrobials listed, and had no objections to the European Union's proposed reserved list. Australia sought assurance that any future revisions to the list would follow a science-based, consultative, and inclusive process. Australia called on the European Union not to apply retrospectively any prohibition on the use of antimicrobial agents or antimicrobial classes included in the EU reserved list that were previously authorized for use in animals. Australia also requested the European Union to provide further clarification on the implementation of its Regulation and to answer the questions uploaded to the eAgenda.

3.94. Japan regretted that the European Union had not provided information, including the timeline for the implementation of article 118 of Regulation (EU) No 2019/6. Japan asked the European Union to take into account comments by third countries; to provide at least a three-year transitional period before the implementation of the delegated act to third countries; and to avoid discrimination in the implementation of the delegated act.

3.95. Canada expressed its support for the coordinated international efforts to address AMR. Acknowledging that the list of antimicrobials reserved for human use notified to the SPS Committee was founded on scientific evidence and appeared not to be more trade restrictive than necessary, Canada requested the European Union to provide clarification on the potential impacts of the regulation on trade. Canada also requested the European Union to share and notify the import rules for third countries related to veterinary medicinal products, and to allow and take comments into account when finalizing the measure. Canada urged the European Union to provide a transition period of five years or more, based on the realities of production systems and product storage.

3.96. Brazil echoed other Members' concerns and noted the potential burden caused by the introduction of trade restrictive sanitary requirements. Expressing its support for the international efforts to develop multilateral guidelines on AMR, Brazil urged the European Union to consider the ongoing global efforts by the WHO, WOH and FAO, as well as the work of the Codex Taskforce on Antimicrobial Resistance. Brazil reiterated the importance of a safe, harmonized, and science-based framework for trade in animal products for the promotion of food safety and food security.

3.97. The European Union reiterated that Regulation (EU) No 2019/6, which applied from 28 January 2022, would strengthen EU action to fight AMR, following the European One Health Action Plan against AMR. A dedicated webpage had been made available to provide stakeholders with the status of each of the delegated or implementing acts from the Regulation. The European Union provided a detailed state-of-play regarding the preparation of the draft legal acts. Regarding the implementing act under article 37 (5) on the list of antimicrobials reserved for human use, the European Union had considered Members' comments prior to the adoption of the draft implementing regulation. The adopted Commission Implementing Regulation (EU) 2022/1255 designated a list of antimicrobials or groups of antimicrobials reserved for treatment of certain infections in humans, which would be under continued review in light of new scientific evidence, and future updates would be notified to the SPS Committee. Regarding the delegated act under article 118 on the rules on imports from third countries, the European Commission had finalised technical discussions with EU member States on the requirements and conditions relative to prohibiting the use of antimicrobials for growth promotion and yield increase, as well as the use of antimicrobials reserved for treatment of infections in humans. The draft had taken into account the operators' needs, and was expected to be submitted for public feedback and notified to the WTO in the coming weeks. The European Union would organize a meeting with third countries and keep Members informed of future developments. Underscoring the importance of international collaboration, the European Union stressed its continued engagement with trading partners and other

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WTO Members to promote and support effective strategies to prevent and contain the global threat of AMR.

### **3.2.8 China's actions related to COVID-19 that affect trade in food and agricultural products (ID 487) - Concerns of the United States, Canada, Australia, India and Chinese Taipei**

3.98. Disappointed with China's lack of engagement, the United States reiterated its concern on the measures implemented purportedly to mitigate the transmission of COVID-19. Referring to the WHO/FAO guidance on COVID-19 stating that SARS-CoV-2 was not a direct food safety concern, the United States considered China's measures provided an unfair advantage to domestic producers and further challenged global food security. The United States urged China to withdraw its measures and to support the guidance of international organizations on COVID-19. The United States submitted its statement in document [G/SPS/GEN/2083](#).

3.99. Referring to its statements in previous meetings, Canada reiterated its concern regarding China's actions related to COVID-19, which negatively impacted trade in food and agricultural products. Canada highlighted that the WHO/FAO guidance indicated no risk of transmission of COVID-19 through food, food packaging or food handling. Canada questioned the scientific basis for China's measures and expressed concerns on the lack of clarity, transparency and predictability. Canada sought clarification on why only two meat establishments had been reinstated while others remained suspended, and asked China to reinstate all Canadian establishments without undue delay. Noting that the measures appeared inconsistent with the SPS Agreement, Canada called on China to provide the relevant risk assessment, to remove the measures and to work collaboratively to avoid unnecessary trade barriers and contribute to food security.

3.100. Australia encouraged China to continue with the reassessment of the processes at the port of entry regarding COVID-19 in the cold chain. Noting that certain export establishments had been suspended for almost two years following a self-declaration of COVID-19 infections, Australia requested China to provide guidance on the lifting of these suspensions. Australia reiterated its commitment to work bilaterally with China to ensure science- and risk-based measures.

3.101. Referring to its interventions in previous meetings, India expressed its disappointment with the lack of progress on this concern. In its view, the suspension by the General Administration of Customs of China (GACC) of Indian seafood export units on account of the detection of COVID-19 nucleic acid on the packaging material lacked scientific grounds. India noted that GACC had not specified the legal basis for demanding a virtual inspection or the indefinite suspension of units. India considered the measures to be inconsistent with Articles 2.2 and 5.1 of the SPS Agreement, and requested China to share the relevant reports that had led to the export restrictions as well as the sampling procedure and the testing protocols adopted in this regard, and to allow exports from Indian establishments that had implemented corrective measures.

3.102. Chinese Taipei regretted the lack of scientific evidence for the suspension of imports of fresh or chilled silverfish and frozen Japanese jack mackerel, and urged China to resume imports in accordance with the SPS Agreement and international guidance. Chinese Taipei called on China to review its measures on the basis of scientific principles, to adopt the least trade restrictive measures and to engage in a scientific and technical dialogue.

3.103. The United Kingdom echoed other Members' concern regarding China's import controls related to COVID-19 on cold food chain commodities. Citing Article 2.2 of the SPS Agreement, the United Kingdom maintained its position that available scientific evidence on the transmission of SARS-CoV-2 did not support the continuation of China's testing requirements, nor its policy of point-of-entry rejections and establishment suspensions. The United Kingdom invited China to review its COVID-19 related import measures.

3.104. Japan reiterated its concerns regarding the COVID-19 related emergency measures implemented by China since July 2020 which, in Japan's view, lacked a scientific basis. Noting the potential negative impact on trade of those measures, Japan requested China to clarify the risk assessments and to share scientific evidence supporting the measures.

3.105. The European Union considered that Chinese import policies for agri-food products were not proportionate nor based on science. Referring to the guidelines by FAO and WOA, the European Union asked China to lift its COVID-19 related import measures and refrain from adopting new and unjustified measures on COVID-19 grounds. The European Union stated that unnecessary verification measures were harmful to food security, food prices and global trade.

3.106. Since July 2020, China had taken preventive measures, on the premise of complying with international rules to ensure the safety of imported cold chain aquatic products and the health of people, as notified to the WTO and to its trading partners. China noted that these measures were reasonable and in line with the SPS Agreement. Since July 2022, GACC Announcement No. 103 of 2020 was repealed and China had no longer taken emergency preventive measures to suspend import declaration for goods with positive nucleic acid of COVID-19 virus. Instead China investigated the preventive measures of exporters to ensure that the security management system and security status of the trading partners met its import requirements. China indicated that it would further strengthen cooperation with overseas competent authorities, and acknowledged the measures taken by some exporting enterprises to protect their workers and voluntarily suspend exports to China following cluster infections. The imports would be resumed once effective actions had been taken to eliminate the associated risks. China's statistics showed that, between January and October 2022, imports of cold chain food had remained unchanged compared to 2021.

### **3.2.9 China's administrative measures for registration of overseas manufacturers of imported food (26 November 2019) (ID 485) - Concerns of Japan, the United States, Australia, Canada and the European Union**

3.107. Recalling the obligations established in the SPS Agreement, Japan expressed concerns regarding China's administrative measures for registration of overseas manufacturers, in force since January 2022, which lacked transparency, were burdensome, and restricted trade more than necessary. Japan requested China to provide a scientific justification of its new measures; to notify any change in the operation of China Import Food Enterprise Registration (CIFER) system; to allow registered facilities to export any items regardless of the registered product codes until 1 July 2023; to add all missing product codes to the system before the end of 2022; to establish an enquiry point for interested parties; and to respond to unanswered questions within a reasonable time.

3.108. The United States reiterated its concern regarding China's lack of response to requests for scientific justification and sought clarification on how the measures established in Decrees 248 and 249 would address food safety and public health concerns. The United States urged China to provide the risk assessments that justified the identification of high-risk products and the application of the measures to low-risk products. The United States stressed the confusion and trade-disruption caused by the lack of guidance and the inconsistent implementation of measures. Noting that all facilities should be able to self-register, the United States noted that GACC was transferring to foreign competent authorities certain responsibilities of the importing country, and that the additional information requested as part of the pre-market registration process was unnecessarily burdensome. The United States submitted its statement in document [G/SPS/GEN/2084](#).

3.109. Australia noted the duplication of efforts imposed by Decree 248, the disruptions experienced in the implementation of CIFER, and the adjustments to the programme made by GACC during the intervening period. Listing some of the issues experienced by food businesses, Australia requested China to advise the time needed for the approval of new registrations and the inspection requirements for new registrations to take effect. Regretting the absence of response on previous concerns raised and the inability to meet China's deadlines due to the lack of instructions, Australia sought assurance on the cooperation with GACC to address these ongoing issues.

3.110. Referring to its previous statements on this issue, Canada reiterated its concern regarding China's administrative measures and the implementation of the CIFER system that were negatively impacting trade. Noting China's lack of engagement and guidance, Canada stressed that the registration process in CIFER system was confusing and experienced technical challenges. Canada called for transparency in the communication of decisions on the approval process in the CIFER system and for the development of clear guidance to address concerns of trading partners. Canada requested China to establish a contact point or to work directly with establishments for the completion of registrations; to provide clarifications and flexibilities on the requirements under Decrees 248 and 249 and the CIFER system; and to prevent unnecessary trade disruptions.



3.111. While sharing the wish to ensure that imported food products came from legitimate sources, the European Union raised concerns on the difficulties in registering business in the CIFER system. The European Union noted that GACC had not clearly identified the product categories previously subject to registration under Decree 248 that were to be exempt from the procedure. The European Union urged China to provide clear guidance on the implementation of Decree 248; to simplify data entry and solve technical problems in the CIFER system; to facilitate amendments and follow-up of ongoing registrations; and to extend the June 2023 deadline for registration.

3.112. While acknowledging the legitimate objective of China's regulations, Kenya regretted that some of the provisions were more restrictive than necessary. The registration requirements made it difficult for small and medium enterprises to integrate into the global value chain, as they imposed new obligations on foreign governments, and were cumbersome and likely to cause major trade disruptions. Kenya urged China to review these regulations to make them less stringent to comply with, and to provide clarity on the scope of their application.

3.113. Norway considered that Chinese Decrees 248 and 249 were more trade restrictive than necessary to ensure the safety of imported food products. Norway underscored the significant burden facing their national seafood industry and the Norwegian Food Safety Authority as a result of the insufficient information provided by Chinese authorities, the uncertainties regarding the implementation of the Decrees, and the changes and technical problems of the CIFER system. No new producers had been able to register in the CIFER system since its entry into force in January 2022. Regarding approved companies already exporting to China, the short timelines and the limited information received from GACC had created confusion on the renewal process. In order to facilitate trade and reduce disruptions, Norway asked China to review its measures and to apply them in a manner that was not more trade restrictive than necessary to achieve its appropriate level of protection (ALOP). Norway urged China to engage in an open dialogue, to make necessary updates to the CIFER system in a transparent manner, and to provide clear information to ensure more predictable conditions for trade.

3.114. Acknowledging the recent discussions, the United Kingdom reiterated its concerns and invited China to minimize the adverse impacts of its administrative measures. The United Kingdom was of the view that the measures were not proportionate to the risk posed by food products, and that the additional audit requirements added unnecessary administrative burdens to authorities and business. The United Kingdom requested China to apply its measures in a risk-proportionate manner, considering the rigorous UK food safety processes and controls.

3.115. Referring to its interventions in previous meetings, Chinese Taipei stressed that the lack of information on registration requirements, operational guidance and updates on the stages of the procedures complicated in the implementation of the measures. Chinese Taipei questioned the alignment of the measures with the relevant provisions of the SPS Agreement, and regretted the lack of responses to the request for the scientific justification of the measures. Chinese Taipei urged China to designate an enquiry point to address concerns surrounding the measures; to provide a grace period for their implementation; to temporarily allow entry of all products from registered facilities; and to hold an information session on the implementation of the measures.

3.116. Senegal echoed the arguments raised by other Members, and underscored the difficulties facing enterprises exporting agricultural and fishery products to China, despite the bilateral protocol in place. Regretting the lack of responses and the delays in the procedures, Senegal requested China to improve the situation to avoid trade restrictions.

3.117. Switzerland shared the concerns and regretted the persistent problems and uncertainties around the CIFER system. Switzerland urged China to extend the deadline of June 2023 for renewals and the validity of existing approvals by one year, and to create contact points for the industry and the competent authorities.

3.118. Reiterating its concerns, Korea noted that certain aspects of the regulation, such as those related to low-risk products, the lengthy registration procedures and the lack of explanations for rejections, were unnecessarily burdensome. Korea requested China to increase efficiency by allowing facilities of the low-risk food product categories to register their respective establishments on the GACC website themselves and by using previously reviewed data for facilities already registered to export all products regardless of the registered product codes of the establishments. Korea reminded

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China of the obligation to adopt SPS measures based on science and in a transparent manner, and invited China to reply to its request and suggestions.

3.119. China indicated that the revision of the draft Administrative Measures for Registration of Overseas Manufacturers of Imported Foods was based on Chinese law, and was compliant with international rules and common practices. China explained that the measures strengthened the supervision of food safety while taking trade facilitation principles into account. Before the implementation of the regulations, GACC had issued the interpretation of the regulations and the guide and supporting documents for registration applications, had launched the online registration system for overseas enterprises, and had formally notified exporting Members through various channels. As of 27 October 2022, more than 100 Members had provided the list of enterprises recommended for registration, and a total of 79,000 overseas producers had been registered. China underlined the effectiveness of the implementation of its measure and invited Members to contact GACC for registration queries and technical support.

### **3.2.10 Concerns with transparency, delays and due process associated with China's import requirements for agricultural goods (ID 524) - Concerns of Australia**

3.120. Australia remained concerned with China's increased intervention on imported products at the border, which appeared to lack science-based consideration of the associated SPS risks and had led to trade constraints across a range of agricultural products. Australia requested China to ensure that agricultural imports continued in a predictable and transparent manner and without undue delays, and to apply measures in a manner proportionate to the risk. Australia would welcome bilateral engagement on these matters, and stood ready to collaborate with China towards resumption of trade.

3.121. China stated that it always notified SPS measures to the WTO and to relevant Members in a transparent and timely manner. Referring to the detection of quarantine pests in Australian products, China called on Australia to strengthen its supervision of export enterprises in accordance with bilateral agreements to ensure the safety of products.

3.122. In response to China, Australia underlined its strong food safety and biosecurity systems and clarified it was awaiting an answer from China on investigations following non-compliance reports. Australia was looking forward to continuing bilateral dialogue and regretted the absence of feedback from China.

### **3.2.11 China's delay in approving requests for new listing and reinstatement of export establishments (ID 516) - Concerns of Australia, Canada and the European Union**

3.123. Noting the complexity of implementing the CIFER system, Australia underscored that control, inspection and approval activities should be undertaken in a timely manner that was no less favourable than those undertaken for domestic products. Australia requested China to provide information regarding the assessment and approval of products and establishments, the updating of administrative lists and the lifting of restrictions on suspended establishments. Australia regretted that the failure to update the list of businesses that had been provided to China violated the agreed terms of the protocol of phytosanitary requirements for exports of these products, and sought clarification on the issue. Australia would welcome bilateral engagement with China to ensure that the registration requirements did not unnecessarily disrupt trade.

3.124. Referring to its statements at previous meetings, Canada explained it continued to experience undue delays in China's approval procedures for the importation of food products and foreign establishments, and was awaiting updated information on the lists of Canadian products and facilities eligible to export. Canada lamented the trade disruptions created by the approval procedures for foreign establishments, including the registration through the CIFER system, and noted that the undue delays and the lack of transparency and of rationale in the procedures led to unjustified barriers to trade and administrative burdens. Canada urged China to update and publish the lists of Canadian products and establishments awaiting registration or approval; to provide timelines for approval of food products and establishments; to share the result of the approval procedures; and to respect its obligations under the SPS Agreement.

3.125. The European Union called for transparent, predictable and swift approval procedures and for the listing or re-listing of establishments in line with agreed international standards. The European Union was concerned about the short notice of the announcement of establishment audits, and noted that operators and the competent authority had not always received the results of the audit. The European Union requested China to ensure the application of SPS measures in a non-discriminatory, transparent and predictable manner.

3.126. The United Kingdom noted that its trade continued to be affected by undue delays and lack of transparency in China's approval procedures. The United Kingdom was waiting for a response on the re-listing of several establishments following China's technical requests and the facilitation of video inspections, and on the export approval for over 20 fisheries establishments. In its view, China's requirement to seek re-approval of establishments imposed an additional burden on both the exporters and GACC. Appreciative of the discussions held to date, the United Kingdom requested China to apply its approval procedures in a timely and predictable manner in accordance with the SPS Agreement.

3.127. China noted that it handled market access and enterprise registration in accordance with its domestic laws and regulations, and that its measures were in line with bilateral agreements and the SPS Agreement. China stated that it had reported non-compliance issues of Australian and Canadian companies to the competent authorities in a timely manner, and urged the Members concerned to conduct investigations on the violations, to make relevant corrections, and to inform China of the results.

3.128. In response to China, Canada clarified that all federally licenced establishments adhered to rigorous and internationally accepted standards. Canada verified that facilities complied with the food safety requirements, and would immediately take appropriate actions if it became aware of any potential food safety risks. Noting the successful implementation of bilateral arrangements in recent years that had provided food safety assurances and consumer protection, Canada regretted the lack of a timely responses to approve and publish export eligibility lists for Canadian establishments.

3.129. In response to China, Australia underscored the high standards of its food system and the safety and quality of its agricultural products. Australia regretted that China had not honoured its WTO commitments, the lack of progress on market access requests, and the unresponsiveness to the requests for engagement. Australia highlighted that it had responded to all requests for information from China and had undertaken corrective actions in a timely and transparent manner. Noting that other trading partners had also raised concerns on delays and lack of transparency, Australia looked forward to a resolution of the issue in a timely and transparent manner.

### **3.2.12 Saudi Arabia's temporary suspension of Brazilian poultry exporting establishments (ID 486) - Concerns of Brazil**

3.130. Brazil regretted that Saudi Arabia had not provided supporting documentation regarding the ongoing suspension of Brazilian exports, alleging sanitary problems. In Brazil's view, Saudi Arabia was not respecting Articles 2 and 5 of the SPS Agreement. In 2022, Saudi Arabia had authorized the resumption of imports from the suspended establishments without the withdrawal of the suspension, and Brazilian establishments were considered to be "partially suspended". Brazil sought an explanation of the sanitary reason for suspending the establishments while allowing exports, entry and consumption of Brazilian poultry meat. Brazil also requested a clarification of the definition of a "partial suspension" and its legal basis, and asked Saudi Arabia to remove the restrictions if no sanitary problems were identified.

3.131. Assuring it spared no efforts in removing trade barriers with WTO Members, Saudi Arabia indicated that the temporary measures had been adopted in compliance with the provisions of the SPS Agreement. As communicated to Brazil, the Saudi Food and Drug Authority (SFDA) had lifted suspension on a number of Brazilian poultry establishments that had taken corrective actions. The SFDA was currently reviewing the information on the corrective actions taken by Brazilian establishments which were yet to resume exports. Saudi Arabia reaffirmed its commitment to transparency towards WTO Members.

### **3.2.13 Panama's undue delays in the renewal of authorizations for plants of fishery and livestock enterprises (ID 509) - Concerns of Peru and the European Union**

3.132. Peru was concerned that Panama's undue delays violated Article 8 and Annex C of the SPS Agreement, and regretted the lack of information regarding the anticipated processing period and timeline regarding the renewal of authorizations of Peruvian enterprises. While in bilateral meetings Panama had stated that it had the necessary information to renew the authorization of some of the pending companies, no information had been provided regarding the initiation of a "zoosanitary eligibility process". Despite the decision reached in the high-level bilateral meeting held during the Twelfth Ministerial Conference (MC12) to organize a meeting on this topic of the administrative commission of the bilateral Free Trade Agreement (FTA), no responses had been received to the requests to convene the meeting. Peru also noted that Panama had not indicated the sanitary reasons for not renewing the authorizations or granting new authorizations to Peruvian enterprises, in violation of Articles 2.2 and 5.1 of the SPS Agreement. Peru asked Panama to renew the authorizations of Peruvian export plants and to avoid further delays. Peru submitted its statement in document [G/SPS/GEN/2086](#).

3.133. The European Union regretted that, since 2019, Panama blocked the requests to obtain market access for agricultural and livestock products and to update the list of authorized exporting plants. The European Union invited Panama to establish transparent, predictable and swift procedures in line with agreed international standards, to remove unnecessary trade barriers, and to apply SPS measures in a non-discriminatory and predictable manner.

3.134. Costa Rica was of the view that Panama's regulatory practices totally restricted access of agricultural products to the Panamanian market, and regretted the lack of information and of amendments to the measures. Costa Rica asked Panama to take into consideration Members' concerns, which reflected an inadequate implementation of SPS measures and a failure to comply with obligations established in the SPS Agreement.

3.135. Chile shared the concern regarding difficulties to register or renew establishments of bovine meat, poultry meat and products and fisheries and aquaculture products. Regretting the lack of concrete progress, Chile looked forward to a prompt solution to the problem.

3.136. Noting it would convey the information to capital, Panama indicated that it had been working bilaterally with Peru, including a high-level bilateral meeting during MC12 in which it was agreed to hold a technical meeting of the administrative commission of the FTA. Panama hoped to find a mutually satisfactory solution and expressed its willingness to work constructively with Peru.

### **3.2.14 Bolivia's import restrictions on agricultural and fisheries products (ID 530) - Concerns of Peru**

3.137. Peru stated that Bolivia's measures blocked market access for Peruvian exports of whole trout without scientific justification. Despite the approval of the harmonized health certificate in 2017, Bolivia had not yet complied with the corresponding commitments to allow the imports. In January 2022, Bolivia's National Agricultural Health and Food Safety Service (SENASAG) had indicated that its current regulations allowed for the marketing only of eviscerated animals. Peru was still awaiting a response to the requests for information submitted, as well as an official invitation for an in-person meeting to resolve the issue. In Peru's view, Bolivia's measures contravened the provisions of Article XI of the GATT 1994, as well as Articles 2, 3, 5, 7 and 8 and Annexes B and C of the SPS Agreement. Peru asked Bolivia to rescind restrictions in place on Peruvian exports. Peru submitted its statement in document [G/SPS/GEN/2087](#).

3.138. Bolivia had taken note of Peru's intervention and would convey it to capital.

### **3.2.15 General import restrictions due to BSE (ID 193) - Concerns of the European Union**

3.139. The European Union recalled that 26 out of 27 EU member States had negligible bovine spongiform encephalopathy (BSE) risk and the remaining one had controlled BSE risk status, in accordance with the WOAH Terrestrial Code. In its view, the delays in the approval procedures of some Members, in particular Australia, Brazil, China, Ecuador, Egypt, Jordan, South Korea, Malaysia, Mexico, Peru, South Africa, 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 SPS Agreement; to apply international standards; to lift remaining BSE-related restrictions; and to engage for the finalization of the assessment of pending market access requests.

3.140. Switzerland supported this concern, noting that although it had been recognized by WOAHP as having negligible BSE risk for more than a decade, it continued to be on China's "list of animals and their products prohibited from being imported from countries where animal diseases are endemic". Switzerland urged trading partners to lift remaining import restrictions due to BSE and to allow imports of beef products from Switzerland.

3.141. The United States considered that the current concerns related to the equivalence administrative process, and not to animal health. In order to resume exporting bovine meat products for human consumption, EU member States had to obtain an equivalence determination by the USDA Food Safety and Inspection Service (FSIS). FSIS was actively working through its equivalence process and remained available for technical engagements with EU member States.

3.142. China had lifted some bans on several member States and had completed the written assessment of several others. Since no cases of BSE had ever been detected in the country, China was cautious about importing cattle and related products from countries or regions where BSE occurred. China noted that BSE cases had been reported in the European Union since 2021, and believed that the risk of transmission on those countries could not be ignored before undertaking a full assessment. If the BSE risk could be controlled, the European Union and its member States could apply for an export license through bilateral channels, and China would carry out a risk assessment based on the application.

### **3.2.16 EU recognition of Mexico as a country with WOAHP negligible BSE risk (ID 543) - Concerns of Mexico**

3.143. Mexico regretted that the European Union had not accommodated its repeated request to recognize the negligible risk status with regard to BSE, granted by WOAHP in 2016. Mexico noted that other Members who had obtained the recognition from WOAHP later than Mexico had already been included in EU Decision 2007/453/CE. Noting that it accepted the sanitary status granted by WOAHP to EU member States, Mexico objected that there was no scientific justification for the EU delay, which was restricting trade in products of interest. Mexico requested to be included in EU Decision 2007/453/EC and asked for an official response to the communications sent since 2017.

3.144. Taking the opportunity to reaffirm support for the principle of regionalization, Brazil stated that some Members frequently imposed unjustified measures related to the non-recognition of the sanitary status of the Brazilian territory according to WOAHP. Brazil encouraged Members to follow international guidance developed by the international standard setting bodies (ISSBs) and invited Members to comply with Articles 3 and 6 of the SPS Agreement.

3.145. The European Union informed the Committee that it had taken note of Mexico's status and that it was considering the request. The European Union had provided an answer to Mexico's communications, and the issue was being discussed bilaterally in the framework of the EU-Mexico Economic Partnership, Political Coordination and Cooperation Agreement. The European Union looked forward to continuing the discussion with Mexico.

### **3.2.17 Korea's lack of progress on pending applications for authorization of beef imports (ID 490) - Concerns of the European Union**

3.146. The European Union informed the Committee that Korea had re-opened its markets for imports of bovine products from two EU member States in 2019. Noting that the EU policy on food safety and animal health was harmonized at EU level, the European Union emphasized that identical food safety and animal health control conditions prevailed in all EU member States. The European Union urged Korea to comply with Article 3.2 of the SPS Agreement and to conclude the remaining steps for the pending applications.

3.147. The Russian Federation regretted that Korea had not authorized beef imports from any Russian region, despite the fact that WOAHP had restored Russia's FMD status as a country with a free zone without vaccination in 2019. No information had been received on the responses to

questions for conducting a risk assessment of beef imports from three regions into Korea. Expressing its readiness for bilateral cooperation, Russia urged Korea to comply with its obligations under Articles 6 and 8 of the Agreement and to finalize the market access procedures without undue delay.

3.148. Korea stated that it carried out risk assessments in accordance with the SPS Agreement and WOHAI and Codex standards, and approved the imports without any discrimination. Korea had approved imports of Dutch and Danish beef in 2019 and, although it had completed the procedures for French and Irish beef, the National Assembly was still deliberating on the import health requirements. Korea had informed the European Union that import permit procedures for beef from other EU member States were underway. Regarding market access to beef from Russia, Korea would provide a response as soon as it concluded the review of the information received.

### **3.2.18 South Africa's import restrictions on poultry due to highly pathogenic avian influenza (ID 431) - Concerns of the European Union**

3.149. The European Union regretted that South Africa maintained country-wide bans on poultry products from 14 EU member States following HPAI outbreaks. The European Union considered the measure to be at odds with Article 6 of the SPS Agreement. South Africa had carried out inspections in certain EU member States, and was familiar with EU veterinary services and the EU policy and regionalization system. The European Union called for South Africa to respect its obligations and to allow trade from disease-free areas.

3.150. South Africa explained that it would communicate to Denmark the issues identified on the submitted report and that it was still evaluating the information provided by Spain. No other EU member States had submitted reports as required.

### **3.2.19 China's import restrictions due to highly pathogenic avian influenza (ID 406) - Concerns of the European Union**

3.151. The European Union raised its concern regarding China's imposition, since 2015, of country-wide bans on several EU member States on accounts of HPAI. The European Union had repeatedly requested China to lift these import restrictions in accordance with the WOHAI Terrestrial Code and to recognize the principle of regionalization. The European Union regretted the lack of progress towards the resolution of this longstanding issue.

3.152. China highlighted that HPAI continued to occur in most EU member States in 2022, according to WOHAI. In order to protect the safety of its poultry industry, China had applied measures to suspend imports of live poultry and other goods, which were in accordance with the SPS Agreement. At the same time, China had also lifted bans imposed on the grounds of avian influenza in other EU member States. China would conduct risk assessments relevant to the applications submitted to export poultry and improve the applied measures on the basis of the results.

### **3.2.20 China's import restrictions due to African swine fever (ID 392) - Concerns of the European Union**

3.153. The European Union expressed its concerns regarding China's ASF-related country-wide import bans on pork products from EU member States, including from those that had successfully eradicated the disease in livestock and wildlife and regained a disease-free status in accordance with WOHAI rules. The European Union explained that, since 2015, China had expanded rather than lifted the unjustified trade bans, despite having the same sanitary profile, and requested clarification on the difference in the risk profile between imported and domestically-produced pork products. The European Union called on China to respect its obligations under the SPS Agreement and WOHAI standards, to allow trade from disease-free areas, and to engage in meaningful, solution-oriented exchanges.

3.154. Highlighting its commitment to develop trade in healthy pork products, China noted that some EU member States would continue to suffer from ASF in 2022, according to WOHAI. The ban on imports of pigs and related products after outbreaks of ASF was based on safety and scientific considerations and was in accordance with the SPS Agreement. China hoped to establish stable and sustainable trade relations with the EU and its member States, and expressed its willingness to maintain communication and cooperation in the prevention and control of ASF.

### **3.2.21 Peru's non-application of regionalization for African swine fever (ID 544) - Concerns of the European Union**

3.155. The European Union expressed concerns about Peru's country-wide import bans imposed on EU pork products from member States that reported outbreaks of African swine fever (ASF). The European Union urged Peru to respect its international obligations and allow trade from disease-free areas, and to engage in solution-oriented exchanges.

3.156. Brazil believed that promoting the work of the ISSBs strengthened the SPS Agreement, in particular regarding harmonization, and invited Members to recognize disease-free areas as established by WOAAH.

3.157. Emphasizing that it was respectful of the principle of regionalization of the SPS Agreement, Peru took note of the concerns raised by the European Union. Peru had informed Italy of the legislation in place following the ASF outbreaks at the beginning of 2022, and was waiting for a response to initiate the corresponding process.

### **3.2.22 Chinese Taipei's new procedure for the recognition of infectious animal disease-free status of a foreign country (ID 538) - Concerns of the European Union**

3.158. The European Union was of the view that the procedure applied by Chinese Taipei to recognize the infectious animal disease-free status of foreign countries, notified in [G/SPS/N/TPKM/543](#), was unnecessarily burdensome and redundant. The European Union regretted that the regulation had entered into force in December 2021 without taking into account the EU concerns. The European Union was of the view that the procedure was not in line with Article 5.6 of the SPS Agreement, and requested Chinese Taipei to resolve this issue by relying on the animal disease status verified by the European Commission and notified to WOAAH.

3.159. Chinese Taipei clarified that the procedure had been amended in 2021 in response to the international animal disease situation. Specifically, rinderpest had been deleted and classical swine fever, peste des petits ruminants and African horse sickness had been added to the procedure, based on WOAAH's recommendations in the Terrestrial Code. The request for applicant countries to provide scientific evidence for review was in line with the SPS Agreement, and Chinese Taipei had granted a two-year grace period to facilitate completion of the necessary procedures. Reiterating its availability for bilateral discussions, Chinese Taipei would reply to the applicant countries upon review of the dossiers received.

### **3.2.23 Mexico's import restrictions on pork (ID 489) - Concerns of Brazil**

3.160. Brazil announced that, following the publication in October 2022 of the requirements for imports of pork produced in Santa Catarina to be thermally processed by Mexico's food industry, Mexico had agreed to the sanitary certificate proposed by Brazil. It was Brazil's understanding that the effective opening of the market would take place after the publication of the list of Brazilian exporting establishments. Brazil expected the concern to be concluded in the coming days.

3.161. Mexico informed the Committee that the National Agri-Food Health, Safety and Quality Service (SENASICA) had published the requirements to be met for the importation of swine meat from Santa Catarina in the Module for Consultation of Animal Health Requirements for Imports, and that the market was thus open under the conditions indicated therein. The official communication of the technical details and the meeting with Brazil's Ambassador proved Mexico's will for a cordial technical dialogue.

### **3.2.24 Peru's import restrictions on pork (ID 482) - Concerns of Brazil**

3.162. Brazil reiterated its concern regarding Peru's undue delays in finalizing the risk analysis process for Brazilian pork exports, which was inconsistent with Article 5 and Annex C of the SPS Agreement. Complaining that Peru had cancelled or postponed audit dates without justification, Brazil sought assurance that the audit scheduled between 14 and 17 November 2022 would take place as agreed and hoped that significant progress could be reached to resolve this issue.

3.163. Peru highlighted that it was respectful of the obligations established in the SPS Agreement and confirmed that the audit to inspect establishments interested in exporting pork meat would take place on the dates agreed.

### **3.2.25 Chinese Taipei's import restrictions on poultry and beef (ID 521) - Concerns of Brazil**

3.164. Acknowledging their bilateral exchanges, Brazil believed that Chinese Taipei's restrictions on poultry and beef violated Articles 5 and 8 and Annex C of the SPS Agreement and that the information requested had already been provided. Brazil clarified that it intended to export thermoprocessed meat and, therefore, there would be no need to answer the additional questionnaire. Brazil asked for clarification on the time estimate for the final analysis of the latest documents, on the stages in the approval procedures for thermoprocessed poultry and beef, and on the estimated date for an audit to evaluate Brazilian inspection and certifications systems, as the last step to conclude the current approval procedure.

3.165. Regarding poultry, Chinese Taipei explained that countries had to be recognized as free from HPAI and Newcastle disease (ND) to export poultry meat products, and free from HPAI to export heat-treated poultry meat products. Brazil was recognized as HPAI-free, but not as ND-free. Following an official communication of non-recognition of ND-free status, Chinese Taipei invited Brazil to conduct active surveillance and apply other measures in accordance with WOAHP guidelines, and to submit supplementary information for review if it intended to resume the application for ND-free approval. Chinese Taipei would inform Brazil upon completion of the review of the information regarding heat-treated poultry meat. Regarding beef, Brazil needed to submit a food safety questionnaire and an animal health questionnaire to apply for a risk assessment and systemic inspection; as a BSE country where BSE occurred, Brazil was also requested to fill in a BSE questionnaire. After the review of the questionnaires, Brazil had been requested to provide additional documents, and an on-site audit would normally follow the completion of the review. Chinese Taipei confirmed its willingness to continue discussions with Brazil and looked forward to further progress.

### **3.2.26 The Philippines' trade restrictions on imports of meat (ID 466) - Concerns of the European Union and the Russian Federation**

3.166. The European Union reiterated its concern that the Philippines maintained country-wide bans on imports of meat and meat products from EU member States on grounds of ASF and HPAI. The European Union indicated that 17 EU member States were subject to country-wide import bans on pork meat or poultry meat and relevant products, and considered that these measures were inconsistent with Articles 2.2 and 6 of the SPS Agreement. The European Union had provided the necessary evidence demonstrating the effectiveness of disease control measures, and called on the Philippines to respect its international obligations and to allow trade from disease-free areas.

3.167. The Russian Federation expressed concerns regarding the Philippines' restrictions on imports of Russian beef, pork and poultry. Exports to the Philippines would only be allowed after receiving recognition from WOAHP for FMD, ASF and lumpy skin disease-free status, as well as low-risk status for BSE. The Russian Federation had submitted information on the domestic epizootic situation to the Philippines for the diseases at issue, as well as on the measures taken against them. The Russian Federation had informed the Philippines that WOAHP had restored its status as a country with FMD-free regions and zones with and without vaccination and with controlled BSE risk status, and that an outbreak of HPAI had been eliminated. The Russian Federation urged the Philippines to comply with obligations under Articles 6 and 8 and Annex C of the SPS Agreement, to recognize the regionalization for dangerous animal diseases in the Russian territory, and to accelerate the process of gaining market access. The Russian Federation expressed its readiness for comprehensive bilateral cooperation with the Philippines.

3.168. Regarding the EU concern, the Philippines noted that the measures imposed were provisional and precautionary, subject to regular review on the basis of available scientific and verifiable technical information, in accordance with Article 5 of the SPS Agreement. The Philippines would continue to monitor the disease situation since, according to the WOAHP notifications and validated reports, ASF cases were on the rise and detections and rapid spread of HPAI virus had also been reported in several EU member States. Regarding the Russian Federation's concern, the Philippines had explained bilaterally that it continued not to be accredited to export pork and beef due to the



status of ASF, FMD-free areas with vaccination and lumpy skin disease. The Philippines remained committed to addressing these matters in the appropriate forum.

### **3.2.27 Nigeria's import restrictions on meat, pork, poultry, milk and dairy products, genetic material and live cattle (ID 523) - Concerns of Brazil**

3.169. Brazil regretted the lack of responses and information from Nigeria regarding the proposed sanitary certifications for buffaloes and live cattle; genetic material for cattle and buffaloes; beef, pork, and poultry; hatching eggs and day-old chickens; milk and dairy products; and dry bovine skin. Aware of Nigeria's statement on its economic restrictions for the importation of goods, Brazil focused its concern on the procedural issues around sanitary certificates and health requirements, and regretted the lack of progress despite its attempts to obtain responses to Brazil's proposals. Brazil thanked Nigeria for the bilateral dialogue and looked forward to further progress in this matter.

3.170. Nigeria responded that the import restrictions of several products from Brazil were not SPS related and, therefore, the SPS Committee might not be the appropriate forum for discussion. The import restrictions were temporary measures applied to address Nigeria's economic difficulties and national security challenges. Nigeria further noted that this issue was being discussed in the Committee on Agriculture and the CTG. Nigeria acknowledged receipt of a draft sanitary certificate that was being reviewed in its capital. Noting its capacity constraints, Nigeria would share its position bilaterally with Brazil once the revision was finalized.

3.171. In response, Brazil thanked Nigeria for acknowledging that the proposed sanitary certificates were being analysed in capital and that the revision would take time. Brazil was of the view that this confirmed that the issue was under the scope of the SPS Committee and that Nigeria's lack of response constituted an undue delay and, therefore, a violation of Annex C of the SPS Agreement.

### **3.2.28 Qatar's new import rules for dairy products (ID 529) - Concerns of the European Union**

3.172. The European Union remained concerned at Qatar's Ministry of Public Health Circular establishing new import requirements for dairy products, which had entered into force in 2019 and had been further expanded in 2021 and 2022, without being notified to the WTO. The European Union's main concern related to the short shelf life imposed for several dairy products, which were not based on science nor on international standards. These requirements hindered exports to Qatar and favoured domestic producers who did not have to ship their products. Grateful for the constructive bilateral dialogue, the European Union urged Qatar to withdraw the current trade restrictions and to adopt a permanent solution, which would be notified at a draft stage to the SPS Committee.

3.173. Considering that the current requirements for imported cheese and other dairy commodities were trade restrictive, New Zealand recommended Qatar to use Codex standards for setting shelf-life requirements.

3.174. Qatar informed the Committee that the measures aimed at ensuring the quality of products available in Qatar, and that many issues in this respect had been clarified in the ongoing dialogue with the European Union. Qatar underscored that the relevant measures were not discriminatory, since they applied equally to domestic and imported products, and that they would not impact trade more than necessary to contribute to the fulfilment of the legitimate objective of protecting consumers. Although the requirements did not prevent the importation and sale of any products that met its quality standards, Qatar would share the EU concerns with capital and remained available to continue the constructive discussion with Members.

### **3.2.29 Non-publication of US final rule on importation of sheep, goats and certain other ruminants (ID 493) - Concerns of the European Union**

3.175. The European Union acknowledged the recent publication by the United States of the final rule regarding the "Importation of Sheep, Goats, and Certain Other Ruminants", as well as the opening of market access for small ruminants from one EU member State. Recalling the obligation to avoid arbitrary or unjustified discrimination, the European Union regretted that other applications

were still pending even though all EU member States implemented the harmonized EU legislation on food safety and animal health. The European Union looked forward to a prompt assessment of applications from its member States, and hoped that market access for meat from small ruminants would be granted as soon as possible. The European Union invited the United States to work constructively together to solve the pending application for all EU member States.

3.176. The United States reiterated that the current concern related to the food safety equivalence and not to animal health or to the publication of the final rule, and reported that it was working through its equivalence process to ensure its ALOP was achieved for small ruminant meat products intended for human consumption. Recognizing that this was a priority issue for the European Union, the United States reported that it was working through the technical review process for current requests. The United States looked forward to continued cooperation with the European Union and encouraged engagement by other EU member States interested in exporting to the United States.

### **3.2.30 Thailand's sanitary requirements on wet blue leather imports (ID 539) - Concerns of Brazil**

3.177. Brazil was of the view that an international health certificate should not be required for allowing exports of wet blue leather, as established by WOH. Brazil acknowledged Thailand's recognition that Article 8.8.27 of the WOH Terrestrial Code was the basis for allowing wet blue export without restrictions, and the confirmation that it would amend its Animal Epidemics Act BE 2558 (2015) to correct this requirement. Hoping for further progress towards trade liberalization, Brazil asked Thailand which were the measures that would be taken to remove the requirement of a health certificate for wet blue exports from Brazil; the expected delay to conclude the procedure; and a clarification of the discrepancies between the information provided during the June SPS meeting and by the authorities in Bangkok.

3.178. Thailand replied that, following the indication in the June 2022 Committee meeting that the Department of Livestock Development (DLD) would revise the relevant procedures, an official letter had been submitted to Brazil to inform of the updated process related to the importation of wet blue leather. Thailand noted that it required time to revise the procedures and expressed its willingness to hold bilateral consultations to solve Brazil's concerns.

### **3.2.31 Indonesia's approval procedures for animal and plant products (ID 441) - Concerns of the European Union and the Russian Federation**

3.179. The European Union acknowledged the progress in some market access applications from EU member States, but noted that many had remained pending for years. Specifically, the European Union considered that Indonesia had not clarified the rationale for the lack of progress and the long delays regarding export applications for dairy, beef, poultry, pork, and plant products, which in some instances had been submitted more than eight years ago. Looking forward to bilateral discussions on these issues, the European Union requested Indonesia to be transparent about its approval procedures and to finalize pending applications.

3.180. The Russian Federation expressed concerns regarding the lack of progress in Indonesia's approval of export certificates for several animal products. The Russian Federation had not received a response to several reminders of the pending approvals, to the questionnaires on poultry and beef establishments, nor to its proposal to conduct veterinary inspections. Expressing its readiness for comprehensive bilateral cooperation on this issue, the Russian Federation urged Indonesia to comply with Article 8 and Annex C of the SPS Agreement and to complete its approval procedures without undue delay.

3.181. Indonesia considered that its procedures and its responsiveness regarding the applications of EU member States were compliant with Articles 5, 6, 7 and 8 of the SPS Agreement. Indonesia provided detailed updates on the progress of EU member States' submissions for listing establishments and on approval procedures of the plant products, and hoped that this information proved its commitment to move forward on the issue. Likewise, Indonesia had responded to the two applications submitted by the Russian Federation, and indicated that it could accept the importation of processed bovine meat and frozen boneless beef without lymphoglandula based on its national legislation and on Russia's status as FMD-free without vaccination and controlled BSE risk. Indonesia also provided an update on the approval procedure for Russia's plant products and noted

that further updates would be communicated through diplomatic channels. Indonesia hoped that the details provided addressed the concerns raised and requested pending issues to be resolved bilaterally.

### **3.2.32 China's proposed new health certificate format for shrimp imports (ID 506) - Concerns of India**

3.182. Referring to its previous interventions, India expressed its disappointment with the lack of progress on this matter. India reiterated its concerns with the new health certificate format proposed by China for shrimp imports, which required every consignment to be tested for WOAHA-listed pathogens, including White Spot Syndrome Virus (WSSV) and Infectious Hypodermal and Hematopoietic Necrosis Virus (IHHNV), and for which the commencement had not been notified in advance. India regretted that, despite having shared with GACC the outcomes of the investigations of 12 out of 15 complaints, the establishments could still not export aquaculture products to China. India noted that WSSV was also present in China, and asked China to share the scientific objective of the proposed certificate.

3.183. China had adopted temporary preventive emergency measures suspending the import of shrimp-related products to prevent the introduction of WSSV and IHHNV from India. In China's view, the measures were consistent with the SPS Agreement and WOAHA standards, and were common practice in other countries and regions. The measures were scientific, reasonable and did not impose excessive requirements.

### **3.2.33 EU regulation on animal health/official certificates for animal origin foods (ID 545) - Concerns of China**

3.184. China noted the impact of the requirements in Commission Decision 2002/994/EC on exporting businesses, namely regarding the additional statement on veterinary drug residues in the exported products of animal origin that had to accompany the veterinary health certificate. China emphasized that its food system had undergone great changes since the issuance of the Commission Decision and informed the Committee that, since 2022, GACC implemented the new version of the measures for the Administration of Import and Export Food Safety incorporating the requirement to test for veterinary drug residues according to the country of destination. China requested the European Union to remove the requirement to issue an additional statement accompanying the veterinary health certificate.

3.185. The European Union considered that the concern raised at the previous SPS Committee meetings had been resolved, since China's statement referred to a different issue. The European Union had taken note on this concern and looked forward to cooperation with China on the matter.

### **3.2.34 India's requirement for certificate for non-GM origin and GM-free status (ID 501) - Concerns of the United States and the European Union**

3.186. The United States regretted that, despite its numerous requests, India had not provided a scientific justification nor a risk assessment in support of the non-GM certificate requirement on a consignment basis for the 24 crops listed in the Order. The United States affirmed that the requirements had first been ordered in 2020 and that, contrary to India's assertion, the Order had disrupted US exports. Requesting that the Order be notified to the SPS Committee, the United States reiterated its willingness for bilateral technical cooperation and urged India to withdraw this measure. The United States submitted its statement in document [G/SPS/GEN/2085](#).

3.187. The European Union reported that it was still awaiting a response to comments it had provided on the TBT notification of this measure. The European Union highlighted that the measure was costly and burdensome for trading partners who had a high prevalence of non-GM foods in their domestic market. The European Union also expressed concerns with the limited number of food crops authorized to contain GMOs under the measure, as well as the strict traceability and labelling requirements which would apply to food containing GMOs. In closing, the European Union asked India to waive the certificate requirement for food items.

3.188. Paraguay supported this concern and referred to its previous interventions under this STC. Paraguay pointed out that GMOs were as safe as conventional counterparts and did not pose additional health risks, and was thus of the view that the regulation lacked scientific justification. Paraguay urged India to provide answers to the Committee as well as through bilateral channels, and to consider reviewing its legislation.

3.189. Acknowledging the ongoing cooperation, Australia noted that it was common international practice to maintain regulatory oversight and controls on agricultural crops subject to genetic modification, and considered that the requirement for GM assurances on a consignment-by-consignment basis did not improve regulatory outcomes. Australia asked India to recognize the regulatory systems other countries had put in place to control GM exports. Australia noted that India was seeking a similar certificate for the export of vegan food products, which would come into effect in January 2023.

3.190. Canada remained concerned that the Order would impact exports of GM-producing Members to India and unnecessarily restrict international trade. Canada recalled its request for India to notify the non-GM Order to the SPS Committee; to base its approach on scientific and technical evidence in line with SPS commitments; to consider the robust, science-based regulatory frameworks developed in other countries; and to suspend the implementation of this measure. Canada expressed its willingness to share its experience regarding alternate, less trade-restrictive approaches that would meet India's objectives, and looked forward to further bilateral discussion on this issue.

3.191. Brazil reiterated its concern regarding India's Order notified as [G/TBT/N/IND/168](#), which applied to 24 crops and required official certification to attest that imported products were not genetically modified. Brazil urged India to notify any new developments on this regulation to the SPS Committee.

3.192. Reiterating its concern, Argentina highlighted that measures should be based on science and a risk analysis, as well as on international standards. Argentina sought clarification on the scientific evidence underpinning the Order and the criteria used by India to deviate from the principle of substantial equivalence.

3.193. Japan shared the concern that India's measure was not based on scientific principles nor a proper risk assessment, was more trade-restrictive than necessary, and could have a negative impact on agricultural trade. Under Japan's domestic laws, GM agricultural products for human consumption were subject to safety evaluations, and agricultural products that were not approved could not be imported nor distributed domestically. In Japan's view, requiring a non-GM origin and GM-free certificate for items under appropriate control in the origin country restricted trade more than necessary and, therefore, urged India not to continue to require certificates for such items.

3.194. Uruguay considered that there was no technical justification for the certification requirement, and noted the international consensus that GM products approved on the basis of Codex risk assessment recommendations were considered to be equivalent to their conventional counterparts. Referring to the objective of ensuring the safety of imported food, Uruguay enquired as to why the measure had still not been notified to the SPS Committee. Uruguay stressed that measures should be based on science and not more trade-restrictive than necessary, and looked forward to India's response to its concerns, including those submitted in a joint note by several delegations.

3.195. India reiterated that the requirement to accompany 24 identified commodities by a non-GM origin cum GM-free certificate had been notified to the WTO as the Environment Protection Act 1986. The Export Inspection Council, the national agency issuing non-GMO certificates for India's export consignments to other countries, had issued more than 9,000 certificates for primary food crops and processed food products. India reported that trading partners had been complying with the requirement to issue a non-GMO certificate and that, so far, the Genetic Engineering Appraisal Committee had not approved any of the crop varieties of genetically modified or genetically engineered origin listed in the Order. India remained open to discussions to facilitate trade.

### **3.2.35 The Russian Federation's classification of tea as "fruits and vegetables" (ID 525) - Concerns of India**

3.196. Thanking Russia for sharing the translated version of the documentation requested, India observed that the sample size used in the study was too small to allow for scientific conclusions. Since tea was brewed in hot water, the contamination in the end product would apparently be lower than in products consumed directly. India noted that the classification of tea as fruits and vegetables, with the application of higher levels of mould parameters, led to stricter controls on mycotoxins, namely aflatoxin B1, that resulted in increased export costs. India asked Russia to remove tea from the classification as fruits and vegetables, and consequentially prevent the application of higher levels of mould parameters.

3.197. Referring to the information provided in the March 2022 Committee meeting, the Russian Federation clarified that the food safety requirements for all types of food products, including tea, were laid down in the technical regulations of the Customs Union and the Eurasian Economic Union (EAEU), with the ML for mould in tea set at 1,000 colony forming units (CFU)/g, as defined in Appendix 2 of Regulation 021/2011. The requirement for aflatoxin B1 was established in Appendix 3 at no more than 5 µg/Kg. Russia had shared with India a scientific article stating that aflatoxins, that could appear when mould was present in tea, were heat-resistant and could lead to negative health effects. Noting the absence of a Codex standard for mould in tea, the Russian Federation highlighted that the measures were in line with Articles 2.2 and 5.1 of the SPS Agreement and were taken to protect human life and health and to ensure the ALOP of the population. The Russian Federation insisted that the EAEU did not classify tea as fruits and vegetables, and that the SPS requirements for tea were historically placed in the plants section. Expressing readiness for bilateral cooperation, the Russian Federation invited India to propose changes to the section on SPS requirements for tea in the technical regulation to the Eurasian Economic Commission.

### **3.2.36 Panama's restrictions and procedure to regain access for Peruvian potatoes and onions (ID 512) - Concerns of Peru**

3.198. Peru expressed its concerns regarding Panama's suspension of imports of onions and potatoes from Peru, and the related undue delays in restoring trade. Peru recalled that Panama had suspended imports of Peruvian onions in 2016 based on an updated pest risk analysis (PRA), which was contrary to the SPS Agreement and the principle of "technical justification" under the International Plant Protection Convention. Peru also reported on the lack of response to the proposed phytosanitary protocol for the exportation of potatoes to Panama, following an exchange of comments in 2010. Peru requested Panama to allow market access for these products to prevent violations of Articles 2, 5 and 8 and Annex C of the SPS Agreement and to avoid unnecessary and unjustified barriers to trade. Peru submitted its statement in [G/SPS/GEN/2088](#).

3.199. Costa Rica shared the concern and was of the view that Panama's practices totally restricted access of agricultural products to the Panamanian market. Costa Rica asked Panama to take into consideration Members' concerns, which reflected an inadequate implementation of SPS measures and a failure to comply with obligations established in the SPS Agreement.

3.200. Panama maintained that it considered the TBT Committee to be the appropriate forum to address this concern. Panama also noted that this issue had been discussed as part of a high-level discussion during MC12, during which it was decided that another technical meeting in the context of the FTA between both countries would be held. Against that background, Panama looked forward to mutually satisfactory solutions.

### **3.2.37 Ecuador's import restrictions on grapes and onions (ID 498) - Concerns of Peru**

3.201. Peru expressed its concerns regarding Ecuador's trade restrictive measures on Peruvian grapes and onions. Ecuador had not responded to the request for the establishment of the phytosanitary requirements for the opening of the onion market, despite having indicated it would reopen its market in July 2022. Peru also noted that Ecuador still required the refrigerated transport of grapes and that, despite its compliance with Ecuador's sanitary requirements, the restrictions on Peruvian grapes remained in force. Peru was of the view that Ecuador's actions constituted a violation of Articles 2, 3, 5, 7 and 8, as well as Annexes B and C of the SPS Agreement. Peru requested

Ecuador to avoid proposing measures inconsistent with the SPS Agreement and the basic principles of the WTO, to respect previously developed technical agreements, and to reopen the market for Peruvian grapes and onions. Peru submitted its statement in [G/SPS/GEN/2089](#).

3.202. Ecuador responded that Peru's concern in the context of the Andean Community had concluded and, as a result, Ecuador was elaborating the PRA to establish the phytosanitary requirements for onion imports from Peru. Regarding grapes, Ecuador noted that the safety requirements for the importation of grapes had been addressed in the Andean context, and looked forward to receiving the acceptance of the requirements sent to Peru. Ecuador reiterated its willingness to continue dialogue with Peru to resolve this concern.

### **3.2.38 China's import suspension of fresh fruits (ID 532) - Concerns of China**

3.203. Chinese Taipei reiterated its concerns about China's import suspension of pineapples, sugar apples, wax apples and citrus, and requested China to resume imports in accordance with the SPS Agreement and the relevant international standards, guidelines and recommendations. Noting the effective risk-preventing measures adopted to facilitate the exportation of these fruits, Chinese Taipei regretted that it had not received substantive responses from China regarding its requests for scientific and technical dialogue, nor for detailed identification reports, the adopted ALOP or the risk assessment reports. Chinese Taipei urged China to bring its measures into conformity with Articles 2, 3 and 5 of the SPS Agreement, to provide the necessary scientific identification and risk assessment reports, and to engage in a bilateral scientific and technical dialogue to resolve this issue.

3.204. China explained that, since 2020, quarantine pests had been repeatedly found on pineapples, sugar apples, wax apples and citrus imported from Chinese Taipei. Although China had communicated this information to Chinese Taipei several times, the situation had not improved, and imports of these fruits had been temporarily suspended on the basis of a risk assessment. China noted that the measures were consistent with the transparency provisions of the SPS Agreement, the principles of risk assessment of the IPPC, and requirements related to control, inspection and approval procedures. China urged Chinese Taipei to take effective measures to improve the situation and reduce the quarantine risk affecting the fruits at issue.

### **3.2.39 US import restrictions on apples and pears (ID 439) - Concerns of the European Union**

3.205. Referring to previous statements on this concern, the European Union regretted that the United States had still not published its final rule to give market access to apples and pears under a systems approach. The European Union indicated that trade of apples and pears was hindered by the high costs associated with the current preclearance requirements, and urged the United States to conclude the final steps and publish the final rule.

3.206. The United States reminded the European Union of the existing preclearance programme, and noted that the EU request was being addressed through the US administrative process. The United States noted its availability for further discussion.

### **3.2.40 US high cost of certification for mango exports (ID 373) - Concerns of India**

3.207. India informed the Committee that exports of mangos to the United States required an irradiation treatment plus an in person inspection, which resulted in high costs. India regretted the interruption of exports in 2020 and 2021 due to the inability of US inspector to travel in light of the pandemic. Acknowledging the bilateral engagement, India requested the United State to expedite its response on the comments submitted on the operational phytosanitary framework plan for the three different mechanisms for export of mango and pomegranate fruits.

3.208. The United States indicated that its requirements for the inspection and irradiation of mango had been regularly reviewed and updated, and were consistent with obligations under the SPS Agreement. Noting the bilateral technical exchanges on the trade facilitative arrangements, the United States noted the continued work through its regulatory process to address the request to establish an offshore programme for Indian quarantine officials to conduct the inspections and irradiation treatments of mango.

### **3.2.41 US non-recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle (ID 471) - Concerns of the European Union**

3.209. Recognizing recent constructive bilateral engagement, the European Union reiterated its concern regarding the US failure to recognize the EU pest-free status for Asian longhorn beetle and citrus longhorn beetle. Although it had satisfactorily finalized its scientific risk assessment, the European Union indicated that the United States had yet to formalize the recognition of pest-free status in 21 EU member States. The European Union urged the United States to formally accept the pest-free areas and to publish the Final Order in line with its commitments under the SPS Agreement.

3.210. 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, including through discussions during the October 2022 Plant Health Working Group meeting, and looked forward to continued cooperation.

### **3.2.42 EU delays in authorizing imports of Samgyetang (Korean ginseng chicken soup) (ID 526) - Concerns of Korea**

3.211. Korea expressed concerns about import approval delays imposed by the European Union on Korean chicken soup Samgyetang. Despite the numerous actions taken to comply with EU requests, Korea had still not received approval for imports. In its view, the EU delays in import approvals were a violation of Article 8 and Annex C of the SPS Agreement. Korea urged the European Union to complete the procedure and to provide information on the timeframes.

3.212. The European Union explained that Korea had addressed the shortcomings identified in the audit conducted in 2018. Korea had also submitted an action plan to address the deficiencies identified in a remote audit related to poultry animal health issues conducted in 2022, which was being evaluated by the Commission. The European Union reiterated its commitment to continue the cooperation on this matter.

## **3.3 Information on resolution of issues ([G/SPS/GEN/204/Rev.22](#))**

3.213. The Secretariat informed the Committee that it had contacted 37 Members to seek information regarding the status (resolved, partially resolved or not reported as resolved) of STCs that had not been discussed since November 2020. As a follow-up to the exercise, 31 of these STCs had been reported as resolved and 14 STCs as partially resolved. For transparency purposes, the information provided by Members to the Secretariat was circulated in document [G/SPS/GEN/2062/Rev.1](#), which also included the results of similar exercises undertaken in 2013, 2017 and 2020. More than 57% of the STCs discussed in the Committee were now considered as resolved or partially resolved.

## **4 PROCEDURE TO ENCOURAGE AND FACILITATE THE RESOLUTION OF SPECIFIC SPS ISSUES AMONG MEMBERS IN ACCORDANCE WITH ARTICLE 12.2 ([G/SPS/61](#))**

4.1. The Secretariat drew the Committee's attention to the annual report on the use of the Procedure to Encourage and Facilitate the Resolution of Specific SPS Issues among Members in Accordance with Article 12.2 ([G/SPS/61](#)) circulated in document [G/SPS/GEN/2057](#). A request had been received since the circulation of the annual report.

4.2. The Chairperson informed the Committee of a new request for *ad hoc* consultations under this procedure and the corresponding response to that request. On 6 October 2022, Brazil had requested the Good Offices of the Chair under Article 12.2 of the SPS Agreement and the *ad hoc* consultations procedure regarding issues pertaining to the exportation of swine meat to Mexico, which were related to three previously discussed STCs (ID 263, 271, and 489). On 27 October 2022, Mexico had provided a response in accordance with paragraph 2.3 of the *ad hoc* consultations procedure. Mexico had rejected the request because it had published the requirements to be met for the importation of pork from Brazil to Mexico and thus was of the view that it was not necessary to continue with the Good Offices of the Chair. In accordance with paragraphs 2.2 and 2.5 of the *ad hoc* consultations procedure ([G/SPS/61](#)), Brazil's request and Mexico's response to the request had been circulated on the same day in documents [G/SPS/GEN/2078](#) and [G/SPS/GEN/2079](#).

4.3. Brazil thanked the Chairperson for accepting the proposal of providing good offices for the *ad hoc* consultations with Mexico, as well as the Secretariat for the guidance provided. In particular, Brazil thanked Mexico for the two developments following the request: the publication of the requirements and the acceptance of the certificates. In Brazil's view, markets would be opened once the list of establishments was published, which it expected would happen soon.

4.4. Mexico confirmed that the requirements to be met for the importation of swine meat from Brazil to Mexico had been published in the Module for Consultation of Animal Health Requirements for Imports on 25 October 2022. Therefore, the Mexican market would be open to swine meat from Brazil under the conditions indicated in the requirements. In Mexico's view, the concern at issue was resolved and it was not necessary to continue with the procedure under Article 12.2 of the SPS Agreement. Mexico thanked the Secretariat and the Chairperson for their support in this issue.

## **5 OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT**

### **5.1 Equivalence**

#### **5.1.1 Information from Members**

##### **5.1.1.1 United States – Addition of Lithuania to the list of countries eligible to export egg products**

5.1. The United States Food Safety and Inspection Service (FSIS) had determined that Lithuania's egg products inspection system achieved an equivalent level of sanitary protection and, in September 2022, it had recognized Lithuania's system as equivalent to export egg products to the United States. Appreciating the technical coordination, the United States would continue to communicate with Lithuania to ensure the safety of exported egg products. The US notification of the determination of the recognition of equivalence of SPS measures had been circulated in document [G/SPS/N/EQV/USA/8](#).

### **5.2 Pest- and disease-free areas (regionalization)**

#### **5.2.1 Information from Members**

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

### **5.3 Operation of transparency provisions**

#### **5.3.1 Information from Members**

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

##### **5.3.2 Technical revision of [G/SPS/7/Rev.4](#)**

5.4. In June 2022, the Secretariat had proposed to prepare a technical revision of the current Recommended Transparency Procedures contained in document [G/SPS/7/Rev.4](#) to reflect the new ePing SPS&TBT Platform, the possibility to submit notifications online, to provide explanations on the specific access rights available, and to introduce some editorial changes. No substantive changes had been made to the recommended procedures in the suggested revision circulated to Members. Given the short time to consider this document since the circulation of the proposed revision, Members were invited to provide comments by Friday, 9 December. If no substantive comments were received, the updated Recommended Transparency Procedures would be circulated as document [G/SPS/7/Rev.5](#). A similar approach had been followed in 2018 for the circulation of the transparency procedures contained in document [G/SPS/7/Rev.4](#), which were a technical revision of [G/SPS/7/Rev.3](#). The Secretariat would also update the Practical manual for SPS national notification authorities (NNAs) and SPS national enquiry points (NEPs) to reflect the new ePing SPS&TBT Platform and [G/SPS/7/Rev.5](#) when adopted.

5.5. The Chairperson invited the Secretariat to circulate the revision after the deadline if no substantive comments were received.



### 5.3.3 Official launch of the new ePing SPS&TBT Platform

5.6. The Chairperson noted that document [G/SPS/GEN/2058](#) contained information on the official launch of the new ePing SPS&TBT Platform, held on July 2022.

5.7. The Secretariat drew the Committee's attention to the fact that the ePing SPS&TBT Platform had gone live in March 2022 and had been officially launched in July 2013. The new ePing SPS&TBT Platform merged into a single Platform the previous version of ePing, and the old SPS and TBT notification submission systems and information management systems. Senior officials from the three partner agencies (UN Department of Economic and Social Affairs -UNDESA-, the International Trade Center -ITC- and the WTO) had provided statements during the launch. The SPS and TBT Committees had been represented by their respective Chairpersons, Mr Tang-Kai Wang (Chinese Taipei) and Mr Anwar Hussain Shaik (India). Subsequently, several SPS and TBT delegates had taken the floor to praise the new Platform. A summary of the event had been circulated in document [G/SPS/GEN/2058](#) ([G/TBT/GEN336](#)), and more information was available in the news event of the official launch.<sup>2</sup>

## 5.4 Control, inspection and approval procedures

### 5.4.1 Information from Members

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

### 5.4.2 Working Group on Approval Procedures ([G/SPS/W/328/Rev.1](#) and [G/SPS/W/328/Rev.1/Add.1](#))

5.9. The Chairperson drew the Committee's attention to the draft report on the meeting of the Working Group (WG) on Approval Procedures, which had been held on 7 November 2022. The draft report had been circulated to Members with an opportunity to provide comments by Friday, 18 November 2022. The final report is included in [Annex B](#).

5.10. The Chairperson also drew the Committee's attention to the discussions held in the informal meeting regarding the proposal for an extension of the WG's timeline. The SPS Committee agreed to extend the timeline of the WG until March 2023.

## 5.5 Special and differential treatment

### 5.5.1 Information from Members

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

## 5.6 Monitoring of the use of international standards

### 5.6.1 New issues

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

### 5.6.2 Issues previously raised

#### 5.6.2.1 Canada - Update on WOH BSE negligible risk status

5.13. Canada reported that several Members had removed the remaining BSE restrictions on Canadian cattle, beef and beef products based on Canada's WOH BSE negligible risk status. Canada urged Members who had not yet done so to remove the remaining restrictions on Canadian exports. Canada recalled the importance of basing SPS measures on international standards, as established in Article 3 of the SPS Agreement.

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<sup>2</sup> The news item is available on the WTO website:  
[https://www.wto.org/english/news\\_e/news22\\_e/igo\\_13jul22\\_e.htm](https://www.wto.org/english/news_e/news22_e/igo_13jul22_e.htm).

### **5.6.2.2 European Union - ASF restrictions not consistent with the WOH international standard**

5.14. The European Union pointed out inconsistencies in the application of WOH international standards related to ASF. The European Union considered that many Members did not follow the WOH Terrestrial Code guidance for identification, treatment, and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting several WTO Members, and considered that it was a shared interest to maintain free and safe trade of pork and pork products. Members were invited to address the tasks identified in the MC12 Declaration and implement science-based, rational and proportionate import policies.

### **5.6.2.3 European Union - HPAI restrictions not consistent with the WOH international standard**

5.15. The European Union regretted 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 if effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. The European Union asked WTO Members to respect their obligations on regionalization under the SPS Agreement, to follow ISSB recommendations and to allow trade from non-affected zones. The European Union was committed to address the tasks identified in the MC12 Declaration, together with other Members, to strengthen science-based, rational and proportionate import policies.

### **5.6.3 WOH – Observatory project**

5.16. WOH explained that international standards were approved by the General Assembly held in May each year and, after adoption, were incorporated to the respective Codes and Manuals. Acknowledging that the implementation at country level could involve challenges, WOH clarified that the Observatory project was a programme created to have an overview of members' uptake of international standards. Members were invited to read the first annual report on the Observatory project, to be published in December. WOH reiterated that, once the standards had been adopted, it was members' responsibility to translate them to their national legislation and ensure they were properly implemented.

## **5.7 Follow-up to the Fifth Review of the Operation and Implementation of the SPS Agreement ([G/SPS/64](#) and [G/SPS/64/Add.1](#))**

### **5.7.1 Report on the informal meeting**

5.17. The Chairperson drew the Committee's attention to his draft report on the informal meeting of the Committee of 9 November 2022, specifically referring to the summaries of the discussions on the follow-up to the Fifth Review, the SPS Declaration Work Programme, trade facilitative approaches to pesticide MRLs, MC12 implementation matters, and 2023 thematic sessions. The final report is included in [Annex B](#).

### **5.7.2 Information from Members**

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

## **5.8 Chairperson's Annual Report to CTG**

5.19. The Chairperson reminded delegates that he would submit a factual report, on his own responsibility, on the activities of the Committee for consideration by the CTG at its meeting on 24-25 November 2022. The Chairperson also noted that a first version of the report had been made available to Members for comments. The report would be revised to reflect the Committee's work at the present meeting. The final report was subsequently circulated as [G/L/1443](#).

## 6 CROSS-CUTTING ISSUES

### 6.1 SPS Declaration Work Programme ([G/SPS/W/330](#), [G/SPS/W/331](#) and [WT/MIN\(22\)/27](#))

#### 6.1.1 Adoption of the proposed process ([G/SPS/W/330](#) and [G/SPS/W/331](#))

6.1. The Chairperson recalled that the proposed process foresaw its adoption by the Committee in the November meeting. Based on discussions in the informal meeting, the proposed process had been revised and circulated as [G/SPS/W/330/Rev.1](#).

6.2. The United States was of the view that the document reflected Members' comments, and further suggested harmonizing due dates for Members to provide written inputs.

6.3. The Secretariat indicated that it would contact stewards after the meeting, agree on a deadline for submission of inputs and put forward dates for following meetings.<sup>3</sup>

6.4. The Committee adopted document [G/SPS/W/330/Rev.1](#), which included comments submitted in [G/SPS/W/331](#).

#### 6.1.2 Update on thematic groups

6.5. The Chairperson drew the Committee's attention to the draft report on the updates on thematic groups provided by the (co)stewards in the informal meeting. The final report is included in [Annex B](#).

## 6.2 Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management

### 6.2.1 Report on the Thematic Session

6.6. The Chairperson drew the Committee's attention to his draft report on the Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management, which had been held on 8 November 2022.<sup>4</sup> The draft report had been circulated to Members with an opportunity to provide comments by Friday, 18 November 2022. The final report is included in [Annex A](#).

6.7. Chile appreciated the organization of the thematic session and the experience sharing by Members, the IPPC, FAO and the private sector. The recognition and the implementation of good practices, with access to the available sources of information, was essential for plant health protection, food production and the reduction of the impact of phytosanitary protection on international trade. Chile reiterated its availability to continue cooperation on this topic both in this forum and bilaterally.

## 6.3 Trade facilitative approaches to pesticide MRLs

### 6.3.1 Update from Members ([G/SPS/GEN/2034/Rev.3](#))

6.8. The Chairperson reminded the Committee of the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs held in March 2022. A follow-up proposal had been circulated by Australia, Canada, Colombia, Paraguay and the United States, later co-sponsored by Japan and Uruguay.

6.9. Australia reiterated that, given the significant work associated to the MC12 SPS Declaration work programme, the co-sponsors proposed to take up this topic later in 2023.

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<sup>3</sup> The meeting dates and times were made available in the dedicated webpage: [https://www.wto.org/english/tratop\\_e/sps\\_e/sps\\_declaration\\_mc12\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/sps_declaration_mc12_e.htm).

<sup>4</sup> The dedicated webpage for the Thematic Session can be accessed here: [https://www.wto.org/english/tratop\\_e/sps\\_e/thematic\\_session\\_nov22\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/thematic_session_nov22_e.htm).

## **6.4 MC12 Implementation Matters ([JOB/CTG/16](#))**

### **6.4.1 Information from the Chair**

6.10. The Chairperson invited Members to further consider MC12 implementation matters ([JOB/CTG/16](#)), including the CTG request for submission of two reports, on the topics of the current functioning of the Committees, under the umbrella of WTO reform; and COVID-19 ([JOB/CTG/18](#)). The two reports would take stock of the work and activities undertaken by the SPS Committee in the past. The Secretariat would assist in the preparation of the reports, which would be sent to Members, with a possibility to comment, before being submitted to the CTG under the Chairperson's responsibility.

6.11. No Member provided comments on the two reports nor on the approach proposed by the Chairperson in the informal meeting.

## **6.5 2023 Thematic Sessions**

### **6.5.1 Proposals from Members ([G/SPS/GEN/2067](#))**

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

6.13. The Chairperson indicated that, based on the discussions held in the informal meeting, it appeared that Members had a preference to systematically webcast all of the Committee's thematic sessions. Members were invited to submit comments on this topic, as well as any additional proposals for 2023 thematic sessions, and comments on submitted proposals, by Friday, 9 December.

## **7 TECHNICAL ASSISTANCE AND COOPERATION**

### **7.1 Information from the Secretariat**

#### **7.1.1 WTO SPS Activities**

7.1. The Secretariat provided Members with an overview of the technical assistance activities held since June 2022. These activities included a Course on Transparency and the ePing SPS&TBT Platform, held virtually for Mexico on 4-5 July; and a national seminar on SPS and TBT, held in person for Mongolia from 19 to 21 September. More general training on the SPS Agreement had been provided as part of the following WTO technical assistance activities: a WTO Regional Trade Policy Course held virtually for Asia-Pacific in June; WTO National Workshop held virtually for Haiti in July; an Introductory Trade Policy Course held at the WTO for LDCs in September; a WTO accession session held at the WTO for Timor Lest in September; and two WTO Advanced Trade Policy Courses held at the WTO in English and Spanish, in July and November respectively. General training on the SPS Agreement had also been provided through in person or virtual participation in the following outreach activities: in August, a regional capacity building workshop on food safety and cross-border trade in East Africa, facilitated by FAO and the Northern Corridor Transit and Transport Coordination Authority; in September, a WTO Public Forum info session on the ePing SPS&TBT Platform, the first International Plant Health Conference organized by the IPPC Secretariat and the United Kingdom, a seminar on the 2022 Africa Agriculture Trade Monitor Report organized by the International Food Policy Research Institute and Akademiya2063, and a USDA and University of Minnesota programme on risk-based management for plant and animal products for Viet Nam; in October, we participated in a meeting of the International Alliance for Biological Standardization on Vaccination Strategies to prevent and control HPAI, a Friends of Multilateralism Online Brainstorming on SPS measures, and an APEC eCert Webinar.

7.2. The Secretariat highlighted upcoming activities, including national SPS seminars to be held in person for Peru (22-24 November); Togo (29 November - 1 December); Tanzania (29 November - 1 December); and Chile (week of 10 April 2023). A national seminar on SPS, TBT, and trade facilitation would be held in person for El Salvador during the week of 6 February 2023. Requests were pending for Burkina Faso, Morocco, and Nigeria.

7.3. The Secretariat provided information regarding the WTO technical assistance activities outlined in document [G/SPS/GEN/997/Rev.12](#). Firstly, the SPS Transparency Champions Course had been officially launched by the Director General of the WTO. This course aimed to equip participants with the comprehensive knowledge and practical skills to implement and benefit from the WTO's SPS transparency framework. Eighteen officials from SPS national notification authorities and/or enquiry points from 13 English-speaking African countries attended the first week of the course at the WTO from 3 to 7 October 2022. The second virtual segment of the course was taking place from 19 October to 23 November 2022. The Course was expected to conclude with a face-to-face activity in March/May of 2023. The Secretariat thanked the speakers and experts, as well as the government officials from Ghana, Indonesia, New Zealand, and the United States for their participation as mentors in the course. Secondly, the Course on Essentials for SPS Committee Participation would be held virtually from 15-24 November 2022, with the participation of 16 government officials from French-speaking African countries. Participants had previously attended an introductory session (1 November). The Course aimed to enhance the participation of French-speaking African countries in the SPS Committee. Additional details had been circulated to Missions and via the SPS Committee mailing list. Participants of both Courses had been invited to attend the November 2022 meetings of the SPS Committee in coordination with their respective Missions.

7.4. The Secretariat noted that the E-Learning Course on the SPS Agreement was available throughout the year, in the three official languages of the WTO. Further information on SPS technical assistance activities was available on the SPS gateway of the WTO website (under [Events, workshops and training](#)), or by contacting the Secretariat.

7.5. [Chile](#) appreciated support received for the organization of the SPS national seminar to be held in April in Santiago de Chile. Aimed at the public and private sector, the activity would strengthen the knowledge and the implementation of the SPS Agreement, namely the principle of transparency, and promote the use of the ePing SPS&TBT Platform.

#### **7.1.2 STDF ([G/SPS/GEN/2065](#))**

7.6. The [STDF](#) secretariat reported on its recent activities detailed in document [G/SPS/GEN/2065](#). The STDF had conducted a gender assessment, the Vienna Food Safety Forum in collaboration with UNIDO and Australia, work on good regulatory practices, over 50 ongoing projects and PPGs in developing and least developed countries, and an external evaluation of the STDF-funded ePhyto project. The STDF emphasized the importance of the work for developing country Members facing SPS challenges, and highlighted the attention their work had received in the thematic groups of the work programme of the MC12 SPS Declaration, namely in group 5. Noting that SPS delegates were key partners and beneficiaries of this work, the STDF was keen to engage and support the work in the groups in a useful and valuable way. The STDF emphasized their availability to improve various SPS capacity development efforts to facilitate safe trade. Members were invited to share information on the STDF, to sign up to their newsletter, and to get in touch to let STDF know how they could support them to better deliver and strengthen SPS capacity building on the ground.

7.7. Acknowledging the STDF's work and experience on capacity building, [Ecuador](#) encouraged Members to check the report and the projects undertaken, and to get in touch with the STDF.

## **7.2 Information from Members**

### **7.2.1 United States – Technical assistance to developing countries ([G/SPS/GEN/181/Add.15](#))**

7.8. The [United States](#) brought the Committee's attention to document [G/SPS/GEN/181/Add.15](#) on the over 40 technical assistance projects undertaken between October 2019 and September 2020 to support Members in the implementation of the SPS Agreement, adding up to USD 90 million. Noting the timeliness of the topic in light of the ongoing discussions under the MC12 SPS Declaration, the United States welcomed the continued collaboration on how to facilitate impactful capacity building activities. The United States looked forward to continuing cooperation with STDF and international intergovernmental organizations, and reiterated its commitment to providing technical assistance on SPS issues.

7.9. [Bangladesh](#) informed the Committee of a five-year project, funded by USDA, aimed at simplifying, modernizing and harmonizing the process for the exportation, importation and transit of agricultural goods, and at improving compliance with the SPS Agreement. The activities of the project had been designed based on category C notifications under the Trade Facilitation Agreement. Bangladesh highlighted two of the projects related to SPS activities aimed at 1) improving laboratories and testing procedures; and 2) enhancing cold storage infrastructure for high value perishable goods. Bangladesh requested support from other donors to integrate Bangladesh in the international trading system.

## **7.2.2 Canada – Technical assistance to developing countries ([G/SPS/GEN/2070](#))**

7.10. [Canada](#) updated the Committee on the SPS-related technical assistance to developing countries delivered in 2021, for which it had committed approximately CDN \$1.4 million. Canada had delivered or initiated a total of 48 SPS-related technical assistance projects, which supported Members in Africa, Latin America and the Caribbean, Central Asia and the Asia-Pacific region. Canada's assistance addressed information, training, and soft infrastructure development, and covered most of the typical areas of competence listed in [G/SPS/GEN/206](#).

## **8 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS**

8.1. No Member provided information under this agenda item.

## **9 OBSERVERS**

### **9.1 Information from Observer Organizations**

#### **9.1.1 African Union ([G/SPS/GEN/2077](#))**

9.1. The [African Union](#) (AU) reported on its activities, detailed in document [G/SPS/GEN/2077](#). The African Continental Free Trade Area (AfCFTA) SPS Sub-Committee had met to finalize the work programme on SPS issues, for approval by the AfCFTA Committee on Trade in Goods. The AU Commission encouraged its partners to interact with the developed Food Safety Strategy for Africa and the Plant Health Strategy for Africa as they delivered technical assistance to AU member states. The AU Commission had also led the development of an Africa SPS Index to monitor the progress in the implementation of the SPS Agreement in Africa and to identify gaps for targeted support. The AU SPS Coordination Forum had met to coordinate and mainstream SPS issues within the broader continental initiatives. The AU Commission continued to support its member states to participate in the work of the ISSBs. Thanking partners for their continued support to build capacity, it looked forward to further cooperation to advance the implementation of the SPS Agreement in Africa.

#### **9.1.2 World Bank – International Finance Corporation ([G/SPS/GEN/2063](#))**

9.2. The [World Bank](#) – International Finance Corporation (IFC) reported on its activities, detailed in document [G/SPS/GEN/2063](#). The IFC Scan Guide was a new tool developed by IFC's Food Safety Advisory group to support the analysis of the policy and regulatory dimensions of four aspects of a country's national food system: food safety, food fortification, food loss and waste, and livestock production (in relation animal welfare and use of antibiotics). The IFC Food Safety Handbook was a practical guide for building a robust food safety management system, designed to help food companies establish, professionally maintain, and enhance food safety system. The document would be useful both to the private sector as well as to public authorities. The recording of the side event held during the November SPS Committee meeting week would be available on the IFC Food Safety Global Platform.

#### **9.1.3 ECOWAS ([G/SPS/GEN/2059](#))**

9.3. The report on ECOWAS activities is contained in document [G/SPS/GEN/2059](#).

#### **9.1.4 OECD ([G/SPS/GEN/2060](#))**

9.4. The report on OECD activities is contained in document [G/SPS/GEN/2060](#).

#### **9.1.5 OIRSA ([G/SPS/GEN/2061](#))**

9.5. The report on OIRSA activities is contained in document [G/SPS/GEN/2061](#).

#### **9.1.6 IICA ([G/SPS/GEN/2068](#))**

9.6. The report on IICA activities is contained in document [G/SPS/GEN/2068](#).

#### **9.1.7 GSO ([G/SPS/GEN/2071](#))**

9.7. The report on GSO activities is contained in document [G/SPS/GEN/2071](#).

#### **9.1.8 CAHFSA ([G/SPS/GEN/2072](#))**

9.8. The report on CAHFSA activities is contained in document [G/SPS/GEN/2072](#).

#### **9.1.9 SADC ([G/SPS/GEN/2074](#))**

9.9. The report on SADC activities is contained in document [G/SPS/GEN/2074](#).

### **9.2 Requests for observer status**

#### **9.2.1 New requests**

9.10. There were no new requests for observer status.

9.11. The Committee agreed to invite organizations with *ad hoc* observer status in the Committee to participate in all Committee meetings in 2023 - with the exception of any closed meeting - unless any Member raised an objection in advance of a meeting.

#### **9.2.2 Pending requests**

9.12. 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.

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

### **10 OTHER BUSINESS**

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

### **11 DATE AND AGENDA OF NEXT MEETING**

11.1. The Chairperson recalled that the next regular meeting of the Committee was tentatively scheduled for the week of 20 March 2023. The proposed calendar of SPS Committee meetings for 2023 had been circulated as [G/SPS/GEN/2036](#), and the document would be further revised to reflect the schedule of thematic sessions.

11.2. The Secretariat proposed to hold the summer meeting in the week of 10 July 2023, and would update the document with the meeting dates accordingly. The Secretariat would prepare a summary report based on oral interventions at the present meeting, complemented by Members' ability to download complete statements via eAgenda. In addition, statements could be circulated as GEN documents, as usual.

11.3. The Secretariat reminded the Committee of the following deadlines, also circulated by email:

- a. For submitting statements: **Friday, 11 November 2022;**

- b. For submitting comments on the Chairperson's draft annual report to CTG: **Wednesday, 16 November 2022;**
- c. For submitting comments on the informal Committee meeting and on the Chairperson's draft report on the Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment, and Management: **Friday, 18 November 2022;**
- d. For submitting additional proposals for 2023 thematic sessions and the June 2023 workshop; and any comments on submitted proposals: **Friday, 9 December 2022;**
- e. For submitting comments on the systematic webcasting of thematic sessions: **Friday, 9 December 2022;**
- f. For submitting comments on the proposed technical revision of [G/SPS/7/Rev.4](#): **Friday, 9 December 2022;**
- g. For submitting comments on the joint submission on trade facilitative approaches to pesticide MRLs ([G/SPS/GEN/2034/Rev.3](#)): **Friday, 9 December 2022;**
- h. For requesting that items, including STCs, be put on the agenda, AND for identifying new issues for consideration under the monitoring procedure: **Wednesday, 1 March 2023;** and
- i. For the distribution of the annotated draft agenda: **Friday, 3 March 2023.**



**ANNEX A****SPS COMMITTEE THEMATIC SESSION ON INTERNATIONAL STANDARDS AND BEST PRACTICES IN PEST RISK IDENTIFICATION, ASSESSMENT, AND MANAGEMENT****8 NOVEMBER 2022****REPORT BY THE CHAIRPERSON**

1. A Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment, and Management was held on 8 November 2022, as agreed by the SPS Committee in November 2021. The final programme, circulated on 3 November 2022 as document [G/SPS/GEN/2069/Rev.1](#), built on proposals submitted by the European Union in document [G/SPS/GEN/1951](#) and revisions, and incorporated comments from Members. The session was held in hybrid format, with Members and Observers invited to attend in person or virtually through Zoom. The thematic session was also webcast live on the WTO website.

2. The purpose of the thematic session was to increase awareness about the relevant IPPC International Standards for Phytosanitary Measures (ISPMs) and share experiences in pest risk identification, assessment, and management. Drawing from experiences of Members and industry representatives, and reference databases developed by international intergovernmental organizations, the thematic session also sought to identify best practices and challenges associated with issues such as: (i) identification of pests of phytosanitary concern; (ii) performance of pest risk analyses; (iii) risk mitigation measures; (iv) phytosanitary certification and/or import conditions; and (v) IPPC standards on risk management.

3. In Session 1, the Secretariat provided an overview of the relevant provisions of the SPS Agreement, the work of the SPS Committee and transparency-related matters, from the perspective of plant health. While recalling that all SPS provisions applied to plant health, the presentation focused on the requirement to base phytosanitary measures on science. Article 3 of the SPS Agreement strongly encourages the use of international standards, guidelines and recommendations developed by IPPC. Alternatively, Members can justify phytosanitary measures resulting in higher levels of protection if these are based on a risk assessment, as foreseen in Article 5. The Secretariat also shared examples of SPS Agreement provisions which are relevant to risk management, including Articles 2, 3, 4, 5, 6 and Annex C. SPS Committee decisions and guidelines, which have been developed to facilitate the implementation of specific SPS provisions, such as equivalence, regionalization and transparency, were also relevant for plant health. On transparency, about 20 per cent of SPS notifications submitted to the WTO and 24 per cent of specific trade concerns discussed in the SPS Committee related to plant health. The session also provided an overview of WTO disputes related to plant health. In closing, the Secretariat noted that discussion of new challenges affecting plant health was currently ongoing as part of the MC12 SPS Declaration work programme. In response to a question, the Secretariat clarified that in the context of past disputes, it had been noted that the precautionary principle finds reflection in Article 5.7.

4. In Session 2, speakers shared insights on the relevant standards developed by the IPPC and explored the use of pest risk analysis (PRA) as a tool to enable trade whilst ensuring plant health protection. The session also highlighted the importance of plant health and trade in supporting food security. The first presentation by the IPPC Standards Committee Chairperson (Australia) and the IPPC Implementation and Capacity Development Committee Chairperson (Canada), provided an overview of the development and implementation of ISPMs. As of today, over 104 ISPMs had been adopted, including general and commodity-specific standards, phytosanitary treatments and diagnostic protocols. Implementation of ISPMs helped countries achieve the IPPC's objective of promoting safe trade. It was also noted that the IPPC Implementation and Capacity Development Committee, established in 2017, worked towards supporting IPPC standards implementation and strengthening of phytosanitary capacities of IPPC contracting parties. Session 2 continued with a presentation by FAO on plant health and trade in support of food security and nutrition, from a food systems perspective. The FAO speaker provided examples of the links between plant health and food security and nutrition, and explained that addressing plant health hazards in different parts of the food system could contribute to food safety and security. She noted that collaboration and common strategies were necessary when working from a food systems perspective, and referred to the

Partnership for Aflatoxin Control in Africa as an example of cross-sectoral coordination in the area of aflatoxin mitigation.

5. Session 3 speakers shared insights from case studies regarding best practices in pest risk identification, assessment, and management. In the first presentation, a speaker from Indonesia shared the country's experience with PRA. The speaker discussed the stages and application of PRA, and pointed to some of the constraints, which included the lack of updated scientific data to support the risk assessment and risk management processes. In the second presentation, a speaker from the European Union presented on EU requirements and procedures for the management of plant health risks in trade. He referred to the EU plant health policy to prevent the entry of regulated pests, adding that the EU market was generally an "open system", allowing imports upon fulfilment of phytosanitary certificates and other requirements. The speaker highlighted that information on the list of regulated pests and import requirements was available online. He added that the EU market access was closed for certain commodities and special authorization was required for certain high-risk plants. In the third presentation, two speakers from China outlined the research and practice of risk assessment methods in China. The speakers presented a computer-assisted PRA model which, based on ISPMs, could be used to provide scientific information to support decision-making during pest risk assessments. In the Q&A segment, the EU speaker noted that quarantine treatments as a standard procedure at the point of entry into the European Union were not accepted, that a short list of prohibited commodities was provided in the EU legislation, and that procedures are in place to avoid that EU member States would apply different import requirements and approaches.

6. Session 3 continued with a presentation on the identification of pests of phytosanitary concern in the United Kingdom. The speaker presented the United Kingdom's horizon scanning approach to identify emerging phytosanitary threats, which could be participatory or non-participatory. She underlined that participatory horizon scanning included the review of articles of interest and the use of social media, while non-participatory approaches involved automated systems to scan information using certain keywords. Considering the high amount of pest information and limited human resources, the United Kingdom had developed a protocol for ranking and prioritizing pests, which was known as the UK Plant Health Risk Registers. A speaker from Chile then presented on the identification of best practices in pest risk assessment and management in the country, noting the importance of several factors such as human resource capability, access to and quality of information, planning, using PRA guidelines and standardized criteria, and the identification of emerging pests. She noted that one way that Chile was able to identify emerging pests was through the review of SPS notifications from WTO Members. She highlighted the need for the information employed in the risk assessment process to be associated to the corresponding bibliographic references. This was followed by a presentation from a speaker from Australia on the assessments and practices in keeping Australia free from the brown marmorated stink bug (BMSB). He noted that Australia's PRA for BMSB had been finalized in 2019 and shared examples of Australia's efforts to identify and detect the pest through various means, including human inspections, detector dogs, as well as the development of a new mobile application which was currently in field trials. In the discussion segment, the UK speaker clarified that Twitter was used for horizon scanning, with further research and follow-up to ensure that the information was correct. The speaker from Australia also noted that the mobile application which had been developed could potentially be used for other pests in the future.

7. Session 4 offered an opportunity for Members and industry representatives to exchange practical experiences and case studies in the application of pest risk management in trade, and explored the use of reference databases and tools developed by international intergovernmental organizations. In the first presentation, a speaker from Freshfel Europe highlighted some of the practical issues with phytosanitary trade conditions affecting EU exporters. This included human resources constraints; lack of information for smaller export markets; excessive delays; the non-recognition of the European Union as a single entity, which hindered the ability to bundle protocol negotiations for similar pests; and the lack of applicable standards. As a way forward, the speaker highlighted the benefits of boosting digitalization for control and phytosanitary certificates, agreeing on specific timelines for procedures, and developing science-based international standards. In the second presentation, a speaker from Thailand presented experiences with pest risk management to facilitate trade. He emphasized that pest risk management was at the heart of PRA. The speaker noted that Thailand's Plant Quarantine Act included export procedures, import requirements, and contained categories for prohibited, restricted, and unprohibited import articles. From an importer perspective, he referred to challenges around the limited databases on the biology and distribution of pests of

concern, and from an exporter perspective, he explained that importing Members had different requirements for the treatment of the same pest and commodity. In the third presentation, a speaker from the United States presented the Animal and Plant Health Inspection Service (APHIS) Plant Protection and Quarantine risk management process, providing an overview of the market access process, and sharing the various tools used to mitigate pest risks. These tools included phytosanitary inspection and certification, inspections at the port of entry, post-entry quarantine, and prohibition. He also discussed the use of systems approaches referring to ISPMs 5 and 14, and provided insights on the risk management document developed after completion of a PRA. In the Q&A segment, challenges associated with market access, electronic phytosanitary certification, and interceptions were highlighted, and the differences in human resources allocated and timelines for conducting pest risk assessment were also discussed.

8. Session 4 continued with a presentation from Senegal on best practices on the identification, evaluation, and management of phytosanitary risks in the mango supply chain in Africa. The speaker explained efforts undertaken in Senegal to implement a systems approach for the pest risk management of fruit flies. Despite all mitigation measures applied at the time of preharvest, harvest, post-harvest, transport, packing and shipment, interceptions of Senegalese consignments to the European Union had significantly increased in 2022, possibly due to climate change. The speaker underscored the importance of training and stakeholders' collaboration in fruit fly identification and management, as well as taking into consideration climate change in pest risk management. The final speaker in this session, from CABI, presented on databases and decision support tools for pest identification and development of domestic PRAs. She referred to CABI's crop protection compendium, horizon scanning tool, and PRA tool and training programme. An increase in surveillance activities and PRAs undertaken could be observed in countries which had received training on these tools, many in Africa. CABI was looking into translating the tools, conducting regional risk assessments, and integrating climate change in its tools. In the Q&A segment, attention was drawn to regional PRA technical assistance activities, including with the support of the Standards and Trade Development Facility (STDF).

9. Session 5 was a panel discussion moderated by the IPPC secretary, which allowed for an exchange of experiences, challenges, opportunities, and best practices related to pest risk identification, assessment, and management. Overall, the panel discussion highlighted the importance of access to and quality of information, improving databases, communication between the importing and exporting countries, clear timeframes for PRA procedures, and planning. Increased communication with the private sector on potential risks could help address challenges faced, such as climate change, pest movement in trade, or reducing pesticide use. It was also considered important that the private sector be trained on the PRA process, properly informed on import and export conditions, and involved in the decision-making process. The panellists were also invited to reflect on how the WTO and IPPC could help improve the process of pest risk identification, assessment, and management. The discussion referred to the importance of information exchange between the WTO and the IPPC. As possible areas for future work, the IPPC could provide guidance on risk assessment based on proposed use; develop standardized criteria for the assessment of pests of global concern; promote scientific research on topics related to pest risk identification, assessment, and management to support national plant protection organizations (NPPOs); and set up an alert system for emerging viruses.

10. In concluding, I remarked that the discussions and presentations of the thematic session had proven to be interesting and informative, and had provided insights on the relevant international standards, as well as the challenges, opportunities and best practices in pest risk identification, assessment, and management.

11. Presentations from the thematic session, as well as the recording, would be made available on the SPS TA Gateway.

**ANNEX B****INFORMAL MEETING – 9 NOVEMBER 2022**

## REPORT BY THE CHAIRPERSON

**1 SPS DECLARATION WORK PROGRAMME ([G/SPS/W/330](#), [G/SPS/W/331](#) AND [WT/MIN\(22\)/27](#))****(i) Adoption of the proposed process ([G/SPS/W/330](#) and [G/SPS/W/331](#))**

1. I recalled that the SPS Committee commenced its work to fulfil the mandate outlined in the SPS Declaration ([WT/MIN\(22\)/27](#)) adopted by Ministers in June of this year. On 1 August, the Secretariat had circulated a proposed process for this work in document [G/SPS/W/330](#). I recalled that Members had been invited to comment on the proposed process by 16 September. One Member submitted comments which are reflected in [G/SPS/W/331](#).

2. Several Members thanked the stewards for their work in facilitating discussions in thematic groups, as well as Members who submitted inputs. Members acknowledged that the availability of interpretation for thematic group meetings increased inclusiveness and participation, and highlighted the benefits of hybrid meetings. All Members who took the floor underscored the challenges encountered in following discussions in all the thematic groups. Several Members proposed harmonizing timelines and deadlines for all groups. There was general support for clustering the meetings of all thematic groups, as well as the intersessional consultations, within one week (or a couple of days), possibly in early February 2023. One Member further indicated that this would allow time for stewards to prepare their reports for the following Committee meetings. Another Member noted that this would facilitate analysing the information exchanged in different groups. Overall, it would make Members' participation easier and more efficient. Several Members emphasized that an increased level of participation in the work programme was desirable.

3. One Member invited stewards to engage directly with Members to stimulate the Member-driven discussions, and proposed developing a clear agenda for meetings that reflected the views of Members. That Member also noted that, even if processes were harmonized, the outputs of groups did not necessarily have to follow a standard template.

4. I asked the Secretariat to amend the proposed process and circulate it to Members for consideration at the formal meeting.

**(ii) Update on the thematic groups**

5. I recalled that the five thematic groups had met during the past few weeks to start discussions on the themes outlined in the Declaration. I underscored that these groups were not expected to make decisions, but to allow discussions leading to observations and possible proposals for further discussion in the SPS Committee. The stewards for these groups had been acting as neutral facilitators of the discussions.

6. I further recalled that the timeline circulated in [G/SPS/W/330](#) proposed that the thematic groups would regularly report to the full Membership on ongoing discussions, namely through oral reports at intersessional consultations and through written submissions for discussion at informal Committee meetings. The stewards were expected to report on the work in their thematic groups in a factual and balanced manner. Due to the tight schedule so far, all stewards were presenting oral reports this time.

7. Group 1: Jonathas José Silva da Silveira (Brazil) and Knut Berdal (Norway) reported on the discussions on "How to facilitate global food security and more sustainable food systems". Group 1 had held its second meeting that morning, prior to the informal meeting. The five inputs received during a first round of written submissions had been circulated to Members on 2 November. The Group had agreed that it was too early to narrow down inputs to structure the discussion, since it was expected that more oral inputs would be received. The second meeting of Group 1 had been structured in two rounds: a first round where Members could raise new issues, and a second

round focusing on the written inputs circulated. The five Members who had provided inputs had introduced their submissions, and other Members had the opportunity to provide comments. In the discussions, some Members had raised Article 10 on special needs of developing country and least developed country (LDC) Members.

8. Looking forward, Members had been invited to provide further written reflections and ideas ahead of the next meeting. The co-stewards recommended and encouraged Members to focus on concrete ideas of actions of the SPS Committee and Members. The co-stewards also asked Members to consider the need for workshops or thematic sessions or to accept the Secretariat's offer to provide resources, such as a report to elucidate certain topics. After collecting further inputs from the group, and prior to next meeting, the co-stewards would provide a summary list of the main ideas received to structure and focus further discussions.

9. Group 2: Boitshoko Ntshabele (South Africa) reported on the discussions on "How to support basing SPS measures on scientific evidence and principles". Following an initial meeting in held in September, Members had submitted inputs that were considered at the two subsequent hybrid meetings of Group 2, held on 31 October and that morning, prior to the informal meeting. Members' inputs, consolidated into 18 themes, three questions submitted by one Member, and a proposal for a workshop, had been circulated on 26 October. Some participants had raised concerns that some of the actions could be beyond the scope of the Agreement. Members were keen to discuss transparency and how to deal with uncertainty in the context of risk assessment. Looking ahead, Members would prioritize which of the 18 themes could be taken forward. Although there was no agreement on holding a workshop, Members were open to presentations on case studies and reflections on transparency and how to deal with uncertainty. The Secretariat had been asked to prepare and circulate a report compiling information from previous workshops and thematic sessions on both topics. Finally, Members had been encouraged to provide additional inputs and feedback on the process thus far.

10. Group 3: Ambassador Sofia Boza (Chile) reported on the discussions on "How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions". Group 3 had held three well-attended meetings so far. The first meeting had been structured around the topics: 1) establishing a process, which was a dialogue and not a decision-making process; 2) defining working procedures, including communication channels; and 3) reviewing specific topics of interest. At the last meeting on 20 October, participants had discussed the challenges faced by Members in the adequate implementation of the principle of regionalization. Written and oral inputs highlighted the lack of appropriate information; inadequate verification capacity; inconsistency of criteria; administrative, legislative and technical delays; and lack of understanding of criteria and guidelines developed by the relevant international organizations. At the second meeting, several Members raised the importance of the participation of the relevant organizations and the need to foster broader participation. The third meeting had been held during Committee week, to allow for in-person participation. The discussion was launched by a presentation from Francisco D'Alessio, Deputy Head of WOA's Standards Department, titled "WTO SPS regionalization principle: WOA's internal standards and mechanisms". Participants had raised some additional challenges to the implementation of regionalization, including infrastructure and resources, particularly challenging diseases, problems in establishing public-private partnerships, difficulties in adapting principles to specific realities, and notification to WTO. Participants had also had a conversation on the regionalization recognition process. Looking ahead, Members had expressed interest in experience-sharing, in benefitting from the participation of the relevant international organizations, and in a review of documents and materials generated by the SPS Committee.

11. Group 4: Geoff Richards (United Kingdom) reported on the discussions on "How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard-setting bodies". He noted that the quality of the discussions and the potential outcomes in this Member-led initiative depended on participation. Group 4 had held two virtual meetings, on 28 September and 26 October. Logistics and meeting arrangements had been discussed at the first meeting, together with some substantive issues such as whether the scope of discussions should include both the international standard setting bodies (ISSBs) and other observer organizations. There was a general recognition that there was a well-defined engagement process for ISSBs, but other observers may lack the capacity, clarity or process to engage more constructively in the Committee. While discussions on both ISSBs and other organizations should be within the scope of Group 4, participants had agreed that their different roles in the Committee

called for separate discussions. There had been a suggestion to direct questions to ISSBs, other observers, and potentially to Committee Members, to enhance the understanding of their perspectives, their current activities, and possible improvements. The steward had invited Members to prepare specific questions. Discussions were also held on whether ISSBs could play a greater role in some specific Committee matters. The Secretariat had been requested to present on the history of engagement with different observers to ensure that lessons learned in the past were brought into the discussions. Noting that he had shared informal notes of both meetings with participants, the steward invited interested Members to provide contributions.

12. One Member emphasized the importance of written reports of groups meetings to ensure that delegations unable to attend all meetings could follow and contribute to the subjects discussed. The Member requested that all meeting reports be sent to all Committee Members. I recalled that, due to the tight schedule, all stewards were presenting oral report at the current meeting.

13. Group 5: Joanna Grainger (Australia) and Cecilia Gutierrez (Ecuador) reported on the discussions on "How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures". Group 5 had held two hybrid meetings, on 29 September and 21 October, where the implementation challenges experienced by developing and LDC Members were discussed, as well as possible solutions to increase participation, and support for the needs of developing and LDC Members in the development and application of SPS measures. The written submissions received suggested a participation package (including mentoring activities among developing countries, developed countries and LDCs) and an expansion of the scope of action of the STDF. They also highlighted the importance of organizing specific workshops and seminars for the context of developing country Members and LDCs, and suggested setting up of a mechanism to review the functioning and implementation of the SPS Agreement for these Members. The need to hold hybrid meetings with interpretation was also emphasized. Members had emphasized difficulties not in complying with the SPS Agreement, but in meeting SPS requirements imposed by importing Members, and in complying with control, inspection and approval procedures, which could be experienced as trade barriers by these countries, in particular when they varied among jurisdictions. Participants had identified key areas to support trade for all WTO Members, such as clear communication between trading partners, inclusiveness (in particular considering constraints relating to Article 10), transparency, using international standards, equivalence, and the principle of non-discrimination. Discussions evidenced the need for a workshop, to be held preferably face-to-face, close to the March Committee meeting, including topics for discussion or case studies proposed by Members, a presentation by the Secretariat on Committee discussions on the topic, and on the work of the STDF. Stewards would share meeting notes from the second meeting as well as inputs submitted by Members.

14. One Member indicated interest in participating in Group 5 and highlighted the importance of Article 10 in relation to: 1) the consideration of alternative measures in a potential process of sanitary equivalence; 2) longer transition periods for the implementation of SPS measures; 3) the identification of new mechanisms and innovative options in the context of S&D for developing countries; and 4) the possibility of broadening the scope of technical assistance and cooperation.

15. The Secretariat announced that it would circulate a revision of [G/SPS/W/330](#), as requested by the Chairperson, taking into account the proposal to condense group meetings and intersessional consultations within meeting clusters, for consideration at the formal meeting. The Secretariat recalled that the restricted version of the webpage for the work programme ([wto.org/spsdeclaration](http://wto.org/spsdeclaration)) included the meeting times and links for the thematic groups, to facilitate tracking this information. The Secretariat asked whether Members would be in favor on having thematic group submissions posted on this dedicated, restricted website, in order to increase transparency. Submissions would be compiled verbatim into a single document per Group, identifying the name of the Member. The Secretariat invited Members to indicate if they did not agree with this suggestion.

16. One Member appreciated the Secretariat's innovative approach to increasing transparency, which would contribute to anticipating discussions and would reduce the stewards' reporting responsibility. The Member indicated a preference for not circulating submissions as GEN documents. While Members could join and leave groups at any point in time, the Member expected that interested Members would continue to participate in meetings and not solely rely on written notes to keep track of discussions.

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## **2 FOLLOW-UP ON THE ADOPTION OF THE REPORT OF THE FIFTH REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT ([G/SPS/64](#) AND [G/SPS/64/ADD.1](#))**

17. At the informal meeting on 9 November 2022, the Committee discussed how to take forward some of the recommendations in the Fifth Review Report, as well as ongoing work in various areas.

### **(i) Exchange of experiences and continued discussions on various topics**

18. We first addressed the recommendations that encourage Members to continue to discuss or exchange experiences. 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).

19. Similar to the June 2022 meeting, I again sought Members' views on the best way to move forward with these recommendations. I recalled that in the June meeting, a couple of delegations had commented on the Committee' progress with regard to the recommendations, highlighting the hard work undertaken during the Review process, and the inputs of many Members which had benefitted the process. One delegation had also reminded us that we are all responsible for helping the Committee make progress on its recommendations, and had provided an overview of some of the topics where the Committee had been active and had also noted the pending follow-up work to be undertaken in other areas.

20. At this week's informal meeting, I again invited Members to provide any further comments or suggestions on the identified recommendations. No Member took the floor.

### **(ii) SPS Committee Working Group on Approval Procedures ([G/SPS/W/328/Rev.1](#) and [G/SPS/W/328/Rev.1/Add.1](#))**

21. The co-stewards for the Working Group, Canada and Paraguay, provided an update on the activities of the Working Group.

22. In the first round of work (November 2020 to March 2021), participants had identified four main themes for the Working Group: (1) a common understanding of the term "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 sanitary or phytosanitary protection (ALOP); and (4) available tools and best practices in relation to approval procedures.

23. In the second, third, fourth, and fifth rounds of work (March to July 2021, July to November 2021, November 2021 to March 2022, and March to June 2022), the discussions had focused on developing a common understanding of the term "approval procedures" for the purposes of the Working Group's discussions, assembling a collection of available tools and resources, and discussing key challenges of approval procedures as well as certain principles of approval procedures.

24. In its sixth round of work (June to November 2022), the Working Group had concluded the discussions on principles of approval procedures that facilitate international trade while meeting the importing Member's ALOP, and the Committee's role in highlighting these principles. Concluding exchanges on this topic meant that the Working Group had now gone through the four main themes that had been identified at the outset of its work. The Working Group had also continued to explore possible outcomes for its work. Specifically, the Working Group had worked on: (i) its collection of available tools and resources that it had started assembling in previous rounds of work; (ii) an overview of Working Group outcomes and recommendations; and (iii) a more comprehensive factual summary of the Working Group process and discussions. Drafts had been exchanged and discussed at the last Working Group meeting, but this remained work in progress.

25. In their report at the informal meeting, the co-stewards further recalled that the Working Group had been scheduled to conclude its work in November 2022. On behalf of the Working Group,

the co-stewards proposed to extend the Working Group's timeline until March 2023. The co-stewards observed that there had been valuable exchanges of views on approval procedures and that the Working Group had worked on developing documents for circulation to the Committee, including some recommendations. The Working Group considered that a short extension until March 2023 would allow it to finalise these documents for circulation to the Committee and conclude its work.

26. 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.

### **3 TRADE FACILITATIVE APPROACHES TO PESTICIDE MRLS ([G/SPS/GEN/2034/REV.3](#))**

27. I reminded Members of the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs held in March 2022, based on a proposal submitted by Australia, Colombia, Paraguay, and the United States. Further to this thematic session, Australia, Canada, Colombia, Paraguay and the United States had submitted a follow-up proposal in document [G/SPS/GEN/2034/Rev.1](#) which had been introduced for discussion in the June informal meeting.

28. I also recalled that, in their interventions in June, the proponents had drawn attention to the increasing number of pesticide-related STCs in the Committee, and had outlined the four proposed actions in their submission for the Committee to explore, possibly through a dedicated working group. In response, several Members had recognized the importance of the matter, however, the ongoing Working Group on Approval Procedures, the upcoming Sixth Review, and the work programme on the MC12 SPS Declaration had raised concerns in terms of resources, potential duplication and overlaps, among other things. Although there had been general interest in this topic, the conclusion had been that there did not seem to be agreement on establishing a working group. The Chair encouraged the proponents to reach out to other Members for further consultations, and invited Members to submit comments on the joint submission. Several Members had submitted comments, which had been transmitted to the proponents.

29. At this week's informal meeting, I further noted that the proponents had recently circulated a revised version of the proposal in document [G/SPS/GEN/2034/Rev.3](#), which included additional co-sponsors, Japan and Uruguay.

30. The co-sponsors provided an update. They welcomed the two new co-sponsors, Japan and Uruguay. Canada also underscored the importance of international harmonization of MRLs to Codex standards for several sectors, noting that this particular issue had been discussed in various fora for several years, including the SPS Committee, Codex and APEC. However, addressing this issue had become increasingly difficult. Canada highlighted several global and domestic changes that would likely have an impact on its production and on the composition of its exports, and which would likely result in a shift from a buyer's market to a seller's market. This could also influence harmonization with Codex MRLs. Canada looked forward to seeing progress towards harmonization.

31. Uruguay recalled that in previous meetings it had underscored the relevance of the topic and had supported reviewing the themes in paragraph 8 of [G/SPS/GEN/2034/Rev.3](#) on international harmonization, transition periods and international channels of trade. Uruguay further noted that it had decided to join as a co-sponsor to ensure the review of pesticide MRLs and the use of a trade facilitative approach to this issue, and to find real solutions to the problems facing producers and exporters. Uruguay underscored the need to approach this issue in a more focused manner. Japan also recognized the importance of transparent, science-based measures which take into account Codex MRLs, and further expressed its support for the submission as a new co-sponsor.

32. The United States echoed the importance of the issue and highlighted some of the recommendations in the submission. Taking into account the MC12 Work Programme and the current workload of the Committee, the United States noted that the co-sponsors recognized that it was not the ideal time to propose the creation of a working group, and instead suggested that it might be more feasible to undertake this work later in 2023.

33. Australia reiterated the evolving nature of the issue and further indicated that MRLs remained a significant barrier to trade, with 20% of SPS Committee notifications submitted by Members over the last two decades referring to MRLs. Based on comments received, Australia also suggested



placing the initiative on hold and pursuing it late next year, when the Committee would have more time and capacity.

34. Other Members expressed appreciation to the proponents for their submission, highlighting the relevance of this work and the importance of finding a way for the Committee to tackle this issue. One Member also emphasized the need to ensure that the issue was addressed in the near future, while recognizing the Committee's current busy agenda. Another Member noted the major issues encountered with its exports to other countries, and suggested that the discussions should not be limited to pesticide MRLs, but also other types of substances and contaminants.

35. In concluding, I invited Members to submit comments on the joint submission by Friday, 9 December.

#### **4 MC12 IMPLEMENTATION MATTERS ([JOB/CTG/16](#)) AND ([JOB/CTG/18](#))**

36. I provided some background on MC12 implementation matters, first recalling that Members had agreed in the MC12 Outcome document ([WT/MIN\(22\)/24](#)) to undertake a comprehensive review of all of the WTO's functions, which would be carried out through the General Council and its subsidiary bodies. In addition, Members had adopted a Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics ([WT/MIN\(22\)/31](#)), which included a stocktaking exercise of the work by WTO bodies on this topic. In this context, I noted that the General Council Chair had held consultations to discuss several MC12 implementation matters. In parallel, the Chair of the Council for Trade in Goods (CTG) had convened a meeting with the Chairpersons and Secretaries of the 14 CTG subsidiary bodies on 20 October to discuss this topic.

37. I explained that as a first step, all Chairpersons of the CTG subsidiary bodies had been requested to prepare two reports, under their own responsibility, and with the assistance of the Secretariat ([JOB/CTG/18](#)). The first report concerned the WTO response to the pandemic, which would describe the activities that the Committee had undertaken in the context of the pandemic over the past two years. The second report concerned the current functioning of the Committees, including any improvements made, which was one of the issues that Members would discuss under the umbrella of WTO reform.

38. I further underscored that these two reports were expected to be a stocktaking and information gathering exercise to allow for a fact-based discussion among Members. As such, the reports would not include recommendations or an assessment of what needed to be improved in the future. It was expected that these two reports would be submitted before the end of the year.

39. I proposed to use a similar approach to these two reports as had been done with the Chairperson's report to the CTG. This would entail the preparation of a report under my own responsibility, with the assistance of the Secretariat, which would then be shared with Members for their comments by a set deadline. Following which, Members' comments would be taken into consideration in finalizing the reports ahead of submission to CTG.

40. I further reiterated that the two requested reports on MC 12 implementation matters would only provide information on the Committee's past work and activities, and not seek to propose new suggestions or improvements to the Committee process. It would be a stocktaking exercise of the activities already undertaken by the Committee, similar to the approach taken in preparing the annual report to the CTG.

41. I then invited Members to share their comments or questions on the two reports and also on the proposed approach for the preparation of the reports. No Member took the floor. I noted that Members appeared to support the proposed approach.

42. I then invited the Secretariat to highlight a few additional points on the two reports. The Secretariat indicated that, given the busy November period, it would aim to prepare a draft report on the current functioning of the SPS Committee by early to mid-December, to allow time for Members to provide comments before the end-of-year break. The Secretariat further explained that the Committee had implemented a number of changes to its functioning during the past years and that sufficient time would be required to compile and accurately reflect the relevant aspects in a report. This would allow for the sharing of current SPS Committee practices with the general

Membership. In relation to the report on COVID-19, which would be a shorter report, the Secretariat indicated that it would be able to circulate a first draft to Members in a relatively shorter time period.

## 5 2023 THEMATIC SESSIONS

43. I recalled that Members had indicated the usefulness of planning in advance the schedule of thematic sessions for the upcoming year, and invited Members to propose topics for thematic sessions to be held in 2023. I first highlighted that the United States had submitted a proposal in document [G/SPS/GEN/2067](#) for a thematic session on SPS risk communication, with an emphasis on public perceptions of issues concerning food, technology, health, and the environment.

44. The United States took the floor to introduce its proposal in [G/SPS/GEN/2067](#). Acknowledging the work to be undertaken as part of the MC12 work programme, the United States nevertheless expressed its interest in maintaining some continuity with the general work of the Committee. The United States explained that regulators around the world were increasingly exposed to information from a multitude of sources, some of which may not be science or risk-based and did not contribute to the development of justified SPS measures. Referring to the evolution of misinformation and disinformation, which could have effects on policy decisions, the United States was of the view that the theme of the proposed session was topical and relevant. The United States looked forward to Members' feedback on the proposal and if agreed, Members' support with developing the agenda. The United States did not anticipate that the thematic session would take place before November 2023.

45. I reminded Members that according to some reports of the thematic groups, some stewards had suggestions for workshops or thematic sessions, or different formats for events to share experiences and case studies.

46. Several Members then took the floor in response to the US proposal. One Member noted that it was still reflecting on possible ideas for thematic sessions in 2023, but considered that the topic proposed by the United States could be interesting to explore towards the end of 2023, and looked forward to discussing the details. The Member was of the view that ensuring that the right information was available should avoid interfering with freedom of expression, and that the main theme could be to ensure that objective and comprehensive information was available. Another Member voiced its support for the US proposal, noting that it seemed to flow logically from the [2021 SPS Committee Workshop on Risk Assessment, Risk Management and Risk Communication](#), and looked forward to contributing to the development of the agenda. The Member recognized the importance of having comprehensive information available but also considered it important to help key actors distil what was useful and actionable out of that comprehensive information. Another Member took the floor noting that the proposal was interesting and did not duplicate other work in the Committee, but requested that the United States provide further details on the themes of the proposal at the next Committee meeting. Another Member sought clarification on the language in the title and more information to better understand the topic. Referring to the possibility of labelling or branding other approaches, the Member suggested considering a change in the title of the proposed session.

47. No other proposals for thematic sessions were made at the meeting. I reminded Members that suggestions on thematic sessions could be submitted by Friday, 9 December. I then noted that the Committee was scheduled to have a workshop next summer, but no suggestions of topics for the workshop had been received.

48. The Secretariat explained that funds had been available for workshops in the past, which could be used for instance to bring officials from developing countries and speakers to Geneva. The Secretariat also highlighted that there had been some discussion on using the time normally used for thematic sessions, for meetings of the thematic groups (for example in March and possibly June/July 2023). One Member suggested dedicating time around the next two SPS Committee meetings for the work of the thematic groups, and considered exploring the possible use of resources to increase participation or bring experts. The suggestion to dedicate more time to thematic groups at the next two meetings was supported by two other Members, with one explaining that it would put Members in a better position to respond to Ministers at MC13. The Secretariat clarified that a funding request had been put forward for a workshop in 2023, but the funds could not be used to

fund the participation of capital-based delegates in Committee meetings and should be used for WTO technical assistance activities.

49. I then raised the topic of webcasting thematic sessions, noting that the last few thematic sessions had been webcast on the WTO website, normally at the request of the proponents of the thematic session. In advance of each thematic session, Members had been given an opportunity to raise any objections. In moving forward, I invited Members to share their views on whether the Committee should systematically webcast all its thematic sessions, so that a decision would not need to be taken each time.

50. One Member took the floor to note that it would be comfortable with the decision to webcast the thematic sessions. I reminded Members that comments on the webcasting of thematic sessions could be submitted by Friday, 9 December.

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