

**IMPLEMENTATION OF THE SPS AGREEMENT – TRADE CONCERNS**

Submission by the European Communities at the meeting of 7-8 July 1999

1. The SPS Agreement's principle role is in providing a framework of provisions that guarantee transparency, non-discrimination and proportionality in the selection and enforcement of relevant sanitary and phytosanitary measures. The SPS Agreement establishes uniform multilateral requirements and procedures which should protect WTO Members from the threat of unilateral action and from the application of disguised restrictions to trade. SPS measures should serve their intended purpose of protecting public, animal and plant health.
2. One of the most important requirements is that SPS measures be based on scientific principles and that they are not maintained without sufficient scientific evidence. Risk assessment as appropriate to the circumstances is required.
3. The SPS Agreement emphasizes the need for transparency not only of SPS measures but of the whole regulatory process. The importance all WTO Members attach to transparency is reflected in the specific provisions contained in the SPS Agreement itself. Member's views were clearly expressed under the process that led to the review of the SPS Agreement, concluded at the March 1999 meeting, where steps to address the issue were suggested and the need for greater communication and exchange of information was emphasized.
4. Since the inception of the SPS Agreement, the European Communities has demonstrated its willingness in cooperating with other Members where requested. In doing so, it has fully responded to its obligations under Annex B of the SPS Agreement, as well as with the provisions of Article 5.8.<sup>1</sup>
5. The European Communities has up to now submitted a number of documents in the framework of the SPS Committee meetings to draw the Committee's attention to notifications which directly or indirectly affect our exports and which in our view constitute an obstacle to trade (*Notifications received*).
6. The European Communities has also raised in the SPS Committee measures which significantly affect trade in specific commodities, but which have not been notified under the SPS Agreement (*Trade concerns*).
7. The European Communities wishes to draw the attention of the Committee to the most relevant trade issues and SPS notifications which have recently been the object of communications or of comments and are still pending.

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<sup>1</sup> "When a Member has reason to believe that a specific sanitary or phytosanitary measure introduced or maintained by another Member is constraining, or has the potential to constrain, its exports and the measure is not based on the relevant international standards, guidelines or recommendations, or such standards, guidelines or recommendations do not exist, an explanation of the reasons for such sanitary an phytosanitary measure may be requested and shall be provided (emphasis added) by the Member maintaining the measure."

8. We strongly believe that all Members should cooperate in promoting and enforcing the efforts of their trading partners to implement the SPS Agreement's provisions and the European Communities must emphasize the need for Members to comply fully with their obligations as set out in Annex B and Article 5.8 of the SPS Agreement.

Annex

<b>TRADE CONCERNS</b>			
<b>Subject</b>	<b>N° SPS Notification/ Date of Issue</b>	<b>N° EC document/ Date of Submission</b>	<b>Follow-up</b>
<b>Specific notification received Issued raised in the SPS Committee framework</b>			
Ban on the importation of ruminants and derived products – BSE	G/SPS/N/USA/106 and 106/Rev.1 23 January 1998	G/SPS/GEN/66 12 March 1998	No answer to the EC SPS Enquiry Point (ECEP)
Restriction on the importation of poultry meat – IBD	G/SPS/N/AUS/72	G/SPS/GEN/96 15 September 1998	Answers given to the ECEP – Under evaluation
List of quarantine pests not submitted to quarantine measures	G/SPS/N/JPN/37 23 July 1998	G/SPS/GEN/102 11 November 1998	No answer to the ECEP
Restriction on the importation of bovine and bovine products – BSE	G/SPS/N/ISR/2 19 August 1998	G/SPS/GEN/104 11 November 1998	Answers given to the EC Services – Under evaluation
Ban on the import of bovine products from certain countries (hides and skins) - BSE	G/SPS/N/POL/6 29 May 1998	Bilateral 15 September 1998 10 March 1999	No answer to the ECEP
Ban on the import of bovine products from certain countries (meat) – BSE	G/SPS/N/POL/9 5 August 1998	Bilateral 15 September 1998 10 March 1999	No answer to the ECEP
Restriction on the importation of milk and milk products – microbiological contamination	G/SPS/N/POL/14 05 August 1998	Presentation 11 November 1999 <sup>2</sup>	No answer to the ECEP
Restriction on the importation of bovine semen - BSE <sup>3</sup>	G/SPS/N/ARG/38 29 January 1999	G/SPS/GEN/114 10 March 1999	No answer to the ECEP

<sup>2</sup> Under Agenda item "Other business".

<sup>3</sup> Also under "EC comments sent after the March SPS Committee meeting".

<b>Subject</b>	<b>N° SPS Notification/ Date of Issue</b>	<b>N EC document/ Date of Submission</b>	<b>Follow-up</b>
<b>Other trade issues</b>			
Roquefort cheese – export to Australia – restrictions		G/SPS/GEN/103 11 November 1998 <sup>4</sup>	No answer to the ECEP
Horses – export to India – restriction		G/SPS/GEN/112 10 March 1999	No answer to the ECEP
Bovine semen- export to India – restriction		G/SPS/GEN/113 10 March 1999	No answer to the ECEP
<b>Specific EC comments<sup>5</sup></b>			
Poultry meat – water contents, decontamination, labelling	G/SPS/N/USA/136 30 September 1998	29 January 1999	No answer to the ECEP
Fish products – histamine contents, labelling, definitions	G/SPS/N/AUS/77 ANZFA 5 October 1998	16 December 1999	No answer to the ECEP
Fish products – histamine contents, labelling, definitions	G/SPS/N/NZL/22 ANZFA 4 November 1998	16 December 1999	No answer to the ECEP
Pig-meat – PRRS	G/SPS/N/AUS/47 29 July 1997	26 September 1997	No answer to the ECEP
<b>EC comments sent after the March SPS Committee meeting<sup>6</sup></b>			
Restriction on the import of bovine semen	G/SPS/N/ARG/38 29 January 1999	8 April 1999	No answer to the ECEP
Restriction on the import of bovine semen	G/SPS/N/CHL/31 8 January 1999	10 June 1999	No answer to the ECEP
Temporary importation of horses	G/SPS/N/AUS/87	7 June 1999	No answer to the ECEP

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<sup>4</sup> Concerns reiterated during SPS Committee meeting of 10 March 1999.

<sup>5</sup> Directly sent to the National SPS Enquiry Point.

<sup>6</sup> Directly sent to the National SPS Enquiry Point.