

**REPORT (2004) ON THE ACTIVITIES OF THE  
COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES**

1. The present report is being circulated by the Chairperson of the Committee on Sanitary and Phytosanitary Measures on his own responsibility. This report provides a summary of the activities and decisions of the Committee through 28 October 2004.
2. The Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") held three regular meetings in 2004: on 17-18 March, 22-23 June and 27-28 October.<sup>1</sup> At the June meeting Mr. Gregg Young (United States) was appointed Chairperson for the period 2004/2005.
3. In line with the directive from the Fourth Session of the Ministerial Conference<sup>2</sup>, the Committee completed its Programme for Further Work regarding the implementation of Article 4 of the Agreement (equivalence).<sup>3</sup> The Committee had previously agreed on clarifications of paragraphs 5, 6 and 7 of the Decision on Implementation of Article 4 of the Agreement and, at the March meeting, the Committee adopted a proposed further clarification of paragraph 5. Document G/SPS/19 was revised to reflect the Decision and the various clarifications that had been agreed.<sup>4</sup> In addition, as agreed in the Programme for Further Work, the observer organizations reported on their work with respect to equivalence during the March, June and October Committee meetings. Equivalence remains a standing item on the SPS Committee agenda.
4. The Committee also continued its examination of the implementation of the SPS Agreement and the concerns of developing countries. In 2003, the Committee had adopted in principle a proposal by Canada to enhance the transparency of special and differential treatment, subject to elaboration of the procedure.<sup>5</sup> Following discussions on this elaboration in the Committee meetings in March and June 2004, at the October meeting, the Committee adopted the elaboration.<sup>6</sup>
5. On other suggestions for addressing the special needs of developing countries, the Committee discussed further the proposal by Egypt.<sup>7</sup> Papua New Guinea also submitted a document on special and differential treatment, transparency and technical assistance.<sup>8</sup> With respect to the proposals referred to the SPS Committee by the General Council, although the Committee completed a work plan adopted in 2003, it was not able to reach a decision on any of the specific issues raised.<sup>9</sup> There were no substantive comments on this issue in the Committee meetings of March and June 2004. At

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<sup>1</sup> The report of the March meeting is contained in G/SPS/R/33, that of the June meeting in G/SPS/R/34 and corrigendum, and the report of the October meeting will be circulated as G/SPS/R/35.

<sup>2</sup> WT/MIN(01)/17, paragraph 3.3.

<sup>3</sup> G/SPS/20.

<sup>4</sup> G/SPS/19/Rev.2.

<sup>5</sup> G/SPS/W/127.

<sup>6</sup> G/SPS/33.

<sup>7</sup> G/SPS/W/143.

<sup>8</sup> G/SPS/GEN/469.

<sup>9</sup> JOB(03)/100 and G/SPS/26.

the meeting in October 2004, several Members suggested approaches to advance the work of the Committee on these issues, and the Committee agreed that special and differential treatment would remain a standing agenda item.

6. At its regular meetings, the SPS Committee considered a wide range of specific trade concerns, including many related to individual notifications. The issues discussed included, *inter alia*, trade restrictions relating to Ochratoxin A levels in coffee, measures taken in response to foot-and-mouth disease (FMD), avian influenza and bovine spongiform encephalopathy (BSE) disease outbreaks, and concerns regarding maximum levels of pesticides residues and contaminants. A number of questions and concerns regarding the lack of recognition of animal disease-free status and the implementation of the international phytosanitary standard on wood packing material were also considered by the Committee. Specific trade concerns raised in the Committee during 2004 will be summarized in the fifth revision of G/SPS/GEN/204.

7. Over 1099 notifications were submitted in accordance with the SPS Agreement in the period 1 January to 31 October 2004, bringing the total number of SPS notifications submitted since the entry into force of the Agreement to almost 5,240. In the March meeting, the Committee agreed on a proposal to provide information on the location of unofficial translations of the draft regulations notified by Members.<sup>10</sup> Some Members have since notified the existence of unofficial translations using the mechanism agreed in the March Committee meeting.

8. At all of its meetings in 2004, the Committee continued discussions on in the implementation of the transparency provisions of the Agreement. An evaluation by China of the notifications submitted in 2003 revealed continuing failures to respect the recommended procedures including for notification in advance of entry into force; provision of a reasonable period of time for comments; consideration of comments received; and providing a sufficient interval between adoption of a measure and its entry into force.<sup>11</sup> The Committee considered proposals for pre-notification of anticipated regulatory changes or regulatory calendars, and for the notification of measures fully based on a relevant international standard. The Committee also discussed the need for technical assistance to enable developing country Members to fully implement the transparency provisions of the Agreement, and to fully benefit from these provisions.

9. Numerous submissions and proposals regarding the implementation of Article 6 were considered by the Committee. Members provided information regarding their achievement of pest- or disease-free status, and a number of Members proposed that the Committee develop procedural guidelines to facilitate the recognition of pest- or disease-free areas. The Committee's discussions benefited from inputs from the OIE and IPPC with respect to Article 6 on pest- and disease-free areas. The Committee agreed to continue work on this issue.

10. Following the provisional procedures adopted in October 1997, the SPS Committee continued to monitor the use of international standards. The Sixth Annual Report on the Procedure to Monitor the Process of International Harmonization was adopted by the Committee in June.<sup>12</sup> At the October meeting, the Committee agreed to modify the provisional monitoring procedure to facilitate the consideration of new issues at each meeting.<sup>13</sup> New Zealand submitted a proposal for the consideration of regionalization under the procedure for monitoring international harmonization.<sup>14</sup>

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<sup>10</sup> G/SPS/GEN/487.

<sup>11</sup> G/SPS/GEN/498.

<sup>12</sup> G/SPS/31.

<sup>13</sup> G/SPS/11/Rev.1.

<sup>14</sup> G/SPS/W/151.

11. Members, the Secretariat and observer organizations provided information regarding their technical assistance activities at each meeting of the SPS Committee. By the October meeting of the Committee, 36 Members had submitted responses to the questionnaire regarding their technical assistance needs.<sup>15</sup> The Secretariat reported regularly on the operation of the Standards and Trade Development Facility (STDF), and provided details regarding its own SPS-related technical assistance training activities.<sup>16</sup>

12. At its October meeting, the Committee conducted a transitional review under Paragraph 18 of the Protocol of Accession of the People's Republic of China.<sup>17</sup>

13. At the Fourth Session of the Ministerial Conference in 2001, Ministers instructed the Committee to review the operation and implementation of the SPS Agreement at least once every four years, pursuant to the provisions of Article 12.7 of the Agreement. The report of the next review should be prepared for the Sixth Session of the Ministerial Conference. In the June meeting, the Committee discussed the background document describing the Committee's work since 1999 and adopted the procedures and timeline for the Review of the SPS Agreement.<sup>18</sup> Issues identified by Members for consideration during the Review were discussed in the October 2004 meeting.

14. The SPS Committee continued to grant ad hoc observer status on a meeting-by-meeting basis to the European Free Trade Association (EFTA), the Latin American Economic System (SELA), the Inter-America Institute for Cooperation on Agriculture (IICA), the Regional International Agricultural Health Organization (OIRSA), the ACP Group and the OECD. Consideration continued of requests for observer status from the Asian Pacific Coconut Community (APCC), the Convention on Biological Diversity (CBD) and its Cartagena Protocol on Biosafety, and the International Organization of Vine and Wine (OIV).

15. The SPS Committee maintained its close working relationships with the IPPC, the OIE and Codex and received regular updates on their activities. Other observer organizations also provided information on their activities, including technical assistance activities.

16. The Committee agreed to the following tentative calendar of regular meetings for 2005: 9-10 March, 29-30 June, and 26-27 October.

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<sup>15</sup> The questionnaire is contained in G/SPS/W/113, and the responses to the questionnaire have been circulated as addendum to G/SPS/GEN/295.

<sup>16</sup> G/SPS/GEN/523 and G/SPS/GEN/521, respectively.

<sup>17</sup> The report by the Chairperson to the Council for Trade in Goods is contained in G/SPS/34.

<sup>18</sup> G/SPS/GEN/510 and G/SPS/32.