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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 10-11 JULY 2012

Note by the Secretariat[1]

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

I. ADOPTION OF THE AGENDA

1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its fifty-fourth regular meeting on 10-11 July 2012. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/3974 and addenda).

II. ELECTION OF CHAIRPERSON

2. The interim Chairperson reported that the Chairman of the Council for Trade in Goods had consulted on a slate of names for the appointment of chairpersons to the subsidiary bodies of the Council for Trade in Goods in accordance with the established Guidelines for Appointment of Officers to WTO bodies. In light of those consultations, the Council for Trade in Goods had approved Ms Maria Araceli Albarece of the Philippines as chairperson of the SPS Committee for 2012/2013. The Committee endorsed the selection of Ms Albarece by acclamation, and thanked Ms Chavez for her considerable efforts and accomplishments as interim chairperson.

3. The interim Chairperson expressed her gratitude to all Members for their cooperation and assistance, thanked the Secretariat for its assistance, and offered her support to the new chairperson.

4. In assuming the role of chairperson, Ms Albarece expressed her appreciation for the confidence shown by Members in giving her this responsibility, and her interest to continue to support the work of the Committee.

III. INFORMATION ON RELEVANT ACTIVITIES

(a) Information from Members

5. Australia drew attention to proposed reforms to Australia's biosecurity system and the draft of the legislation notified for comments (G/SPS/N/AUS/298). The reform aimed at meeting the increasing demand on biosecurity management and to deliver a more efficient and sustainable biosecurity system. The reforms were underpinned by five key principles: (i) implementation of a risk-based approach to biosecurity management; (ii) managing biosecurity risk across the biosecurity continuum, involving offshore, airport and onshore activities; (iii) strengthening partnerships with stakeholders; (iv) intelligence-led and evidence-based decisions; and (v) supported by modern legislation, technology, funding and business systems. As part of the reform, new legislation was being developed to replace the century-old Quarantine Act 1908. The legislation would have a number of revisions that might be of interest to Members, including with respect to Australia's Appropriate Level of Protection (ALOP) and the biosecurity import risk analysis process. Existing approvals to export products to Australia would continue to be valid until normal their expiry dates.

6. Australia also reported that the use of the Australian Quarantine and Inspection Service (AQIS) brand would be retired in the next year. The Australian Department of Agriculture, Fisheries and Forestry would continue to have responsibility for all Australian government work regarding biosecurity, agricultural, fisheries, forestry, food production and food safety sectors. The services currently provided under the AQIS brand would continue to be provided by the same department. The change would not affect the legal basis or competent authority under which orders, inspections and certifications were undertaken, nor Australia's requirements related to imported agricultural, food, plant and/or animal products. During the transition period any permit carrying the AQIS brand would be valid for the duration of the permit. Further details on the administrative changes would be provided in the near future.

7. Botswana announced that following the April 2011 outbreak of foot and mouth disease (FMD) in cattle in zone 6 of Butale Syndicate crush, near the border with Zimbabwe, a stamping-out programme was implemented. The strategy included establishing a containment zone, emergency vaccination in cattle, goats and sheep, and ultimately depopulation of cattle in the containment zone. In October 2011, the OIE approved the containment zone and recognized the former FMD-free areas without vaccination as prior to the outbreak. In May 2012, Botswana presented a re-listing submission to the European Union. Following the re-listing of Botswana's export establishments in the EU TRACES system, on 27 June 2012, exports of beef were again possible into the European Union (see also G/SPS/GEN/1162 of 3 July 2012).

8. The European Union congratulated Botswana for bringing the outbreak under control and for the improvements made in its cattle production and traceability systems. The European Union also welcomed the reinstatement by the OIE of the relevant areas of Botswana as FMD-free without vaccination and welcomed the fact that Botswana's beef exports to the European Union could resume as of 10 July 2012.

9. Japan provided an update on the current situation and efforts made in response to the Great East Japan Earthquake that occurred on 11 March 2011. Japan thanked the international community for its co-operation and indicated that the infrastructure and economies of the affected regions were on a steady path to recovery and reconstruction. Priority had been given to ensure food safety based on scientific evidence. In addition, to achieve greater consumer confidence, new and stricter limits for radioactive materials in food products were introduced in April 2012 (G/SPS/N/JPN/287). Japan had promptly provided accurate information about the situation and the safety of products to the international community, and as a result, import restrictions had been lifted completely by a number of countries including Canada, Chile, Mexico, Myanmar, Serbia and Peru. However, some countries still continued to impose severe restrictions, and Japan requested that these ensure all measures were based on scientific principles in line with the WTO agreements.

10. Mexico reported that on 21 June 2012, its National Agriculture and Food Health, Safety and Quality Service (SENASICA) had notified to the OIE the presence of avian influenza (AI) AH7N3 in poultry production units in the state of Jalisco. On 2 July 2012, the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (SAGARPA) began emergency actions to diagnose, prevent, control and eradicate the virus. Since the beginning of the outbreak, Mexico had restricted exports of poultry products from the affected zone, before its trading partners requested such action. The presence of the virus was restricted to two municipalities and the rest of the country remained free from the virus. The AH7N3 virus did not represent any food safety risk as long as the food was handled and cooked properly. Mexico requested other Members to notify any SPS measures applied to the import of products from Mexico in accordance with their obligations under the SPS Agreement, and to adhere to the guidelines established by the OIE. (See also G/SPS/GEN/1175).

11. Belize reported on a project funded by the Standard and Trade Development Facility (STDF) as of October 2011 to apply the Multi-Criteria Decision Analysis Framework (MCDA), with the objective of using a structured process to set SPS priorities within a multi-disciplinary scenario. The MCDA framework would build on the results of other evaluation tools Belize had undertaken in the past (e.g., the IPPC Phytosanitary Capacity Evaluation tool; the OIE evaluation of the performance of veterinary services (PVS) and gap analysis). The application of the MCDA framework should enable Belize to prioritize specific SPS options in the context of resource constraints, and the information generated through this process would be used by the competent authority in agricultural health and food safety, as well as by donors and development partners, to inform SPS-related planning, decision-making and the allocation of resources. The results of the application of the MCDA framework were expected to be ready before October 2012.

(b) Information from relevant SPS Standard-Setting Bodies

12. The OIE highlighted important developments at the World Assembly of OIE delegates in May 2012, including the adoption of a number of new and revised OIE standards (G/SPS/GEN/1164). In the Terrestrial Animal Health Code, a new chapter on veterinary legislation (chapter 3.4) was adopted. A major revision was made to consider also the disease impact on wildlife when a new disease was added to or removed from the disease list (chapter 1.4). The chapter on rabies was updated to clarify the case definition and disease status based on the latest scientific information. African horse sickness was included among the diseases eligible for OIE official disease recognition. In the Aquatic Animal Health Code, new chapters on communication and on antimicrobial resistance were added, resulting in better harmonization with the Terrestrial Animal Health Code.

13. The International Plant Protection Convention (IPPC) secretariat reported on the adoption by the Commission on Phytosanitary Measures (CPM) of IPPC's strategic framework. The strategic objectives of the framework were to protect sustainable agriculture and enhance global food security by protecting the environment, forest and biodiversity from plant pests; facilitating economic and trade development through the promotion of harmonized scientifically-based phytosanitary measures; and developing members' phytosanitary capacity. IPPC highlighted the implementation of the new IPPC standard-setting process, and reported on some of the draft ISPMs being considered by the Commission, such as the revised appendix on electronic certification and a draft annex on the establishment of fruit fly quarantine areas within a pest-free area in the event of an outbreak. The Standards Committee had approved specifications for developing a standard on the safe handling and disposal of waste with potential pest risks generated during international voyages. Additional consultations were on-going for the drafting of specifications for ISPMs including on the international movement of cut flowers and branches, and the international movement of grains; these specifications would serve as a blueprint for international standards. The IPPC encouraged Members to report obligatory information through the International Plant Portal (IPP), and drew attention to the creation of the ePhyto webpage (http://ephyto.ippc.int/). The IPPC was actively engaged with the OIE and Codex on some cooperative activities such as addressing information technology needs in a sustainable way, including the possibility of Codex and OIE using the IPPC's online comment system. More detailed information can be found in G/SPS/GEN/1171.

14. Codex highlighted information from various Codex committees (G/SPS/GEN/1182). The Committee on Contaminants in food revised its risk analysis principles and proposed maximum residue levels (MRLs) for melamine in food and liquid infant formula, as well as MRLs for total aflatoxins in dry fish, which were adopted by the Codex Alimentarius Commission (CAC); new work will include the level of radionuclides in food. The Committee on General Principles reviewed several texts related to risk analysis, and discussed various issues of procedures and mechanisms for co-operation between Codex and OIE. The Committee on Pesticide Residues revised provisions on the classification of food and animal feed for the purposes of establishing MRLs for pesticides. The Committee on Residues of Veterinary Drugs proposed MRLs for veterinary drugs which were adopted by the CAC, as well as a sampling plan for residue control in aquatic animal products. The 35th session of the CAC adopted a number of standards and related texts, including the MRL for ractopamine, which was exceptionally adopted by vote as opposed to the usual adoption by consensus. The "Guidelines on the application of principles of food hygiene to the control of viruses" was also adopted by the CAC. The CAC is currently preparing a strategic plan for 2014-2019, however budgetary constraints are affecting the funding of FAO/WHO scientific expert bodies.

IV. SPECIFIC TRADE CONCERNS (G/SPS/GEN/204/REV.12)

15. The Chairperson recalled that this agenda item was designed to allow Members to raise any specific trade concerns they may have with respect to the implementation of the SPS Agreement. She would follow the normal practice of first giving the floor to the Member(s) raising the issue, then

open the floor to other delegates who wished to address the same issue before inviting the Member whose measure was being discussed to respond.

(a) New Issues

(i) Japan's Restrictions Related to FMD - Concerns of Argentina

16. Argentina expressed deep concerns about Japan's undue delay in responding to Argentina's requests for recognition as an FMD-free area without vaccination, and Japan's failure to open its market to deboned fresh and mature beef meat. Argentina's first request dated to April 2003. After no response, in March 2004, Argentina submitted to Japan's Ministry of Agriculture, Fishery and Forestry (MAFF) a specific report concerning the FMD-free area without vaccination and a technical proposal for risk mitigation in the import of meat from FMD-free areas with vaccination. Japan refused to address both subjects at the same time and instead proposed to first focus on the recognition of the FMD-free area without vaccination and afterwards discuss the exportation from the FMD-free area with vaccination. In June 2005, Argentina sent a technical mission to Japan to formally request recognition as an FMD-free area in line with Article 6 of the SPS Agreement. On that occasion, the MAFF authorities stated: i) the need to conduct a technical mission of experts from the National Institute of Animal Health to Argentina, which took place in December 2007, and ii) that Argentina had to reply to a lengthy questionnaire, which was only received after more than three years (in December 2008) and which, among other things, proposed to follow eight steps to advance the procedure (including that of carrying out a risk analysis for both areas). In January 2010, Argentina had replied to the questionnaire for the risk analysis of the FMD-free area without vaccination, submitting additional technical information. Since then, no replies had been received from Japan to enquiries, meetings and notes submitted on several occasions during 2010 and 2011. Argentina was officially recognized by the OIE as a country free of FMD with three areas: one area FMD-free without vaccination (Patagonia) and two areas FMD-free with vaccination (north region and the border region). In spite of this fact and despite the intense efforts undertaken for almost ten years, Japan had not yet formally recognized these areas. Bearing this in mind and considering Articles 2.2, 5.1, 3, 6 and 8, among other provisions of the SPS Agreement, Argentina respectfully requested that Japan conclude without undue delay the on-going proceedings in line with the international standards.

17. Japan responded that an additional questionnaire would soon be sent to Argentina to request further information necessary for the development of a risk assessment. Japan's SPS measures were based on a risk assessment taking into account the OIE Terrestrial Animal Health Code and the disease-free status officially recognized by the OIE. It was important to take fully into account the available scientific evidence and to ensure transparency in the process of risk assessment, and Japan would continue to work closely with Argentina to resolve this issue.

(ii) Trade Restrictive Measures due to the Schmallenberg Virus – Concerns of the European Union

18. The European Union stated that it had been fully transparent with stakeholders and third country partners since the detection of the Schmallenberg virus (SBV). Recent evidence confirmed that SBV had a minor impact on livestock production, and that the risk of infection to humans exposed to SBV was absent or extremely low. In May 2012, OIE's World Assembly of Delegates had concluded that the risk posed by commodities such as meat, milk, semen and embryos was negligible, that the conditions to consider the infection as an emerging disease were no longer met and that the disease did not meet the criteria for listing by the OIE. The European Union requested all countries that had adopted restrictive measures on EU products to remove those restrictions. Any WTO Member maintaining trade restrictions should be able to provide scientific justification for the measure and demonstrate that the measure was proportionate to the risk. These Members should also be able to demonstrate that they were free from SBV and that similar measures were also applied

against other viruses of the Simbu serogroup, both in their own territory and when dealing with other trading partners. The European Union urged Members to withdraw all restrictions imposed on its exports due to the occurrence of Schmallenberg virus. More detailed information can be found in G/SPS/GEN/1161.

19. Switzerland indicated that it had also encountered restrictions on its exports of live animals and genetic material, even though SBV had never been detected in the country. Switzerland agreed that SBV should be treated in the same way as other viruses of the same group, and that SBV-related trade restrictions on exports of ruminants and their products were unjustified. Switzerland requested that such restrictions be withdrawn without delay.

(iii) Chinese Taipei's MRLs for Roasted and Powdered Coffee (G/SPS/N/TPKM/255)– Concerns of India

20. India stated that Chinese Taipei's Food and Drug Administration had notified a draft regulation on tolerance levels of mycotoxins in food which would amend the tolerance level for ochratoxin A in coffee (G/SPS/N/TPKM/255). The draft set an MRL of 5 ppb for mycotoxin in roasted coffee powder and instant coffee. Codex had not prescribed limits for ochratoxin A in coffee, and only the European Union had notified MRLs for ochratoxin A at 5 ppb and for soluble coffee at 10 ppb. The uniform limit for roasted and ground coffee, as well as soluble coffee, set by Chinese Taipei seemed arbitrary and not based on scientific evidence, as during the manufacture of soluble coffee ochratoxin A was concentrated, leading to a higher presence of this compound than in ground coffee. Chinese Taipei's requirements would adversely affect India's growing exports of coffee. India urged Chinese Taipei's competent authority to take into consideration India's comments when finalizing the measure on tolerances of mycotoxins in foods.

21. The European Union shared the concerns of India, and had submitted comments on the SPS notification. The new levels proposed for ochratoxin A in soluble coffee would need to be scientifically justified. Chinese Taipei was encouraged to notify again the new amended measure to the SPS Committee so that all trading partners could comment on the amended proposed level.

22. Colombia requested Chinese Taipei to provide the technical basis on which the limits for ochratoxin A had been set, and recalled that Codex had not yet established limits for this toxin.

23. Chinese Taipei stated that in recent years consumption of coffee had increased and that the tropical climate of Chinese Taipei favoured the growth of mould on this product. The government had carried out a local background survey and a risk assessment on ochratoxin A in coffee, taking into account the measures of other countries, before drafting the proposed requirement. The draft standard was notified to the WTO on 19 April 2012, with a deadline for comments of 11 June 2012. Nonetheless, Chinese Taipei would still accept further comments on the draft, and encouraged India to submit its comments in writing to the competent authorities.

(iv) European Union's Modification of Testing of Residues of Pesticides – Concerns of India

24. India expressed concerns over the EU notification which proposed to include in Annex I of the Regulation (EC) No. 396/2005 new fruits, vegetables and cereals that had become available on the EU market (G/SPS/N/EU/22). In the modified regulation, paddy rice would be tested for residues instead of the whole rice grain. Testing for MRLs was usually undertaken on the food ready for consumption. In the case of rice, which could not be consumed raw, testing should be on the whole grain rice instead of the paddy rice. Paddy rice would always have higher levels of pesticide residues as pesticides were sprayed directly on it, but paddy rice was not directly consumed. This was recognized, for example, in Part 180, title 40 of the US Code of Federal Regulations on "Tolerances and Exemptions for Pesticide Chemical Residues in Food". Exporters would find it more difficult

than necessary to meet the proposed EU requirements, thereby impacting trade, and India requested that the European Union provide its scientific justification for the proposed change.

25. Pakistan and Viet Nam expressed their interest in the issue.

26. The European Union explained that the reason for the proposed changes to Annex I of Regulation EC N°396/2005 was to respond to consumers' demands to include new fruit, vegetables and cereals which had more recently become available on the EU market, and to modify the parts of products on which the residues should be analysed. The European Union had not modified any practices on testing of pesticides residues. On the contrary, the rules had been made more transparent for all trade partners through the publication of all available validation methods for pesticide residues and by providing, through the WTO channels, information on all activities related to the regulation. After consideration of comments received and further exchanges with stakeholders, the European Union had decided to keep the current practice concerning rice, which meant that residues would be analysed on the whole grain product and not paddy rice. The EU underlined that its legislative procedure was non-discriminatory, transparent and able to take third country requests favourably into consideration, as in this case.

(v) US Reopening of the Market for Fresh Lemons from the North West Region of Argentina – Concerns of Argentina

27. Argentina expressed its concerns about the delay for reopening the US fresh lemon market for exports from its North West region. After six years of negotiations, Argentina and the United States had agreed on the risk mitigation measures for citrus canker and other pests, and in August 2000, the United States had opened its citrus markets for Argentinian exports. Argentina recalled that in September 2001, the United States suspended the import of citrus products from the North West region of Argentina following a court ruling). Negotiations to reopen the market were initiated in 2005, when citrus canker had spread to Florida and could no longer be the reason to restrict imports from Argentina. The US Department of Agriculture/ Animal and Plant Health Inspection Service (USDA/APHIS) requested, *inter alia*, that the fruit must originate from areas free of Citrus Variegated Chlorosis (CVC). This requirement was disproportionate and unjustified, as no other market in the world considered CVC to be a pest requiring quarantine measures for fresh lemons. Although Argentina had agreed to carry out a study of disease transmissibility, this was not possible as the absence of the disease in lemon trees did not allow for the isolation of the bacteria. In November 2011, in agreement with USDA/APHIS, Argentina sent a report demonstrating the absence of CVC in lemons. In May 2012, Argentina requested an answer from the United States and on 4 June 2012, USDA/APHIS replied that despite the fact that the report indicated absence of CVC, there was no information indicating the conditions under which the lemon trees could become infected with the bacteria. In ignoring the scientific evidence presented, the United States was acting inconsistently with Articles 2.2, 5.1, 5.6 and 8 of the SPS Agreement, and the unjustified delay in reopening the market was seriously affecting the regional economy.

28. The United States stated that USDA/APHIS had worked with Argentina's SENASA for several years to develop a pest risk assessment and a set of risk mitigation measures that would permit the safe import of lemons from the NOA region. APHIS was currently evaluating the occurrence and transmissibility of diseases such as CVC, Citrus Canker and other pests of concern, as well as potential mitigation measures, before it could consider allowing imports from the NOA region. The United States was not ignoring the scientific evidence from Argentina, and had sent a letter on 4 June 2012 to SENASA communicating the outcome of APHIS' evaluation of Argentina's report on the transmissibility of CVC in lemons, and indicating that it would subsequently share a pest risk assessment for consultation. APHIS was waiting for SENASA's response to the letter. The United States remained committed to work closely with Argentina.

(b) Issues Previously Raised

(i) US Default MRLs, Limits of Determination or Limits of Quantification on Basmati Rice (STC 328) – Concerns of India

29. India recalled that at the March SPS Committee meeting the United States had indicated that food was deemed adulterated if it was found to contain a pesticide for which there was no US established tolerance or exemption. In light of Articles 2.2 and 5.1 of the SPS Agreement, India requested the United States to provide the scientific justification for its MRLs for pesticides. Additionally, the United States should provide a scientific justification for establishing MRLs for pesticides at the limits of determination (LoD). India was working with the US Food and Drug Administration (FDA) and Environmental Protection Agency (EPA) to address its concerns on the import alert, which had been issued due to the presence of tricyclazole and other pesticides. In this regard a letter had been set by Dow Chemicals to the US authorities providing details for fixing MRLs for tricyclazole at LoD. India urged the United States to expedite the process.

30. The United States reiterated that repeated violations of US law could result in putting a firm on an import alert, subjecting that firm to detention without physical examination. Since the initial detection of tricyclazole in June 2011, the FDA had added 11 Indian firms to its import alert list, and a further seven pesticides were detected at unapproved levels. Since October 2011, the FDA had collected 70 samples of basmati rice from India, detecting pesticide residues of illegal substances in 36 shipments. Shipments that were able to demonstrate that they met US requirements were released into the US market, otherwise entry was refused. FDA was working with the Export Inspection Council in India to establish a voluntary compliance programme to monitor basmati rice shipped to the United States and ensure it was free of the pesticide. The All India Rice Export Association had also reported the initiation of outreach efforts on good agricultural practices to limit the use of illegal pesticides and chemicals in an effort to improve farming practices. The United States reiterated that the detention of shipments of basmati rice was due to the use of unapproved pesticides and encouraged India to inform exporters the US tolerance regulations; to address the concerns of the US import alert; and to work closely with the FDA and the Export Inspection Council to resolve this public health concern.

(ii) Viet Nam's Ban on Offals (STC 314) – Concerns of the United States

31. The United States recalled that in July 2010, Viet Nam imposed a temporary ban on the importation of offals from all countries, including the United States. The measure was never notified to the WTO and no scientific data had been provided that justified Viet Nam's food safety concerns. After months of discussions, in April 2011 Viet Nam provided official notification that it would lift the ban on imports of pork and poultry hearts, livers and kidneys (red offal), and in May 2011, for the same products derived from cattle, but this was not done. In November 2011, Viet Nam indicated that it would complete a regulatory review within three months of the offal trade suspension. Having received no information on the status of the review, in May 2012 the United States again sent a letter to Viet Nam. The United States remained concerned by Viet Nam's continued ban on offal products derived from cattle, swine and poultry and urged Viet Nam to immediately lift all of the bans on offal.

32. The European Union supported the concerns raised by the United States. The ban had only been partially lifted for red offals in 2011, and Viet Nam had indicated that further lifting of the ban was pending the outcome of the risk assessment. The European Union welcomed Viet Nam's recent communication that the ban would soon be lifted.

33. New Zealand expressed a systemic concern as the measure of concern had not been notified nor scientific justification provided. New Zealand requested that the ban be lifted as soon as possible.

34. Australia welcomed the fact that Viet Nam had lifted the ban on red offals but expressed disappointment that trade in white offal was still prohibited as it had a significant impact on Australian trade.

35. Viet Nam reiterated that the temporary measure aimed at protecting human health from high risks from contaminants, toxins and disease-causing organisms in food. It had strengthened its technical regulations and improved its human capacity to facilitate the quality control of food and food stuff; as a result, the import of red offal had resumed in 2011. The reopening of its market to white offal was under consideration and Viet Nam remained opened to bilateral discussions with its trading partners.

(iii) South Africa's Import Restrictions on Fresh Pork Meat (STC287) – Concerns of Brazil

36. Brazil recalled that it had previously raised this issue on four occasions, but remained concerned with the embargo imposed by South Africa against Brazil's meat exports due to an outbreak of FMD in some Brazilian states in 2005. South Africa was the only country that still maintained an embargo against Brazilian products even though South Africa itself had been reporting cases of FMD in its territory, and Brazil's sanitary status in the OIE was higher than that of South Africa. The ban was unjustified and excessive. Since 2010, the embargo had been enforced mainly against Brazilian swine meat, while authorizing the import of some cuts of bovine meat, a position that was highly questionable from a scientific perspective as the 2005 outbreak only affected the Brazilian bovine herd. In 2010, South Africa had sent Brazil questions about diseases other than FMD. The requested information exceeded the necessary data requirements and seemed intended to delay the lifting of the embargo. The Brazilian government had engaged in consultations with South Africa and would evaluate the results of these consultations and decide on future steps. Brazil sought a negotiated outcome within the scope of the SPS Committee.

37. South Africa responded that the concern was very important to both countries and that it was committed to finding a solution.

(iv) EU Maximum Residue Levels of Pesticides (STC 306) – Concerns of India

38. India recalled that this issue had been raised in five previous meetings. No Member should set MRLs without scientific justification, as doing so violated the SPS Agreement. India requested the European Union to provide scientific justification for fixing any MRLs at the Level of Determination (LoD) for pesticides such as Carbendazim. The developer of tricyclazole (Dow Agro Sciences) had filed an application for an import tolerance in accordance with Art. 6 (4) of Regulation (EC) No. 396/2005, however, it was unclear whether the data submitted was acceptable or not. India requested the European Union to clarify the situation and to work constructively on resolving the issue as the uncertainty and unpredictability adversely affected India's exports.

39. The European Union indicated that it had a legislative framework on pesticide residues (Regulation (EC) No 396/2005) which completed the harmonisation and simplification of pesticide Maximum Residue Limits (MRLs) within the EU. This piece of legislation, which had entered into force in 2008, essentially stated that before an MRL could be set for a pesticide, its safety must be confirmed on the basis of a scientific assessment. In the spirit of the SPS Agreement, when drawing up this legislation, the EU had sought to eliminate any inappropriate technical barriers to trade in the setting of MRLs by setting MRLs, for many pesticides – not in use in the EU - at the default level. By doing this, the EU, de facto, had also established a 'tolerance' – albeit a very low one – for pesticides that were not in use in the EU, and for which the EU was not in position to verify their safety or otherwise. The modification of such tolerance levels was not possible unless solid scientific data demonstrated the safety of the product. India could apply for an import tolerance in cases where it believed that an MRL higher than the default level was warranted. This procedure had been used

successfully by India to apply for a higher import tolerance for isoprothiolane, a pesticide used by India in the production of rice, a major export crop of interest to India. The case of isoprothiolane demonstrated that the procedure in place was non-discriminatory, transparent, delivered results and offered predictability to exporters.

(v) China's Quarantine and Testing Procedures for Salmon (STC 319) – Concerns of Norway

40. Norway recalled that the issue had been raised at previous Committee meetings and bilaterally. After December 2010, China had begun to report a tenfold increase in the number of notifications of "contaminants" in Norwegian salmon, amounting to a total of 24 in 2011. A large number of these notifications identified a microorganism that was not an issue in Norwegian aquaculture due to the prevailing low water temperatures. Active co-operation between technical experts from both parties was necessary to discuss and clarify the issue and ultimately normalize trade, but it had not been possible to hold such technical bilateral meetings despite Norway's numerous requests. However, Norway was encouraged that during the recent Trade Policy Review, China agreed to address the issue in a meeting between relevant technical experts.

41. Switzerland shared the concerns raised by Norway and requested China and Norway to meet in order to resolve the issue.

42. China observed that Norway was one of the main suppliers of salmon to China; however, in recent years more and more shipments of unqualified salmon were being detected. In 2011, 19 shipments of salmon were deemed as unqualified for the Chinese market. The diseases found in shipments of salmon from Norway were considered to pose food safety risks by the Chinese National Food Safety authorities and their presence was prohibited in food products. China was in the process of revising the limits on pathogens in food products and would set new food safety standards. The new draft standard had been notified to the WTO for comments. China remained committed to continue bilateral discussions with Norway.

(vi) US Failure to Recognize South Patagonia as FMD-free and to Import Beef from North of the 42nd parallel (STC 318) – Concerns of Argentina

43. Argentina reiterated its concerns regarding undue delays in the US authorization of imports of fresh, chilled or frozen bovine meat from FMD-free with vaccination areas, and in the recognition of areas as FMD-free without vaccination, requests made in 2006 and 2003, respectively. After finalizing its risk analysis, the United States had committed itself to allow imports of meat from FMD-free with vaccination areas, under certain conditions. The United States had also stated that the import of ruminants and ruminant products from the FMD-free without vaccination areas represented a negligible FMD risk to animal health. The United States had informed Argentina that it would prepare a report for the US congress. Argentina questioned the need for the intervention of a political organ, and the legal basis for this process. Although the scientific phase had been completed with favourable results of the risk analysis for both areas, there had been no advancement on the requests. Argentina requested the United States to explain the delays in the necessary administrative procedures to allow the import of meat from both areas of Argentina, and to indicate the time foreseen for the completion of the process.

44. The United States reported that in 2007 it had published a proposed rule recognizing Southern Patagonia as FMD-free. Several stakeholders had expressed grave concerns regarding the potential risks of the spread of FMD to the United States. Given this response, the US Congress had required USDA to submit a report to Congress regarding the FMD risk associated with importing animal products from Southern Patagonia in 2009. Since that time, USDA had been in consultation with the relevant stakeholders and legislative bodies to review the issue. Imports of cooked products from

Argentina were not prohibited. The United States recognized the priority Argentina placed on the request and was committed to resolving the concern as expeditiously as possible.

(vii) Import Restrictions due to BSE (STC 193) – Concerns of the European Union

45. The European Union observed that many trading partners continued to impose unjustified bans or restrictions relating to BSE, although more than half of these countries did not benefit from official BSE classification by the OIE as did the EU member States. Despite having raised this concern for a long time, no trading partner had yet provided any scientific assessment that would justify their deviations from the relevant international standards. The European Union urged Korea to make tangible and predictable progress to bring its import conditions into line with the OIE standards. This request was particularly urgent as Korea had opened its market to other trading partners which had the same BSE status as most of the EU member States. China was still keeping its market closed, claiming a lack of scientific information, although there was sufficient evidence regarding the EU BSE situation. The European Union requested China to provide the scientific risk assessment that would justify deviations from the OIE standard, or to immediately start the administrative procedures to implement the international standards. The European Union requested Japan to continue progress on pending applications so that trade could soon resume. The European Union noted the recent steps taken in the United States towards bringing its requirements into line with the OIE standards, and urged all Members to fully align with the OIE standards and establish fair, non-discriminatory, transparent and science-based rules.

46. China indicated that bilateral talks had taken place with the European Union on the BSE issue at various levels. China had repeatedly presented its views on BSE and emphasized that no international organization could deny countries the right to present their views based on science. A lot of work had been carried out by China on risk analysis regarding BSE.

47. Japan recalled that its food safety committee had started the risk assessment of beef from France and Italy, and this was being discussed by experts. As for other EU member States, additional consultations were needed. Japan remained open for further co-operation with the European Union to resolve the issue.

48. Korea noted the on-going active communication between Korea and the European Union on the issue at the technical level. Additional discussions at the technical level were needed, and were in the interest of both sides.

(viii) Indonesia's Restrictions on Market Access for Horticultural Products (STC 318) – Concerns of New Zealand

49. New Zealand reported on fruitful discussions with Indonesia that had addressed and resolved some of the concerns related to the importation of NZ horticultural products. Indonesia should provide better clarity about its trade measures that may affect agricultural products through timely notifications under the relevant WTO agreements, and engage in consultations on these regulations with relevant WTO Members.

50. South Africa supported the request that regulations pertaining to the closure of the port be notified to the WTO. Indonesia's notification about the regulations in May 2012, however, did not provide a specific timeframe for Members to comment before the regulations were implemented on 19 June 2012. South Africa had nonetheless provided comments on the regulations, but received no response from Indonesia. Indonesia was also asked to clarify media reports on the reinstatement of imports through Jakarta harbour for products from some Members, and to elaborate on what basis the exemption was made. South Africa wished to discuss the matter with Indonesia bilaterally on an urgent basis, in light of the start of South Africa's export season.

51. The European Union shared the concerns raised by New Zealand and stated that despite the new regulations implemented by Indonesia to open up additional ports for imports, the situation had not improved significantly. Indonesia had granted a few countries preferential access to the main entry port of Jakarta based on country recognition, but had not granted such access to the European Union despite its high food safety and plant health standards. This was clearly a trade restrictive measure and it created a competitive disadvantage for EU exporters as bringing fruits and vegetables via other ports meant longer travel times, increasing costs and raising difficulties for the quality of the highly perishable products. Additionally, the measure had not been notified to the WTO. The European Union urged Indonesia to lift the unnecessarily trade restrictive measures and to implement measures in line with the SPS Agreement, including giving advance notification through the SPS notification system, allowing comments and allowing sufficient time for economic operators to adapt to any new measures.

52. Japan expressed interest on the measures related to the port closure put in place by Indonesia and stated its willingness to work closely with the Indonesian government on this issue.

53. Australia shared New Zealand's concerns and thanked Indonesia for the constructive bilateral engagements on a range of SPS-related issues. Australia also encouraged Indonesia to notify all measures to the relevant WTO Committees.

54. Korea supported the concerns raised by New Zealand and welcomed Indonesia's recent decision to postpone the implementation of the new import regulation on horticultural products until September. Korea sought bilateral discussions with Indonesia to find a solution.

55. Indonesia clarified that the previous regulations of concern had been revoked and replaced by the decrees of the Ministry of Agriculture No 42/2012 and 43/2012, which had been notified to the WTO in July 2012 (G/SPS/N/IDN/53, G/SPS/N/IDN/54 and G/SPS/N/IDN/54/Corr.1). These concerned plant quarantine actions for the import of certain fresh fruits and/or fresh vegetables, and fresh plant products in the form of fresh bulb vegetables, into the territory of Indonesia effective 19 June 2012. Since the March 2012 SPS Committee meeting, Indonesia had conducted constructive bilateral and technical meetings in Jakarta with interested Members and had addressed most of the issues bilaterally, but remained open for further bilateral discussions.

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

56. Peru recalled its previously raised concerns about the EU novel foods regulation (258/97) that restricted foods which were not marketed in the European Union before May 1997 (G/SPS/GEN/1137). Peru considered that its traditional products were a sign of the sustainable use of its biodiversity and argued that this regulation particularly affected trade in traditional foods. This regulation had negative economic and social impacts, including the loss of trade revenue, the administrative costs faced by importers and the potential effect on the general health of consumers worldwide as a result of the decrease in consumption of traditional products with high nutritional value. Peru urged the European Union to refrain from applying Regulation No. 258/97 to traditional products or to facilitate the entry of products with a history of safe consumption outside the EU market.

57. Cuba supported the concerns of Peru and indicated that the measure was discriminatory, highlighting the unjustified effect that the measure was having on the access of traditional products to the EU market. Colombia and Ecuador also supported Peru's concerns and urged the European Union to implement the reforms to the regulation on novel foods.

58. The European Union explained that revision of the novel foods rules had started in January 2008 in an effort to facilitate applications for novel foods authorizations and to simplify EU market access for traditional foodstuffs from third countries with a history of safe use. However, the co-legislators had not agreed to the proposed revision and the European Union was now engaged in preparing the next steps in the hope of facilitating the consensus necessary to allow a revised novel food regulation to be adopted into law. The European Union would make public the next steps it was taking once these were agreed. The Commission was currently preparing a legislative proposal based on the overall agreement reached with EU co-legislators, with adoption expected in 2013. Any new regulation on novel foods would contain a centralized and quicker authorization procedure for novel foods and specific measures would be put in place for traditional foods from third countries to access EU markets. A related legislative proposal on animal cloning was planned to be adopted by the Commission in 2013, based on the results of an impact assessment which was currently underway.

(c) Consideration of Specific Notifications Received

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

(d) Information on Resolution of Issues

60. Costa Rica reported that its specific trade concern on the "*Prohibition of Ornamental Plants Larger than 18 inches"* (No. 292) had been resolved following the publication by the United States of a modified regulation addressing the concerns of Costa Rica. The United States thanked Costa Rica for its outstanding co-operation and collaborative efforts in resolving the concern.

V. OPERATION OF TRANSPARENCY PROVISIONS (G/SPS/GEN/1156)

61. The Secretariat recalled that it no longer produced paper copies of the contact lists of National Notification Authorities and National Enquiry Points, but electronic lists were constantly updated and available through the SPS Information Management System (IMS) (http://spsims.wto.org). Members should verify the accuracy of the lists of Enquiry Points and National Notification Authorities, to ensure that these would receive important documents and invitations to training activities. The Secretariat would no longer generate the monthly summary list of notifications, as Members could generate such lists through the SPS IMS.

62. The Secretariat reminded Members of the system for submission of SPS notifications online (SPS-NSS). Notification Authorities were invited to request a password to access the system and submit notifications directly on line. The system worked very quickly and Members who often submitted many notifications were particularly encouraged to use it. Notifications submitted online would be given priority by the Secretariat. About 36 Members had already requested a password and 18 Members had actually begun to submit their notifications electronically. Ecuador, France, Indonesia, Mexico and Mozambique had recently begun using the SPS-NSS, and Mozambique had submitted its first notification to the SPS Committee through this system.

63. The Secretariat also drew attention to the upcoming October 2012 Workshop on Transparency, which would specifically focus on the hands-on use of the SPS-NSS and IMS. The WTO Global Trust Fund would sponsor participation of approximately 50 government officials from LDCs and developing countries in this workshop, on the basis of applications from NNAs and ENQs. In total, the Secretariat had received 136 applications for funded participation in this workshop. The Secretariat was in the process of completing the selection process and would shortly inform all applicants of whether they were selected for WTO funding. All WTO delegates could attend the Transparency Workshop, not only those who had applied for funding from the WTO. The Secretariat invited Members to submit comments on the draft programme (G/SPS/GEN/1156) by 17 August 2012.

64. The Secretariat explained that there were three types of e-mail lists to which Members could subscribe to receive information and documentation from the Secretariat. Documents were provided through the various e-mail lists in the original language in which they were submitted by Members but translations of these documents were accessible through the SPS-IMS.

65. The Secretariat noted that numerous discussions in the Committee revolved around measures that had not been notified and reminded Members of their legal obligation to notify proposed measures in advance of their finalization, unless they were emergency measures. Members were urged to actively use the various stages of the notification process, such as notifying, reviewing, reacting to and modifying draft regulations in order to address potential trade problems. The Secretariat also highlighted the importance of Members reviewing TBT notifications, as in some cases notified measures could have elements related to both the SPS and TBT Agreements.

66. Chile observed that the SPS NSS worked well and rapidly, and had helped Chile achieve good results. Concern was raised about the small number of Members that were currently using the NSS, with all of the benefits involved.

VI. IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT

67. Pakistan suggested that it might be useful for Members to give consideration, or to consult with the Chair, on how to make more use of this agenda item. It would be useful to determine the reasons for the lack of use of this agenda item and to identify ways to make this agenda item an effective forum for discussions on issues related to special and differential treatment.

68. The Secretariat recalled that considerable discussion had taken place under this agenda time in the past, particularly when the Committee was developing the procedure for Members to request Special and Differential Treatment or technical assistance (G/SPS/33/Rev.1). However, in recent meetings, Members had not submitted specific proposals or documents related to this issue, and as result there had been no discussion under this agenda item.

VII. EQUIVALENCE – ARTICLE 4

(a) Information from Members on their Experiences

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

(b) Information from Relevant Observer Organizations

70. No Observer Organization provided any information under this agenda item.

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

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

(i) Argentina – Foot and Mouth Disease (FMD) Status

71. Argentina reported that the OIE recognized the entire territory of Argentina as FMD-free, with the following three zones: (i) Patagonia - FMD-free zone without vaccination; (ii) Centro Norte - FMD-free zone with vaccination; and (iii) Cordón Fronterizo - FMD-free zone with vaccination. This sanitary status entitled Argentina to export fresh meat and meat products as well as live animals and other FMD-susceptible animal by-products, since it complied with the sanitary requirements set forth in Chapter 8.5 of the Terrestrial Code for free zones where vaccination either is or is not practised. In the specific case of bovine meat, the OIE's recommendations were set forth in Article

8.5.23 of the Terrestrial Animal Health Code. Additional information on Argentina's sanitary status could be found in the following documents: FMD-free status in G/SPS/GEN/1179; current health status with regard to BSE in G/SPS/GEN/1180; and recognition of areas free of fruit fly in G/SPS/GEN/1178.

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

(i) European Union – Application of Article 6 of the SPS Agreement as regards Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence

72. The European Union reported on its experience in the implementation of zoning or regionalization for animal diseases. The EU zoning policy was in line with OIE standards and the provisions in Article 6 of the SPS Agreement. In the last decade, success had been achieved in containing, controlling and eradicating outbreaks of diseases, such as FMD, classical swine fever and avian influenza. The experience gained by the EU in applying the concept of regionalization to ensure a proper functioning of the EU single market had demonstrated that it could meet the objective of maintaining a high health status while minimizing barriers to trade. Regionalization in third countries exporting to the European Union was fully accepted on the basis of transparency, equivalency and mutual trust between the competent authorities. The European Union invited all trading partners to accept the concept of regionalization and its benefits both in terms of disease control and of minimizing trade restrictions, and to apply similar systems of their own. Additional information on the EU experience could be found in G/SPS/GEN/1159 of 29 June 2012.

(ii) Chile – Recognition of Pest- and Disease-Free Areas

73. Chile communicated its recognition of almost 30 departments in Colombia as FMD-free areas with vaccination. Although Chile had been free from FMD without vaccination for more than 25 years and the OIE had classified its risk level for BSE as insignificant, this had still not been recognized by some Members. Chile welcomed the progress made with other countries, including Australia which sent a mission to Chile in April in relation to sanitary recognition.

74. Colombia expressed its thanks to Chile for recognition of its FMD-free areas with vaccination and indicated that it was an exemplary demonstration of the implementation of the provisions of the SPS Agreement which enabled countries to eliminate unnecessary trade barriers. Other Members were urged to grant similar recognition to Colombia's FMD-free areas with vaccination. The Chair commended both Members on the use of the guidelines of the SPS Committee (G/SPS/48).

(c) Information from Relevant Observer Organizations

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

IX. TECHNICAL ASSISTANCE AND COOPERATION

(a) Information from the Secretariat

(i) WTO SPS Activities

76. The Secretariat reported that since the last Committee meeting, four seminars had been held in Ethiopia, Maldives, Rwanda and Uganda, and one regional SPS workshop had been held for Latin America, organized in collaboration with the Inter-American Development Bank, in Chile on 25-29 June 2012. The Regional SPS Workshop for Latin America was different from other regional workshops in that it focused on border quarantine issues and their relation to trade facilitation, with

heavy involvement of customs officials. More general training on the SPS Agreement had been provided to participants in the Advanced Trade Policy Course in French (Geneva), the Regional Trade Policy Course for the English-speaking Africa Region (Swaziland) and a SPS Risk Assessment Seminar organized by the Agadir Technical Unit (Jordan).

77. Upcoming SPS training activities by the WTO Secretariat included three regional SPS workshops: for English-speaking African countries in Ethiopia (24-27 September); Asia and Pacific countries in Chinese Taipei (6-9 November); and for Central and Eastern Europe, Central Asia and the Caucasus in Austria (20-23 November). The 2012 Advanced SPS Course would be held in French from 8-26 October and the Workshop on the Transparency Provisions of the SPS Agreement would be held on the margins of the October SPS Committee meeting from 15-16 October 2012. Other national workshops were scheduled for the Philippines (18-20 July), India (28-30 August), Chile (4-7 September) and Morocco (18-19 September). National workshops had also been requested by Burkina Faso, Mexico and Zambia.

78. The Secretariat reported that it had received over 500 applications for the planned 2012 technical assistance activities and that the selection process would be finalized in the coming weeks. The respective Missions would be informed of the proposed selection of candidates from their government before the final selection.

79. The Secretariat highlighted the Follow-up Session to the 2011 Advanced SPS Course, which was held 4-13 July and attended by 20 participants from LDCs and developing countries who had participated in the Advanced SPS Course in 2011.

80. The Secretariat recalled that the E-learning course on the SPS Agreement was available all year long in the three WTO official languages, and noted that further information on SPS-related technical assistance provided by WTO could be obtained from document G/SPS/GEN/997/Rev.2 and the WTO website. The Chair reminded the Committee that a demand-driven approach was used for technical assistance activities and urged Members to request technical assistance, as needed.

81. Chile thanked the Secretariat for the opportunity to have hosted the Regional SPS Workshop for Latin America, which was successful in its focus on border issues related to plant and quarantine health. Chile had previously benefitted from the training received through national seminars for officials at the introductory level and looked forward to the upcoming seminar, which would be at a more advanced level. The Secretariat reminded Members that national seminars could be tailored to meet the technical level of participants and to address specific national issues.

82. Jamaica thanked the Secretariat for organizing the Follow-up Session to the 2011 Advanced SPS Course which was under way, and highlighted the importance of the training received in equipping officials to effectively undertake SPS responsibilities.

(ii) Standards and Trade Development Facility (STDF)

83. The STDF Secretariat provided an update on STDF Activities since the last Committee meeting and highlighted some of STDF's planned initiatives (G/SPS/GEN/1158). The STDF would hold a seminar on International Trade and Invasive Alien Species (IAS), in close collaboration with the OIE and IPPC secretariats, immediately following the SPS Committee meeting on 12-13 July 2012. The seminar would raise awareness and create synergies between SPS and environmental institutions about IAS as a trade-related issue, with a specific focus on how to make capacity building more collaborative and effective.

84. As part of its 2012 Work Plan, the STDF initiated the preparation of a global level event on the links between SPS and Trade Facilitation that would take place in 2013. The objectives of this

work would include raising awareness about the synergies between SPS and Trade Facilitation and identifying lessons learned and good practices to strengthen future work and technical co-operation in this area; a briefing note was available. Members were encouraged to share examples of their activities in the area of SPS and Trade Facilitation with the STDF Secretariat by e-mail.

85. The STDF continued its work on the multi-criteria decision analysis (MCDA) tool to inform SPS decision making and resource allocation. The tool had been applied in several countries in Africa and would now be applied in other regions. The STDF had provided seed funding to Belize to apply this tool, based on the interest expressed, and would also participate in the application of the MCDA tool in Viet Nam in September 2012 as well as in a regional workshop for Asia scheduled for November 2012.

86. The first STDF electronic newsletter had been recently issued and Members were encouraged to register to receive this newsletter on the STDF website. Work was under way on the development of the STDF virtual library, which would facilitate the management of all documentation available on SPS capacity building, and should reduce the duplication of work. New publications on public-private partnerships and trade-related project development were available on the STDF website, as well as translations of previously published documents and the STDF film.

87. The STDF had devoted 47 per cent of project resources to LDCs, ensuring that it continued to meet its target. Additional information on the approved projects and PPGs could be found in G/SPS/GEN/1158. The next deadline for funding applications was 20 July 2012.

88. Belize thanked the STDF Secretariat for the opportunity to participate in the Seminar on International Trade and Alien Invasive Species, and the SPS Committee meeting. Belize appreciated the Project Preparation Grant from STDF to apply the Multi-Criteria Decision Analysis (MCDA) approach in Belize and looked forward to further sharing its experiences.

(b) Information from Members

89. Japan reported on the technical assistance it had delivered to developing countries over the period April 2009 to March 2012 (G/SPS/GEN/1160). Japan's overseas aid programme was managed primarily by the Japan International Co-operation Agency (JICA). Thirty-five SPS-related technical assistance programmes targeting various geographic regions, including Asia, the Pacific Region, Central America, South America, Central Asia and Africa had been provided, for a total of approximately Yen 2.2 billion.

90. Chile reported on its technical assistance programme on animal husbandry, agricultural services, sanitary and phytosanitary services which provided assistance to neighbouring countries.

91. Gabon reported on its experience in establishing an SPS Committee, highlighting some of the difficulties. Although Gabon had not been listed as having a national coordination mechanism in the STDF study on National SPS Coordination Mechanisms, efforts were under way to complete the process. Gabon expressed its appreciation for the assistance of the WTO, the Economic Community of Central African States (CEMAC) and the PAN-SPSO Programme supported by the African Union. Concern was expressed regarding the ease with which technical assistance could be accessed through the JICA programme. Japan indicated that it would follow-up on this issue.

(c) Information from Observers

92. OIE continued its efforts to provide assistance to strengthen veterinary services through the OIE PVS Pathway and to provide technical assistance to countries (G/SPS/GEN/1164). OIE presented the newly adopted veterinary legislation chapter, providing information on: (i) the

background of its adoption; (ii) objectives; (ii) basic principles; (iii) contents of the standard; (iv) the standard's role in OIE's SPS capacity building activities; and (v) OIE's role in supporting its member countries to formulate, modernize and strengthen their veterinary legislation. The OIE presentation is available at: http://www.wto.org/english/tratop_e/sps_e/oie_presentation_e.ppt

93. The STDF Secretariat supported the need for countries to update their SPS-related legislation and raised queries in relation to: the rationale for the adoption of a standard on veterinary legislation as compared to a guideline or recommendation; the nature of OIE collaboration with other organizations with longstanding experience in drafting veterinary legislation e.g. FAO; and the effect of lengthy timeframes associated with the implementation of legislation. OIE indicated that its members, in particular developing countries, strongly supported the adoption of the guidelines as a standard and underscored the importance of collaboration, highlighting the involvement of FAO experts in the OIE expert group drafting the standards. OIE acknowledged the inherent difficulties of the implementation phase, but emphasized that the responsibility remained with its members to demonstrate strong support and commitment in order to address these issues. OIE also highlighted the flexible nature of the veterinary legislation chapter to accommodate various scenarios in developing national legislation.

94. Codex provided information on the work of the Trust Fund, including the implementation of its mid-term review and the new Monitoring and Evaluation Framework of the Trust Fund. Several regional workshops would be held in conjunction with the FAO/WHO Coordinating Committees between September 2012 and January 2013. Codex highlighted its coordination with other bodies in capacity building, such as ISO and OECD. Additional information on Codex technical assistance activities could be found in G/SPS/GEN/1182.

95. IPPC reported that the first meeting of its recently established Capacity Development Committee (CDC) would be held together with the Expert Working Group on Capacity Development (EWGCD) on 3-7 December 2012, in Rome, Italy. Other EWGCD activities were outlined in relation to the development of the phytosanitary technical resources page (http://www.phytosanitary.info). An open call would be issued to Regional and National Plant Protection Organizations for candidates for membership of the CDC, with the Bureau making the final selection. Information on the status of the application of the phytosanitary capacity evaluation tool (PCE) was provided. Additional information on IPPC technical assistance activities could be found in G/SPS/GEN/1168.

96. IICA announced that the project "Promoting Participation of the Americas in Codex Alimentarius Committees", initially funded by the United States and IICA for three years, had continued with support from Canada. The aim was to support the participation of the countries of Latin America and the Caribbean (LAC) in the meetings of the Codex Pesticide Residues and Food Labelling Committees. Other IICA activities included providing inputs to IPPC on the virtual course on Pest Risk Analysis for the Andean Region and promoting the modernization of SPS services through the use of its PVS instruments, which had now been applied in Jamaica, Haiti and Ecuador. Thirty-four professionals from 20 countries had been trained in the second series of the Executive Leadership in Food Safety (ELFS) Program held in Panama, jointly organized with the Pan American Health Organization (PAHO) and the University of Minnesota. A simulated roundtable exercise on foot and mouth disease was held for the Caribbean region, involving online simultaneous participation in 11 countries or territories, completing a four-year IICA/USDA project to establish an epidemiological monitoring network in animal safety in the Eastern Caribbean. A project for the creation of a Virtual Regional Food Inspectors School for Central America and the Dominican Republic had been approved by the STDF, with implementation to begin in July 2012. Additional information on IICA technical assistance activities could be found in G/SPS/GEN/1163.

97. ITC provided information on an EIF-funded project on sector competitiveness and export diversification in the Gambia (2012-2015) that provided support for cashew nuts, groundnuts and

sesame, including for quality enhancement and food safety issues. A project on export development in Peru's northern corridor (April 2012 – March 2013) was underway, in order to assist small- and medium-sized enterprises to understand and implement food safety systems based on HACCP. Creation of a competitive and sustainable value chain for mango exports to Europe from the Niayes region in Senegal was the focus of a Dutch-funded project. ITC continued its work on developing its Standard Map and three papers had been published on this subject, available at: http://www.standardsmap.org. Other ITC activities included its work on non-tariff measures (NTMs). A new ITC Senior Advisor on export quality management had been appointed. Additional information on ITC technical assistance activities could be found in G/SPS/GEN/1181.

98. OIRSA reported on its numerous project and training activities aimed at providing technical and financial assistance to address SPS issues in various countries in the region (G/SPS/GEN/1172). Support was provided for the participation of four delegates of National Codex Committees in the 35th Session of the Codex Alimentarius Commission. Details were being finalized for the launching of the Huanglongbing Bacterium (HLB) and HLB vector control project, with support from Chinese Taipei's International Cooperation and Development Fund (ICDF). OIRSA continued its work on the STDF-funded project (STDF/PG/284) aimed at strengthening national SPS committees. STDF had also approved the draft regional veterinary legislation project for OIRSA member countries (STDF/PG/358). OIRSA continued to focus on strengthening its strategic alliances for the promotion of health and trade through establishing technical cooperation framework agreements and participating in related activities.

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

(a) Issues Arising from the Second Review (G/SPS/W/259/Rev.3)

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

99. The Chairperson read a report from the former Chairperson on the informal meeting on the use of ad hoc consultations held on 9 July 2012. The discussions at this meeting were based on the communication of 14 June from the former Chairperson, in which she had requested delegations to first reflect on five unresolved elements impeding progress in the work, rather than engaging in detailed discussions of the revised draft text prepared by the Secretariat.

100. Regarding the first element, the nature of the procedure, several Members had agreed that there was a difference between mandatory participation and a mandatory procedure. Some Members had stressed that the procedure should remain completely voluntary, noting that according to Article 12.2, the Committee shall "encourage and facilitate" ad hoc consultations. They were of the view that consultations could only be successful if both Members freely chose to participate.

101. Others had indicated that a minimum level of engagement from the responding Member was essential, for example to provide a written response to the substantive points made in a request for consultations. Several Members had argued that for the new procedure to add value, it should go beyond raising a specific trade concern in the Committee – which already required a response from the Member concerned within a certain timeframe.

102. Some Members were of the view that participation in a first information exchange should be mandatory. They had stressed that Article 5.8 already gave Members the right to request an explanation for an SPS measure, and the Member maintaining the measure had the obligation to respond. The second phase would be voluntary, as in Article 12.2. Other Members were concerned about making links between Article 12.2 and Article 5.8, which they believed could be used independently.

103. The Secretariat had recalled that the Committee had already developed six procedures or guidelines. None of these were legally binding, because the Committee could not change Members' rights or obligations. In all except two cases, the procedures used the word "should". In the guidelines on equivalence and on special and differential treatment, there was a mix of "should" and "shall". The Committee could develop a procedure which Members might agree to follow, but they had no formal obligation to do so.

104. Summing up the discussion, the former Chairperson had noted that the procedure would be voluntary, since this Committee could not create any new legal obligations. The question was what procedure would be followed when the responding Member said "yes" to a request for consultations. Many had suggested that the exchange of information should be a mandatory element once the request for consultations was accepted. Beyond this, she suggested that the procedure could be absolutely voluntary and subject to bilateral decisions on which elements should be included in the procedure.

105. Regarding the second element, the issues of transparency and confidentiality, some Members were of the view that the Secretariat or the Committee should be informed when: (1) consultations were requested; (2) there was a response to the request; and (3) the consultations had concluded. Requiring more transparency might discourage use of the procedure.

106. While some Members were of the view that all information should remain confidential unless there was agreement to disclose it, others thought that it should be the other way around; i.e. that all information should be considered non-confidential unless a Member declared it to be confidential.

107. One Member had noted that G/SPS/1 already required the Chairperson to report to the Committee on the general outcome of a consultation. In addition, the agenda item on specific trade concerns gave an opportunity to provide information about a specific issue, and to inform the Committee that consultations were taking place. Within dispute settlement, consultations and good offices were confidential. This Member had preferred to maintain the existing mechanisms.

108. In her summary, the former Chairperson had indicated that there seemed to be a consensus that some information should be delivered to the Committee, including information on a request for consultations, on the response, and on the result. Additional information could be provided only if the Members involved agreed. She had suggested that no confidential information would be given to the Committee unless the parties involved agreed to do so.

109. Third, Members had discussed the role of the facilitator. Many Members agreed that the basic role of the facilitator would be to facilitate the dialogue, with a focus on the process. Some thought that if the parties agreed, the facilitator could give an opinion or express advice. Others were of the view that the facilitator should not be allowed to express an opinion or advice. They feared that this would discourage use of the procedure, particularly if the facilitator expressed an opinion on the consistency of a measure with the SPS Agreement.

110. Other Members thought that the facilitator should have flexibility to contribute to the process, e.g. by involving specialists, if the Members involved agreed.

111. The former Chairperson had concluded that Members all agreed that the primary role of the facilitator was to facilitate the exchange between the parties. Beyond that, she suggested that the parties should decide all the parameters, including the schedule and place of meetings, whether to request technical advice, the nature of the report to the Committee, etc. These parameters would depend on the particular issue at hand. The facilitator should work on the process, and only become involved with the substance if the Members involved agreed. The former Chairperson also proposed that Members should assume that the facilitator would normally be the Chairperson. If the Members involved agreed, they could of course request that a different person act as facilitator.

112. Regarding the fourth element, timeframes, many Members had indicated agreement with the timeframes suggested in the Chairperson's communication, as long as there was flexibility for the Members involved to agree on different timeframes if they wished. Some Members preferred to leave all timeframes up to the involved Members, while others thought that timeframes were one of the key areas where the procedure offered an added value, by making the process more predictable. Some Members found the proposed timeframes too short or too long, and there was some discussion on whether timeframes should be expressed in calendar days or working days.

113. The former Chairperson had indicated that when embarking on a consultation process, Members had an expectation for the resolution of an issue, and timeframes added some predictability. In particular, it would be useful to agree that the response to the initial request be given in perhaps 20 working days, and that Members agree that 6 months be the reference timeframe for completing the whole procedure, with the possibility for Members to decide otherwise. Of course Members could decide to conclude the consultations at any time.

114. Regarding the last element, the relationship between the procedure of the SPS Committee and other on-going initiatives in the context of the Doha negotiations, some Members had argued that any horizontal outcome reached by consensus would prevail. Other Members were of the view that the SPS procedure was independent of the NAMA negotiations. The SPS Agreement contained a provision on ad hoc consultations, and any horizontal NAMA mechanism could be considered as a complementary tool, rather than a replacement. Some proposed that the SPS procedure be reviewed in light of an horizontal mechanism, if and when one were adopted. A few Members had recalled that it was not at all certain whether the horizontal mechanism would apply to agricultural products.

115. The Secretariat had recalled that the SPS Committee was a subsidiary body of the Council for Trade in Goods, which in turn was subsidiary to the General Council, and the Ministerial Conference. These bodies could mandate the SPS Committee to apply a certain mechanism, with or without making modifications, instead of or as a complement to any procedure developed by the SPS Committee.

116. The former Chairperson had indicated that the disclaimer to be included in the procedure would need to be sufficiently flexible. Members did not know if there would be an horizontal mechanism or what it would be like, whether the SPS Committee would be asked to apply this procedure as was, or whether it might include a *mutatis mutandis* provision.

117. The former Chairperson had requested the Secretariat to prepare a new revision of the draft document to reflect in particular her conclusions of the discussions. She proposed that this document, which should make use of text in previous versions, should be the basis for the next informal meeting in October. Delegations could of course discuss these issues during the intervening period, and such exchanges could be useful in narrowing differences in views.

118. Following the presentation of the oral report by the former Chairperson, the Chairperson requested that the Secretariat reflects the outcome of those discussions, based on the former Chairperson's summary, in a new version of the document, to be circulated as G/SPS/W/259/Rev.4. Members would have the opportunity to submit comments in writing on this revision until 17 September 2012. The Secretariat would subsequently prepare a new revision of the document, taking into account the comments received, for discussion at an informal meeting in the margins of the October meeting of the Committee.

XI. MONITORING OF THE USE OF INTERNATIONAL STANDARDS (G/SPS/W/266)

(a) New Issues

(i) SPS Measures and International Standards, Guidelines and Recommendations: Joint Communication from Brazil (G/SPS/GEN/1165)

119. Brazil introduced a submission regarding the increase in demand for scientific advice to support food control systems (G/SPS/GEN/1165). The WTO's recognition of Codex standards, guidelines and recommendations as the international benchmark for food safety requirements was another key point related to the need for scientific support. Governments were charged with the task of developing food policies to ensure that food was safe and of adequate quality, and the FAO/WHO scientific advice bodies provided an essential contribution to inform and strengthen decision making on food safety. The Joint FAO/WHO Expert Committee on Food Additives (JECFA), the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) and the Joint FAO/WHO Expert Meeting on Microbiological Risk Assessment (JEMRA), made available international scientific advice, including risk assessment. To address these concerns and to fulfil the objectives of the SPS Agreement, Brazil encouraged all WTO Members to: (i) request the FAO and WHO to provide enough financial support for the regular operation of the JECFA, JMPR, JEMRA; (ii) express in different fora the importance of the work of JECFA, JMPR and JEMRA; and (iii) find different means of supporting the activities of these committees.

120. Argentina, Belize, Canada, Chile, the European Union, and the United States all supported the communication and agreed on the crucial role of the scientific advice bodies. Belize emphasized the limited scientific capability of developing countries, while Brazil highlighted the value of these organizations' scientific advice not only for international organizations but also for national regulators. The European Union recalled that the other sisters supporting the work of the SPS Agreement, the OIE and IPPC, also needed support as independent scientific advice was indispensable to the work of all three sisters. The European Union and Chile stressed the importance of seeking further funding for these scientific advice bodies. Codex explained the budgetary resources of WHO and FAO, and highlighted the budgetary problems in scientific advice, while IPPC recalled support that had been forthcoming (from the EU) for its work.

(b) Issues Previously Raised

121. The IPPC reported on the activities of its Implementation Review and Support System (IRSS), whose primary objective was to facilitate and promote the implementation of the IPPC and the international standards for phytosanitary measures (ISPMs) (G/SPS/GEN/1169). The European Union had provided EUR 1.2 million in funding for the IRSS. The advantage of the system included the ability to monitor, encourage and support the harmonised implementation of the IPPC and its ISPMs, and to act as a means to identify and address emerging and potential implementation problems before they became disputes. The IRSS webpage included country profiles, a helpdesk and IRSS activities. Information on a series of surveys and studies was also provided on the webpage.

(c) Adoption of Annual Report

122. The SPS Committee adopted the Fourteenth Annual Report on the procedure to monitor the process of international harmonization, with modifications. The adopted report was subsequently circulated as G/SPS/59.

XII. CONCERNS WITH SPS-RELATED PRIVATE STANDARDS (G/SPS/W/265/REV.1)

(a) Report on the Informal Meeting

123. The Chairperson read a report from the former Chairperson on the informal meeting on the use of private standards held on 9 July 2012. The former Chairperson had recalled that Members had been invited to submit proposals on a working definition of SPS-related private standards in advance of the March 2012 informal meeting. On the basis of those proposals, the Secretariat had drafted a proposed working definition (G/SPS/W/265), that had been discussed in March. The former Chairperson had then asked the Secretariat to prepare a revision of the document G/SPS/W/265 to reflect the comments made in March, for consideration at the July informal meeting.

124. The former Chairperson had also recalled that the Committee had agreed to develop a working definition of SPS-related private standards in order to set the framework within which it would discuss the issue. Agreed Action 1 (G/SPS/55) did not propose a legal definition, but merely sought to limit the scope of issues considered by the Committee.

125. The Secretariat had introduced the revised draft working definition in document G/SPS/W/265/Rev.1, and the former Chairperson had invited the Committee to focus on the proposals in square brackets.

126. With regards to the new wording of **market** requirements, some Members had requested that the word **market** be put in square brackets, while others had wanted to re-introduce the word **voluntary** requirements. Some Members had objected that exporters had no option but to comply with these requirements if they wished to sell in certain markets. Other Members had insisted on keeping the text as revised, i.e. **market requirements** without brackets, and some had suggested deleting both **market** and **voluntary** and referred only to **requirements.** Given these differing views, the former Chairperson had suggested to keep the following wording: **"SPS-related private standards are [voluntary, market] requirements …"**

127. With regards to the words in square brackets **[developed and/or]**, some Members had argued for keeping this text while others had suggested deleting all the bracketed words and keeping only the wording **applied by**. A few had insisted on the wording **developed and applied.** The Committee had made no progress and would keep the current text as **"SPS-related private standards … are … [developed and/or] applied by…"**

128. On the set of square brackets **[private] [non-governmental]** entities, as well as **[footnote 6]** in G/S/SPS/W/265/Rev.1, some Members had asked that only the wording of **private entities** be kept. Other Members had noted their preference for the term **non-governmental entities,** which was used in Article 13 of the SPS Agreement. There was considerable disagreement regarding the appropriateness of the related definition in the footnote. As a consequence, the current text would remain as was, i.e. **[private] [non-governmental] entities**. The Secretariat had been requested to check whether there was any existing jurisprudence on the definition of private or non-governmental entities.

129. With regards to the last sentence of the chapeau of the draft definition, it was proposed to re-instate the brackets around the words **directly or indirectly.** An alternative to the four objectives currently listed was also suggested that would read: **"… entities [in order to protect human, animal or plant life or health.]"** The Secretariat was requested to re-circulate the compilation of specific examples of concerns related to private standards.

130. In concluding the discussions the former Chairperson had invited Members to further reflect on, and propose other language for the sets of square brackets which it had not been possible to

remove and which remained under discussion. The former Chairperson had asked the Secretariat to prepare and circulate a further revision of document G/SPS/W/265 to reflect the comments made, for consideration by the Committee at an informal meeting to be held on the margins of the October 2012 meetings. The former Chairperson suggested that the Committee should also consider actions 2 to 5 and the outstanding actions 7 to 12 at the October informal meeting.

131. In commenting on the former Chairperson's report with regard to the suggested wording of "market requirements", Brazil emphasized its concern about the word "voluntary". If exporters did not have the capacity to comply with these private requirements, they were excluded from the market, and so it was difficult to characterize these as "voluntary" requirements.

XIII. OBSERVERS

(a) Information from Observer Organizations

132. The International Organization for Standardization (ISO) noted that it was a non-governmental organization that developed voluntary international standards and guidance on how to assess conformity with standards (G/SPS/GEN/1166). ISO had observer status in the WTO Trade and Environment (CTE), TBT and SPS committees, as well as at the WHO and FAO. Its observer status to the Codex Alimentarius Commission (CAC) provided an opportunity for cooperation and a variety of ISO standards were used by Codex in its work. ISO had a formal agreement with the OIE regarding co-operation in specific areas since July 2011. ISO reported on regional workshops in Indonesia and Kenya to enhance awareness of food safety and the role of different international organizations. ISO's policy development committee (DEVCD) dealt specifically with the needs of developing countries in standardization. ISO considered that use of its international standards would assist regulatory authorities to achieve their aims in public health and safety at less cost to manufacturers and consumers, and also help them meet their TBT and SPS Agreement obligations.

(b) Report of Informal Meeting on Role of Observers and Requests for Observer Status (G/SPS/GEN/1157)

133. The Chairperson read a report from the former Chairperson on the closed informal meeting on observers, held on 9 July. The former Chairperson recalled that she had requested the Secretariat to prepare a background document, which had been circulated as G/SPS/GEN/1157, and had invited Members to submit comments and views on the role of observers in advance of the meeting. Chile and the United States had submitted a joint proposal (G/SPS/W/267).

134. In presenting its background document, the Secretariat had recalled the purpose of observer status according to the General Council decision (WT/L/161, Annex 3), as well as the March 1999 decision of the SPS Committee to apply the criteria identified in paragraph 7 of document G/SPS/W/98 in deciding on requests for observer status. The document also described the role of the observer organizations in practice in Committee meetings, including the role of the Three Sisters.

135. Chile and the United States had indicated that the main purpose of their paper was to remind Members of the importance of the Three Sisters and to encourage the use of their expertise and knowledge, whenever possible, to solve trade concerns. They did not propose that the Committee develop guidelines on risk assessment, but encouraged the use of the guidelines developed by the Three Sisters. There had been acknowledgement that some WTO Members were not members of these international organizations.

136. Based on these two documents, the Committee had a fairly general discussion on the role of observers, and in particular on the role of the Three Sisters, in the Committee. Many Members had

maintained that the Three Sisters had a specific and distinctive role according to the SPS Agreement, while others had suggested that their role did not differ from that of other observer organizations.

137. In concluding the meeting, the former Chairperson had recalled that the main reason for having these discussions on observers was the long list of outstanding requests for observer status in the Committee. Clarifying the role of observers and the criteria for granting observer status were therefore necessary and linked with the outstanding requests issue. Due to lack of time, the former Chairperson had asked that Members submit their comments on the two documents presented, or any other general comments on the role of observers, before 17 September. She had proposed that an informal meeting be scheduled prior to the next regular meeting of the Committee to discuss: (i) the role of observer organizations, and the criteria for granting observer status; (ii) the role of the Three Sisters; and (iii) outstanding requests.

138. Following the report on the informal meeting, the Chairperson noted that outstanding requests for observer status had not been considered at the informal session held on 9 July due to time constraints. She invited Members to consider these requests according to the categorization proposed in document G/SPS/GEN/1157.

139. The Committee **agreed** to grant observer status, on an ad hoc, meeting-by-meeting basis, to the African Union (AU), the Common Market for Eastern and Southern Africa (COMESA), the Economic Community of Central African States (ECCAS/CEEAC), and the Gulf Co-operation Council Standardization Organization (GSO).

140. No consensus was reached regarding the requests of other organizations, and the Committee agreed to revert to these at its October meeting.

XIV. OTHER BUSINESS

141. Ecuador, on behalf also of Cameroon, Colombia, Ghana, Mexico, Nicaragua and Peru, recalled the previously raised concern about the EU decision to amend Regulation (EC) No. 1881/2006 to modify the maximum acceptable levels of cadmium in cacao and chocolate products (G/SPS/GEN/1173/Rev.1). The co-authors requested the European Union to clearly demonstrate the relative contribution of chocolate to dietary cadmium exposure and its adverse effects. In light of the significant differences in the JECFA and EFSA recommendations for tolerable weekly intake (TWI) and tolerable monthly intake (TMI) levels for cadmium, they urged the European Union to convene a joint EFSA-JECFA meeting with a view to reaching an agreement on the methodology used to establish such limits, and the outcomes. They stressed that the European Union should ensure that any limit it applied was in accordance with the SPS Agreement, and should take into account new data to review and harmonize methodologies to determine the cadmium content in relevant chocolate products. They also requested that, if the new measure were adopted, the European Union allow a transition period of at least five years, to permit producers to adapt to the measures. Cameroon, Colombia, Costa Rica, Cuba, Dominican Republic, Ghana, Guatemala, Jamaica, Mexico, Nicaragua, Venezuela and Peru echoed this concern.

142. The European Union noted that this was not a new concern, and that they were prepared to respond despite this being raised without any warning under "Other Business". The EU clarified that any amendment to Regulation 1881/2006 was intended to focus primarily on foodstuffs for which no maximum levels for cadmium currently existed. Maximum levels for other foodstuffs - such as vegetables and cereals which also contributed cadmium to the daily diet - already existed and therefore would not be treated in the proposal currently under discussion. The new proposal would instead focus on those foodstuffs such as chocolate/cocoa products and baby foods, for which no maximum levels were established. The European competent authorities were currently evaluating the data provided by cocoa producers in the past months and EU member States would discuss the

maximum residue limits (MRLs) for cadmium in cocoa products this autumn. Differing consumption patterns of different chocolate products would be taken into consideration in the establishment of the MRLs, and a reasonable transition period provided. The European Union took this issue very seriously and looked forward to continuing dialogue with interested Members.

143. Codex stated that the issue of MRLs for cadmium in cocoa products was currently under discussion, and relevant data provided by members would be evaluated by JECFA. The issue would be addressed at the next session of Executive Committee of the Codex Alimentarius Commission in June 2013.

XV. DATE AND AGENDA OF NEXT MEETING

144. The next regular meeting of the Committee is tentatively scheduled for **18 - 19 October 2012**. A hands-on workshop on transparency, and in particular on the use of the SPS document database (SPS IMS) and the online submission of SPS notifications (SPS NSS), would be held on 15 October and continue in the morning of 16 October 2012. Informal meetings on ad hoc consultations, private standards and observers would be scheduled for the afternoon of 16 October and on 17 October. The informal meetings regarding the use of ad hoc consultations and on private standards were open for participation by observer organizations, but the informal meeting on observers would be a closed meeting.

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

1. Adoption of the agenda

2. Information on relevant activities
   - (a) Information from Members
   - (b) Information from the relevant SPS standard-setting bodies

3. Specific trade concerns
   - (a) New issues
   - (b) Issues previously raised
   - (c) Consideration of specific notifications received]
   - (d) Information on resolution of issues in G/SPS/GEN/204/Rev.12

4. Operation of transparency provisions
   - (a) Report on workshop

5. Implementation of special and differential treatment

6. Equivalence – Article 4
   - (a) Information from Members on their experiences
   - (b) Information from relevant Observer organizations

7. Pest- and Disease-free areas – Article 6
   - (a) Information from Members on their pest or disease status
   - (b) Information from Members on their experiences in recognition of pest- or disease-free areas
   - (c) Information from relevant observer organizations

8. Technical assistance and cooperation
   - (a) Information from the Secretariat
     - (i) WTO SPS activities
     - (ii) STDF
   - (b) Information from Members
   - (c) Information from Observers
9. Review of the Operation and Implementation of the SPS Agreement
   - (a) Issues arising from the Second Review
     - (i) Use of ad hoc consultations – Report on informal meeting
10. Monitoring of the use of international standards
    - (a) New issues
    - (b) Issues previously raised
11. Concerns with private and commercial standards
    - (a) Report on informal meeting
12. Observers
    - (a) Report on informal meeting
    - (b) Information from Observer organizations
    - (c) Request for observer status
      - (i) Ad hoc Observers
      - (ii) New requests
      - (iii) Outstanding requests
13. Chairperson's annual report to the Council for Trade in Goods
14. Other business
15. Date and agenda of next meeting

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

- Any comments on the proposed agenda for the October transparency workshop must be submitted to the Secretariat by **Friday**, **17 August**. This was also the deadline for the Secretariat to circulate the revised proposal regarding ad hoc consultations, G/SPS/W/259/Rev.4.
- Members' comments on G/SPS/W/259/Rev.4, as well as with regard to the background document on the role of observers (G/SPS/GEN/1157), should be provided to the Secretariat no later than **Monday, 17 September**.
- For identifying new issues for consideration under the monitoring procedure, and for requesting that items be put on the agenda: **Thursday, 4 October.**
- For the distribution of the Airgram: **Friday, 5 October.**