



**Committee on Sanitary and Phytosanitary Measures**

**REVIEW OF THE OPERATION AND IMPLEMENTATION  
OF THE SPS AGREEMENT**

DRAFT BACKGROUND DOCUMENT<sup>1</sup>

*Note by the Secretariat<sup>2</sup>*

**INTRODUCTION**

Article 12.7 of the Agreement on the Application of Sanitary and Phytosanitary Measures ("the Agreement") provides that "the Committee shall review the operation and implementation of this Agreement three years after the date of entry into force of the WTO Agreement, and thereafter as the need arises". A First Review of the Agreement was completed in March 1999.<sup>3</sup>

At the Fourth Session of the Ministerial Conference, Ministers instructed the Committee to review the operation and implementation of the Agreement at least once every four years.<sup>4</sup> The Fourth Review of the Agreement was completed in July 2017.<sup>5</sup> At its March 2018 meeting, the Committee adopted a procedure and timetable to undertake the Fifth Review of the Agreement.<sup>6</sup>

This background document, following past practice, provides information regarding the implementation and operation of issues covered in previous Reviews. In addition, this background document provides information on the Committee's work on risk analysis, and on the Catalogue of Instruments to Manage SPS Issues, undertaken in the context of the Fourth Review. This background document also includes a section related to the Committee's recent work on cross-cutting issues, in particular in relation on maximum residue limits for pesticides.

- Monitoring the use of international standards (Articles 3.5 and 12.4);
- Equivalence (Article 4);
- Risk analysis: risk assessment (Article 5), risk management and communication;
- Consistency (Article 5.5);
- Regionalization (Article 6);
- Transparency (Article 7 and Annex B);
- Technical assistance and training activities (Article 9);
- Special and differential treatment (Article 10);
- Dispute settlement activities (Article 11);

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<sup>1</sup> This document reflects the work of the SPS Committee from January 2014 until December 2017, unless stated otherwise.

<sup>2</sup> This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

<sup>3</sup> G/SPS/12.

<sup>4</sup> WT/MIN(01)/17.

<sup>5</sup> G/SPS/62. In accordance with the procedures for the Fourth Review, the Committee considered the revised report of the Review for adoption for the first time at its October 2014 meeting. After submission of Members' comments and suggestions, as well as further discussions in several Committee meetings, the report was subsequently adopted in July 2017. As such, the report of the Fourth Review largely reflects the work of the Committee as of October 2014, except where stated otherwise.

<sup>6</sup> G/SPS/W/296/Rev.1.

- Implementation of the Agreement (Articles 12.1 and 12.2) – Specific trade concerns;
- Implementation of the Agreement (Article 12.2) – Use of ad hoc consultations;
- Cooperation with Codex Alimentarius, International Plant Protection Convention (IPPC) and the World Organisation for Animal Health (OIE) (Article 12.3);
- Good regulatory practice;
- SPS-related Private Standards;
- Catalogue of instruments to manage SPS issues; and
- Cross-cutting issues (Pesticide MRLs).

For ease of reference, this draft background document includes the recommendations from the Fourth Review in the relevant sections. However, this is not intended to prejudge the discussions that will take place under the Fifth Review, or its outcome. Members will have an opportunity to discuss the structure of the report of the Fifth Review, and the desired process for its preparation.

Information presented in this document, particularly in sections 6 and 10, has been retrieved from the SPS Information Management System (SPS IMS: <http://spsims.wto.org>). The categories of level of development and the geographical groupings of Members are based on the WTO IDB reference database ([idb@wto.org](mailto:idb@wto.org)).

Appendix A of this document provides a list of Secretariat background documents and other meeting documents from January 2014 to December 2017. Appendix B provides a list of documents submitted by Members since January 2014 that are relevant to the various issues raised in this Background Document. Appendix C similarly provides a list of documents submitted by Observer Organizations since January 2014. Appendix D provides information about SPS-related dispute settlement activities.

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## 1 MONITORING THE USE OF INTERNATIONAL STANDARDS (ARTICLES 3.5 AND 12.4)

### Recommendations resulting from the Fourth Review:

- The Committee should continue to monitor the use of international standards at each of its regular meetings (G/SPS/11/Rev.1). It should continue to review the monitoring procedure as part of the periodic reviews of the SPS Agreement, as foreseen in the Decision to Modify and Extend the Provisional Procedure to Monitor the Process of International Harmonization.<sup>7</sup>
- Members are encouraged to provide information regarding their experiences, or lack thereof, in the implementation of international standards (Articles 3.5 and 12.4).
- Members should ensure their full implementation of the transparency provisions of the SPS Agreement, and to the extent possible, follow the recommended procedures established by the Committee (G/SPS/7/Rev.3), including those relating to the notification of measures conforming to international standards.

1.1. Articles 3.5 and 12.4 of the SPS Agreement require the Committee to develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines and recommendations. The Committee initially adopted a monitoring procedure in 1997, which was revised in November 2004.<sup>8</sup> In June 2006, the Committee decided to extend this procedure indefinitely, and to review its operation as an integral part of the periodic review of the operation and implementation of the Agreement under Article 12.7.

1.2. The monitoring of the use of international standards is a standing item on the agenda of regular Committee meetings, and in accordance with the agreed procedure, the Committee has produced annual reports relating to the process of monitoring international harmonization.<sup>9</sup>

1.3. In 2014, the IPPC presented information on the Implementation Review and Supporting System (IRSS), noting that the system had been widely recognized as a very helpful tool to promote and facilitate the IPPC monitoring system.<sup>10</sup> Chile reaffirmed the need to revise the monitoring procedure under Article 12.4 to address the problems of developing countries that find it difficult to attend the three sisters' meetings and therefore lack information on the extent to which international standards are being applied.

1.4. In 2015, several new issues were raised under the monitoring procedure: (i) the United States' concern on the use of the Codex international standard on glyphosate; (ii) Burkina Faso's concern on the lack of a Codex standard for imidacloprid in sesame; and (iii) Belize's concerns regarding Members' deviations from the use of international standards. One previously raised issue was also discussed regarding the United States' concerns on HPAI restrictions not consistent with the OIE international standard.

1.5. In 2016, several previously raised issues were discussed: (i) the United States' concerns regarding BSE restrictions not consistent with the OIE International Standard; (ii) the United States' concerns regarding IPPC phytosanitary certificate requirements for processed food products; (iii) Argentina's concerns regarding measures on bovine semen and reproductive material more restrictive than the OIE Standard; (iv) Senegal's concerns regarding the application of ISPM 13 on notifications of non-compliance; (v) the United States' concern regarding the use of the Codex international standard on glyphosate; and (vi) the United States' concern regarding HPAI restrictions not consistent with the OIE International Standard.

1.6. In 2017, several new concerns were raised by the United States relating to: (i) Codex guidelines and principles for official certification requirements; (ii) the relation of the World Health Organization and the Food and Agriculture Organization to Codex Alimentarius; and (iii) the OIE's new chapter on porcine reproductive and respiratory syndrome (PRRS). Also in 2017, several previously raised issues were discussed: (i) Argentina and the United States' concerns on the use

<sup>7</sup> G/SPS/40, paragraph 2.

<sup>8</sup> G/SPS/11/Rev.1.

<sup>9</sup> G/SPS/37, G/SPS/42 and G/SPS/42/Corr./1, G/SPS/45, G/SPS/49, G/SPS/51 and G/SPS/51/Corr.1, G/SPS/54, G/SPS/56, G/SPS/59, G/SPS/GEN/1332, G/SPS/GEN/1411, G/SPS/GEN/1490, G/SPS/GEN/1550.

<sup>10</sup> G/SPS/GEN/1344.

of the Codex international standard on glyphosate; (ii) Burkina Faso and Senegal's concerns regarding the application of ISPM 13 on notifications of non-compliance; (iii) the United States' concern regarding BSE restrictions not consistent with the OIE international standard; (iv) the United States' concerns regarding IPPC phytosanitary certificate requirements for processed food products; and (v) the European Union and the United States' concerns regarding HPAI restrictions not consistent with the OIE international standard. Codex submitted a report which provided additional information on glyphosate.<sup>11</sup>

## 2 EQUIVALENCE (ARTICLE 4)

### Recommendations resulting from the Fourth Review:

- The Committee should maintain equivalence as a standing item of the agenda for its regular meetings.
- Members are encouraged to provide information regarding their experiences, or lack thereof, in the implementation of Article 4 and in the use of the guidance developed by the Committee (G/SPS/19/Rev.2). In particular, Members are encouraged to notify any agreement reached on the recognition of equivalence in accordance with the agreed procedure.
- The relevant international organizations are invited to keep the Committee informed of any work they undertake with regard to the recognition of equivalence.

2.1. The Committee adopted an initial decision regarding the implementation of Article 4 on equivalence in October 2001. This initial decision included a commitment to develop a specific work programme to further the implementation of Article 4, which was concluded by the adoption of the current version of the equivalence guidelines in July 2004<sup>12</sup> and the agreement that equivalence would be a standing agenda item for the regular meetings of the Committee.

2.2. Under this agenda item, in 2015, Codex informed Members about its new work on guidance for the monitoring of the performance of national food control systems. Codex noted that the product of this work would not replace the equivalence provisions of the SPS Agreement. The final product would be available in about two to three years to improve the functioning of national food control systems.

2.3. Also in 2015, Senegal shared its experience in equivalence of procedures for peanut seed exports to China, based on the agreement on SPS requirements for peanut exports.<sup>13</sup> Senegal thanked China, the African Union and SPS standards organizations for supporting this equivalence initiative. China noted that it considered this equivalence agreement with Senegal to be a good example of constructive bilateral cooperation. In 2016, Senegal reported that its exports were expanding to other markets such as Indonesia, Malaysia and Viet Nam, and confirmed to its new trade partners that the same procedures were in place to achieve an appropriate SPS protection level with regard to groundnut production in Senegal. Senegal also thanked China for the cooperation and the smooth implementation of their bilateral agreement which was now in its second year.

2.4. Also 2016, Madagascar informed Members about the equivalence arrangements in place with regard to fishery products, specifically noting that the regulatory measures applied by its competent authority (Autorité Sanitaire Halieutique) to products intended for the European market had been recognized as equivalent to those provided in the European sanitary regulations. In addition, the competent Chinese veterinary authority had also recognized measures applied by the competent authority as equivalent to their measures and that a Memorandum of Understanding had been signed with China in 2014 that governed shrimp exports to the Chinese market. China thanked both Madagascar and Senegal for their particular comments on cooperation on SPS requirements regarding their exports of groundnuts and shrimp to China.

<sup>11</sup> G/SPS/GEN/1577/Add.1.

<sup>12</sup> G/SPS/19/Rev.2.

<sup>13</sup> G/SPS/GEN/1461.

2.5. The Secretariat reminded Members that the Committee's decision on equivalence laid out in G/SPS/19/Rev.2 encouraged Members to notify the recognition of equivalence. The Secretariat noted that a specific notification format for the recognition of equivalence existed and encouraged Members to use it. The Secretariat also highlighted that the importing country recognizing the equivalence of a measure, or an aspect thereof, should be submitting the notification.

2.6. In 2017, Madagascar announced that in December 2016, the South African Plant Protection Organization had recognized all phytosanitary measures taken by the Madagascar Plant Protection Organization as equivalent. Madagascar acknowledged that the effort to bring its measures into conformity had improved the access of Malagasy fresh lychees to the South African market.

### **3 RISK ANALYSIS: RISK ASSESSMENT (ART. 5), RISK MANAGEMENT AND COMMUNICATION**

3.1. In the context of the Fourth Review, the United States proposed the organization of a Workshop on Risk Analysis.<sup>14</sup> The United States noted that since the last workshop on this topic in 2000, a significant amount of work must have been carried out by Members and the Three Sisters. Many Members supported the proposal and proposed that a session on risk communication be included in the programme.

3.2. In 2014 meeting, the Committee agreed that risk analysis be the topic of that year's thematic workshop. The Committee also considered South Africa's proposal on risk assessment and the appropriate level of protection (ALOP), submitted in the context of the Fourth Review.<sup>15</sup> One Member proposed that the issue of special and differential treatment should also be taken into account when establishing the ALOP. The Committee agreed to address South Africa's proposal, which consisted of two questions related to the implementation of Article 5.4 of the SPS Agreement, in the context of the Workshop on Risk Analysis.

3.3. The Secretariat developed a programme for the workshop based on the US proposal and inputs from Members. Over 500 applications for WTO funding were received by the deadline. In selecting 50 participants for WTO funding, priority was given to LDC government officials and those holding responsibilities in the risk analysis area.

3.4. The Workshop on Risk Analysis was held on 13-14 October 2014. It provided a platform for discussion, experience sharing and best practices concerning SPS-related risk analysis. Delayed streaming of the workshop was made possible through a partnership with IICA. The presentations made at the workshop, as well as audio clips are available on the WTO website.<sup>16</sup>

3.5. In 2015, the United States presented a submission on possible next steps.<sup>17</sup> Its proposal focused on three key challenges identified by Members at the workshop, and for which further action had been suggested: (i) the need to improve sharing of information related to risk assessment; (ii) the interest from some Members to benefit from assistance of other Members to improve their capacity to perform risk analyses, for instance through a mentoring programme; and (iii) the suggestion to hold an informal session on risk communication prior to the July 2015 meeting of the Committee. The United States also noted the work being carried out in FAO, WHO and the Three Sisters on risk assessment and asked the Committee to strengthen its collaboration with these organizations.

3.6. Many Members expressed their general support for the US proposal, indicating that they would need more time to consider all the elements proposed and how they could be implemented in practice. In particular, the proposal to hold a Thematic Session on Risk Communication in July 2015 received broad support. FAO and IPPC expressed interest in participating in the thematic

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<sup>14</sup> G/SPS/W/275.

<sup>15</sup> G/SPS/GEN/1307.

<sup>16</sup> The summary report of the Risk Analysis Workshop was circulated as G/SPS/R/77. The programme, presentations and audio clips from the workshop are available at:

[https://www.wto.org/english/tratop\\_e/sps\\_e/wkshop\\_oct14\\_e/wkshop\\_oct14\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/wkshop_oct14_e/wkshop_oct14_e.htm).

<sup>17</sup> G/SPS/GEN/1401.

session. FAO also provided information on recent work done in this area,<sup>18</sup> in particular the development of a handbook on risk communication.

3.7. In 2015, the Committee held its first thematic session, on risk communication,<sup>19</sup> as a follow-up event to the 2014 Workshop on Risk Analysis. The thematic session provided the opportunity for Members and relevant international organizations to share experiences and lessons learned in relation to risk communication strategies in the SPS area. In addition, the Secretariat provided the historical context, recalling that when the SPS Agreement was negotiated, the Three Sisters had not yet developed clear guidance on the process of risk analysis. However, it had now been widely accepted that the risk analysis process involved risk assessment, risk management and risk communication. Several panellists - representing Codex, IPPC, OIE, FAO, IICA and the United States - responded to a series of questions on the existing guidance in the area of risk communication. In addition, speakers from both developing and developed countries highlighted the specific risk communication strategies that had been employed in response to pressing SPS issues.

3.8. Later in 2015, the United States presented a compendium on practical resources that Members could access on risk communication.<sup>20</sup> Recalling the significant interest in risk communication during the 2014 Workshop on Risk Analysis and the thematic session held in 2015, the United States had compiled a list of useful information and strategies collected from various international organizations, US government agencies and research organizations. In particular, the United States highlighted a compendium put together by the US National Academy of Science, which looked at factors that influenced how people absorbed information. The United States welcomed further discussions on risk analysis and the sharing of information and experiences.

3.9. In 2016, IICA informed the Committee of the approval of a resolution entitled "Working Group to Improve the Capabilities of the Countries of the Americas for Sanitary and Phytosanitary Risk Assessment" at the 18<sup>th</sup> meeting of the Inter-American Board of Agriculture (IABA), held in October 2015. IICA planned to establish a working group comprised of relevant regional organizations and also to organize a meeting in Costa Rica to discuss current approaches to risk assessment; national and regional challenges; capacity building needs and risk assessment; and strategies for improving the capacities of member countries and organizations. The result of the meeting would be a document explaining the current state of SPS risk analysis, and areas that need improvement, as well as proposed solutions to address deficiencies. IICA thanked Brazil for its interest and support for the development of this initiative. Brazil thanked IICA for informing the Committee of this initiative to improve the capacity of member countries in the area of SPS risk analysis, and further expressed its full commitment to participate and support the initiative.

3.10. In 2017, the Russian Federation reported on the international conference on Food Safety and Risk Analysis, held on 18-19 May 2017 in Sochi, Russia, jointly organized by the Russian Federation and the FAO. The meeting was attended by 250 representatives from 23 countries, several organizations and representatives of FAO, WHO, WTO and Codex. Leading scientists and experts had presented on the current status and trends in research on food safety. The conference had covered risk assessment, risk management and risk communication, food safety, food contamination and capacity building.

#### **4 CONSISTENCY (ARTICLE 5.5)**

##### **Recommendations resulting from the Fourth Review:**

- Members are encouraged to provide information regarding their experiences in the implementation of Article 5.5 and in the use of the guidelines (G/SPS/15).
- As foreseen in the Guidelines to further the Practical Implementation of Article 5.5 and in the Third Review, the Committee should continue to review these guidelines as part of the periodic reviews of the SPS Agreement.<sup>21</sup>

<sup>18</sup> G/SPS/GEN/1405.

<sup>19</sup> The programme is available in document G/SPS/GEN/1428. Presentations from the session are also available at: [https://www.wto.org/english/tratop\\_e/sps\\_e/wkshop\\_jul15\\_e/wkshop\\_jul15\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/wkshop_jul15_e/wkshop_jul15_e.htm).

<sup>20</sup> G/SPS/GEN/1456.

<sup>21</sup> Introduction, G/SPS/15 and paragraph 14, G/SPS/53.



4.1. Article 5.5 required the Committee to develop guidelines to further the practical implementation of that provision. The Committee adopted such guidelines (G/SPS/15) in July 2000, and subsequently agreed to review them as part of the periodic review of the operation and implementation of the SPS Agreement. To date no Member has suggested a need to modify these guidelines. Although there is no standing agenda item regarding Article 5.5, there is an opportunity for Members to provide information regarding their experiences in this regard under the Agenda Item "Information from Members on Relevant Activities".

## 5 REGIONALIZATION (ARTICLE 6)

### Recommendations resulting from the Fourth Review:

- The Committee should maintain regionalization as a standing item of the agenda for its regular meetings.
- Members are encouraged to provide information on their experiences in the implementation of Article 6, including on the use of the Guidelines adopted by the Committee in that regard (G/SPS/48).
- The observer organizations are invited to keep the Committee informed of their activities relevant to the recognition of pest- or disease-free areas or areas of low pest or disease prevalence.

5.1. Following adoption of the "Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures", the Committee agreed to monitor the implementation of Article 6, on the basis of information provided by Members through notifications and from information presented during SPS Committee meetings, and to revise the guidelines, if necessary in light of experience gained through the implementation of the Agreement and the use of the guidelines themselves. The following four reports have been issued by the SPS Secretariat during the period of this current review: (i) the first one covering the period from June 2013 through March 2014;<sup>22</sup> (ii) the second one covering the period from April 2014 through March 2015;<sup>23</sup> (iii) the third one covering the period from April 2015 through March 2016;<sup>24</sup> and (iv) the fourth one covering the period from April 2016 through March 2017.<sup>25</sup>

5.2. Both the IPPC and the OIE have provided guidance for countries seeking to establish, or to be recognized for, pest- or disease-free status. The IPPC currently has several directly relevant standards: ISPM 4 on requirements for the establishment of pest-free areas; ISPM 10 for the establishment of pest-free places of production and pest-free production sites; ISPM 22 on requirements for the establishment of areas of low pest prevalence; ISPM 26 on the establishment of pest-free areas for fruit flies; ISPM 29 on the recognition of pest-free areas and areas of low pest prevalence; and ISPM 30 on the establishment of areas of low pest prevalence for fruit flies. In addition, IPPC has a number of supporting standards, including guidelines for pest surveillance.<sup>26</sup>

5.3. The OIE Terrestrial Animal Health Code describes the requirements for obtaining disease-free status including requirements for surveillance and monitoring based on the concept of geographic zones. During its annual General Sessions, the OIE has adopted a number of resolutions related to recognition of disease-free areas. In 2015, the OIE adopted the revised standard on foot and mouth disease. In addition, a specific provision relating to the BSE standard was added to the Terrestrial Code. In 2016, the OIE adopted the amendment of the user guide to clarify that zoning and compartmentalization should be considered as tools to control diseases and to facilitate safe trade; and the addition of "reptiles" to the definition of "animal" in the glossary. In 2017, a major revision of the chapter on African swine fever was adopted.<sup>27</sup>

<sup>22</sup> G/SPS/GEN/1333.

<sup>23</sup> G/SPS/GEN/1412.

<sup>24</sup> G/SPS/GEN/1491.

<sup>25</sup> G/SPS/GEN/1552 and G/SPS/GEN/1552/Corr.1.

<sup>26</sup> For more information on the IPPC's work, see Appendix C.

<sup>27</sup> For more information on the OIE's work, see Appendix C.



5.4. In the 2015 meeting, the OIE provided information on the relevance of the OIE standards and related procedures in relation to two recent WTO disputes.<sup>28</sup> The United States expressed appreciation for the information provided by the OIE in its document, which illustrated how the OIE's standard setting activities helped resolve trade disputes and facilitate safe trade in live animals and livestock products. The United States highlighted several aspects of the paper that were particularly relevant to the effective functioning of the SPS Agreement. These aspects included, among others: the implementation of adopted standards and participation in the development of these standards; access to expertise and knowledge of scientists from the OIE's global network of reference centres and laboratories; and development of standards and guidance on regionalization.

5.5. Argentina and the European Union also extended appreciation for the work of the OIE in establishing standards for animal health and safe trade. The European Union further underscored its commitment to providing financial assistance to the OIE in order to facilitate broad participation of developing countries in the OIE's work. The European Union encouraged Members to use the OIE standards actively, in particular the standards on regionalization, which facilitated trade by ensuring measures were limited to what was necessary and justified.

5.6. In 2016, the OIE tabled a report<sup>29</sup> that related to official disease-free recognition status of member countries for six priority diseases: bovine spongiform encephalopathy (BSE); foot-and-mouth disease (FMD); contagious bovine pleuropneumonia (CBPP); African horse sickness (AHR); peste des petits ruminants (PPR) and classical swine fever (CSF).<sup>30</sup> The OIE highlighted its official endorsement of national disease control programmes currently provided with regard to FMD, PPR and CBPP.

5.7. In 2017, the Committee held a Thematic Session on Regionalization based on a proposal submitted by the European Union.<sup>31</sup> The purpose of the thematic session<sup>32</sup> was to provide an opportunity for Members to increase their awareness of regionalization principles, and to learn from each other by sharing experiences about the challenges and benefits, of implementing regionalization in practice from the perspective of an importing, as well as an exporting party. In particular, the thematic session focused on animal diseases. The workshop benefitted from presentations on the relevant provisions of the SPS Agreement (Article 6), guidelines (G/SPS/48), as well as jurisprudence from recent disputes. In addition, the OIE provided an overview of its standards on zoning and compartmentalization, including implementation challenges and opportunities in applying the regionalization approach. Members shared their experiences on the practical implementation of regionalization in dealing with diseases such as highly pathogenic avian influenza, BSE, classical swine fever, as well as more general experiences in applying the regionalization principle. Discussions highlighted the differences in terminology related to regionalization, the importance of 'peace-time' agreements and building trust among trading partners, as well as creating regional frameworks for cooperation, among others. In addition, several common weaknesses were identified in the recognition process from the importing Members' perspective, such as the submission of insufficient data by the exporting Member. In addition, the OIE underscored that reports of avian influenza outbreaks in wild birds should not change a country's disease status and, as such, should not result in trade restrictions.

5.8. Chile requested clarification on the OIE's plan for monitoring international standards. The OIE explained that it was still in the early stages of its work with the OECD to develop a framework to monitor the national implementation of OIE standards. Chile also suggested that the Committee organize another thematic session on regionalization with a specific focus on plant health. Several Members supported this suggestion. The United States further suggested developing a deeper exchange with the OIE on a regular basis, as the OIE's information was so valuable.

5.9. Also in 2017, the United States encouraged Members to actively use the agenda on regionalization to share experiences on challenges encountered and successes achieved in applying

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<sup>28</sup> G/SPS/GEN/1438.

<sup>29</sup> G/SPS/GEN/1499.

<sup>30</sup> A detailed list of countries, including some who had provided reports at the Committee meeting, can be found in Annex 1 of G/SPS/GEN/1499, as well as on the OIE website.

<sup>31</sup> G/SPS/W/293.

<sup>32</sup> The programme is available in document G/SPS/GEN/1567. Presentations from the thematic session are also available at: [https://www.wto.org/english/tratop\\_e/sps\\_e/wkshop11july17\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/wkshop11july17_e.htm).

the principles of regionalization to facilitate safe trade. It further encouraged Members to strengthen the implementation of regionalization in a manner consistent with Article 6 of the SPS Agreement. The United States proposed: (i) the upcoming Fifth Review of the SPS Agreement as a possible avenue to focus on regionalization; (ii) to further the discussion within the Committee by holding future thematic sessions or workshops to explore aspects of regionalization in greater detail, perhaps with a focus on developing guidance on best practices; (iii) a Thematic Session on Pest-Free Areas in February 2018;<sup>33</sup> and (iv) that Members report on cases where they had successfully applied the concept of regionalization in resolving a specific trade concern. The United States concluded by calling on other Members to provide possible ideas on how to build on the discussion held in July 2017 on regionalization. The United States offered to present a short proposal for the next Thematic Session on Pest-Free Areas for Members' comments, if there was interest.

5.10. The European Union welcomed the United States proposal and highlighted the importance of continuous work on regionalization, possibly within the framework of the Fifth Review. The European Union considered favourably the proposal to hold a Thematic Session on Pest-Free Areas in February 2018. The European Union was also interested in observing cases where regionalization had been useful and where it had failed to address trade concerns. With regards to the suggestion on guidance or best practices, the European Union pointed to the existing guidelines on the implementation of Article 6 and enquired about the added value in elaborating on this. Finally, the European Union emphasised the contribution of the relevant international organizations, the OIE and IPPC, on this matter. Chile also supported the US suggestions.

5.11. The OIE provided information on its Scientific Enquiry Commission proposal regarding emergency, preventive and temporary zoning in response to increased disease threats, avoiding unjustified barriers to trade.<sup>34</sup> An ad hoc group had also been established to undertake a review of Chapter 10.4 of the Code on infection with avian influenza viruses. The OIE also provided an update on its new Observatory project which aimed to develop a framework to monitor the progress and constraints faced in the implementation of OIE standards.

## 6 TRANSPARENCY (ARTICLE 7 AND ANNEX B)

### Recommendations resulting from the Fourth Review:

- The Committee should maintain transparency as a standing item of the agenda for its regular meetings.
- Members should ensure their full implementation of the transparency provisions of the SPS Agreement, and to the extent possible, follow the Recommended Procedures established by the Committee in G/SPS/7/Rev.3.
- Developing country Members should clearly identify specific problems they face in implementing the transparency provisions of the Agreement. Assistance should be provided to least-developed and developing country Members, and to their National Notification Authority and Enquiry Points, as required, in order to enable them to fully implement the transparency provisions and to make use of the benefits associated with transparency.
- Recognizing that the Recommended Procedures established by the Committee (G/SPS/7/Rev.3), while not creating legal obligations, can facilitate Members' implementation of the provisions of the SPS Agreement, the Committee should consider, as appropriate:
  - Specific proposals for modifications in the Recommended Procedures for implementing the Transparency Obligations of the SPS Agreement (Article 7), taking into account Members' difficulties in implementing them; and
  - Recommendations to the Secretariat to take into account when revising and modernizing the SPS Information Management System (SPS IMS) and Notification Submission System (SPS NSS).

<sup>33</sup> This session was held on 27 February 2018; the programme is contained in G/SPS/GEN/1596/Rev.1 and presentations have been made available at:

[https://www.wto.org/english/tratop\\_e/sps\\_e/wkshop27feb18\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/wkshop27feb18_e.htm).

<sup>34</sup> G/SPS/GEN/1583.

## 6.1 Online Systems and E-mail Lists

6.1. Up-to-date information on SPS notifications, as well as Committee documents, specific trade concerns and Members' National Enquiry Points and Notification Authorities continues to be available electronically via the SPS Information Management System (SPS IMS). This facilitates the conduct of searches according to specific needs and interests (product codes, geographic groups, etc.) and also the preparation of reports and summaries which can be shared with interested stakeholders.

6.2. In March 2017, the Secretariat launched the new versions of the SPS Information Management System (SPS IMS) and the Notification Submission System (SPS NSS). This formed part of a two-phase IT project to modernize the SPS IMS and NSS, which began in early 2015. In the first phase, the SPS NSS was developed and tested by a group of Members. During the 2015 October Transparency Workshop, the Secretariat presented the improved online SPS NSS. Participants also had the opportunity to use a pilot version of the new system in a hands-on exercise. The second phase, which began in early September 2016, focused on enhancements to the SPS IMS, and the same pilot group was invited to test the new SPS IMS, along with a few new added volunteer Members. This second phase also included verifying the interoperability of the IMS and NSS applications.

6.3. The new systems are more user-friendly, correct "bugs" in the previous systems, and are based on updated technology in line with other in-house applications such as I-TIP and the TBT NSS. In particular, the new NSS also supports rich text format, which was a major limitation of the previous system for some Members. Several Members highlighted the advantages of using the online notification system, such as reducing errors and time required to fill-in and submit notifications.

6.4. In November 2016, the ePing notification alert system was officially launched, the result of a tripartite cooperation between the UN Department of Economic and Social Affairs (UNDESA), the WTO and the International Trade Centre (ITC). UNDESA built the pilot version of ePing as part of a trade capacity building project for least developed countries. The WTO managed the depository of the SPS and TBT notifications and ITC brought significant experience in developing and maintaining online trade-related tools, targeted mainly at SMEs, and hosted the IT infrastructure and development. The tripartite cooperation was formalized through a memorandum of understanding, signed by the heads of the three organizations. The objective of this collaboration was to offer a publicly available, reliable, timely and sustainable service that would provide access to SPS/TBT notifications and that would facilitate dialogue amongst the public and private sector in addressing potential trade problems at an early stage.

6.5. Several Members thanked the Secretariat and indicated the need to ensure that there was appropriate capacity building in order to ensure that Members would be able to use the new systems. Various suggestions were made to improve the features of the IMS and NSS, including a country-specific graphing tool to display notifications or STCs in the IMS.

6.6. The 2011 edition of the Procedural Manual for NNAs and NEPs is currently being revised to incorporate the improved SPS NSS and IMS platforms and the new ePing alert system, as well as other general updates. Ms Sally Jennings from New Zealand, the original author of the manual, assisted in preparing the new revision. Burkina Faso, Chile, the Democratic Republic of Congo, Jordan, Madagascar and New Zealand submitted case stories for the Manual.

6.7. Detailed user guides for the SPS NSS and IMS are also currently under preparation. These guides will be shared with Members before being published on the transparency toolkit link of the SPS Webpage.

6.8. At end of November 2017, the two e-mailing lists managed by the SPS team, one for notifications and another for unrestricted documents, were discontinued. Members can continue to receive SPS documents through the new e-Subscriptions service. Access to this new service is restricted to delegates, who can obtain credentials through the delegation coordinator at their Geneva mission. Alternatively, SPS documents and notifications are available through WTO Docs Online or the SPS IMS. Additionally, it is possible to receive alerts on new SPS and TBT notifications through the ePing alert system.

## 6.2 "Technical Revision" of G/SPS/7/Rev.3

6.9. In November 2017, the Secretariat announced a "technical revision" of the Recommended Transparency Procedures; document G/SPS/7/Rev.3. The current version of the document contained outdated references to the online tools (SPS NSS, SPS IMS), other websites and outdated notification templates which were no longer in use since the WTO had updated its document formats in 2013. It also contained references to outdated practices for submitting notifications, for example by regular mail, or by fax. The revised version of the document was circulated after the SPS Committee meeting for comments by Members. No substantive changes to the Recommended Procedures were made. The Secretariat suggested a timeline for Members to comment on the proposed changes before the finalization of the revised document.

## 6.3 Update on Implementation of Transparency Provisions

6.10. Managing information on transparency remains challenging for many developing country Members, and many have flagged their need for assistance and support to resolve their individual transparency difficulties, for example with the process of sending notifications to the WTO. Other difficulties faced by developing country Members relate to the operation of their SPS National Notification Authority and their National Enquiry Point(s). In addition, the importance of Members updating information on their Enquiry Points and Notification Authorities was highlighted, as it assisted the process of communicating with trading partners.

6.11. The Secretariat also continues to provide annual updates on the level of implementation of the transparency provisions of the SPS Agreement; the latest was issued in October 2017.<sup>35</sup> As of 15 September 2017, Members had submitted 14,633 regular notifications and 1,978 emergency notifications (plus related addenda and corrigenda).<sup>36</sup> The Committee has also previously adopted a special format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures, now included in the transparency procedures. Furthermore, the Secretariat has previously established a mechanism for Members to inform each other of the availability of translations of notified measures into one of the official languages of the WTO. These are submitted in the form of supplemental notifications. As of 15 September 2017, two equivalence and 19 supplemental notifications had been circulated.

6.12. Out of the 164 WTO Members, 125 (76%) had submitted at least one SPS notification to the WTO. Members which had not submitted any notification so far include 14 developing countries, 16 LDCs, and one developed country. In addition, a number of EU member States have not submitted notifications; however, most SPS measures are notified by the European Union on behalf of all its member States.<sup>37</sup>

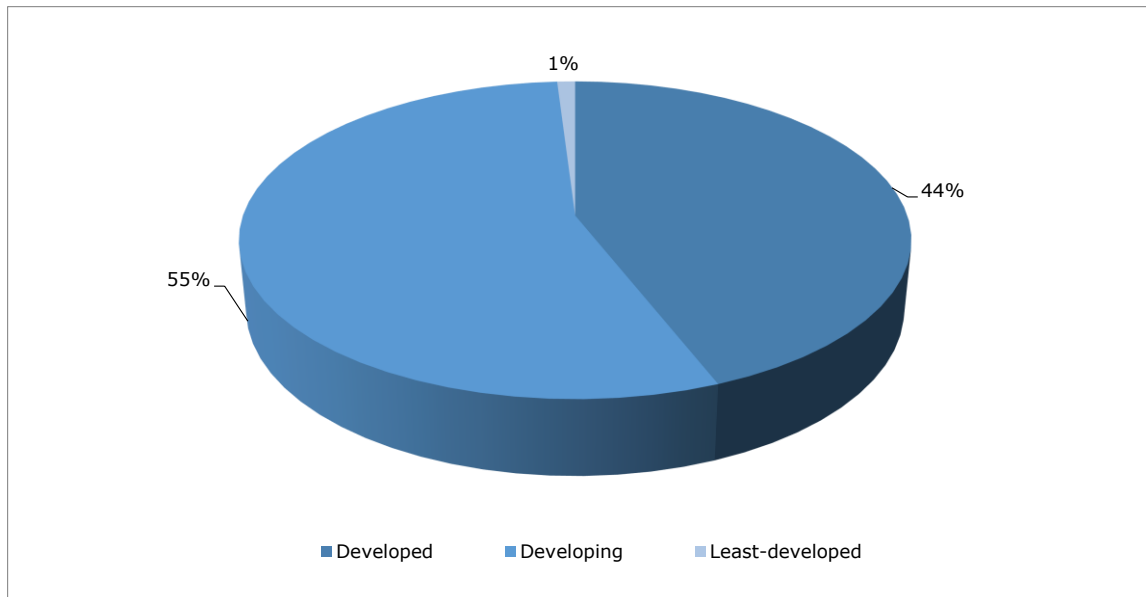
6.13. As can be seen in Chart 1, the share of notifications submitted by developing country Members (excluding LDCs) reaches 55% while the share of those submitted by developed country Members is 44%, reflecting the steady increase in notifications from developing country Members over the years. A very small share comes from LDCs.

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<sup>35</sup> G/SPS/GEN/804/Rev.10.

<sup>36</sup> Members had also submitted 4,876 addenda and 401 corrigenda to regular and emergency notifications. In total, 21,888 notifications had been submitted (including addenda and corrigenda).

<sup>37</sup> See G/SPS/GEN/456 and G/SPS/GEN/456/Corr.1 for notification procedures for the European Union and its member States.

**Chart 1 – Development status of notifying Members as of 31 December 2017**

6.14. Under the SPS Agreement, Members are required to notify both an Enquiry Point to provide answers to all reasonable questions from interested Members and a National Notification Authority to implement the notification procedures detailed in the Agreement. As of 15 September 2017, 156 WTO Members out of 164 had designated a "Notification Authority". Those Members which had not yet done so include six LDCs and two developing country Members. Of the 164 WTO Members, 161 had provided the WTO with the contact information of their Enquiry Point(s). Those which had not done so were all LDCs. Thirty Members had also identified more than one SPS Enquiry Point. The updated lists containing the contact information of National Enquiry Points and of National Notification Authorities are available from the SPS IMS.

6.15. At each meeting, Members are invited to raise any questions or concerns with regard to the implementation of the transparency provisions of the Agreement. Contributions made by Members since 2014 are listed in Appendix B. Transparency regarding SPS measures and policies is also provided by Members' reporting on relevant activities and developments under the agenda item "Information Sharing", in addition to "Operation of Transparency Provisions". Members frequently use this opportunity to present information on new regulatory policies, risk assessment practices, establishment of national SPS coordinating committees, etc. The standard-setting observer organizations also provide relevant information under the agenda item on "Information Sharing", further enhancing transparency.

#### 6.4 Proposals on Transparency

6.16. In the context of the Fourth Review, the European Union, Chile, Morocco and Norway made submissions related to transparency.<sup>38</sup> In particular, the joint proposal suggested that the recommended procedures be reviewed, with a view to improve such matters as: (i) the quality and completeness of the information provided in the notification; (ii) the timeliness of the publication of regular and emergency notifications; (iii) interactions with trading partners; and (iv) access to all measures adopted and proposed by a Member.

6.17. In addition, Chile, the European Union, Morocco and Norway submitted another proposal for actions related to the fulfilment of transparency obligations.<sup>39</sup> They proposed that actions take two forms: (i) specific proposals for modifications in the Recommended Procedures for implementing the Transparency Obligations of the SPS Agreement (Article 7)<sup>40</sup>; and (ii) recommendations to the

<sup>38</sup> EU general communication, G/SPS/W/274, and the joint submission by Chile, the European Union, Morocco and Norway, G/SPS/W/277.

<sup>39</sup> G/SPS/W/278, dated 26 May 2014.

<sup>40</sup> G/SPS/7/Rev.3.

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Secretariat on revising and modernizing the SPS Information Management System and (SPS IMS) and Notification Submission System (SPS NSS).

6.18. A diagnosis of the needs and difficulties encountered by Members was first carried out through a questionnaire,<sup>41</sup> in order to provide useful input before changing the current notification procedures. The responses to the questionnaire were analyzed,<sup>42</sup> presented to the Committee and discussed in March and July 2015. The Secretariat subsequently prepared a factual compilation of existing WTO definitions of "trade facilitating",<sup>43</sup> in response to requests from respondents to the questionnaire on the need to further define the term "trade facilitating". The Secretariat further highlighted that no official WTO definition of the term "trade facilitating" or "trade facilitation" had ever been adopted by WTO Members. Several Members expressed their interest in sharing their notification practices on the use of this term, rather than working on a definition.

6.19. Several other issues were highlighted from the analysis of the replies, such as: identification of the relevant international standard and whether there was conformity to such international standards; identification of HS Codes; emergency measures becoming permanent; measures notified after their adoption; and availability of translations. Members were of the view that the October Workshop on Transparency could be a good opportunity to share experiences and practices with regard to transparency, as well as to provide hands-on training on the SPS applications.

6.20. In the 2015 Transparency Workshop,<sup>44</sup> participants engaged in group discussions based on issues that had emerged from the analysis of the replies to the transparency questionnaire, and on how these could be addressed. Specifically, the following topics were discussed: (i) difficulties in filling in notifications; (ii) identifying trade facilitating measures; (iii) identifying and targeting interested stakeholders; (iv) handling comments; and (v) dealing with, and obtaining translations for, notified documents not in one of the WTO languages. Participants came up with a number of innovative suggestions on how to handle these issues.

6.21. Following up on the 2015 Transparency Workshop, the Committee continued to discuss possible improvements in the area of transparency throughout 2016, including a joint proposal by Chile and the European Union.<sup>45</sup> 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. Some Members raised issues related to the accuracy of translations, liability, formality, restricted access and anonymity. The Committee also agreed to hold an experience-sharing session on notification of trade facilitating measures in March 2017.

6.22. The Committee continued its discussions on the joint submission by Chile and the European Union in 2017. The Secretariat provided information on the transparency requirements under the Trade Facilitation Agreement and the mechanisms to publish notified information, which Members had requested to evaluate synergies with the proposal to create a platform to publish final regulations. In addition, the Secretariat presented the file-sharing feature of the ePing notification alert system, which could be used to share unofficial translations, and also briefly described the current mechanism for sharing unofficial translations, highlighting paragraph 28 of the Recommended Transparency Procedures (G/SPS/7/Rev.3). The Secretariat observed that this mechanism had rarely been used and further illustrated different options used to share translations through these supplements, including one option which allowed for anonymity.

6.23. Many Members recognized the usefulness of sharing translations, in particular for developing countries with limited resources, while they also expressed divergent views on some of the issues such as preserving anonymity, ensuring the accuracy of translations, and on the desirability of using existing resources versus developing a new platform. Overall, Members indicated the need for more time to assess the proposal, while reiterating their interest in continuing the discussions.

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<sup>41</sup> G/SPS/GEN/1382 was circulated on 2 February 2015.

<sup>42</sup> G/SPS/GEN/1402.

<sup>43</sup> G/SPS/GEN/1417.

<sup>44</sup> See section 7 for further information on this workshop.

<sup>45</sup> G/SPS/W/290.



6.24. In March 2017, the Committee held its Thematic Session on Notification of Trade-Facilitating Measures,<sup>46</sup> based on the joint proposal submitted by the European Union and Chile. The purpose of the session was for Members to present current practices in deciding which regulations to notify as trade facilitating measures. The Secretariat provided an overview of the notification obligations of the SPS Agreement, specifically Article 7 and Annex B. In addition, the Secretariat explained the current recommendations according to paragraph 13 of G/SPS/7/Rev.3. The thematic session also benefitted from presentations from Chile, the European Union, the United States and Canada. In the concluding discussion, it was further noted that it would be useful to have an indication of the type of measures to be classified as trade facilitating. The suggestion was also made for Members to undertake in-depth analyses, similar to those presented. The European Union highlighted that the intention of the session was not to formulate or agree on precise proposals to be adopted, but to allow for further reflection in order to perhaps revisit some of the ideas at a later stage, such as possibly within the context of the 2017 Transparency Workshop.

6.25. In October 2017, the Transparency Workshop was held, which included training on the use of the improved SPS Information Management System (SPS IMS) and the online Notification Submission System (SPS NSS)<sup>47</sup>, as well as the ePing SPS/TBT notification alert system. The workshop also provided a forum for discussion and experience-sharing on national consultation mechanisms for SPS regulations, and on other developments, challenges and practices in the area of SPS transparency.<sup>48</sup>

## 7 TECHNICAL ASSISTANCE AND TRAINING ACTIVITIES (ARTICLE 9)

### Recommendations resulting from the Fourth Review:

- The Committee should maintain technical assistance as a standing item of the agenda of its regular meetings.
- Members requiring technical assistance are encouraged to identify their specific needs in a clear and detailed manner that will permit these needs to be effectively addressed.
- Members providing technical assistance are encouraged to keep the Committee informed of specific programmes of assistance, including hard or soft infrastructure developments or any other technical assistance approaches.
- Members are encouraged to report on the effectiveness of the technical assistance they have received to assist them in complying with international and official standards.
- Members are invited to share information on their experiences regarding the use of the tools developed by the Secretariat to assist Members with the understanding and implementation of the SPS Agreement.
- The Secretariat is requested to keep the Committee informed of its relevant technical assistance activities and of the activities of the STDF.
- The observer organizations are invited to keep the Committee informed of their capacity building activities relevant to the SPS Agreement.

7.1. Technical assistance is a standing agenda item. At each regular meeting, Members and Observers are invited to identify any specific technical assistance needs which they may have, and/or to report on any SPS-related capacity building activities in which they are involved.

7.2. A number of Members have used the occasion of the SPS Committee meetings to comment on particular projects or activities that have enhanced their capacity to implement and benefit from the SPS Agreement. Some Members provide periodic updates regarding their SPS-related technical assistance activities, in particular Australia, Canada, the European Union, Japan and the United States.<sup>49</sup>

<sup>46</sup> The programme (G/SPS/GEN/1544) and presentations are available at: [https://www.wto.org/english/tratop\\_e/sps\\_e/wkshop22march17\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/wkshop22march17_e.htm).

<sup>47</sup> <http://spsims.wto.org>; <https://nss.wto.org/>.

<sup>48</sup> Additional information on this workshop is available in section 7 of this document.

<sup>49</sup> Contributions made by Members since 2014 are listed in Appendix B, tables C.1 and C.2.



7.3. In 2016, Australia provided information on its technical assistance to developing countries from July 2013 to June 2015. The aggregate value of the official development technical assistance during the reporting period exceeded AUD 35 million.<sup>50</sup>

7.4. In 2017, the European Union reported on its SPS-related activities during the period 2015-2016.<sup>51</sup> In total, 400 projects were fully, or partially, devoted to SPS technical assistance. The document also included contributions made to the three sisters and the STDF.

7.5. Japan informed the Committee about its SPS-related technical assistance provided during the period 1 April 2016 to 31 March 2017. The total value of the assistance amounted to approximately JPY 470 million (US\$4.3 million), with an accumulated amount of Japanese assistance since 1 April 2009 of approximately JPY 5.5 billion (US\$50 million).<sup>52</sup> In total, 62 relevant programs had been undertaken since 1 April 2009, to more than 50 countries in various regions, including Asia, the Pacific Region, Central America, South America, Central Asia, and Africa. This assistance had been carried out by the Japan International Cooperation Agency (JICA).

7.6. Canada provided an overview of its technical assistance activities delivered to developing countries.<sup>53</sup> Canada indicated that it had delivered or initiated 15 SPS-related technical assistance projects in 2016, targeting various geographic regions and amounting to approximately US\$15.83 million. This assistance addressed three of the four broad categories included in G/SPS/GEN/206, namely: information, training, and 'soft' infrastructural development.

7.7. The United States also reported on its sponsored technical assistance provided to developing and newly acceding countries to support their implementation of the SPS Agreement, from October 2014 to September 2016.<sup>54</sup> The United States highlighted various bilateral and regional capacity building activities, and indicated its commitment to provide demand-driven, results-oriented and sustainable programmes. The United States further welcomed input on the type of projects that would be of interest to Members, and looked forward to continuing its capacity building efforts, and cooperating with the STDF on cross-cutting SPS programmes.

7.8. In addition, other Members provide such information on an ad hoc basis. For example, in 2017, Burkina Faso, Chile, the Gambia, Madagascar, Mozambique, Nigeria, Paraguay, Senegal, Togo and Zambia provided technical assistance-related information.

7.9. The WTO Secretariat, as well as observer organizations,<sup>55</sup> also regularly report on their assistance activities. WTO's technical assistance activities in the SPS area increase participants' awareness about rights and obligations under the SPS Agreement and its implications at the national level. In the organization of SPS technical assistance activities, the levels of familiarity with the Agreement and advancement in its implementation are taken into consideration to meet and respond to individual country/regional needs. The programmes of national/regional activities include presentations on the transparency obligations, dispute settlement, implementation problems, specific trade concerns and technical/scientific issues such as risk analysis and equivalence, as well as the work undertaken by the Three Sisters.

7.10. Each year, a three-week advanced course on the application of the SPS Agreement provides in-depth and "hands-on" SPS training, where at the end of the course participants must elaborate an "action plan" to address identified SPS needs in their countries. Progress on the implementation of the action plans is then monitored through periodic reporting and is presented at an eight-day follow-up session the subsequent year. The Secretariat also offers an E-Learning Course on the SPS Agreement.<sup>56</sup>

7.11. Since 2010, Members have been informed at the beginning of each year of all SPS-related planned technical assistance activities and interested officials are invited to submit applications for

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<sup>50</sup> G/SPS/GEN/717/Add.5.

<sup>51</sup> G/SPS/GEN/1139/Add.4.

<sup>52</sup> G/SPS/GEN/1160/Add.5.

<sup>53</sup> G/SPS/GEN/1584.

<sup>54</sup> G/SPS/GEN/181/Add.12.

<sup>55</sup> Contributions made by observer organizations since 2014 are listed in Appendix C.

<sup>56</sup> More information on these training tools and material is available on the SPS webpage (<http://www.wto.org/spis>).

specific events. The latest revision of G/SPS/GEN/997 contains all the detailed information on eligibility criteria, deadlines, funding, pre-requisites and application processes. Since 2013, an online application form<sup>57</sup> has been used to solicit applications for SPS technical assistance activities.

7.12. In 2016, the Secretariat informed Members of its new approach to deliver more effective and demand-driven regional workshops, which would entail working collaboratively with regional organizations to address SPS-related training needs identified within various regions. Using this approach, the WTO Secretariat would schedule regional SPS workshops upon request from regional organizations, or from a Member in conjunction with a regional organization. Programmes, prerequisites and selection criteria would be defined for each requested activity. Since 2016, regional SPS workshops have been organized using this approach.

7.13. Every year, the Secretariat organizes a thematic workshop held back-to-back with one of the meetings of the SPS Committee. In 2014, the Secretariat organized a Workshop on Risk Analysis.<sup>58</sup> This workshop was based on a proposal submitted by the United States, in the context of the Fourth Review.<sup>59</sup> The United States had proposed that the Committee should organize a workshop on decision making and communication during the risk analysis process to build upon the previous workshop held in 2000.<sup>60</sup> The workshop also addressed South Africa's proposal,<sup>61</sup> which consisted of two questions related to the implementation of Article 5.4 of the SPS Agreement.

7.14. In 2015 and 2017, the Secretariat organized workshops on the transparency provisions of the SPS Agreement. The participation of officials from Members' SPS Enquiry Points and Notification Authorities was particularly encouraged in these training workshops. The objective of the 2015 workshop<sup>62</sup> was to enhance the implementation and benefits of the transparency provisions, in particular by sharing national experiences, and through "hands-on" training on the testing platform for the new versions of the SPS Information Management System (SPS IMS) and the Notification Submission System (SPS NSS). The workshop also included presentations on the WTO Integrated Trade Intelligence Portal (I-TIP),<sup>63</sup> the ePing notification alert system<sup>64</sup> and other tools to source WTO information. In addition, the workshop provided an occasion to discuss issues related to a joint proposal for actions related to the fulfilment of transparency obligations,<sup>65</sup> submitted in the context of the Fourth Review of the Operation and Implementation of the SPS Agreement. The analysis of the replies to the transparency questionnaire circulated to assess the needs and difficulties of Members<sup>66</sup> also provided further input for the discussions.

7.15. The 2017 Transparency Workshop<sup>67</sup> was a highly interactive "hands-on" training event focusing on the improved SPS IMS and NSS applications, which had been launched in 2017, as well as the ePing alert system. In addition, the workshop provided an open platform for discussion and sharing of national experiences, as well as best practices, in conducting public consultations when developing SPS regulations. Presentations were made by the WTO Secretariat, the OECD, the World Bank, and developed and developing country Members.

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<sup>57</sup> This application form is accessible via a web link, which is included in the latest revision of G/SPS/GEN/997.

<sup>58</sup> The summary report of the risk analysis workshop was circulated as G/SPS/R/77. The programme and presentations from the workshop are available at:

[https://www.wto.org/english/tratop\\_e/sps\\_e/wkshop\\_oct14\\_e/wkshop\\_oct14\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/wkshop_oct14_e/wkshop_oct14_e.htm).

<sup>59</sup> See G/SPS/W/275.

<sup>60</sup> The programme and presentations from the Workshop on Risk Analysis held in 2000, are available via the following link: [http://www.wto.org/english/tratop\\_e/sps\\_e/risk00\\_e/risk00\\_e.htm](http://www.wto.org/english/tratop_e/sps_e/risk00_e/risk00_e.htm).

<sup>61</sup> See G/SPS/GEN/1307.

<sup>62</sup> The summary report of the 2015 workshop was circulated as G/SPS/R/80. The programme (G/SPS/GEN/1446) and presentations from the workshop are available via the following link: [https://www.wto.org/english/tratop\\_e/sps\\_e/wkshop\\_oct15\\_e/wkshop\\_oct15\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/wkshop_oct15_e/wkshop_oct15_e.htm).

<sup>63</sup> <https://i-tip.wto.org>.

<sup>64</sup> <http://www.epingalert.org/>.

<sup>65</sup> Joint proposal submitted by Chile, the European Union, Morocco and Norway (G/SPS/W/278), which built on two former proposals regarding transparency (G/SPS/W/274 and G/SPS/W/277).

<sup>66</sup> Questionnaire circulated in document G/SPS/GEN/1382, and analysis of the replies to the questionnaire in document G/SPS/GEN/1402.

<sup>67</sup> The summary report of the 2017 workshop was circulated as G/SPS/R/89. The programme (G/SPS/GEN/1568/Rev.2) and presentations from the workshop are available via the following link: [https://www.wto.org/english/tratop\\_e/sps\\_e/wkshoptransparency\\_oct17\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/wkshoptransparency_oct17_e.htm).

7.16. In 2016, the Secretariat organized a Workshop on Pesticide Maximum Residue Levels (MRLs),<sup>68</sup> which brought together officials for an in-depth session focusing on the relevant provisions of the SPS Agreement and related jurisprudence, as well as the Codex approach to establishing MRLs. The workshop also benefitted from presentations on various regional and international initiatives focused on harmonizing MRLs and establishing MRLs for minor-use crops. In addition, various WTO Members shared their national experiences on establishing MRLs and provided insights into the challenges of implementing and complying with Codex MRLs, as well as the impact of default MRLs and MRL expiration on international trade. Speakers from the private sector also contributed to the workshop, highlighting the various ways for the private sector to be involved in establishing MRLs, such as by providing the relevant technical data. Several follow-up actions were proposed during the workshop, with a view to addressing various concerns related to pesticide MRLs.<sup>69</sup>

7.17. The Secretariat reports annually on all SPS-related technical assistance activities provided by the WTO Secretariat since September 1994.<sup>70</sup> For the period 1994 to 2017, the WTO Secretariat has undertaken a total of 386 technical assistance activities on the SPS Agreement, including 95 regional (or sub-regional) and 175 national seminars. Table 1 provides information about the number of sub-regional and national activities per year since the last review of the operation and implementation of the SPS Agreement. Table 2 shows the overall number of activities per region since 1994.

**Table 1: Number of SPS technical assistance activities provided by the Secretariat**

Year	Type of Activity			Total
	National Seminar	(Sub)Regional Workshop	Other	
2014	14	3	12	29
2015	13	3	10	26
2016	9	4	5	18
2017	12	1	8	21
<b>Total</b>	<b>48</b>	<b>11</b>	<b>35</b>	<b>94</b>

**Table 2: SPS technical assistance activities per region (1994-2017)**

Region	Type of Activity			Total
	National Seminar	(Sub)Regional Workshop	Other	
Africa	56	29	21	106
Arab and Middle East Countries	18	10	5	33
Asia and the Pacific	39	19	22	80
Central and Eastern Europe and Central Asia	15	8	7	30
Europe	1	3	7	11
Latin America and the Caribbean	46	26	9	81
North America	-	-	1	1
Global	-	-	44 <sup>71</sup>	44
<b>Total</b>	<b>175</b>	<b>95</b>	<b>116</b>	<b>386</b>

<sup>68</sup> The summary report of the Pesticide MRLs Workshop was circulated as G/SPS/R/85. The programme (G/SPS/GEN/1514/Rev.1) and presentations from the workshop are available via the following link: [https://www.wto.org/english/tratop\\_e/sps\\_e/wkshop\\_oct16\\_e/wkshop\\_oct16\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/wkshop_oct16_e/wkshop_oct16_e.htm).

<sup>69</sup> More information is provided in Section 16 on Cross-cutting issues.

<sup>70</sup> G/SPS/GEN/521, latest revision.

<sup>71</sup> This category also includes the Advanced SPS Course.

### The Standards and Trade Development Facility (STDF)

7.18. The STDF is a global partnership that helps developing countries build their sanitary and phytosanitary capacity and their ability to gain and maintain market access. The STDF contributes to broader sustainable development goals, such as enhanced economic growth, poverty reduction, food security and environmental protection. Established by the UN Food and Agriculture Organization, the World Organisation for Animal Health, the World Bank Group, the World Health Organization and the WTO, the STDF is financed by voluntary contributions. It provides a platform for organizations to come together to discuss SPS capacity building needs, share experiences and good practice, and leverage additional funding. In addition, the STDF provides seed funding to beneficiaries for the development and implementation of SPS projects. The WTO houses the Secretariat and manages the STDF trust fund.<sup>72</sup>

7.19. From 2014-2017, the STDF organized several thematic events on the margins of the SPS Committee to provide information to Members on several cross-cutting SPS issues. A list of STDF thematic sessions from 2014-2017 can be found below.

Implementing SPS Measures to Facilitate Safe Trade  March 2014	Presentation of preliminary findings and recommendations of three regional studies conducted in Africa, Asia and Latin America related to the implementation of SPS measures to facilitate safe trade, with a focus on Article 8 and Annex C of the SPS Agreement (Control, Inspection and Approval Procedures).  <a href="http://www.standardsfacility.org/facilitating-safe-trade">http://www.standardsfacility.org/facilitating-safe-trade</a>
Prioritizing SPS Investments for Market Access (P-IMA)  March 2016	Information session on the P-IMA framework, its guiding principles and the new User Guide as well as experiences and results of its application in several countries.  <a href="http://www.standardsfacility.org/prioritizing-sps-investments-market-access-p-ima">http://www.standardsfacility.org/prioritizing-sps-investments-market-access-p-ima</a>
Electronic SPS Certification  June 2016	Information session to raise awareness of the opportunities and the challenges related to the implementation of electronic SPS certification systems, mainly in developing countries.  <a href="http://www.standardsfacility.org/SPS-eCert">http://www.standardsfacility.org/SPS-eCert</a>
Options, costs and the feasibility of Foot-and-Mouth Disease control in the context of livestock trade  November 2017	Information session to present findings on the costs, benefits and feasibility of the following studies: <ul style="list-style-type: none"> <li>▪ Feasibility of establishing a fresh meat producing compartment in Zimbabwe (STDF/PPG/550)</li> <li>▪ Cost-Benefit Analysis for establishing a Foot-and-Mouth Disease Free Zone or Compartment in Tanzania (STDF/PPG/516)</li> </ul> <a href="http://www.standardsfacility.org/costs-and-benefits-fmd-control-context-livestock-trade">http://www.standardsfacility.org/costs-and-benefits-fmd-control-context-livestock-trade</a>

7.20. From 2014-2017, the STDF developed and launched two short films which were shown to the SPS Committee: "Safe Trade Solutions" and "Cocoa: a Sweet Value Chain". The first film looks at what Chile, Colombia and Peru have done to enable trade to flow faster across borders, while also ensuring the safety of imported food and preventing the entry of pests or diseases. The second one showcases how in today's global value chain, sanitary and phytosanitary capacity helps to make sure that cocoa plants are free from pests and diseases and that chocolate is safe for consumers. Both films along with other STDF-related videos can be found on the STDF YouTube channel.<sup>73</sup>

7.21. As part of its role to share available know-how and SPS-related good practice, the STDF regularly issues briefing notes on issues of interest. Between 2014-2017, the STDF released briefing notes on the following topics:

<sup>72</sup> More information on the STDF and its activities, including projects and project preparation grants, is available on the STDF website (<http://www.standardsfacility.org>). Members can also subscribe to the STDF mailing list to receive news on relevant activities.

<sup>73</sup> <https://www.youtube.com/c/STDFvideos>.

Implementing SPS Measures to Facilitate Safe Trade December 2015	<a href="http://www.standardsfacility.org/sites/default/files/STDF_Briefing_No_10_EN_web.pdf">http://www.standardsfacility.org/sites/default/files/STDF_Briefing_No_10_EN_web.pdf</a>
Prioritizing SPS Investments for Market Access (P-IMA) January 2016	<a href="http://www.standardsfacility.org/sites/default/files/STDF_Briefing_No_11_PIMA_EN.pdf">http://www.standardsfacility.org/sites/default/files/STDF_Briefing_No_11_PIMA_EN.pdf</a>
Enhancing SPS capacity to promote trade for development in LDCs March 2016	<a href="http://www.standardsfacility.org/sites/default/files/STDF_Briefing_no_12_EN.pdf">http://www.standardsfacility.org/sites/default/files/STDF_Briefing_no_12_EN.pdf</a>
Inclusive Trade Solutions: women in SPS capacity building November 2017	<a href="http://www.standardsfacility.org/sites/default/files/STDF_Briefing_note_13.pdf">http://www.standardsfacility.org/sites/default/files/STDF_Briefing_note_13.pdf</a>
Partnering with the private sector: delivering SPS outcomes February 2017	<a href="http://www.standardsfacility.org/sites/default/files/STDF_Briefing_No_te_15.pdf">http://www.standardsfacility.org/sites/default/files/STDF_Briefing_No_te_15.pdf</a>
Facilitating safe trade: going paperless with SPS e-certification July 2017	<a href="http://www.standardsfacility.org/sites/default/files/e_Cert_Briefing_note_EN.pdf">http://www.standardsfacility.org/sites/default/files/e_Cert_Briefing_note_EN.pdf</a>
SPS capacity evaluation tools in action October 2017	<a href="http://www.standardsfacility.org/sites/default/files/STDF_Briefing_14.pdf">http://www.standardsfacility.org/sites/default/files/STDF_Briefing_14.pdf</a>

7.22. In 2017, the STDF initiated work on good regulatory practice (GRP)<sup>74</sup> which included undertaking a short informal survey to find out how SPS agencies in developing country Members apply good regulatory practices to strengthen the development, implementation and review of SPS measures. The survey was developed with a core group of interested STDF partners: FAO, OIE, IPPC, Codex, the World Bank, WTO, as well as the United States and the European Commission as donor Members. The STDF plans to identify case stories on the use of good regulatory practice and may hold a thematic session on the margins of the SPS Committee meeting, if Members were interested.

7.23. The STDF Working Group agreed in late 2017 to begin new thematic work on the implementation of international standards in a public-private partnership (PPP) context, with particular attention to private assurance schemes. The STDF plans to hold a seminar on PPPs on the margins of a future SPS Committee meeting.

## 8 SPECIAL AND DIFFERENTIAL TREATMENT (ARTICLE 10)

### Recommendations resulting from the Fourth Review:

- The Committee should maintain special and differential treatment as a standing item of the agenda for its regular meetings.
- The Committee should continue to consider specific, concrete actions to address the problems faced by developing country Members and, in particular, least-developed country Members, in the implementation of the SPS Agreement and in making use of the benefits of the Agreement.
- Members are encouraged to provide information regarding the special and differential treatment or technical assistance they have provided in response to specific needs identified by Members in accordance with the procedure adopted by the Committee (G/SPS/33/Rev.1), to be periodically compiled in a report by the Secretariat.
- As foreseen in the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members, the Committee should review its implementation as part of the periodic reviews of the SPS Agreement.<sup>75</sup>

<sup>74</sup> <http://www.standardsfacility.org/good-regulatory-practice>.

<sup>75</sup> Paragraph 7, G/SPS/33/Rev.1.

8.1. Special and differential treatment continues to be a standing agenda item, although no Member has raised any specific matter under this agenda subsequent to the Third Review. The Secretariat has kept the SPS Committee informed of discussions in the Committee on Trade and Development Special Session on proposals relating to Articles 10.2 and 10.3 of the SPS Agreement.

8.2. In 2015, Nigeria encouraged Members to discuss the proposals, with regard to the special and differential treatment provisions of the SPS Agreement, submitted prior to the Cancún Ministerial Conference. India asked the Secretariat whether there had been any experience sharing in the implementation of Article 10.1 and 10.2 of the SPS Agreement under this agenda item. The Secretariat indicated that there had been discussions a number of years earlier, and that two documents had resulted from these discussions: the Report on Proposals for Special and Differential Treatment (G/SPS/35); and the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members (G/SPS/33/Rev.1). Since its adoption, no requests had been submitted under this Procedure.

8.3. The WTO reported on an informal meeting of the Special Session of the Committee on Trade and Development, held on 6 October 2015, which had considered special and differential (S&D) proposals submitted by the G90, including on Articles 10.1 and 10.2 of the SPS Agreement and Article 12.3 of the TBT Agreement.<sup>76</sup> The SPS-related proposals referred to: (i) early notification by developed countries of all their SPS and TBT measures; (ii) allowing for longer comment periods before the adoption of a measure; (iii) longer time frames for compliance with SPS measures (at least 12 months) for developing countries, in particular LDCs and SVEs; and (iv) mandatory financial and technical assistance. The Secretariat reported that Members had expressed divergent views on those proposals. Some mentioned relevant SPS Committee work, including the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members (G/SPS/33/Rev.1). The Secretariat noted that the SPS Committee's Report on S&D Proposals (G/SPS/35), adopted ten years ago, also provided relevant background on the underlying concerns, some of which remained the same.

8.4. In 2017, Nigeria highlighted the importance of the implementation and enforcement of provisions on special and differential treatment in the SPS Agreement, for Africa in general and Nigeria in particular. Nigeria argued that they were placed at a disadvantage because those provisions were not fully enforced. The Dominican Republic echoed Nigeria's concern and urged Members to take this principle into account when applying new legislation.

8.5. Madagascar also noted the concerns expressed by Members on new regulatory provisions taken by the European Union as well as measures in force on pesticides with endocrine disruptor effects. In view of the complexity of these measures and their impact on its economy, Madagascar requested that the European Union take into consideration the situation of Madagascar in the application of those measures. Pursuant to Articles 9 and 10 of the SPS Agreement, Madagascar requested special and differential treatment together with technical assistance to enable it to set up, at a national level, the necessary measures to bring the country in line with the regulation, including a plan towards the progressive withdrawal of pesticides which would be banned.

## 9 DISPUTE SETTLEMENT

9.1. Article 11 of the SPS Agreement indicates that the Dispute Settlement Understanding applies to SPS disputes, and provides for the consultation of experts when a dispute involves scientific or technical issues. As of December 2017, 535 disputes had formally been raised under the WTO's dispute settlement system. Of these, 47 alleged violation of the SPS Agreement, and the SPS Agreement was relevant also in two other disputes. 27 resulted in the establishment of a dispute settlement panel. These panels were established to look at 18 different SPS issues, listed below. Subsequent to the Fourth Review, action has occurred in DS506, DS524, DS525, DS532 and in the last three disputes in the following list, as further detailed in Appendix D:<sup>77</sup>

<sup>76</sup> The proposals are contained in document JOB/DEV/29-JOB/TNC/51.

<sup>77</sup> Please note that in four disputes, the panels (and the Appellate Body) made findings principally under the TBT Agreement. These cases concerned Canada's complaint against the European Communities' ban on asbestos and products containing asbestos, Canada and Mexico's complaint against the United States' country of origin (COOL) labelling requirements, and Indonesia's complaint against the United States' ban on clove cigarettes.



1. Canada and the United States' complaint against Australia's measures affecting the importation of salmon (DS18 and DS21);
2. Canada and the United States' complaint against the European Communities' measures concerning meat and meat products (ban on meat treated with growth-promoting hormones, DS26 and DS48);
3. The United States' complaint against Japan's measures affecting agricultural products (requirement to test different fruit varieties with regard to treatment efficacy, DS76);
4. Ecuador's complaint against Turkey's import procedures for fresh fruit (DS237);
5. The United States' complaint against Japan's measures affecting the importation of apples (restrictions due to fire blight concerns, DS245);
6. The Philippines' complaint against Australia's measures affecting the importation of fresh fruit and vegetables (270);
7. The European Communities' complaint against Australia's quarantine procedures (287);
8. Argentina, Canada and the United States' complaint against EC measures affecting the approval and marketing of biotech products (DS291-293);
9. The European Communities' complaint against Canada and the United States regarding their continued suspension of obligations relating to the EC-Hormones dispute (DS320);
10. New Zealand's complaint against Australia's measures affecting the importation of apples (restrictions due to concerns related to fire blight and two other plant pests, DS367);
11. The United States' complaint against the European Communities' measures affecting poultry meat and poultry meat products (DS389);
12. Canada's complaint against Korea's restrictions on bovine meat and meat products (mutually agreed solution notified, DS391);
13. China's complaint against the United States' measures affecting imports of poultry (DS392);
14. The United States' complaint against India's measures concerning the importation of certain agricultural products (due to concerns about avian influenza; compliance panel proceedings on-going, DS430);
15. Argentina's complaint against the United States' measures affecting the importation of animals, meat and other animal products (due to concerns about foot-and-mouth disease, (DS447);
16. The European Union's complaint against Russian measures affecting the importation of live pigs, pork, pork products and certain other commodities (due to concerns about African Swine Fever, consultations ongoing in compliance proceedings, DS475);
17. Brazil's complaint against certain Indonesian measures on the importation of chicken meat and chicken products (DS484); and
18. Japan's complaint against Korea's import bans, testing and certification requirements for radionuclides (DS495).

## 10 IMPLEMENTATION OF THE AGREEMENT – SPECIFIC TRADE CONCERNS

### Recommendations resulting from the Fourth Review:

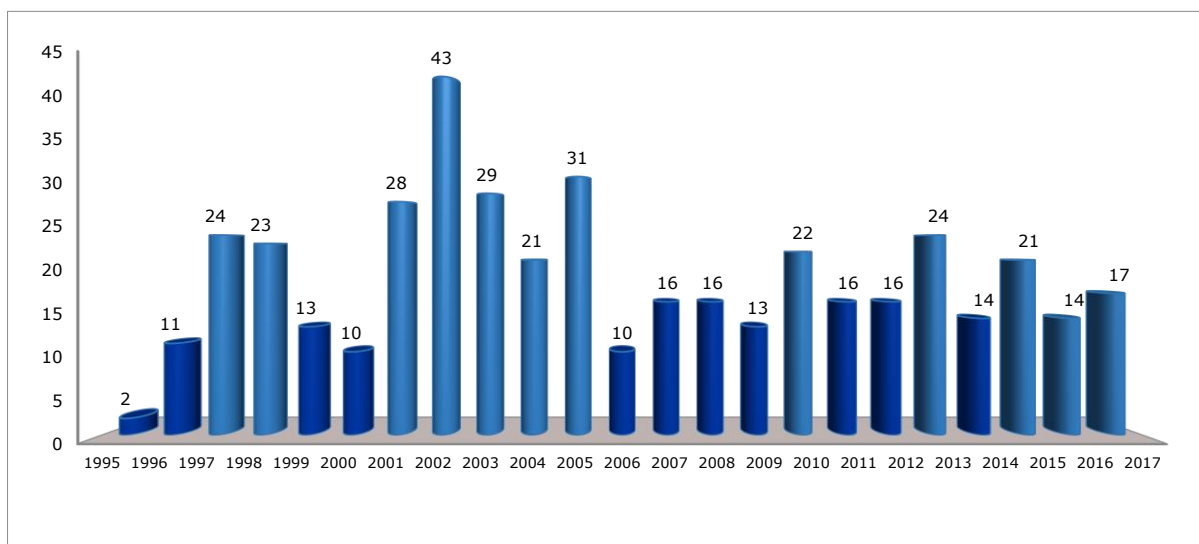
- The Committee should continue to consider specific trade concerns raised by Members as a standing item of the agenda of its regular meetings.
- Members are encouraged to make use of this opportunity to identify specific trade problems and to seek to find expeditious and mutually satisfactory resolutions of these problems.
- Members are encouraged to inform the Committee of all specific trade concerns resolved.
- The Secretariat is requested to continue to provide regularly updated information on the specific trade concerns considered by the Committee.



10.1. Part of each Committee meeting is devoted to the consideration of specific trade concerns raised by Members. At the March 2000 meeting of the SPS Committee, the Secretariat was requested to prepare a paper summarizing the specific trade concerns that had been brought to the Committee's attention since 1995 and to update this document annually to include new information provided by Members. The statistics below are derived from the eighteenth revision of G/SPS/GEN/204,<sup>78</sup> and include all issues which have been raised at SPS Committee meetings through to the end of 2017.

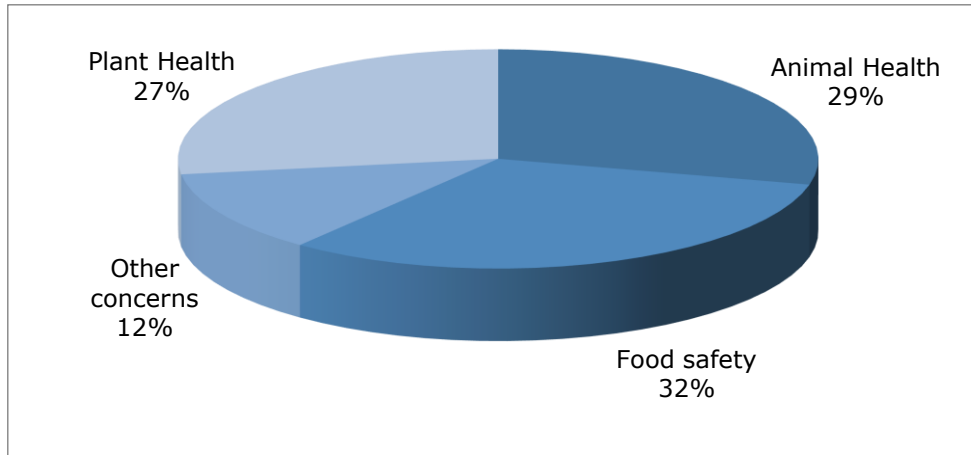
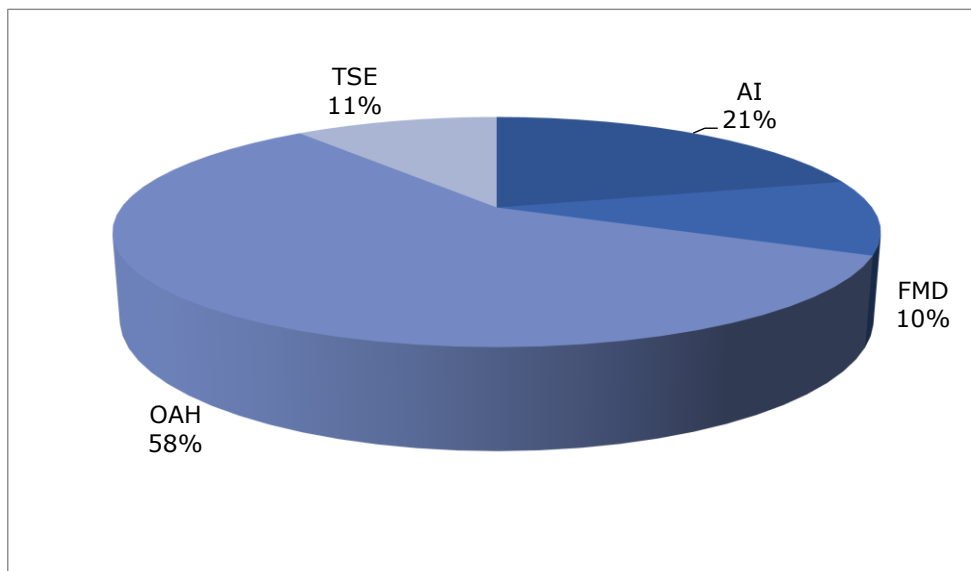
10.2. Altogether, 434 specific trade concerns were raised between 1995 and the end of 2017.<sup>79</sup> Chart 2 shows the number of new concerns raised each year; 66 new concerns have been raised since 2014. Chart 3 categorizes the trade concerns raised since 2014 into food safety, animal health, plant health or other issues. It is important to keep in mind, however, that some issues may relate to more than one of these categories. Concerns relating to zoonoses, for example, may relate to measures taken with both animal health and food safety objectives. For the purposes of these graphs, a single objective has been designated as the principal concern. Since 2014, 32% of trade concerns discussed raised relate to food safety, 27% relate to plant health, and 12% concern other issues such as certification requirements or translation. 29% of concerns raised relate to animal health and zoonoses. The animal health and zoonoses category is further divided into foot-and-mouth disease (FMD), transmissible spongiform encephalopathies (TSEs), avian influenza (AI) and other animal health concerns (OAH). Chart 4 shows that issues related to AI account for 21% of animal health concerns raised since 2014, TSEs account for 11%, and issues related to FMD account for 10%. The remaining 58% relate to OAH concerns.

**Chart 2 – Number of new issues raised**



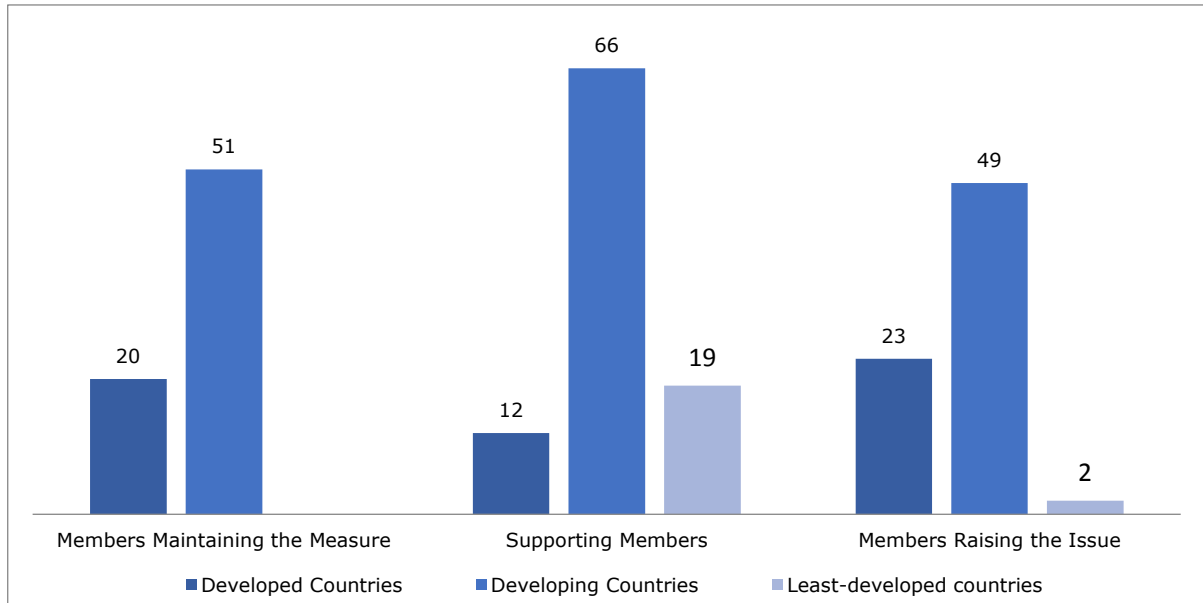
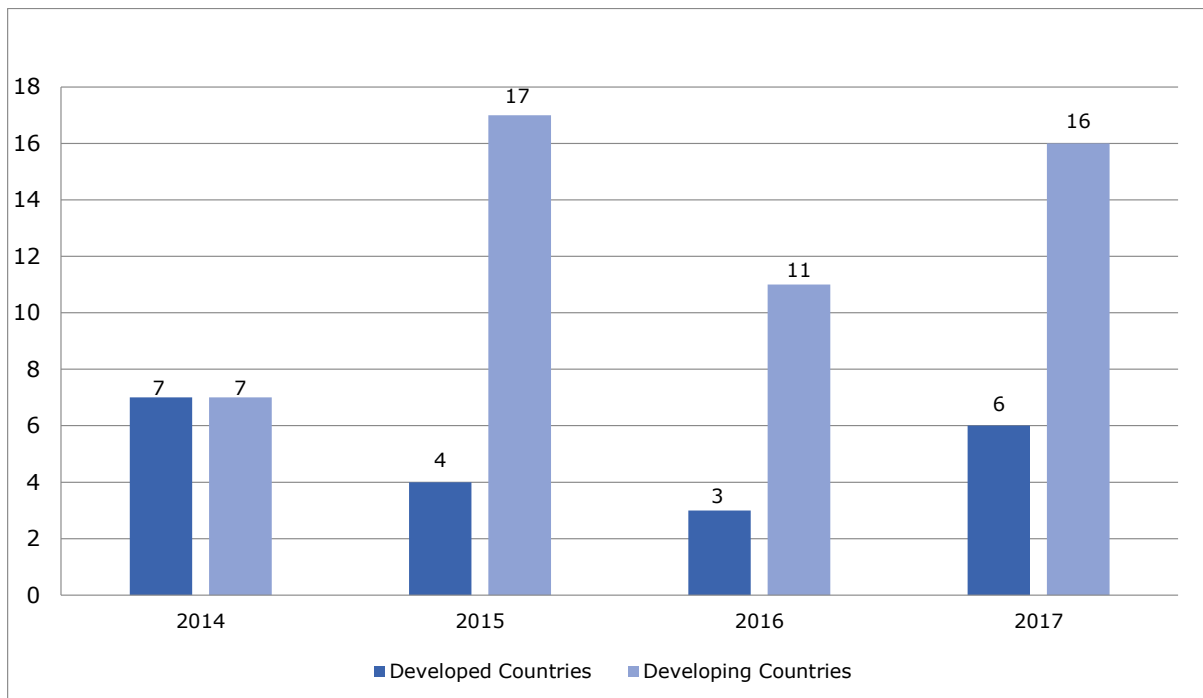
<sup>78</sup> G/SPS/GEN/204/Rev.18 was circulated to Members on 20 February 2018.

<sup>79</sup> Information relevant to this section, but which precedes the period under review, can be found in former revisions of document G/SPS/GEN/204.

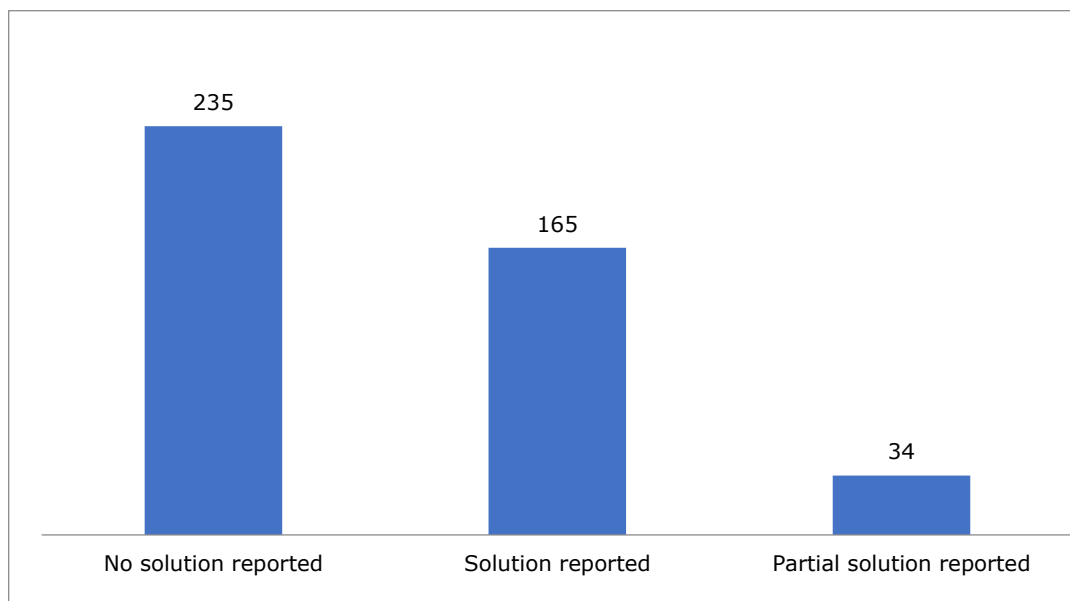
**Chart 3 – Trade concerns since 2014, by subject****Chart 4 – Trade concerns since 2014, related to animal health & zoonoses**

10.3. Developing country Members have been participating actively under this agenda item in the SPS Committee meetings. Chart 5 indicates that over the last four years, developing country Members have raised 49 trade concerns (on many occasions more than one Member has raised, supported or maintained an issue) compared to 23 raised by developed country Members and two raised by a least-developed country Member. A developing country Member has supported another Member raising an issue in 66 cases, compared to 12 for developed country Members and nineteen for least-developed country Members. In 20 cases, the measure at issue was maintained by a developed country Member, and in 51 cases it was maintained by a developing country Member. No trade concern regarding measures maintained by least-developed country Members has been raised during the period. Chart 6 shows the number of new issues raised since 2014 by each category of Member.<sup>80</sup>

<sup>80</sup> As any individual trade concern can potentially be raised by more than one Member, this explains the apparent double-counting shown in Charts 5 and 6 compared with the overall count of the 66 specific trade concerns raised since 2014.

**Chart 5 – Participation by WTO Members (2014-2017)****Chart 6 – Number of new issues raised by Members since 2014**

10.4. Members are regularly invited to report on resolved issues. Chart 7 indicates that 165 trade concerns have been reported resolved out of the 434 trade concerns raised over the 23 years (i.e. 1995-2017). 24 issues were reported as resolved between 2014 and 2017, 17 of which in 2017 alone. Nine trade concerns were reported as partially solved during the period under review. In these instances, trade may have been allowed for selected products or by some of the importing Members maintaining the measure in question. No solutions have been reported for the remaining 235 trade concerns, although some of these may have been resolved without the Committee being made aware of these developments.

**Chart 7 – Solved trade concerns**

## 11 IMPLEMENTATION OF THE AGREEMENT – USE OF AD HOC CONSULTATIONS

### Recommendations resulting from the Fourth Review:

- As foreseen in the Recommended Procedure to Encourage and Facilitate the Resolution of Specific SPS issues among Members in Accordance with Article 12.2, the Committee should review its implementation as part of the periodic reviews of the SPS Agreement.<sup>81</sup>
- Members are encouraged to provide their experiences in the use of ad hoc consultations, including through the good offices of the Chairperson of the SPS Committee, to facilitate the resolution of specific trade concerns.

11.1. Article 12.2 states that the Committee "shall encourage and facilitate ad hoc consultations or negotiations among Members on specific sanitary or phytosanitary issues". In each of the previous reviews, the Committee has recognized the usefulness of Article 12.2, and in particular of the good offices of the Chairperson, as a means of facilitating the resolution of trade problems.<sup>82</sup>

11.2. Following-up on the Second review, the Committee began discussing a possible procedure to facilitate the use of ad hoc consultations and negotiations to resolve SPS issues. After the Committee's recommendation in the Third Review to expeditiously conclude this issue, several Members submitted proposals for such a procedure.<sup>83</sup> Members worked intensively to develop a procedure (G/SPS/W/259 and its revisions) during 2011 to 2013.<sup>84</sup>

11.3. At the SPS Committee meeting in March 2014, India sought clarification on several specific issues relating to the procedure outlined in G/SPS/W/259/Rev.7, which were circulated in document RD/SPS/4. The stewards and co-stewards of the electronic working group that had been established to facilitate reaching consensus on the draft procedure reviewed the queries submitted by India, and provided the requested clarifications in RD/SPS/5 in June 2014.

11.4. In July 2014, the Committee adopted the Recommended Procedure to Encourage and Facilitate the Resolution of Specific Sanitary and Phytosanitary Issues among Members in

<sup>81</sup> Paragraph 5.1. in G/SPS/61.

<sup>82</sup> G/SPS/12, paragraph 24; G/SPS/36, paragraphs 87-88; G/SPS/53, paragraphs 116-126; G/SPS/62, paragraphs 11.1-11.7.

<sup>83</sup> G/SPS/W/243/Rev.4 and JOB/SPS/1.

<sup>84</sup> Additional information on the Committee's discussions before 2014 can be found in Section 11 of the Fourth Review Report (G/SPS/62).

Accordance with Article 12.2, with the changes suggested by India, on an ad referendum basis. No Member raised an objection by the deadline, and the final decision was circulated as G/SPS/61.

11.5. Based on paragraph 4.1 of G/SPS/61, the Secretariat prepares an annual report on the use of the procedure.<sup>85</sup> Since the adoption of G/SPS/61, no Member has requested consultations under this procedure.

## 12 COOPERATION WITH THE CODEX, IPPC AND OIE

### Recommendations resulting from the Fourth Review:

- Members are encouraged to provide information on their experiences in coordinating their involvement in the work of Codex, IPPC and OIE at the national level.
- The relevant international organizations are invited to keep the Committee informed of any work related to the SPS Agreement.

12.1. The standard-setting observer organizations provide relevant information on any work related to the SPS Agreement under the agenda item on "Information Sharing". Relevant documents are listed in Appendix C.

## 13 GOOD REGULATORY PRACTICE

### Recommendations resulting from the Fourth Review:

- Members are invited to provide information regarding their experiences in the use of the guidelines developed by the Committee with respect to transparency, equivalence, recognition of pest- or disease-free areas, and the avoidance of arbitrary or unjustifiable distinctions in levels of protection.

13.1. In 2017, the Secretariat held a regional SPS workshop for Latin America (co-organized with the Inter-American Institute for Cooperation on Agriculture) in Costa Rica, with a focus on good regulatory practice.

13.2. In the 2017 Transparency Workshop, organized by the Secretariat, one particular session focused on national experiences and best practices in public consultations. This session highlighted relevant international work on models and mechanisms for public consultation in SPS rulemaking, with speakers from the OECD, the World Bank and Malaysia, which provided both a national and an APEC perspective. One key recommendation was to find ways to align domestic consultation processes with those required by the WTO in order to maximize the benefits of comments received from abroad. Having a single, unified website or portal was also highlighted as being useful in conducting and managing a consultative process.

13.3. In 2017, the STDF reported on new work on good regulatory practice in the SPS area. This information is available in section 7.

## 14 SPS-RELATED PRIVATE STANDARDS

### Recommendations resulting from the Fourth Review:

- Members and Observer Governments are encouraged to provide information on any relevant studies or analysis which they have undertaken, or of which they are aware.
- The Committee should continue its implementation of agreed actions one to five (G/SPS/55). The Committee may also continue its considerations of other outstanding issues (G/SPS/W/256) and of relevant activities.

<sup>85</sup> These annual reports are contained in documents G/SPS/GEN/1457, G/SPS/GEN/1513 and G/SPS/GEN/1573.

## 14.1 Background

14.1. The effects of SPS-related private standards ("private standards") on trade, and the appropriate role of the SPS Committee, has been discussed by the Committee since the issue was first raised in 2005 by Saint Vincent and the Grenadines with regard to EurepGAP (now called GLOBALGAP) requirements on pesticides used on bananas destined for sale in European markets.<sup>86</sup> After considerable discussion in the SPS Committee, an ad hoc working group was established to identify "Possible Actions for the SPS Committee Regarding SPS-Related Private Standards".<sup>87</sup> At its March 2011 meeting, the Committee endorsed five of the six actions put forward by the ad hoc working group.<sup>88</sup> Despite further revision and discussions, consensus was not reached on Action 6.<sup>89</sup> In addition, six other actions were also identified by the working group on which consensus could not be reached. These proposed actions are listed in Annex I of the ad hoc working group report, along with a brief explanation of the main differences of opinion.

14.2. Since 2011, the Committee's discussions on private standards have focused on the five actions agreed by the Committee and, in particular, on Action 1 relating to the development of a working definition of SPS-related private standards.

## 14.2 Action 1 - Definition

14.3. The Committee discussed a working definition on the basis of draft definitions prepared by the Secretariat drawing on proposals from Members.<sup>90</sup> In 2013, the Committee agreed to form an electronic working group (e-WG), with China and New Zealand as "co-stewards".

14.4. In 2014, following a suggestion by Canada, the Secretariat circulated a note on existing definitions of "private standards" in other international organizations, revised to take into account additional definitions reported by Argentina and Canada at the July 2014 meeting.<sup>91</sup> The co-stewards presented two reports on the work of the e-WG,<sup>92</sup> including proposed working definitions, but no consensus was reached. The Committee agreed to give the co-stewards and the e-WG more time to pursue their efforts in trying to bridge differences and come up with a compromise working definition that could be presented for consideration and adoption by the Committee as soon as possible.

14.5. In 2015, the co-stewards circulated another report on the work of the e-WG<sup>93</sup>. The report detailed the latest round of discussions and e-WG members' concerns, suggestions and flexibilities and noted that the e-WG, while very close, had not been able to reach consensus on the working definition. There had in particular been an impasse with the terms "non-governmental entities" and "requirements" and the co-stewards had suggested a cooling off period for all e-WG Members to reflect further on the issue.

14.6. Some Members stressed the need to keep working towards a working definition of SPS-related private standards, given their effects on many developing countries' exports and economies. Other Members noted the fundamental differences amongst Members on the scope of the SPS Agreement and regarding some of the suggested language in the definition. Given the obvious impasse, these Members supported the proposal of the co-stewards for a cooling off period. It was agreed that the e-WG would take some time to further reflect, and that the co-stewards, China and New Zealand, would restart work when most appropriate, with the objective of agreeing on a working definition as soon as possible.

14.7. Still in 2015, the co-stewards reported on their consultations with the e-WG following the cooling off period agreed in March 2015. Very limited feedback had been received on how to progress work. Argentina introduced a document<sup>94</sup> regarding discussions on a definition of SPS-

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<sup>86</sup> G/SPS/R/37/Rev.1, paras.16-20.

<sup>87</sup> G/SPS/W/256.

<sup>88</sup> G/SPS/55.

<sup>89</sup> G/SPS/W/261.

<sup>90</sup> G/SPS/W/265, G/SPS/W/265/Rev.1 and G/SPS/W/265/Rev.2.

<sup>91</sup> G/SPS/GEN/1334 and G/SPS/GEN/1334/Rev.1.

<sup>92</sup> G/SPS/W/276, G/SPS/W/281.

<sup>93</sup> G/SPS/W/283.

<sup>94</sup> G/SPS/W/285.

related private standards and stressed the need to agree on a definition, given the numerous harmful effects of private standards. Belize also presented a document<sup>95</sup> which proposed a new definition of SPS-related private standards. Members were encouraged to think about new and innovative ways to move forward, including any useful fresh approach. The Chair suggested that the e-WG continue its cooling-off period, until new thinking or proposals emerged.

14.8. The Chairperson indicated that three issues - the working definition of SPS-related private standards; the recommendations related to private standards in the Fourth Review Report; and the Committee's future work on that issue - were linked and could only be resolved together.

14.9. During 2016 and 2017, discussions on this subject were mainly held within the context of the adoption of the report of the Fourth Review (G/SPS/W/280/Rev.2), particularly in relation to concerns related to a recommendation on the Committee's future work on private standards.<sup>96</sup>

### 14.3 Actions 2 to 5

14.10. Since 2011, the Committee has also discussed the implementation of the other four agreed actions. On Action 2, it was noted that information exchange mechanisms between the SPS Committee and the Three Sisters were already in place and functioning. Some Members encouraged Codex, IPPC and OIE to contact the private schemes identified by Members in document G/SPS/GEN/932/Rev.1 to promote the use of international standards, and report back to the Committee on those contacts. Codex provided updates on its work on the issue of private standards, including its discussions on private standards in the framework of Codex regional bodies. Codex also continued to reach out to private standards-setting organizations to encourage them to become Codex observers and take part in Codex meetings. The OIE highlighted steps it had taken to promote compatibility and avoid conflict between private and official standards, and drew attention to the OIE General Assembly's Resolution on Private Standards.<sup>97</sup> The IPPC noted that it had requested that ISO clarify that there were no obligations to implement ISO standards in order to comply with IPPC standards. Chile also referred to the OIE's cooperation with private standard-setting bodies to ensure that their standards were aligned with OIE standards. Chile also noted that OIE and Codex should increase the participation of private standard-setting bodies as observers in their standard-setting processes. This collaboration would help improve transparency and the implementation of official science-based standards.

14.11. On Action 3, the Secretariat has kept the Committee informed of relevant discussions in other WTO fora, including: (i) the thematic discussion on standards organized during the March 2014 TBT Committee meetings;<sup>98</sup> (ii) sessions of the 5<sup>th</sup> Global Review of Aid for Trade; and (iii) various sessions of the 2016 WTO Public Forum.<sup>99</sup>

14.12. On Action 4, it was noted that useful ideas could be shared amongst Members regarding their efforts to reach out to entities involved in private standard-setting in their territories. China suggested that when communicating with private standard-setting entities, Members make reference to the Code of Good Practice of the TBT Agreement and to the TBT Committee's Decision on the "Six Principles" for the preparation of international standards.<sup>100</sup> Belize also noted that Action 4 could be enhanced by sensitizing private standard-setting entities to the list of concerns in paragraph 24 under Action 6 of document G/SPS/W/256.<sup>101</sup> Belize drew Members' attention to its recommendations regarding the implementation of Action 4 in document G/SPS/GEN/1290, and encouraged Members to give those recommendations due consideration. Nigeria, noted the difficulties that private standards created for its small exporters and reported on training received

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<sup>95</sup> G/SPS/W/288.

<sup>96</sup> Following a proposal from the United States (G/SPS/W/291), in March 2017, and subsequent discussions among Members, the specific recommendation was replaced by descriptive text explaining the nature of the disagreement. At its July 2017 meeting, the Committee agreed on the inclusion of new language in section 14 of the report, as circulated in document RD/SPS/15, and adopted the Fourth Review Report (G/SPS/62).

<sup>97</sup> G/SPS/GEN/1024.

<sup>98</sup> JOB/TBT/41/Rev.1, JOB/TBT/42 and JOB/TBT/42/Corr.1, and G/TBT/GEN/144 and G/TBT/GEN/144/Add.1.

<sup>99</sup> [https://www.wto.org/english/forums\\_e/public\\_forum16\\_e/public\\_forum16\\_e.htm](https://www.wto.org/english/forums_e/public_forum16_e/public_forum16_e.htm).

<sup>100</sup> G/SPS/GEN/1261.

<sup>101</sup> G/SPS/GEN/1290.



from Global GAP.<sup>102</sup> Nigeria stressed that the SPS Committee had a vital role to play in addressing the issues related to private standards and their impact on international trade.

14.13. Several Members noted the importance of sensitizing private standard-setting entities and actors and reported on efforts undertaken at the national level. Members who were already communicating with private standard-setting entities in their territories were encouraged to share their experiences in that regard. The Philippines reported on regional and national briefing sessions jointly organized by the Department of Agriculture and the United Nations Forum on Sustainability Standards (UNFSS). China referred to its submission (G/SPS/GEN/1261) on Action 4, and noted that some Members were already communicating with private entities in their territories involved in the development, application and certification of private standards.

14.14. The Dominican Republic referred to its notification G/SPS/N/DOM/51 regarding the requirement for all enterprises certifying compliance with Good Agricultural Practices to register with the Department of Food Safety of the Ministry of Agriculture.

14.15. On Action 5, the Secretariat referred to various relevant examples relating to the collaboration between the SPS Committee and the Three Sisters to develop and/or disseminate informative materials on the importance of international standards. In particular, the Secretariat highlighted: (i) the usefulness of the STDF film on Trading Safely; (ii) the joint regional SPS workshops with the Three Sisters; as well as (iii) the development of a new e-learning module with the Inter-American Development Bank.

14.16. The IPPC noted that all IPPC communications, including its standards, were available in its six official languages. The IPPC continued to raise the awareness of its members on the issue of private standards, and would address any future appearance of private standards in the plant health area. The OIE noted that all its publications were available in its three official languages and that any further translation, while encouraged, was at the discretion of the end-user. The OIE also noted that it constantly emphasized the importance of adopting and adhering to international standards. Some Members noted the importance of increased awareness about the operations of private standard-setting bodies, and referred to the OIE resolution guiding OIE's relations with private standard-setting bodies. The collaboration of both Codex and OIE with private standard-setting bodies was encouraged in order to foster the development and implementation of science-based food safety and other standards, whether official or private. It was further suggested, in particular by Argentina, that Codex, IPPC and OIE liaise directly with the various private schemes identified by Members in document G/SPS/GEN/932/Rev.1. Such contact could then inform the Three Sisters' efforts in developing and/or disseminating materials underlying the importance of international standards. The Secretariat noted that this suggestion had been reflected in the relevant Chair summaries, which in turn were reflected in the Secretariat's regular reports on relevant Committee activities, including the consideration of private standards, to the IPPC's CPM, the OIE World Assembly of Delegates and the Codex Alimentarius Commission.

14.17. Codex also reported on its continued effort to underline the importance of implementing international standards and on its communication strategy to show the positive impact of applying Codex standards. Codex also noted the cooperation of the OIE and IPPC in that regard.

14.18. Regarding other information on SPS-related private standards, Belize reported on the 19<sup>th</sup> session of the Joint FAO/WHO Coordinating Committee for Latin America and the Caribbean held in Costa Rica in November 2014. Belize referred Members to paragraphs 161 to 166 of Codex document REP/15/LAC for further details of the discussions and of the recommendations made at the meeting.

14.19. The OECD flagged its upcoming report on voluntary environmental standards which focused on the linkages between voluntary (often private) environmental standards and public policies.<sup>103</sup>

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<sup>102</sup> G/SPS/GEN/1398.

<sup>103</sup> G/SPS/GEN/1399.

#### 14.4 Other suggested actions

14.20. The Committee also discussed how to address the seven outstanding proposed actions on which consensus had not been reached. Some Members suggested moving forward on outstanding Actions 6 to 12 through a voluntary working group. However, other Members indicated that they were not prepared to work on those actions where there had been no consensus.

14.21. Regarding Action 6, some Members were of the view that private standards are outside the scope of the SPS Agreement and thus related information exchanges should take place on the margins of the Committee meetings. Others, however, believed that private standards did fall within the jurisdiction of the SPS Committee and that information exchange on these issues should be on the agenda of the Committee.

14.22. Belize drew Members' attention to document G/SPS/GEN/1291, which flagged the need to consider Actions 6 to 12 in parallel with those in document G/SPS/55, and which also provided specific recommendations for the implementation of Actions 10 and 11. Belize also noted that IICA's report on private food standards in the Southern Cone (G/SPS/GEN/1100) contained several recommended actions for the Committee and/or governments to address concerns associated with SPS-related private standards. With regards to Action 10, Belize encouraged Members to review the TBT Code of Good Practice and determine its applicability for the implementation of the action. On Action 11, Belize encouraged Members liaising with entities involved in private standards to share their experience with the Committee as the approaches used could be considered in the implementation of Action 11.<sup>104</sup> Belize supported by several Members, expressed concerns regarding the proliferation of private standards and how these affected market access and stressed the relevance of addressing the issue of private standards in the SPS Committee.<sup>105</sup>

#### 14.5 Other activities in relation to private standards

14.23. On other matters related to private standards, Belize registered its concern regarding the evolution in food safety certification requirements, as governments were responsible for setting SPS measures, with guidance from international standards.<sup>106</sup> Belize noted that a country's appropriate level of protection should not be set by the private sector, and stressed that the SPS Committee had a vital role to play in addressing the issues related to private standards and their impact on international trade. Belize also reported on an UNEP regional capacity building workshop on food waste and noted that data from pilot studies showed significant losses being incurred by producers due to overly stringent food safety requirements. Belize reported that UNEP was communicating with retailers on the impact of stringent requirements, and the related food wastage, with the hope that they applied requirements only to the extent necessary.

14.24. In 2014, the ITC presented the most recent version of its online "Standards Map", an interactive web-tool which provides information on over 130 private and public voluntary standards, across 700 different criteria of analysis. The ITC confirmed that the terminology of "voluntary standards" and the schemes identified in the Standards Map encompassed both government and private voluntary standards, but these could be separated through a dedicated search. In relation to the concern expressed about the multiplication of testing and costs for producers, as well as the proliferation of private schemes, ITC confirmed that it had been consulted by ISEAL and GIZ<sup>107</sup> regarding the development of a Sustainability Standards Comparison Tool. The tool was being developed and should be piloted by the end of 2014.

14.25. Some Members also provided other information under the agenda item on private and commercial standards. In July 2016, China reported that it was in the process of drafting a paper on 'Best Practice Guidelines regarding Private Standards' and invited interested Members to contribute. Some Members welcomed China's proposal, while others queried China's interpretation of Article 13, and also whether drafting a paper on best practices was the best means of advancing work.

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<sup>104</sup> G/SPS/GEN/1291.

<sup>105</sup> G/SPS/GEN/1240.

<sup>106</sup> G/SPS/GEN/1374.

<sup>107</sup> International Social and Environmental Accreditation and Labelling Alliance (ISEAL); and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

14.26. In November 2017, Belize informed the Committee of its participation in a government to government meeting held in Texas, United States in February 2017, with the support of FAO. At this meeting, Belize delivered an intervention on "Existing models of collaboration between public and private sectors and the risk of obfuscating roles in the governance of food safety". Subsequent discussions had highlighted some examples of the successful use of third party certification schemes to complement the work of governments in ensuring food safety. Belize suggested that the Committee could benefit from similar discussions, either through a workshop or thematic session, where Members could volunteer to share their diverse perspectives and experiences.<sup>108</sup> Some Members expressed their willingness to consider the suggestion of the thematic session, subject to views from their capitals, and without prejudice to their previously stated positions on private standards.

## 15 CATALOGUE OF INSTRUMENTS

15.1. In the context of the Fourth Review, Canada proposed that the Committee develop a "Catalogue of Instruments Available to the WTO Members to manage SPS issues"<sup>109</sup>, noting that the timely use of these tools could help Members avoid, manage or escalate issues. The proposed catalogue would include all mechanisms relevant to the SPS Agreement framework; for instance, the right to provide comments on notifications and to discuss them, the targeted or strategic use of the STC agenda item, and the use of the IPPC or OIE dispute settlement procedures.

15.2. Many Members welcomed the proposal and highlighted the usefulness of developing a compendium of all the actions available. It was proposed that the Secretariat collaborate with Canada on preparing a draft of the catalogue, for subsequent comments by other Members. The draft catalogue, jointly submitted by Canada and Kenya, was circulated as G/SPS/W/279, on 18 June 2014. The document was discussed at Committee meetings in 2014, and the proponents revised it in response to comments and suggestions from Members.

15.3. In March 2015, Canada presented the second revision<sup>110</sup> of its joint proposal with Kenya. Some Members requested clarification about the legal status of the document, and the Secretariat explained that it would become one of the reference documents adopted by the Committee. At the request of the Chairperson, the Secretariat prepared language for a draft paragraph clarifying the legal status of the document, as adapted from the latest decision adopted by the Committee, which was the Procedure to Encourage and Facilitate the Resolution of Specific Sanitary or Phytosanitary Issues among Members in Accordance with Article 12.2 (G/SPS/61).<sup>111</sup> At Committee meetings in 2015-2017, Members continued discussing this disclaimer language, based on further proposals from Members and from Chairpersons.

15.4. In 2017, many Members indicated that they could accept a "soft" disclaimer, although one Member had preferred a more far-reaching version. The Committee decided to try a new approach, combining an introductory paragraph clarifying the intended use of the Catalogue with a soft disclaimer.<sup>112</sup> Members were asked to consult with their capitals. In November 2017, the Chairperson noted that one Member had submitted comments indicating that systemic concerns regarding the inclusion of disclaimers in Committee documents persisted. One Member suggested the organization of an exchange with legal experts from the Secretariat to explain the interpretation of Committee decisions and disclaimers. This suggestion was supported by one of the authors of the document, who also thought it could be helpful.<sup>113</sup>

15.5. The Committee adopted the Catalogue of Instruments to Manage SPS Issues in the March 2018 SPS Committee meeting. Members agreed to include disclaimer language proposed by the Chairperson in July 2017, which combines an introductory paragraph describing the intended uses

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<sup>108</sup> G/SPS/GEN/1592.

<sup>109</sup> G/SPS/W/271.

<sup>110</sup> G/SPS/W/279/Rev.2.

<sup>111</sup> The language circulated by the Secretariat was: "This catalogue of instruments is intended as a reference document to help Members address and manage SPS issues. It is without prejudice to the rights and obligations of Members under the SPS Agreement or any other WTO agreement and shall not constitute a legally binding agreement."

<sup>112</sup> The new language, as well as other proposals, were circulated in room document RD/SPS/16.

<sup>113</sup> Prior to discussions in the formal meeting of the March 2018 SPS Committee, a legal expert from the Secretariat briefed the Committee on the use of Committee decisions with or without disclaimers in dispute settlement.

of the Catalogue with a "soft" disclaimer. Consensus became possible after Brazil and Mexico, who had previously raised objections to the inclusion of a disclaimer, accepted the Chairperson's proposed disclaimer, in the spirit of advancing the work of the Committee. Both Members requested that their systemic concerns regarding the use of disclaimers in Committee documents be reflected in the summary report of the meeting.

## **16 CROSS-CUTTING ISSUES (PESTICIDE MRLS)**

16.1. In 2015, the Committee agreed to add a new standing agenda item on "Cross-cutting Issues" to its agenda, in order to have a place for all discussions of more general topics that related to the implementation of the SPS Agreement and that did not fit under any other agenda item. This new agenda item was added as of the March 2016 meeting. More generally, the Committee also decided to make additional changes to the structure of the agenda, in order to improve the fluidity of discussions. The new structure for the agenda was first used for the October 2016 Committee meeting.<sup>114</sup>

### **16.1 Pesticide maximum residue levels (MRLs)**

16.2. In 2015, India presented a document on the need for measures on detection of pesticide residues not registered in the country of import for unimpeded flow of trade.<sup>115</sup> The purpose of the paper was to put into context the persistent problem faced by exporters from developing countries due to importing countries' application of limits of detection (LoDs) for these pesticides. India observed that LoDs were being applied even for substances where Codex standards existed and provided examples where the application of LoDs had a trade impact. The document concluded by suggesting certain steps in dealing with this issue. India also proposed two corrections to the document.

16.3. Several Members shared India's concerns and the need to evaluate whether guidelines could be recommended, while some also expressed their view that the Committee should not embark on the task of producing guidelines. Argentina recalled that in 2007 it had submitted document G/SPS/W/211 on MRLs for pesticides and their impact on exports of developing countries. Codex highlighted that where no MRLs existed, Members should provide data to the relevant scientific bodies to support the elaboration of a Codex standard. Sustainable funding to support scientific advice was also key in this area. Codex reminded the Committee that its standards were voluntary and only became compulsory once written into legislation. The Chairperson suggested that the subject be further explored in a thematic session and invited Members to submit suggestions for an agenda for such a thematic session to the Secretariat. The Secretariat was requested to prepare a draft programme for such a session.<sup>116</sup>

16.4. The Secretariat organized a Thematic Workshop on Pesticide Maximum Residue Levels in October 2016 (see section 7). Following the workshop, the United States made suggestions for future work by the SPS Committee in four topic areas: (i) enhancement of the Codex MRL system; (ii) transparency and predictability in Members' regulatory approaches; (iii) regular updates on harmonization efforts being undertaken by APEC, NAFTA, OECD and EAC, with the aim of inspiring similar harmonization initiatives at the regional level; and (iv) greater access of developing countries to newer, alternative pesticides that can replace older pesticides. The United States invited Members to consider ways in which their regulatory frameworks can impact the investment incentives of the private sector. In terms of next steps, the United States proposed that a statement by the Committee be drafted in support of this work, but deferred to the Chair and other Members as to the desirability and appropriate means to transmit this message.

16.5. Several Members supported the follow-up activities proposed by the United States, and further requested that the United States, as well as other Members, circulate their suggestions in writing for further review. Other MRL-related concerns were expressed by Members, such as the absence of alternative chemicals, especially for minor use and specialty crops, and the need for greater involvement in data generation efforts.

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<sup>114</sup> WTO/AIR/SPS/12.

<sup>115</sup> G/SPS/W/284.

<sup>116</sup> G/SPS/GEN/1468.

16.6. In 2017, the Committee discussed a proposal presented by Kenya, Uganda and the United States on possible next steps for consideration by the SPS Committee.<sup>117</sup> The five main follow-up actions in order to advance the Committee's work on trade-related MRLs were: (a) enabling JMPR to better respond to increased demand and monitoring progress on new Codex MRLs; (b) strengthening notification practices for greater transparency and predictability on MRLs; (c) reporting to the Committee on international and regional activities on MRLs; (d) collaborating on solutions for MRLs for minor use and specialty crops; and (e) discussing the role of the Committee in increasing coordination and harmonization. In relation to the last proposal, the United States also highlighted that if there was consensus in the Committee on any of the proposed suggestions, the Chairperson could issue a statement reflecting this consensus.

16.7. In discussions of the proposal, several Members signalled their support, highlighting that the areas mentioned were of interest for many Members and that the suggestions would assist in improving market access for agricultural exports. Several Members also made suggestions to further improve the proposal. India also reminded Members of the proposals made in document G/SPS/W/284, and indicated that the concerns remained unaddressed. In the view of the United States, the information provided by experts at the workshop provided a firmer basis for the resolution of trade-related MRL issues, based on which the joint paper recognized a wide range of legitimate MRL-related trade concerns that Members could collectively work to resolve. The United States recognized that the LOD issue was complex, as they had a pre-market authorization approval system that was consistent with their rights under the SPS Agreement. The United States indicated openness for discussions with India and other Members on their perspectives.

16.8. The WHO welcomed the proposal for follow-up work on pesticide MRLs. In relation to the JMPR recommendation, the WHO encouraged Members to have their national experts apply to serve as experts to the JMPR process.

16.9. A revised version of the proposal<sup>118</sup> was circulated ahead of two consultations held in October 2017. It suggested that the SPS Committee include the recommendations contained in the proposal in the future Report of the Fifth Review of the Operation and Implementation of the Agreement. It also suggested that the Committee endorse a proposed Ministerial Decision annexed to the proposal for transmission to MC11. A majority of Members supported the proposal, some indicated that they were still studying it and several Members asked about the proposed process for the possible adoption of the Ministerial Decision.

16.10. On the basis of comments received, a subsequent revision<sup>119</sup> was circulated, along with a compilation of comments that had been received, a track-change version explaining how comments had been considered, and a separate response to India's comments. In November 2017, the Committee discussed the revised proposal. The authors of the proposal stressed the trade disruptions caused by missing and misaligned MRLs, and the urgency of stepping up efforts to find solutions to these concerns. They proposed taking this work of the Committee to a higher level, which would give momentum to the important task of resolving MRL-related trade concerns, and would also contribute to reinvigorating the work of the Committee.

16.11. Many Members expressed their support for the proposal, both the draft Ministerial Decision, as well as the inclusion of the recommendations in the Fifth Review. Several of these Members indicated that the proposal and its recommendations broadly captured the current MRL-related concerns and noted that the proposal would be beneficial to all Members. Several Members also thanked the proponents for the transparent and consultative approach used throughout the process, highlighting that these discussions had started a year ago, on the basis of deliberations in the Workshop on Pesticide MRLs, followed by informal discussions in several meetings. In addition, it was noted that the topic of pesticide MRLs merited consideration at the Ministerial Conference.

16.12. Four Members indicated that they were not in a position to support the Ministerial Decision. Their concerns related to the timing of the proposal, the merits of singling out a single topic for Ministers' attention, and the existence of a mandate. One Member raised questions for clarification *inter alia* on the title of the proposed Decision, its scope, some of the terminology used, and the desire to avoid duplication. A couple of Members made textual suggestions, and were invited to

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<sup>117</sup> G/SPS/W/292.

<sup>118</sup> G/SPS/W/292/Rev.1.

<sup>119</sup> G/SPS/W/292/Rev.2.

submit them in writing. India thanked the proponent's for their written response to its comments. India was of the view that the proposal required further discussion and indicated that it would continue to work with the proponents to substantively address its concerns, as outlined in G/SPS/W/284. India noted that until the discussions in the SPS Committee were exhausted, it would be premature to submit recommendations for the Fifth Review or to the CTG.

16.13. Uganda, Kenya and the United States voiced their disappointment that the Committee had been unable to reach consensus on the proposal, and also expressed regret for the lost opportunity to advance the proposed Ministerial Decision, which would have been beneficial to all Members, particularly to developing and least developed countries. The United States further provided a detailed response to several arguments raised by opponents of the Ministerial Decision.

16.14. At the Buenos Aires Ministerial Conference in December 2017, 17 Ministers signed a joint statement on trade in food and agricultural products, which recognizes the work undertaken by the SPS Committee to examine pesticide-related issues.<sup>120</sup>

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<sup>120</sup> WT/MIN(17)/52.

**APPENDIX A – SECRETARIAT BACKGROUND DOCUMENTS AND OTHER MEETING DOCUMENTS, 2014-2017**

<b>Subject</b>	<b>Year</b>	<b>Type of Activity</b>	<b>Related Documents</b>
<b>Transparency</b>	2014	Overview regarding the level of implementation of the transparency provisions of the SPS Agreement	G/SPS/GEN/804/Rev.7
	2015	Questionnaire on transparency under the SPS Agreement	G/SPS/GEN/1382
		Analysis of the replies to the questionnaire on transparency under the SPS Agreement	G/SPS/GEN/1402
		WTO definitions of the term "trade facilitating"	G/SPS/GEN/1417
		Workshop on Transparency 2015 –Programme Report of the Workshop on Transparency 2015	G/SPS/GEN/1419; and G/SPS/GEN/1446 G/SPS/R/80
	2015-2017	Overview regarding the level of implementation of the transparency provisions of the SPS Agreement	G/SPS/GEN/804/Rev.8; G/SPS/GEN/804/Rev.8/Corr.1; G/SPS/GEN/804/Rev.9; and G/SPS/GEN/804/Rev.10
	2017	Eping user survey - Summary of responses	G/SPS/GEN/1569
		E-ping Alert System	G/SPS/GEN/1591
		SPS Committee Thematic Session on Notification of Trade-Facilitating Measures	G/SPS/GEN/1544
		Thematic Session on Notification of Trade-facilitating SPS Measures, 22 March 2017: Introduction to notification of trade-facilitating SPS measures	RD/SPS/8
		Thematic Session on Notification of Trade-facilitating SPS Measures, 22 March 2017: Notification of Trade-Facilitating SPS Measures - EU practices	RD/SPS/9
		Thematic Session on Notification of Trade-facilitating SPS Measures, 22 March 2017: Transparency, Trade-Facilitating SPS Measures, Chile's experience	RD/SPS/10
		Thematic Session on Notification of Trade-facilitating SPS Measures, 22 March 2017: Trade Facilitation Agreement Transparency Provisions	RD/SPS/11
		Informal SPS Committee meetings, 21 March 2017: ePing SPS/TBT notification alert system - Using ePing's "File sharing" function to disseminate unofficial translations	RD/SPS/12
		Formal SPS Committee meetings, 22 March 2017: Introduction to ePing SPS/TBT notification alert system	RD/SPS/13
		Workshop on Transparency - October 2017 - Programme	G/SPS/GEN/1568; G/SPS/GEN/1568/Rev.1; and G/SPS/GEN/1568/Rev.2
<b>Monitoring International Standards</b>	2014	Procedure to monitor the process of international harmonization - Draft sixteenth annual report	G/SPS/GEN/1332
	2015-2017	Annual report on the Procedure to Monitor the Process of International Harmonization	G/SPS/GEN/1411, G/SPS/GEN/1490 and G/SPS/GEN/1550



Subject	Year	Type of Activity	Related Documents	
Technical Assistance	2014	SPS Technical Assistance and Training Activities – 1 September 1994 to 31 December 2013	G/SPS/GEN/521/Rev.9	
		WTO SPS Technical Assistance Activities in 2014: General Information, Selection Processes and Application Form	G/SPS/GEN/997/Rev.4; and G/SPS/GEN/997/Rev.4/Add.1	
		Workshop on Risk Analysis - Programme	G/SPS/GEN/1336; and G/SPS/GEN/1358	
		Mid-term review of the Standards and Trade Development Facility (STDF)	G/SPS/GEN/1304	
			Update on the operation of the Standards and Trade Development Facility	G/SPS/GEN/1311; G/SPS/GEN/1337; and G/SPS/GEN/1357
	2015	SPS Technical Assistance and Training Activities – 1 September 1994 to 31 December 2014	G/SPS/GEN/521/Rev.10	
		WTO SPS Technical Assistance Activities in 2015: General Information, Selection Processes and Application Form	G/SPS/GEN/997/Rev.5	
		SPS Committee Thematic Session on Risk Communication 2015 - Programme	G/SPS/GEN/1413; and G/SPS/GEN/1428	
		Workshop on Transparency 2015 – Programme	G/SPS/GEN/1419; and G/SPS/GEN/1446	
		Report of the Workshop on Risk Analysis 2014	G/SPS/R/77	
		Report of the Workshop on Transparency 2015	G/SPS/R/80	
			Update on the operation of the Standards and Trade Development Facility	G/SPS/GEN/1384; G/SPS/GEN/1418; and G/SPS/GEN/1439
	2016	SPS Technical Assistance and Training Activities - 1 September 1994 to 31 December 2015	G/SPS/GEN/521/Rev.11	
		WTO SPS Technical Assistance Activities in 2016: General Information, Selection Processes and Application Form	G/SPS/GEN/997/Rev.6; and G/SPS/GEN/997/Rev.6/Add.1	
		SPS Committee Thematic Session on Pesticide MRLs – Programme	G/SPS/GEN/1468	
		Workshop on Maximum Residue Levels (MRLs) 2016 – Programme	G/SPS/GEN/1498; G/SPS/GEN/1514; and G/SPS/GEN/1514/Rev.1	
		Update on the operation of the Standards and Trade Development Facility	G/SPS/GEN/1470; G/SPS/GEN/1497; and G/SPS/GEN/1516	
	2017	SPS Technical Assistance and Training Activities - 1 September 1994 to 31 December 2016	G/SPS/GEN/521/Rev.12	
		WTO SPS Technical Assistance Activities in 2017: General Information, Selection Processes and Application Form	G/SPS/GEN/997/Rev.7	
		SPS Committee Thematic Session on Notification of Trade-Facilitating Measures	G/SPS/GEN/1544	
		SPS Committee Thematic Session on Regionalization - July 2017 - Programme	G/SPS/GEN/1567	
		Workshop on Transparency - October 2017 - Programme	G/SPS/GEN/1568; G/SPS/GEN/1568/Rev.1; and G/SPS/GEN/1568/Rev.2	
			Update on the operation of the Standards and Trade Development Facility	G/SPS/GEN/1538; G/SPS/GEN/1558; and G/SPS/GEN/1581

Subject	Year	Type of Activity	Related Documents
<b>Implementation of the Agreement – Specific Trade Concerns /Ad Hoc Consultations</b>	2014 -2017	Specific Trade Concerns	G/SPS/GEN/204/Rev.14; G/SPS/GEN/204/Rev.15; G/SPS/GEN/204/Rev.15/Corr.1; G/SPS/GEN/204/Rev.16; and G/SPS/GEN/204/Rev.17
	2014	Specific Trade Concerns: Note by the Secretariat Clarifications Requested by India on the Proposed Recommended Procedure Relating to the Implementation of Article 12.2 of the Agreement on Sanitary and Phytosanitary Measures (G/SPS/W/259/Rev.7)	RD/SPS/2 RD/SPS/4
		Proposed Response to the Clarifications sought by India on G/SPS/W/259/Rev.7	RD/SPS/5
	2015 -2017	Annual report on the use of the procedure to encourage and facilitate the resolution of specific sanitary or phytosanitary issues among members in accordance with Article 12.2 (G/SPS/61)	G/SPS/GEN/1457; G/SPS/GEN/1513; and G/SPS/GEN/1573
		Update on specific trade concerns (STCs): Resolved/partially resolved STCs	RD/SPS/28
<b>Private Standards</b>	2014	Existing definitions of private standards in other international organizations	G/SPS/GEN/1334; and G/SPS/GEN/1334/Rev.1
<b>Regionalization</b>	2016	Proposed Package on SPS-related Private Standards	RD/SPS/6
	2014 - 2017	Annual Report on the Implementation of Article 6 of the Agreement on the Application of Sanitary And Phytosanitary Measures	G/SPS/GEN/1333; G/SPS/GEN/1412; G/SPS/GEN/1491; G/SPS/GEN/1552; and G/SPS/GEN/1552/Corr.1
	2017	SPS Committee Thematic Session on Regionalization - July 2017 - Programme	G/SPS/GEN/1567
		Thematic Session on Regionalization, 11 July 2017: Regionalization - Provisions (Article 6) and Guidelines (G/SPS/48)	RD/SPS/17
		Thematic Session on Regionalization, 11 July 2017: Regionalization - Recent Panel and Appellate Body Decisions	RD/SPS/18
		Thematic Session on Regionalization, 11 July 2017: OIE standards on zoning and compartmentalisation and their implementation	RD/SPS/19
		Thematic Session on Regionalization, 11 July 2017: Regionalization in trade: The experience of the European Union with HPAI	RD/SPS/20
		Thematic Session on Regionalization, 11 July 2017: Regionalization in the European Union	RD/SPS/21
		Thematic Session on Regionalization, 11 July 2017: Experience of Ukraine in the recognition of HPAI regionalization and BSE risk status by trade partners	RD/SPS/22
		Thematic Session on Regionalization, 11 July 2017: Classical swine fever in Guatemala – Experiences in surveillance, control and the eradication process, 2011-2017	RD/SPS/23

Subject	Year	Type of Activity	Related Documents
		Thematic Session on Regionalization, 11 July 2017: Russian Federation's Experience in the Application of the Regionalization Principle	RD/SPS/24
		Thematic Session on Regionalization, 11 July 2017: Living Regionalization (South Africa)	RD/SPS/25
		Thematic Session on Regionalization, 11 July 2017: Japan's experience on regionalization with regard to animal health	RD/SPS/26
		Thematic Session on Regionalization, 11 July 2017: Regionalization Evaluation Services - Recognizing the Animal Health Status of Foreign Regions (United States)	RD/SPS/27
<b>Review of the SPS Agreement</b>	2014	Fourth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures - Summary of proposals submitted by Members	G/SPS/GEN/1307
		Review of the Operation and Implementation of the SPS Agreement - Background document	G/SPS/GEN/1312; and G/SPS/GEN/1312/Corr.1
		Review of the Operation and Implementation of the SPS Agreement - Draft Report of the Committee	G/SPS/W/280; G/SPS/W/280/Corr.1; G/SPS/W/280/Rev.1; and G/SPS/W/280/Rev.2
	2017	Catalogue of Instruments Available to WTO Members to Manage SPS Issues (G/SPS/W/279/Rev.2): Compilation of Suggestions for an Introductory Paragraph ("Disclaimer") by Reverse Chronological Order	RD/SPS/7
		Fourth Review Report (G/SPS/W/280/Rev.2): Compilation of proposed language for descriptive text for paragraph 14.20 of the Fourth Review Report	RD/SPS/14
		Fourth Review Report (G/SPS/W/280/Rev.2): Proposed language for descriptive text for section 14 of the Fourth Review Report	RD/SPS/15
		Catalogue of Instruments Available to WTO Members to Manage SPS Issues (G/SPS/W/279/Rev.2): Compilation of suggestions for an introductory paragraph ("disclaimer") discussed at the meeting in July 2017	RD/SPS/16
		Report of the Fourth Review of the Operation and Implementation of the SPS Agreement	G/SPS/62
		Proposed Process for the Fifth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures	G/SPS/W/296
<b>Other</b>	2014	Inter-Agency Liaison Group on Invasive Alien Species - Recent activities of group members	G/SPS/GEN/1320
		Summary of the meeting of: 16 – 17 October 2013; 25 - 26 March 2014; and 9 - 10 July 2014	G/SPS/R/73; G/SPS/R/73/Corr.1; and G/SPS/R/73/Corr.2 G/SPS/R/74; and G/SPS/R/74/Corr.1 G/SPS/R/75
		International Intergovernmental Organizations requests for observer status in the Committee on Sanitary and Phytosanitary Measures	G/SPS/W/78/Rev.12
		Report (2014) on the activities of the Committee on Sanitary	G/L/1086

Subject	Year	Type of Activity	Related Documents
		and Phytosanitary Measures Dates of meetings of the Committee on Sanitary and Phytosanitary Measures – 2015	G/SPS/GEN/1348; and G/SPS/GEN/1348/Rev.1
		India's request for information on organic product notification Information Note: The Relationship between the Trade Facilitation Agreement and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)	G/SPS/GEN/1354; and G/SPS/GEN/1354/Rev.1 RD/SPS/3 and RD/SPS/3/Rev.1
	2015	Membership in WTO and International Standard-Setting Bodies Summary of the meeting of: 15 – 17 October 2014; 26 – 27 March 2015; and 15 – 16 July 2015	G/SPS/GEN/49/Rev.12 G/SPS/R/76; G/SPS/R/78; G/SPS/R/79; and G/SPS/R/79/Corr.1
		International Intergovernmental Organizations requests for observer status in the Committee on Sanitary and Phytosanitary Measures	G/SPS/W/78/Rev.13
		Report (2015) on the activities of the Committee on Sanitary and Phytosanitary Measures	G/L/1129
		Dates of meetings of the Committee on Sanitary and Phytosanitary Measures - 2016	G/SPS/GEN/1435; G/SPS/GEN/1435/Rev.1 and G/SPS/GEN/1435/Rev.2
	2016	Applicants for observer status Nomenclature	G/SPS/GEN/121/Add.17 G/SPS/GEN/820/Corr.1
		Summary of the meeting of: 14 – 16 October 2015; 16 – 17 March 2016; 30 June – 1 July 2016; 27 – 28 October 2016	G/SPS/R/81; G/SPS/R/82; G/SPS/R/82/Corr.1; G/SPS/R/83; G/SPS/R/83/Corr.1; and G/SPS/R/84
		International Intergovernmental Organizations requests for observer status in the Committee on Sanitary and Phytosanitary Measures	G/SPS/W/78/Rev.14
		Report (2016) on the activities of the Committee on Sanitary and Phytosanitary Measures	G/L/1164
		Dates of meetings of the Committee on Sanitary and Phytosanitary Measures - 2017	G/SPS/GEN/1506
	2017	Report of the Workshop on Pesticide Maximum Residue Levels 2016	G/SPS/R/85
		Summary of the meeting of: 22–23 March 2017; 13–14 July 2017; 2–3 November 2017	G/SPS/R/86; and G/SPS/R/86/Corr.1; G/SPS/R/87; and G/SPS/R/87/Corr.1; G/SPS/R/88; and G/SPS/R/88/Corr.1
		Report (2017) on the activities of the Committee on Sanitary and Phytosanitary Measures	G/L/1202
		Dates of meetings of the Committee on Sanitary and Phytosanitary Measures – 2018	G/SPS/GEN/1564

## APPENDIX B: LIST OF SPS COMMITTEE DOCUMENTS SUBMITTED BY MEMBERS 2014-2017

### A. Comments/Proposals regarding Transparency (Article 7 and Annex B)

Year	Member	Title/Subject	Symbol
2014	European Union	Fourth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures - The transparency obligations of the SPS Agreement (Article 7 and Annex B)	G/SPS/W/274
	Chile; European Union; Morocco, Norway	Fourth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures - The transparency obligations of the SPS Agreement (Article 7 and Annex b)	G/SPS/W/277
	Chile; European Union; Morocco, Norway	Fourth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures - The transparency obligations of the SPS Agreement (Article 7 and Annex b)	G/SPS/W/278
	European Union	Comments on notification G/SPS/N/RUS/49	G/SPS/GEN/1313
	Russian Federation	Notification	G/SPS/GEN/1315
2016	Chile; European Union	Transparency under the SPS Agreement (Article 7 and Annex B) - Follow-up proposals for action	G/SPS/W/290
2017	United States	WTO SPS Committee: Transparency Workshop October 2017	G/SPS/W/294 and G/SPS/W/294/Rev.1

### B. Comments/Proposals regarding monitoring the use of international standards (Article 3.5 and 12.4)

- No documents were submitted under this specific topic.

#### C.1 Information regarding Members' provision of technical assistance and training activities (Article 9)

Year	Member	Title/Subject	Symbol
2014	Australia	Technical Assistance to Developing Countries	G/SPS/GEN/717/Add.4
	Canada	Technical Assistance to Developing Countries	G/SPS/GEN/1199/Add.1; G/SPS/GEN/1318; G/SPS/GEN/1196/Corr.1; G/SPS/GEN/1342; and G/SPS/GEN/1342/Corr.1
	European Union	Technical Assistance to Developing Countries	G/SPS/GEN/1139/Add.2
	Japan	Technical Assistance to Developing Countries	G/SPS/GEN/1160/Add.1/Corr.1
2015	Canada	Technical Assistance to Developing Countries	G/SPS/GEN/1426
	European Union	SPS-related technical assistance provided by the European Union	G/SPS/GEN/Add.3
	Japan	Technical Assistance to Developing Countries	G/SPS/GEN/1160/Add.3
	United States	Technical Assistance to Developing Countries	G/SPS/GEN/181/Add.11
2016	Australia	Technical Assistance to Developing Countries	G/SPS/GEN/717/Add.5
	Canada	Technical Assistance to Developing Countries	G/SPS/GEN/1522
	Japan	Technical Assistance to Developing Countries	G/SPS/GEN/1160/Add.4
2017	Canada	Technical Assistance to Developing Countries	G/SPS/GEN/1584
	European Union	SPS-related Technical Assistance provided by the European Union in 2015 - 2016	G/SPS/GEN/1139/Add.4
	Japan	Technical Assistance to Developing Countries	G/SPS/GEN/1160/Add.5
	United States	Technical Assistance to Developing Countries	G/SPS/GEN/181/Add.12

#### C.2 Information regarding Members' technical assistance and training needs (Article 9)

Year	Member	Title/Subject	Symbol
2014	Belize	Technical Assistance and Cooperation	G/SPS/GEN/1373
	Belize	Information on Activities	G/SPS/GEN/1372

Year	Member	Title/Subject	Symbol
2015	Antigua and Barbuda	Report on progress made in the establishment of the National SPS Committee and update of legislation to facilitate compliance	G/SPS/GEN/1460
	Jamaica	Jamaica Technical Assistance Report - October 2015 SPS Committee Meeting - Geneva	G/SPS/GEN1449

#### D. Comments/Proposals regarding special and differential treatment (Article 10)

- No documents were submitted under this specific topic.

#### E. Comments/Proposals regarding Risk Analysis

Year	Member	Title/Subject	Symbol
2014	United States	Fourth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures - Workshop on decision making and communication during the risk analysis process	G/SPS/W/275
2015	United States	Risk assessment: Possible next steps for consideration	G/SPS/GEN/1401
	United States	Risk communication: Identifying resources of practical use to Members	G/SPS/GEN/1456

#### F.1 Comments/Proposals regarding Regionalization (Article 6)

Year	Member	Title/Subject	Symbol
2017	European Union	Informal Meeting on Regionalisation on the margins of the SPS Committee of July 2017	G/SPS/W/293
	United States	Thematic Session on Pest-Free Areas – 2018 – Proposal by the United States	G/SPS/GEN/1593

#### F.2 Information regarding Members' experience related to Regionalization (Article 6)

Year	Member	Title/Subject	Symbol
2014	Argentina	OIE recognition of Argentina as a country free from contagious bovine pleuropneumonia and peste des petits ruminants	G/SPS/GEN/1347
	Armenia	Animal health risk assessment and zoning reports	G/SPS/GEN/1309
	Brazil	Eradication of <i>Cydia pomonella</i>	G/SPS/GEN/1355
	European Union	Notification G/SPS/N/RUS/48	G/SPS/GEN/1305
	Guatemala	Questions posed by the delegation of Senegal concerning areas free from Mediterranean fruit fly	G/SPS/GEN/1326
	Honduras	Declaration of a pest free area (for <i>Ceratitidis Capitata</i> Wied. ) in accordance with ISPM No. 10	G/SPS/GEN/1300
	Mexico	Declaration of area free from large avocado seed weevils ( <i>Heilipus lauri</i> ), small avocado seed weevils ( <i>Conotrachelus aguacatae</i> and <i>C. perseae</i> ) and avocado seed moths ( <i>Stenomoma catenifer</i> )	G/SPS/GEN/1297; G/SPS/GEN/1299; G/SPS/GEN/1301; G/SPS/GEN/1302; G/SPS/GEN/1349
	Mexico	Declaration of an area with a low prevalence of fruit flies of the genus <i>Anastrepha</i> of quarantine significance and <i>Rhagoletis pomonella</i>	G/SPS/GEN/1298
	Mexico	Declaration of the State of Mexico as an area free from Aujeszky's disease	G/SPS/GEN/1303
	Mexico	Phytosanitary measures to control and mitigate the spread of the spotted-wing drosophila ( <i>Drosophila suzukii Matsumura</i> )	G/SPS/GEN/1350
	Mexico	Phytosanitary measures to control and mitigate the spread of pierce's disease ( <i>Xylella fastidiosa</i> subsp. <i>fastidiosa</i> ) and its vectors	G/SPS/GEN/1351
	Mexico	Declaration of the United Mexican States as an area free from Mediterranean fruit fly <i>Ceratitidis capitata</i> (Wiedemann)	G/SPS/GEN/1376

Year	Member	Title/Subject	Symbol
	Nicaragua	Analysis of the sanitary regulations for the importation of Brazilian meat into the United States	G/SPS/GEN/1330
	Paraguay	Phytosanitary emergency due to the detection of citrus greening disease (Huanglongbing, HLB)	G/SPS/GEN/1366 and G/SPS/GEN/1366/Corr.1
	Peru	Declaration as a country free of bluetongue	G/SPS/GEN/1331
	Thailand	Declaration of Thailand as an area free from <i>Pantoea stewartii</i> subsp. <i>stewartii</i>	G/SPS/GEN/1352
2015	Argentina	Phytosanitary emergency plan against fruit flies in the city of Villa Regina, province of Rio Negro, Argentina	G/SPS/GEN/1436
	Brazil	National programme against fruit flies	G/SPS/GEN/1442
	Ecuador	Statement by Ecuador - Pest- and disease-free areas - 15 - 16 July 2015	G/SPS/GEN/1434
	Guatemala	End of the suspension of vaccination against Classical Swine Fever (CSF) at national level	G/SPS/GEN/1463
	Mexico	Declaration of areas free from boll weevil ( <i>Anthonomus grandis</i> )	G/SPS/GEN/1378 and G/SPS/GEN/1378/Corr.1
	Mexico	Declaration of areas free from pink bollworm ( <i>Pectinophora gossypiella</i> )	G/SPS/GEN/1379
	Mexico	Declaration of the State of Jalisco as an area free from Aujeszky's disease	G/SPS/GEN/1380
	Mexico	Areas free from Pierce's disease ( <i>Xylella fastidiosa</i> subsp. <i>fastidiosa</i> )	G/SPS/GEN/1385
	Mexico	Area free from the spotted-wing drosophila ( <i>Drosophila suzukii</i> Matsumura)	G/SPS/GEN/1386
	Mexico	Areas under phytosanitary control due to the presence of pierce's disease ( <i>Xylella fastidiosa</i> subsp. <i>fastidiosa</i> )	G/SPS/GEN/1387
	Mexico	Areas under phytosanitary control due to the presence of the spotted-wing drosophila ( <i>Drosophila suzukii</i> Matsumura)	G/SPS/GEN/1388
	Mexico	Declaration of an area with a low prevalence of fruit flies of the genus <i>Anastrepha</i> of quarantine significance	G/SPS/GEN/1389
	Mexico	Declaration of area free from large avocado seed weevils ( <i>Heilipus lauri</i> ), small avocado seed weevils ( <i>Conotrachelus aguacatae</i> and <i>C. perseae</i> ) and avocado seed moths ( <i>Stenomoma catenifer</i> )	G/SPS/GEN/1390; G/SPS/GEN/1391; G/SPS/GEN/1392; G/SPS/GEN/1393; G/SPS/GEN/1408
	Mexico	Declaration of the State of San Luis Potosí as an area free from Aujeszky's disease	G/SPS/GEN/1406
	Mexico	Changes in relation to the national tick ( <i>Boophilus</i> spp.) control campaign	G/SPS/GEN/1407
	Mexico	Declaration of areas with a low prevalence of fruit flies of the genus <i>Anastrepha</i> of quarantine significance and <i>Rhagoletis pomonella</i>	G/SPS/GEN/1409
	Mexico	Declaration of the United Mexican States as a country free from Aujeszky's disease in the pig farming sector	G/SPS/GEN/1424
	Mexico	Declaration of the United Mexican States as a country free from Velogenic Newcastle disease	G/SPS/GEN/1425
	Morocco	Declaration of Morocco as a country free from African Horse Sickness	G/SPS/GEN/1414
	Nigeria	Update on the avian influenza situation in Nigeria	G/SPS/GEN/1397
	Nigeria	64 <sup>th</sup> meeting of the SPS Committee	G/SPS/GEN/1441
	Switzerland	Disease status update	G/SPS/GEN/1420
	Thailand	Declaration of Thailand as free from <i>Sternochetus mangiferae</i>	G/SPS/GEN/1415
2016	Colombia	Notifiable diseases in Colombia	G/SPS/GEN/1466
	Costa Rica	Declaration of the Brunca region of the Republic of Costa Rica as an area with a low prevalence of bovine brucellosis and tuberculosis	G/SPS/GEN/1507
	Costa Rica	Statement regarding bovine spongiform encephalopathy (BSE) risk status	G/SPS/GEN/1511



Year	Member	Title/Subject	Symbol
	Mexico	Declaration of the central-western region of the municipality of Coatepec Harinas in the state of Mexico as an area free from fruit flies of the quarantine-significant genus <i>Anastrepha</i>	G/SPS/GEN/1512
2017	Botswana	Suspected outbreak of foot and mouth disease (FMD) in Ngamiland	G/SPS/GEN/1572
	Costa Rica	Declaration of Velogenic Newcastle disease free status	G/SPS/GEN/1560
	Paraguay	Declaration of a phytosanitary emergency due to the presence of locusts ( <i>Schistocerca cancellata</i> ) in the departments of alto Paraguay and Boquerón in the western region of Paraguay	G/SPS/GEN/1547

### G. Comments/Proposals regarding Monitoring Implementation of the Agreement (Articles 12.1 and 12.2) – Specific trade concerns/Use of Ad Hoc Consultations

Year	Member	Title/Subject	Symbol
2014	European Union	Public consultation on defining criteria for identifying endocrine disruptors in the context of the implementation of the European Union's plant protection product regulation and biocidal products regulation	G/SPS/GEN/1365; G/SPS/GEN/1365/Add.1
	Peru	Amendment of European Union Regulation No. 258/97 concerning novel foods	G/SPS/GEN/1316
	Peru	Comments on the draft amendment to EU regulation no 258/97 on novel foods (document G/SPS/N/EU/64)	G/SPS/GEN/1329
	Peru	Comments on the proposal for a regulation of the European Parliament and of the Council on novel foods (document G/SPS/N/EU/64)	G/SPS/GEN/1335; G/SPS/GEN/1361
	Russian Federation	EU heat treatment requirements on meat	G/SPS/GEN/1328
2015	European Union	Report on public consultation on defining criteria for identifying endocrine disruptors in the context of the implementation of the plant protection product regulation and the biocidal products regulation	G/SPS/GEN/1448
	India	Need for measures on detection of pesticide residues not registered in the country of import for unimpeded flow of trade	G/SPS/W/284
	Peru	Comments on the proposal for a regulation of the European Parliament and of the Council on novel foods (document G/SPS/N/EU/64)	G/SPS/GEN/1383
	Peru	Comments on the proposal for a regulation of the European Parliament and of the Council on novel foods (document G/SPS/N/EU/64)	G/SPS/GEN/1422
	Peru	Comments on the proposal for a regulation of the European Parliament and of the Council on novel foods (document G/SPS/N/EU/64)	G/SPS/GEN/1444
	Senegal	Market access problems for certain Senegalese products	G/SPS/GEN/1451
2016	European Union	On-going review of maximum residue levels of pesticides in the European Union	G/SPS/GEN/1494
	Peru	Regulation (EC) 258/97 and regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods	G/SPS/GEN/1526
	Viet Nam	Comments of Viet Nam on the new regulation of the United States on mandatory inspection of catfish and catfish products	G/SPS/GEN/1485
2017	European Union	On-going review of maximum residue levels of pesticides in the European Union	G/SPS/GEN/1494/Rev.1
	European Union	Invitation to WTO Members to contribute to the evaluation of the EU pesticide legislation	G/SPS/GEN/1590
	European Union	Information to WTO Members on the latest developments on endocrine disruptors	G/SPS/GEN/1594

Year	Member	Title/Subject	Symbol
	Kenya, Uganda and the United States	Workshop on Pesticide Maximum Residue Levels (MRLs): possible next steps for consideration by the SPS Committee	G/SPS/W/292; G/SPS/W/292/Rev.1; and G/SPS/W/292/Rev.2
	Peru	Commission Regulation (EU) 2017/1164 of 22 June 2017 amending Annexes II and III to Regulation (EC) no 396/2005 of the European Parliament and of the Council as regards Maximum Residue Levels For Acrinathrin, Metalaxyl And Thiabendazole in or on certain products	G/SPS/GEN/1586
	Peru	Commission Regulation (EU) No. 488/2014 of 12 May 2014 amending Regulation (EC) No. 1881/2006 as regards maximum levels of cadmium in foodstuffs	G/SPS/GEN/1587

## H. Review of the Agreement

Year	Member	Title/Subject	Symbol
2014	European Union	Fourth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures - The transparency obligations of the SPS Agreement (Article 7 and Annex B)	G/SPS/W/274
	United States	Fourth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures - Workshop on decision making and communication during the risk analysis process	G/SPS/W/275
	Chile, European Union, Morocco and Norway	Fourth review of the operation and implementation of the Agreement on the application of Sanitary and Phytosanitary measures - the transparency obligations of the SPS Agreement (Article 7 and Annex b)	G/SPS/W/277; G/SPS/W/278
	Canada, Kenya	Catalogue of instruments available to WTO Members to manage SPS issues	G/SPS/W/279 and G/SPS/W/279/Rev.1
2015	Canada, Kenya	Catalogue of instruments available to WTO Members to manage SPS issues	G/SPS/W/279/Rev.2
	Egypt	Review of the operation and implementation of the SPS Agreement	G/SPS/W/282
	Belize	Review of the operation and implementation of the SPS Agreement - Belize's intervention at the 62 <sup>nd</sup> WTO SPS Committee meeting	G/SPS/W/286
2016	Norway	Comments from Norway to the Draft Report of the Fourth Review of the SPS Agreement (G/SPS/W/280/Rev.2)	G/SPS/W/289
	Chile, European Union	Transparency under the SPS Agreement (Article 7 and Annex B) - Follow-up proposals for action	G/SPS/W/290
2017	United States	The Report of the Fourth Review: Options for discussion	G/SPS/W/291

## I. SPS-Related Private Standards

Year	Member	Title/Subject	Symbol
2014	Belize	SPS related private standards	G/SPS/GEN/1327
	Belize	Actions regarding SPS-related private standards	G/SPS/GEN/1374
	China, New Zealand	Report of the co-stewards of the private standards e-working group on Action 1 (G/SPS/55)	G/SPS/W/276
	China, New Zealand	Second Report of the co-stewards of the private standards e-working group	G/SPS/W/281
2015	Argentina	SPS-related private standards	G/SPS/W/285
	Belize	Review of the Operation and Implementation of the SPS Agreement - Belize's intervention at the 62 <sup>nd</sup> WTO SPS Committee meeting	G/SPS/W/286
	Belize	Concerns with private and commercial standards - Belize's intervention at the 62 <sup>nd</sup> WTO SPS Committee meeting	G/SPS/W/287; and G/SPS/W/287/Corr.1

Year	Member	Title/Subject	Symbol
	Belize	Belize's comments on private standards – 63 <sup>rd</sup> WTO/SPS Committee meeting - July 2015	G/SPS/W/288
	China, New Zealand	Report of the co-stewards of the private standards e-working group to the March 2015 meeting of the SPS Committee on Action 1 (G/SPS/55)	G/SPS/W/283
	Nigeria	Private standards	G/SPS/GEN/1398
2017	Belize	Private and Commercial Standards – Formal Meeting of the WTO/SPS Committee	G/SPS/GEN/1592

## J. Other

Year	Member	Title/Subject	Symbol
2014	Argentina	Phytosanitary re-export authorizations	G/SPS/GEN/1296
	Armenia	Plant health risk assessment reports	G/SPS/GEN/1310
	Brazil	Encouragement to eliminate the use of non-ecofriendly methyl bromide in phytosanitary treatments	G/SPS/GEN/1323
	Burundi	Creation of the National Committee for the Coordination and Monitoring of Sanitary and Phytosanitary Measures	G/SPS/GEN/1306/Rev.1
	Burundi	Information concerning the Burundian Standardization and Quality Control Bureau (BBN)	G/SPS/GEN/1308/Rev.1
	Ecuador	Action by Agrocalidad in the framework of Ecuador's Single Window	G/SPS/GEN/1356
	Mexico	Communication from Mexico	G/SPS/GEN/491/Add.1; and G/SPS/GEN/491/Add.20
	New Zealand	New Zealand Ministry for Primary Industries is changing its electronic certification for dairy products	G/SPS/GEN/1353
	Singapore	Changes to licences and certificates issued by the agri-food and veterinary authority of Singapore	G/SPS/GEN/1375
2015	Argentina	Structure of the Argentine National Agriculture and Food Quality and Health Service - Current situation	G/SPS/GEN/1455
	Canada	Removal of web listings of Canadian facilities exporting wood products	G/SPS/GEN/1437
	Chile	New stamp to be used to certify exports of fishery and aquaculture products	G/SPS/GEN/1465
	Korea, Republic of	Introduction to the Korea SPS support website	G/SPS/GEN/1447
	Mexico	Communication from Mexico	G/SPS/GEN/491/Add.21
	Mexico	Communication from Mexico concerning the notice on the entry into force of Mexican standard NMX-F-595-SCFI-2015 on halal food, published in the Mexican official journal on 7 July 2015	G/SPS/GEN/1464
	Paraguay	New phytosanitary certificate (Safety Data Sheet) format	G/SPS/GEN/1381
	Peru	Results of the 46 <sup>th</sup> session of the Codex Committee on food hygiene held in Peru	G/SPS/GEN/1396
	Peru	National Fisheries Health Service (SANIPES)	G/SPS/GEN/1423
	Peru	Actions by the National Fisheries Health Agency (SANIPES) to improve fisheries health	G/SPS/GEN/1445
	Senegal	Memorandum of understanding between Senegal and China on phytosanitary requirements for ground-nut exports	G/SPS/GEN/1461; and G/SPS/GEN/1461/Corr.1
	Zambia	Brief update to the October SPS Committee meeting	G/SPS/GEN/1450
2016	Canada	Modernizing Canada's food safety regulatory framework	G/SPS/GEN/1524
	Chile	New stamp to be used to certify exports of fishery and aquaculture products	G/SPS/GEN/1465/Add.1
	China	Comments on the United States' regulation on mandatory inspection of fish of the order siluriformes and products derived from such fish	G/SPS/GEN/1527

Year	Member	Title/Subject	Symbol
	Costa Rica	Phytosanitary certificate	G/SPS/GEN/1489; and G/SPS/GEN/1489/Add.1
	European Union	New Animal Health Law of the European Union	G/SPS/GEN/1492
	Ecuador	New phytosanitary export certificate format	G/SPS/GEN/1467
	Ecuador	Regulation in force on organic production	G/SPS/GEN/1469
	Guinea	Upgrading of the "Industrie Assurance Qualité des Produits de la Pêche et de l'Aquaculture (SIAQPPA)" to the "Office National du Contrôle Sanitaire des Produits de la Pêche et de l'Aquaculture (ONSPA)"	G/SPS/GEN/1508
	Israel	Raising awareness on IPPC and OIE dispute settlement/avoidance mechanisms	G/SPS/GEN/1502
	Kenya, Uganda and the United States	Workshop on Pesticide Maximum Residue Levels (MRLs): Possible next steps for consideration by the SPS Committee	G/SPS/W/292; G/SPS/W/292/Rev.1; and G/SPS/W/292/Rev.2
	Mexico	Introduction of new guides and rules under official Mexican standard NOM-001-SAG/FITO-2013, establishing the criteria, procedures and specifications for the development of variety guides and rules for determining the quality of seeds for sowing	G/SPS/GEN/1487
	Mexico	Communication from Mexico	G/SPS/GEN/491/Add.22
	Paraguay	New phytosanitary certificate format	G/SPS/GEN/1510
	Peru	Sanitary requirements for the importation into Peru of processed foods other than fishery and aquaculture products	G/SPS/GEN/1496
	Peru	Guide to improve the safety of mahi-mahi exports	G/SPS/GEN/1518
	Senegal	Information concerning the National Committee on Sanitary and Phytosanitary Measures	G/SPS/GEN/1473
	Turkey	Update of export certificates for plants and plant products	G/SPS/GEN/1509
2017	Argentina	Export of animal products and live animals - new design for security stamps and updated register of officials with power of signature for international purposes	G/SPS/GEN/1571
	Brazil	Animal products - Recent measures implemented	G/SPS/GEN/1545; G/SPS/GEN/1545/Add.1
	Chile	Chile 2016 - International cooperation on sanitary and phytosanitary matters	G/SPS/GEN/1548
	European Union	New plant health law of the European Union	G/SPS/GEN/1541
	European Union	New official controls regulation of the European Union	G/SPS/GEN/1551
	Kenya, Uganda and the United States	Trade in food and agricultural products: Joint statement of undersigned Ministers	WT/MIN(17)/52
	Kyrgyz Republic	Questions from the Kyrgyz Republic to Kazakhstan regarding trade-restrictive measures by Kazakhstan	G/SPS/W/295
	Mexico	Communication from Mexico	G/SPS/GEN/491/Add.23
	Morocco	Revision of the preliminary draft guidelines on histamine control in the code of practice for fish and fishery products (CAC/RCP 52-2003)	G/SPS/GEN/1585
	Turkey	Veterinary health certificate models	G/SPS/GEN/1531

#### APPENDIX C: LIST OF SPS COMMITTEE DOCUMENTS SUBMITTED BY OBSERVER ORGANIZATIONS 2014-2017

Year	Member	Title/Subject	Symbol
2014	Codex	46 <sup>th</sup> Session of the Codex Committee on Food Hygiene in Lima (Peru)	G/SPS/GEN/1362
	Codex	Information on Activities	G/SPS/GEN/1368; G/SPS/GEN/1403
	IPPC	Report of the IPPC Secretariat	G/SPS/GEN/1344; G/SPS/GEN/1370
	IPPC	IPPC Capacity Development Activities	G/SPS/GEN/1345

Year	Member	Title/Subject	Symbol	
	OIE	Report of the World Organisation for Animal Health (OIE)	G/SPS/GEN/1343	
	OIE	Communication from the OIE	G/SPS/GEN/1364	
	African Union	Information on SPS activities of the African Union	G/SPS/GEN/1341; G/SPS/GEN/1363	
	GSO	GCC Standardisation Organization	G/SPS/GEN/1360	
	IICA	Actions aimed at the implementation of the WTO agreement on sanitary and phytosanitary measures	G/SPS/GEN/1359	
	ITC	Information on SPS related recent and forthcoming assistance and other activities from the International Trade Centre (ITC)	G/SPS/GEN/1369	
	OIRSA	Activities undertaken by the International Regional Organization For Plant And Animal Health (OIRSA) relating to the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	G/SPS/GEN/1367	
2015	SADC	SADC Report	G/SPS/GEN/1346	
	Codex	Information on Activities	G/SPS/GEN/1432; and G/SPS/GEN/1443	
	IPPC	Report of the International Plant Protection Convention Secretariat	G/SPS/GEN/1433; and G/SPS/GEN/1459	
	OIE	Communication from the OIE	G/SPS/GEN/1394; G/SPS/GEN/1427; and G/SPS/GEN/1440	
	OIE	Information paper - OIE standards and recent WTO disputes	G/SPS/GEN/1438	
	African Union	Information from the African Union Commission	G/SPS/GEN/1430; and G/SPS/GEN/1453	
	FAO	Food Safety Risk Analysis	G/SPS/GEN/1405	
	IICA	Actions aimed at the implementation of the WTO Agreement on Sanitary and Phytosanitary measures	G/SPS/GEN/1395; G/SPS/GEN/1421; and G/SPS/GEN/1452	
	ISO	Report of activities	G/SPS/GEN/1416	
	ITC	Information on SPS related recent and forthcoming assistance and other activities from the International Trade Centre (ITC)	G/SPS/GEN/1462	
	OECD	Recent activities by the OECD of interest to the SPS Committee	G/SPS/GEN/1399; and G/SPS/GEN/1454	
	OIRSA	Activities undertaken by the International Regional Organization For Plant And Animal Health (OIRSA) relating to the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	G/SPS/GEN/1400; G/SPS/GEN/1429; and G/SPS/GEN/1458	
	SADC	SADC report to the World Trade Organisation Sanitary And Phytosanitary Committee meeting on SPS activities	G/SPS/GEN/1404; and G/SPS/GEN/1431	
	2016	Codex	Information on Activities	G/SPS/GEN/1481; G/SPS/GEN/1501; and G/SPS/GEN/1520
		IPPC	Report of the International Plant Protection Convention Secretariat	G/SPS/GEN/1488; G/SPS/GEN/1504; G/SPS/GEN/1529; and G/SPS/GEN/1529/Corr.1
OIE		Communication from the OIE	G/SPS/GEN/1499; and G/SPS/GEN/1519	
ACP		Activities of the Europe-Africa Caribbean-Pacific Liaison Committee (COLEACP)	G/SPS/GEN/1482	
ACP		ACP-EU TBT programme report to the meeting of the WTO SPS Committee: 15 - 17 March 2016	G/SPS/GEN/1483	
African Union		Information from the African Union Commission	G/SPS/GEN/1525	
IGAD		Report to the SPS Committee	G/SPS/GEN/1521	
IICA		Actions aimed at the implementation of the WTO Agreement on Sanitary and Phytosanitary measures	G/SPS/GEN/1500; and G/SPS/GEN/1515	
ISO		Report of activities	G/SPS/GEN/1493	
ITC		Information on SPS related recent and forthcoming assistance and other activities from the International Trade Centre (ITC)	G/SPS/GEN/1484; G/SPS/GEN/1505; and G/SPS/GEN/1530	

Year	Member	Title/Subject	Symbol
	OECD	Recent activities by the OECD of interest to the SPS Committee	G/SPS/GEN/1528
	OIRSA	Activities undertaken by the International Regional Organization For Plant And Animal Health (OIRSA) relating to the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	G/SPS/GEN/1495; and G/SPS/GEN/1523
	SADC	SADC report to the World Trade Organisation Sanitary And Phytosanitary Committee meeting on SPS activities	G/SPS/GEN/1474/Corr.1; G/SPS/GEN/1503; and G/SPS/GEN/1517
2017	Codex	Information on Activities	G/SPS/GEN/1540; G/SPS/GEN/1559; G/SPS/GEN/1577; and G/SPS/GEN/1577/Add.1
	IPPC	Update from the International Plant Protection Convention Secretariat (as of October 2016)	G/SPS/GEN/1533; G/SPS/GEN/1565; and G/SPS/GEN/1579
	OIE	Communication from the OIE	G/SPS/GEN/1543
	OIE	OIE standards and recent WTO disputes	G/SPS/GEN/1553; and G/SPS/GEN/1583
	African Union	Information on SPS Activities of the African Union	G/SPS/GEN/1563; G/SPS/GEN/1566
	CAHFSA	Report on SPS Activities	G/SPS/GEN/1537; G/SPS/GEN/1561; and G/SPS/GEN/1575
	ECOWAS	Overview of ECOWAS implemented sanitary and phytosanitary activities	G/SPS/GEN/1570; and G/SPS/GEN/1574
	FAO/WHO Codex Trust Fund	Why invest in the FAO/WHO CODEX Trust Fund?	G/SPS/GEN/1534
	IGAD	Report to the SPS Committee	G/SPS/GEN/1532; G/SPS/GEN/1556; and G/SPS/GEN/1576
	IICA	Actions aimed at the implementation of the WTO Agreement on Sanitary and Phytosanitary measures	G/SPS/GEN/1557; and G/SPS/GEN/1580
	ISO	Report of activities	G/SPS/GEN/1555
	ITC	Information on SPS related activities of the International Trade Centre (ITC) (November 2016 – March 2017)	G/SPS/GEN/1546
	OECD	Recent activities by the OECD of interest to the SPS Committee	G/SPS/GEN/1535; G/SPS/GEN/1562; and G/SPS/GEN/1588
	OECD	OECD Work on Pesticides	G/SPS/GEN/1589
	OIRSA	Activities undertaken by the International Regional Organization For Plant And Animal Health (OIRSA) relating to the WTO Agreement on the Application of Sanitary and Phytosanitary Measures	G/SPS/GEN/1536; G/SPS/GEN/1554; and G/SPS/GEN/1578



## APPENDIX D - WTO DISPUTES INVOKING THE SPS AGREEMENT

Since 1 January 1995, violations of the SPS Agreement have been alleged in the following disputes. Those which have been referred to a panel are highlighted in italics.

Please note that in the WTO, the European Union was officially called the European Communities until 30 November 2009. In this table, reference is made to "the European Communities" or "the EC" regarding dispute developments that took place before this date.

	STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
1	STC 2*	WT/DS3	US complaint against Korea's inspection procedures for fresh fruits	Consultations requested on 6/04/1995 (WT/DS3/1).	Pending
2	STC 1	WT/DS5	US complaint against Korea's shelf-life requirements for frozen processed meats and other products	Consultations requested on 3/05/1995 (WT/DS5/1).	Mutually agreed solution notified on 20/07/1995 (WT/DS5/5).
3	<i>STC 8</i>	<i>WT/DS18</i>	<i>Canada's complaint against Australia's import restrictions on fresh, chilled or frozen salmon</i> <b>Australia - Salmon</b>	<i>Consultations requested on 5/10/1995 (WT/DS18/1).</i>	<i>Panel established on 10/04/1997.</i>  <i>Appellate Body report (WT/DS18/AB/R) and Panel report (WT/DS18/R) adopted on 6/11/1998.</i>  <i>Suspension of concessions authorized on 24/12/1998; Request for Arbitration 3/08/1999 (WT/DS18/13).</i>  <i>Mutually agreed solution notified on 18/05/2000 (WT/DS18/RW).</i>
4	STC 1	WT/DS20	Canada's complaint against Korea's restrictions on treatment methods for bottled water	Consultations requested on 8/11/1995 (WT/DS20/1).	Mutually agreed solution notified on 24/04/1996 (WT/DS20/6).
5	<i>STC 8</i>	<i>WT/DS21</i>	<i>US complaint against Australia's import restrictions on fresh, chilled or frozen salmon</i> <b>Australia - Salmonids</b>	<i>Consultations requested on 17/11/1995 (WT/DS21/1).</i>	<i>Panel established on 16/06/1999.</i>  <i>Mutually agreed solution notified on 27/10/2000 (WT/DS21/10).</i>
6	N/A	WT/DS26	<i>US complaint against EC's prohibition of meat from animals treated with growth-promoting hormones</i> <b>EC – Hormones (US)</b>	<i>Consultations requested on 26/01/1996 (WT/DS26/1).</i>	<i>Panel established on 20/05/1996.</i>  <i>Appellate Body report (WT/DS26/AB/R) and Panel report (WT/DS26/R/USA) adopted on 13/02/1998.</i>  <i>Suspension of concessions authorized on 26/07/1999; Request for Arbitration on 22/12/2008 (WT/DS26/ARB).</i>  <i>Memorandum of Understanding notified on 25/09/2009 (WT/DS26/28).</i>



STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
7	STC 2*	WT/DS41	US complaint against Korea's inspection procedures for fresh fruits	Consultations requested on 24/05/1996 (WT/DS41/1). Pending
8	N/A	WT/DS48	Canada's complaint against EC prohibition of meat from animals treated with growth-promoting hormones <b>EC – Hormones (Canada)</b>	Consultations requested on 28/06/1996 (WT/DS48/1). Panel established on 16/10/1996. Appellate Body report (WT/DS48/AB/R) and Panel report (WT/DS48/R/CAN) adopted on 13/02/1998. Suspension of concessions authorized on 26/07/1999; Request for Arbitration on 22/12/2008 (WT/DS48/ARB). Memorandum of Understanding notified on 17/03/2011 (WT/DS48/26).
9	STC 12	WT/DS76	US complaint against Japan's "varietal testing" requirement for fresh fruits <b>Japan – Agricultural Products II</b>	Consultations requested on 7/04/1997 (WT/DS76/1). Panel established on 18/11/1997. Appellate Body report (WT/DS76/AB/R) and Panel report (WT/DS76/R) adopted on 19/03/1999. Mutually satisfactory solution notified on 23/08/2001 (WT/DS76/12).
10	N/A	WT/DS96	EC complaint against India's quantitative restrictions on agricultural and other products	Consultations requested on 18/07/1997 (WT/DS96/1). Mutually agreed solution notified on 7/04/1998 (WT/DS96/8).
11	N/A	WT/DS100	EC complaint against US restrictions on poultry imports	Consultations requested on 18/08/1997 (WT/DS100/1). Pending
12	STC 4*	WT/DS133	Switzerland's complaint against Slovakia's BSE-related restrictions on cattle and meat	Consultations requested on 7/05/1998 (WT/DS133/1). Pending
13	N/A	WT/DS134	India's complaint against EC restrictions on rice imports	Consultations requested on 27/05/1998 (WT/DS134/1). Pending
14	N/A	WT/DS135	Canadian complaint against EC (French) measures affecting asbestos <b>EC - Asbestos</b>	Consultations requested on 28/05/1998 (WT/DS135/1). Panel established on 25/11/1998. Appellate Body report (WT/DS/135/AB/R) and Panel report (WT/DS/135/R) adopted on 5/04/2001. No findings under the SPS Agreement.
15	N/A	WT/DS137	Canada's complaint against EC restrictions due to pine wood nematodes	Consultations requested on 17/06/1998 (WT/DS137/1). Pending
16	N/A	WT/DS144	Canada's complaint against US state restrictions on movement of Canadian trucks carrying live animals and grains	Consultations requested on 25/09/1998 (WT/DS144/1). Pending
17	N/A	WT/DS203	US complaint against Mexico's measures affecting trade in live swine	Consultations requested on 10/07/2000 (WT/DS203/1). Pending

STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
18	STC 77	WT/DS205	Thailand's complaint against Egypt's GMO-related prohibition on imports of canned tuna with soybean oil	Consultations request on 22/09/2000 (WT/DS205/1). Pending
19	STC 92	WT/DS237	Ecuador's complaint against Turkey's import requirements for fresh fruit, especially bananas <b>Turkey – Fresh Fruit Import Procedures</b>	Consultations requested on 31/08/2001 (WT/DS237/1). Panel established on 29/07/2002; composition suspended on the same day.  Mutually agreed solution notified on 22/11/2002 (WT/DS237/4).
20	STC 100	WT/DS245	US complaint against Japan's restrictions on apples due to fire blight <b>Japan - Apples</b>	Consultations requested on 1/03/2002 (WT/DS245/1). Panel established on 3/06/2002.  Appellate Body report (WT/DS245/AB/R) and Panel report (WT/DS245/R) adopted on 10/12/2003.  Mutually agreed solution notified on 30/08/2005 (WT/DS245/RW).
21	STC 76*	WT/DS256	Hungary's complaint against Turkey's restrictions on imports of pet food (BSE)	Consultations requested on 3/05/2002 (WT/DS256/1). Pending
22	STC 74	WT/DS270	Philippine complaint against Australia's restrictions on fresh fruits and vegetables, including bananas <b>Australia - Fresh Fruit and Vegetables</b>	Consultations requested on 18/10/2002 (WT/DS270/1). Panel established on 29/08/2003.
23	STC 74	WT/DS271	Philippine complaint against Australia's restrictions on pineapple	Consultations requested on 18/10/2002 (WT/DS271/1). Pending
24	N/A	WT/DS279	EC complaint against India's export and import policy	Consultations requested on 23/12/2002 (WT/DS279/1). Pending
25	STC 164	WT/DS284	Nicaragua's complaint against Mexico's phytosanitary restrictions on black beans	Consultations requested on 17/03/2003 (WT/DS284/1). Mutually agreed solution notified on 8/03/2004 (WT/DS284/4 – withdrawal of request for consultations).
26	STC 139	WT/DS287	EC complaint against Australian quarantine regime <b>Australia – Quarantine Regime</b>	Consultations requested on 3/04/2003 (WT/DS287/1). Panel established on 7/11/2003.  Mutually agreed solution notified on 9/03/2007 (WT/DS287/8).
27	STC 106/110	WT/DS291	US complaint against EC on GMO approvals <b>EC – Approval and Marketing of Biotech Products</b>	Consultations requested on 13/05/2003 (WT/DS291/1). Single panel established for disputes DS291, DS292 and DS293 on 29/08/2003.  Panel report (WT/DS291/R) was adopted on 21/11/2006.  Suspension of concessions authorized on 15/02/2008; Arbitration requested on 7/02/2008 (WT/DS291/34).

STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
28	STC 106/110	WT/DS292 <i>Canada's complaint against EC on GMO approvals</i> <b>EC – Approval and Marketing of Biotech Products</b>	Consultations requested on 13/05/2003 (WT/DS292/1).	Single Panel established to examine disputes DS291, DS292 and DS293, on 29/08/2003.  Panel report (WT/DS292/R) adopted on 21/11/2006.  Mutually agreed solution notified on 15/07/2009 (WT/DS292/40).
29	STC 106/110	WT/DS293 <i>Argentina's complaint against EC on GMO approvals</i> <b>EC – Approval and Marketing of Biotech Products</b>	Consultations requested on 14/05/2003 (WT/DS293/1).	Single Panel established to examine disputes DS291, DS292 and DS293, on 29/08/2003.  Panel report (WT/DS293/R) adopted on 21/11/2006.  Mutually agreed solution notified on 19/03/2010 (WT/DS293/41).
30	STC 166	WT/DS297 Hungary's complaint against Croatia's restrictions on live animals and meat products (TSEs).	Consultations requested on 9/07/2003 (WT/DS297/1).	Mutually agreed solution notified on 30/01/2009 (WT/DS297/2).
31	N/A	WT/DS320** <i>EC complaint against the US continued suspension of obligations in the EC-Hormones dispute</i> <b>US – Continued Suspension of Obligations</b>	Consultations requested on 8/11/2004 (WT/DS320/1).	Panel established on 17/02/2005.  Appellate Body report (WT/DS320/AB/R) and Panel report (WT/DS320/R) adopted on 14/11/2008, <u>no further action was required</u> . (See also Memorandum of Understanding, DS26).
32	N/A	WT/DS321** <i>EC complaint against Canada's continued suspension of obligations in the EC-Hormones Dispute</i> <b>Canada– Continued Suspension of Obligations</b>	Consultations requested on 8/11/2004 (WT/DS321/1).	Panel established on 17/02/2005.  Appellate Body report (WT/DS321/AB/R) and Panel report (WT/DS321/R) adopted on 14/11/2008, <u>no further action was required</u> . (See also Memorandum of Understanding, DS48).
33	STC 217	WT/DS367 <i>New Zealand's complaint against Australia's restrictions on apples</i> <b>Australia - Apples</b>	Consultations requested on 31/08/2007 (WT/DS367/1).	Panel established on 21/01/2008.  Appellate Body report (WT/DS367/AB/R) and Panel report (WT/DS367/R) adopted on 17/12/2010.  Reasonable period of time for implementation expired on 17/08/2011. Implementation notified by respondent on 02/09/2011.  Agreed procedures (Sequencing agreement) notified on 13/09/2011 (WT/DS367/21).

STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
34	STC 91 of TBT	WT/DS384 <i>Canada's complaint against the US country of origin labelling requirements</i> <b>United States – Certain Country of Origin Labelling (COOL) Requirements</b>	Consultations requested on 1/12/2008 (WT/DS384/1).	Single panel established with that of Mexico (DS386) on 19/11/2009.  Appellate Body report (WT/DS384/AB/R) and Panel report (WT/DS384/R) adopted on 23/07/2012. No findings under the SPS Agreement.  Art. 21.5 Panel Report circulated on 20 October 2014.
35	STC 91 of TBT	WT/DS386 <i>Mexico's complaint against the US country of origin labelling requirements</i> <b>United States – Certain Country of Origin Labelling (COOL) Requirements</b>	Consultations requested on 17/12/2008 (WT/DS386/1).	Single panel established with that of Canada (DS384) on 19/11/2009.  Appellate Body report (WT/DS386/AB/R) and Panel report (WT/DS386/R) adopted on 23/07/2012. No findings under the SPS Agreement.
36	STC 242	WT/DS389 <i>US complaint against EC measures affecting poultry meat and poultry meat products</i> <b>EC - Poultry</b>	Consultations requested on 16/01/2009 (WT/DS389/1).	Panel established on 19/11/2009; composition pending.
37	STC 247	WT/DS391 <i>Canada's complaint against Korea's measures affecting the importation of bovine meat and meat products</i> <b>Korea – Bovine Products</b>	Consultations requested on 9/04/2009 (WT/DS391/1).	Panel established on 31/08/2009: Panel proceedings suspended on 4/07/2011.  Mutually agreed solution notified on 19/06/2012 (WT/DS391/9).  Panel report (WT/DS391/R) circulated to Members on 3/07/2012, reporting on the solution reached by parties.
38	STC 257	WT/DS392 <i>China's complaint against US measures affecting imports of poultry</i> <b>US – Poultry</b>	Consultations requested on 17/04/2009 (WT/DS392/1).	Panel established on 31/07/2009.  Panel report (WT/DS392/R) adopted on 25/10/2010, <i>no further action required</i> .
39	STC 257 in TBT	WT/DS406 <i>Indonesia's complaint about US ban on clove cigarettes</i> <b>US - Measures Affecting the Production and Sale of Clove Cigarettes</b>	Consultations requested on 7/04/2010 (WT/DS406/1).	Panel established on 20/07/2010.  Appellate Body report (WT/DS406/AB/R) and Panel report (WT/DS406/R) adopted on 24/04/2012. No findings under the SPS Agreement.

STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
40	STC 185	WT/DS430 <i>US complaint against India's import restrictions on agricultural products</i> <b>India – Agricultural Products</b>	Consultations requested on 6/03/2012 (WT/DS430/1).	Panel established on 25/06/2012.  Appellate Body report (WT/DS430/AB/R) and Panel report (WT/DS430/R and Add.1) adopted on 19/06/2015. Article 21.5 consultations requested on 22 May 2017 (WT/DS475/20).
41	STC 318	WT/DS447 <i>Argentina's complaint against US restrictions on beef and other meat products</i> <b>US – Animals</b>	Consultations requested on 30/08/2012 (WT/DS447/1 and WT/DS447/1/Corr.1).	Panel established on 28/01/2013.  Panel composed on 08/08/2013; Panel report (WT/DS447/R and Add.1) adopted on 31/08/2015.
42	STC 336	WT/DS448 <i>Argentina's complaint against US measures affecting the importation of fresh lemons</i> <b>United States – Measures Affecting the Importation of Fresh Lemons</b>	Consultations requested on 3/09/2012 (WT/DS448/1 and WT/DS448/1/Corr.1).	Pending
43	STC 369	WT/DS475 <i>EU's complaint against Russian measures affecting the importation of live pigs pork, pork products and certain other commodities because of African Swine Fever (ASF)</i> <b>Russia – Pigs (EU)</b>	Consultations requested on 8 April 2013 (WT/DS475/1).	Panel established on 22/07/2014.  Panel composed on 23/10/2014. Appellate Body report (WT/DS475/AB/R and Add.1) and Panel report (WT/DS475/R and Add.1) adopted on 21/03/2017. Matter referred to 22.6 arbitration on 3 January 2017. Article 21.5 consultations requested on 7 February 2018 (WT/DS475/20).
44	STC 286	WT/DS484 <i>Brazil's complaint against certain Indonesian measures on the importation of meat from fowls of the species Gallus domesticus and products from fowls of the species Gallus domesticus</i> <b>Indonesia –Chicken</b>	Consultations requested on 16/10/2014 (WT/DS/484/1).	Panel established on 03/12/2015.  Panel composed on 03/03/2016; Panel report (WT/DS484/R) adopted on 22 November 2017.
45	STC 359	WT/DS495 <i>Japan's complaint against Korea's measures adopted subsequent to the accident at the Fukushima Daiichi nuclear power plant in March 2011 regarding: (a) import bans on certain food products; (b) additional testing and certification requirements regarding the presence of certain radionuclides; and (c) a number of alleged omissions concerning transparency obligations under the SPS Agreement.</i> <b>Korea – Radionuclides</b>	Consultations requested on 21/05/2015 (WT/DS/495/1).	Panel established on 28/09/2015. Panel composed on 8/02/2016. Panel Report circulated on 22/02/2018. Panel report under appeal.

STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
46	STC 305	WT/DS506 Brazil's complaint regarding certain measures imposed by Indonesia on the importation of meat from cattle of the species <i>Bos taurus</i> . <b>Indonesia – Measures Concerning the Importation of Bovine Meat</b>	Consultations requested on 04/04/2016 (WT/DS/506/1).	Pending
47	STC 394	WT/DS524 Mexico's complaint against Costa Rica's measures that restrict or prohibit the importation of fresh avocados for consumption from Mexico <b>Costa Rica - Measures Concerning the Importation of Fresh Avocados from Mexico</b>	Consultations requested on 08/03/2017 (WT/DS/524/1).	Pending
48	N/A	WT/DS525 Russian Federation's complaint with respect to alleged restrictions, prohibitions, requirements and procedures adopted and maintained by Ukraine in respect of trade in goods and services as well as transit. <b>Ukraine – Measures relating to Trade in Goods and Services</b>	Consultations requested on 19/05/2017 (WT/DS/525/1).	Pending
49	N/A	WT/DS532 Ukraine's complaint with respect to Russian Federation's measures concerning trade of juice products, beer, beer-based beverages and other alcoholic beverages, confectionary products, wall paper and similar wall coverings from Ukraine. <b>Russia – Measures Concerning the Importation and Transit of Certain Ukrainian Products</b>	Consultations requested on 13/10/2017 (WT/DS/532/1).	Pending

\* Whilst the DSU consultations on this case are pending, the Committee was notified that the specific trade concern itself had been resolved.

\*\* DS320, 321: Neither of these two requests for consultations claimed violation of the SPS Agreement, however, one of the issues of concern regarded the EC implementation of the rulings in WT/DS26 and WT/DS48; hence, the SPS Agreement was relevant to these disputes.