



REPORT (2016) ON THE ACTIVITIES OF THE COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES

1.1. The present report is being circulated by the Chairperson of the Committee on Sanitary and Phytosanitary Measures on her own responsibility. This report provides a summary of the activities and decisions of the Committee during 2016.

1.2. The Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") held regular meetings on 16-17 March, 30 June - 1 July, and 27-28 October 2016. Mr Felipe Hees (Brazil) had been elected in 2015 as Chairperson for 2015-2016. The SPS Committee elected Ms Marcela Otero (Chile) as the new Chairperson for 2016-2017 at the beginning of its July meeting.

1.3. In October 2016, the SPS Committee held a Workshop on Pesticide MRLs, organized by the Secretariat.¹ This workshop included sessions on the Codex process for setting MRLs, different national frameworks, regional initiatives and the role of the private sector. Other sessions focused on difficulties in establishing MRLs for so-called "minor use crops", the impact of default MRLs (often set at limits of detection) and of MRL expiration on international trade. The Committee found the workshop useful and considered proposals for follow-up work, to increase transparency and harmonization, ensure the best use of the limited resources available for MRL development and reduce duplication of work.

1.4. Following up on the Workshop on Transparency held in October 2015, the Committee continued to discuss possible improvements in the area of transparency throughout 2016, including a joint proposal by Chile and the European Union². The proposal contains suggestions to facilitate sharing of unofficial translations of notified SPS measures, to discuss how Members decide which SPS regulations they notify as trade-facilitating measures, and to establish a central platform to share links to website where Members publish information about final SPS regulations. The Committee agreed to hold an experience-sharing session on notification of trade facilitating measures in March 2017.

1.5. The SPS Committee considered the Annual Overview of the implementation of the transparency provisions of the SPS Agreement.³ Considering all types of notifications, a total of 20,618 notifications were submitted from 1 January 1995 to 21 October 2016. Between 1 January and 21 October 2016, 797 regular notifications and 53 emergency notifications were circulated. The share of notifications from developing countries in the total continues to be high, at about 67% in 2016. As of 21 October, 122 Members had submitted SPS notifications, and of these, 40 Members had submitted SPS notifications online via the SPS Notification Submission System (NSS). In addition, Afghanistan, the Democratic Republic of the Congo and Kazakhstan have submitted SPS notifications for the first time in 2016.

1.6. The Committee also considered the Annual Report on the Procedure to Monitor the Process of International Harmonization.⁴ Four new issues were raised under this procedure in 2016. These were related to BSE restrictions not consistent with the OIE standard, and phytosanitary certificate requirements for processed food products, both raised by the United States; measures on bovine semen and reproductive material more restrictive than the OIE Standard, raised by Argentina; and the application of International Standards for Phytosanitary Measures (ISPM) 13 on notifications of non-compliance, raised by Senegal.

¹ The programme of the workshop is contained in G/SPS/GEN/1514/Rev.1.

² G/SPS/W/290.

³ G/SPS/GEN/804/Rev.9.

⁴ G/SPS/GEN/1490.

1.7. Many Members provided the SPS Committee with information regarding their status with respect to specific plant pests and animal diseases. These include, *inter alia*, information from Brazil and Mexico regarding freedom from classical swine fever, from Costa Rica, the European Union and Mexico regarding their negligible risk for BSE status, from Nigeria and the United States on their avian influenza situation, and from the Russian Federation on its foot and mouth disease (FMD) status. This information is compiled in the Annual Report on the Implementation of Article 6.⁵

1.8. At each meeting, Members provided information regarding changes in their SPS policies and situations. For example, Ukraine provided information on the Food Safety and Consumer Protection Service, Peru provided information on sanitary requirements for imports of processed foods, Turkey on recent developments in the field of plant health, and Japan provided information on its actions in containing the Fukushima Daiichi nuclear power plant accident. The European Union, the Russian Federation and Ukraine provided updates on the African swine fever situation, the United States on its Food Safety Modernization Act, and the European Union on its public consultation to define criteria for identifying endocrine disruptors.

1.9. The SPS Committee considered a wide range of specific trade concerns. Thirteen new specific trade concerns were raised during 2016. New trade concerns included, *inter alia*, Namibia's concerns over South Africa's revised veterinary health certificates for cattle, sheep and goats; Israel's concern over Costa Rica's regulation on pesticides and related substances; Mexico's concerns regarding Guatemala's restrictions on egg products; and Brazil's concerns over EU restrictions on exports of pork from the State of Santa Catarina. The European Union raised new concerns relating to China's import restrictions due to Schmallenberg Virus and Highly Pathogenic Avian Influenza; and the Russian Federation's import restrictions on certain animal products from Germany. Ukraine also raised a new concern over the Russian Federation's import measures.

1.10. Many previously raised concerns continued to be discussed during 2016. Several Members intervened on issues such as the EU Novel food Regulation, and the EU proposal for categorization on compounds as endocrine disruptors. Several Members also reiterated concerns regarding GMO-related policies proposed by the European Union and China, and a couple of Members raised US measures on catfish. Mexico reiterated concerns on Costa Rica's temporary suspension of issuing phytosanitary certificates for avocados. Nigeria reported that its concern concerning Mexico's measures on imports of hibiscus flowers had been resolved, and the European Union informed the Committee that its trade concern on China's import conditions related to phthalates in spirits and wine was resolved. Information on specific trade concerns is compiled on an annual basis in a report on specific trade concerns.⁶

1.11. Since October 2014, the Committee has been at an impasse in its adoption of the Report of the Fourth Review of the Operation and Implementation of the SPS Agreement⁷, and the Catalogue of Instruments Available to WTO Members to Manage SPS Issues⁸. On the Catalogue, although the Committee agreed on the value of the document, there was still no agreement on the inclusion of a disclaimer to clarify the legal status of the document, despite the Chairperson's efforts. A recommendation regarding the Committee's future work on private standards has been a point of contention in the adoption of the Review Report, and although several Members worked together to find a solution, they could not bridge the remaining differences. The Committee is now considering options on how to move beyond the impasse on the Review. There was no progress in the Committee's development of a working definition of the term "SPS-related private standard".

1.12. Members, Observer Organizations and the Secretariat provided information on SPS-related technical assistance activities at each of the Committee's meetings. The STDF Secretariat also kept the Committee informed of the work of the Standards and Trade Development Facility.⁹ Several information sessions were held in the margins of SPS Committee meetings, including EU sessions on its work on novel foods, and endocrine disruptors; and US sessions on the Food Safety Modernization Act, and on its Cooperation Programme on MRLs for Minor Use Crops.

⁵ G/SPS/GEN/1491.

⁶ G/SPS/GEN/204/Rev.16.

⁷ G/SPS/W/280/Rev.2.

⁸ G/SPS/W/279/Rev.2.

⁹ G/SPS/GEN/1470, G/SPS/GEN/1497 and G/SPS/GEN/1516.

The STDF organized a session on prioritizing SPS investments for market access (P-IMA) and a seminar on electronic SPS certification. Guidance on the reduction of risks associated with live species trade was presented by the CBD secretariat.

1.13. The SPS Committee maintained its close working relationship with the Codex, IPPC, and the OIE (often referred to as the "Three Sister" organizations) and received regular updates on their activities. Other observer organizations also provided information on their activities.

1.14. Members agreed to revise the structure of the SPS Committee agenda as a part of efforts to reinvigorate discussions within the Committee. The revised agenda structure was used for the first time in the October 2016 meeting.

1.15. The SPS Committee has tentatively agreed to hold regular meetings on 22–23 March, 13-14 July, and 1-2 November 2017.
