



**Committee on Sanitary and Phytosanitary Measures**

**SANITARY AND PHYTOSANITARY DECLARATION FOR THE  
TWELFTH WTO MINISTERIAL CONFERENCE: RESPONDING  
TO MODERN SPS CHALLENGES**

FACTUAL SUMMARY OF THE WORK PROGRAMME

*Note by the Secretariat*

**1 CONTEXT**

1.1. In February 2020, Brazil, Canada and the United States submitted, for Members' consideration, a draft proposal for a Ministerial Declaration: Responding to Modern SPS Challenges.<sup>1</sup> The text underlined that, on the 25<sup>th</sup> anniversary of the SPS Agreement, the SPS Agreement and its provisions were still as relevant and applicable as in 1995, and continued to safeguard the right for Members to take measures necessary for the protection of human, animal or plant life or health. The proposal stated that the celebration of the Twelfth WTO Ministerial Conference (MC12) was an opportune point to reflect on the successes achieved since the adoption of the Agreement, and to recognize the challenges ahead resulting from emerging pressures that might significantly impact international trade in food, animals and plants.

1.2. The proposal was discussed at every meeting of the SPS Committee from March 2020 until March 2022, gaining support from a growing number of Members. The final version of the text was adopted at MC12 on 17 June 2022 and is contained in document [WT/MIN\(22\)/27](#).

1.3. Through the Declaration, the Ministerial Conference instructed the SPS Committee to further enhance the implementation of the SPS Agreement in an effort to better manage issues related to international trade in food, animals and plants by undertaking a work programme, open to all Members and Observers, consisting of new efforts to identify: (1) challenges in the implementation of the SPS Agreement and the mechanisms available to address them; and (2) the impacts of emerging challenges on the application of the SPS Agreement. Recognizing the instrumental role of the SPS Committee in advancing the implementation of the Agreement, and without relaunching the negotiation of new obligations, nor re-opening or amending the SPS Agreement, the Declaration instructed the Committee to explore, through the Work Programme, how the implementation and application of the SPS Agreement could support different themes agreed on by Members. The outcomes of this Work Programme and key findings and actions undertaken would be reported to the Thirteenth Ministerial Conference (MC13) with recommendations, as appropriate.

**2 PROPOSED PROCESS FOR THE MC12 SPS DECLARATION WORK PROGRAMME**

**2.1 Timeline**

2.1. Following the adoption of the Declaration, initial discussions on how to move forward with the Work Programme were held at the informal SPS Committee meeting held in June 2022.<sup>2</sup> An initial timeline for the second half of 2022 was circulated for Members' consideration.<sup>3</sup> Taking into account Members' comments, a revised timeline for the remainder of 2022<sup>4</sup> was subsequently circulated,

<sup>1</sup> The initial proposal is contained in document [G/SPS/GEN/1758](#).

<sup>2</sup> A summary of the discussions held in the informal June 2022 meeting is available in Section 2 of Annex C to the summary report of the June 2022 meeting ([G/SPS/R/107](#)).

<sup>3</sup> [RD/SPS/210](#).

<sup>4</sup> [G/SPS/W/329](#).

with an invitation for Members to provide comments and to submit suggestions for the organization of the Work Programme until MC13. Taking into account Members' comments and suggestions, a proposed process for the Work Programme until MC13 was then circulated.<sup>5</sup> A Member subsequently submitted comments on the proposed process.<sup>6</sup> Taking into account Members' comments provided in writing and during the November 2022 informal Committee meeting, a revised version of the process was subsequently proposed. The process was adopted at the November 2022 Committee meeting and was circulated as [G/SPS/W/330/Rev.1](#).

## 2.2 Establishment of Thematic Groups

2.2. Paragraph 8 of the Declaration identified several themes for discussion:

- How to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organisation for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures to protect human, animal or plant life or health;
- How to support basing SPS measures on scientific evidence and principles, including where international standards, guidelines, or recommendations do not exist or are not appropriate; and how to promote the use by Members of principles employed by the international standard setting bodies for considering scientific uncertainty in risk analysis;
- How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence which can strengthen Members' ability to protect plant and animal life or health through efforts to limit the spread of pests such as the Mediterranean fruit fly, diseases such as African swine fever, disease-carrying organisms, or disease-causing organisms;
- How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard setting bodies through technical exchanges and assistance in the context of this work programme;
- How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures; and in particular, to increase awareness of and sensitivity to the impacts of SPS measures on the export possibilities of such Members;
- Other topics as identified over the course of the work programme or as a result of emerging sanitary or phytosanitary challenges or risks worldwide.

2.3. At the June 2022 SPS Committee meeting, Members decided to organize Thematic Groups to discuss each of the five themes specifically identified in the Declaration.<sup>7</sup> The work of the Groups would be facilitated by stewards. Throughout the process, the Committee would receive oral and written reports to ensure that all delegations were informed of discussions going on in each of the Thematic Groups. For that purpose, the Committee would regularly hold intersessional consultations, chaired by the Chairperson of the SPS Committee, in between regular Committee meetings.

2.4. Several Members expressed interest in acting as stewards for the Thematic Groups. The following stewards were assigned, in consultation with the Chairperson and taking Members' views into account, to facilitate discussions in each of the Groups:

- Group 1: Jônathas José Silva da Silveira (Brazil) and Knut Berdal (Norway)
- Group 2: Boitshoko Ntshabele (South Africa)
- Group 3: Ambassador Sofía Boza (Chile) (replaced by Miguel Donatelli, Argentina, from March 2023)
- Group 4: Geoff Richards (United Kingdom)
- Group 5: Joanna Grainger (Australia) and María Cecilia Gutiérrez (Ecuador).

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<sup>5</sup> [G/SPS/W/330](#).

<sup>6</sup> The Member's comments were circulated as [G/SPS/W/331](#).

<sup>7</sup> A summary of the discussions held in the informal June 2022 meeting is available in Section 2 of Annex C to the summary report of the June 2022 meeting ([G/SPS/R/107](#)).

### 2.3 Communication channels

2.5. Throughout the process, the Secretariat shared all relevant information through the informal SPS delegates email list. Additionally, the stewards of the Groups requested Members to designate focal points through whom more targeted Group communications on the specific work of the Groups would be shared. The Secretariat and the co-stewards worked in close coordination to ensure the proper circulation of information.

2.6. A [dedicated webpage](#)<sup>8</sup> "SPS Declaration at MC12" was created to keep track of all the information relative to the Work Programme. Meeting calendars, draft agendas for meetings, inputs submitted by Members, and presentations and reports delivered during the process were regularly updated for Members only in a restricted part of the webpage. All documents related to the MC12 SPS Declaration are tagged with the keyword MC12 Work Programme and can be retrieved through the [ePing SPS&TBT Platform](#).

## 3 IMPLEMENTATION OF THE WORK PROGRAMME

3.1. The first meeting of each Thematic Group was convened by the Secretariat and took place via Zoom, in English only, during the weeks of 19 and 26 September 2022. The first intersessional consultations, held on 4 October 2022, provided an opportunity for all SPS delegates to be informed of the ongoing discussions and to clarify any remaining queries on the proposed process. Some stewards convened additional meetings of their Groups in October and November 2022, prior to the November 2022 Committee meeting.

3.2. Members requested that all subsequent meetings be held in hybrid mode, with interpretation, in order to increase participation and to facilitate preparations ahead of the meetings. Members also decided to allocate time to the implementation of the Work Programme around the regular SPS Committee meetings. The proposed process foresaw Group meetings and intersessional consultations in between the formal Committee meetings. In the November 2022 Committee meeting, Members agreed to cluster intersessional meetings of all Thematic Groups within the same week in between Committee meetings to streamline the process and to facilitate delegates' preparations.<sup>9</sup> As such, additional clusters of meetings, followed by intersessional SPS Committee consultations, were scheduled in February and May 2023. All meetings were convened by the Secretariat in hybrid format, both in person at WTO and through Zoom.

3.3. Similarly, Members agreed to harmonize deadlines for the submission of written inputs, that would feed the discussions in the Groups. As requested by Members, all the inputs were compiled and systematically posted on the [dedicated webpage](#) in the three official languages.<sup>10</sup> Discussions in all Groups were based on written and oral inputs provided by Members throughout the process.

3.4. It was also agreed that the stewards would circulate an agenda for each meeting of the Thematic Groups. This agenda would be based on previous discussions as well as on the inputs submitted by Members. The Secretariat compiled all agendas for Thematic Group meetings and circulated them through the SPS delegates email list, and also made them available on the [dedicated webpage](#).

3.5. The proposed process foresaw the submission by stewards of proposals/summaries of the work in Thematic Groups by 1 March 2023.<sup>11</sup> These proposals/summaries were based on discussions held within the Groups, and were further discussed in the informal March meeting.<sup>12</sup> Additionally, and according to the proposed process, after the meetings held in May 2023 the stewards submitted

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<sup>8</sup> [https://www.wto.org/english/tratop\\_e/sps\\_e/sps\\_declaration\\_mc12\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/sps_declaration_mc12_e.htm).

<sup>9</sup> See paragraphs 2 and 15 of the report by the Chairperson on the informal November 2022 Committee meeting, contained in Annex B to the summary report of the November 2022 meeting ([G/SPS/R/108](#)).

<sup>10</sup> A summary of the discussions held in the informal November 2022 meeting is available in Section 1 of Annex B to the summary report of the November 2022 meeting ([G/SPS/R/108](#)).

<sup>11</sup> The proposals/summaries are contained in documents [G/SPS/W/332](#) (Group 1), [G/SPS/W/333](#) (Group 2), [G/SPS/W/336](#) (Group 3), [G/SPS/W/334](#) (Group 4) and [G/SPS/W/335](#) (Group 5).

<sup>12</sup> A summary of the discussions held in the informal March 2023 meeting is available in Section 1 of Annex A to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

additional summaries of the discussions held in their Groups.<sup>13</sup> These inputs were used as a basis for the preparation of the present report.

## 4 WORK OF THE THEMATIC GROUPS

### **4.1 Group 1: How to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organisation for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures to protect human, animal or plant life or health**

4.1. Group 1 held meetings on 20 September and 9 November 2022, and on 8 February, 20 March and 8 May 2023. The topics covered in Members' inputs included the scope of Group 1, challenges in the implementation of the SPS Agreement relevant to food security and sustainable food systems, and the impacts of emerging challenges relevant to the SPS Agreement on food security and sustainability of food systems, among others.

4.2. Group 1 agreed to hear from a variety of stakeholders. First, in March 2023, Group 1 heard from producers on their experiences regarding how the implementation of the SPS Agreement may impact trade, food security and the sustainability of food systems. Next, in May 2023 the Group heard inputs from international organizations and secretariats on the topics under discussion. The presentations from stakeholders were very rich in content and made evident not only the importance of the topics covered in Group 1, but also their complexity and the pertinence of the discussions held in the Work Programme in exploring how the implementation and application of the SPS Agreement can support and facilitate global food security and more sustainable food systems.

4.3. In addition, the Secretariat, upon request, prepared a report on relevant activities and processes relating to sustainability in different WTO bodies. All the relevant presentations and documents were made available on the [dedicated webpage](#).<sup>14</sup>

### **4.2 Group 2: How to support basing SPS measures on scientific evidence and principles, including where international standards, guidelines, or recommendations do not exist or are not appropriate; and how to promote the use by Members of principles employed by the international standard setting bodies for considering scientific uncertainty in risk analysis**

4.4. Group 2 held meetings on 26 September, 31 October and 9 November 2022, and on 8 February and 9 May 2023. The steward initially consolidated inputs in a 'live document' containing a number of highly summarized points for Members' consideration and a proposal to hold a workshop on the topic on the margins of an SPS Committee meeting. The Group discussed the need to ensure that Members remained within the scope and remit of the second bullet point of paragraph 8 of the MC12 SPS Declaration.

4.5. Upon request, the Secretariat prepared a report compiling information from previous workshops and thematic sessions on scientific evidence, risk, risk assessment, uncertainty and appropriate level of protection, including some aspects of transparency.<sup>15</sup> The report was presented at the February 2023 meeting of Group 2, and was made available on the [dedicated webpage](#).

4.6. Group 2 invited Codex, the IPPC and WOA, as well as FAO and WHO as Codex's parent bodies, to present on their guidance on risk assessment and uncertainty, and also to reflect on how emerging challenges in paragraph 6 of the MC12 SPS Declaration impact the conduct of risk assessments. These presentations underscored that uncertainty was a constant in risk analysis processes and that risk assessors needed to be transparent and document the methodologies followed. Some of the presentations highlighted how the emerging challenges were adding to the complexities in how risk

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<sup>13</sup> The summaries are contained in documents [G/SPS/W/339](#) (Group 1), [G/SPS/W/340](#) (Group 2), [G/SPS/W/341](#) (Group 3), [G/SPS/W/342](#) (Group 4) and [G/SPS/W/343](#) (Group 5).

<sup>14</sup> More detailed information on the work undertaken by Group 1 is available in the documents prepared by the co-stewards on their own responsibility, circulated as [G/SPS/W/332](#) and [G/SPS/W/339](#).

<sup>15</sup> See paragraph 9 of the report by the Chairperson on the November 2022 informal Committee meeting, contained in Annex B to the summary report of the November 2022 meeting ([G/SPS/R/108](#)).

assessments were undertaken and provided an update on relevant reference materials and capacity building activities. Members also presented case studies on their experiences in dealing with uncertainty when conducting risk assessments in a way consistent with their obligations in the SPS Agreement.<sup>16</sup> These presentations were made during the meeting Group 2 held in May 2023.<sup>17</sup>

#### **4.3 Group 3: How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence which can strengthen Members' ability to protect plant and animal life or health through efforts to limit the spread of pests such as the Mediterranean fruit fly, diseases such as African swine fever, disease-carrying organisms, or disease-causing organisms**

4.7. Group 3 held meetings on 27 September and 7 November 2022, and on 8 February, 21 March and 10 May 2023. Some of the topics included the general background of the regionalization process, an examination of possible specific topics of interest, and limitations and obstacles faced by Members in properly applying the regionalization principle, among others.

4.8. At the November 2022 meeting, Group 3 benefitted from a presentation by WOAHP on adaptation to regional conditions, including relevant guidance and mechanisms for the implementation of regionalization for international trade.<sup>18</sup> As per Members' request, in February 2023 the Secretariat presented an analysis of the relevant provisions of the SPS Agreement, the Guidelines to Further the Practical Implementation of Article 6 ([G/SPS/48](#)), trends in notifications and specific trade concerns, and relevant recommendations from the Reviews of the Operation and Implementation of the SPS Agreement.<sup>19</sup>

4.9. At the March 2023 meeting, the Group also benefitted from a presentation by the IPPC on its standards on regionalization and relevant information on their uptake and examples of adoption of regionalization.<sup>20</sup> Finally, at the May 2023 Group meeting, WOAHP presented on different forms of regionalization, specifically on official recognition and self-declaration, and several Members shared their experiences with regionalization, both from an exporter's and an importer's perspective.<sup>21</sup> All the presentations were made available on the [dedicated webpage](#).<sup>22</sup>

#### **4.4 Group 4: How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard setting bodies through technical exchanges and assistance in the context of this work programme**

4.10. Group 4 held meetings on 28 September and 26 October 2022, and on 8 February, 21 March and 9 May 2023. Some of the topics included the scope of the theme, questions on the roles and expectations of observer organizations at the Committee, and the support that observer organizations might be able to provide developing and least developed country (LDC) Members on the application of the SPS Agreement in the context of the challenges identified in the Declaration, among others.

4.11. Based on Members' inputs, Group 4 circulated a set of questions to all the observer organizations, inviting views on their interactions with the Committee, the work they undertake that supports the implementation of the SPS Agreement, and where they considered there may be scope

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<sup>16</sup> See paragraph 12 of the report by the Chairperson on the February 2023 intersessional consultations, contained in Annex B to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

<sup>17</sup> More detailed information on the work undertaken by Group 2 is available in the documents prepared by the steward on his own responsibility, circulated as [G/SPS/W/333](#) and [G/SPS/W/340](#).

<sup>18</sup> See paragraph 10 of the report by the Chairperson on the informal November 2022 Committee meeting, contained in Annex B to the summary report of the November 2022 meeting ([G/SPS/R/108](#)).

<sup>19</sup> See paragraph 14 of the report by the Chairperson on the February 2023 intersessional consultations, contained in Annex B to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

<sup>20</sup> See paragraph 5 of the report by the Chairperson on the informal March 2023 Committee meeting, contained on the Annex A to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

<sup>21</sup> See paragraph 5 of the report by the Chairperson on the May 2023 intersessional consultations, contained in an annex to the summary report of the July 2023 meeting ([G/SPS/R/110](#)).

<sup>22</sup> More detailed information on the work undertaken by Group 3 is available in the documents prepared by the steward on his own responsibility, circulated as [G/SPS/W/336](#) and [G/SPS/W/341](#).

for improvements. Thirteen observer organizations, including the three standard setting bodies, provided answers that included suggestions on how to improve cooperation.

4.12. Group 4 requested the Secretariat to explain the procedures, expectations and a brief history of observer organizations at the SPS Committee, and a presentation on past developments on observers was delivered in February 2023.<sup>23</sup> Finally, Members discussed the possible role of the SPS Committee for enhanced coordination with observers, the possibility of hearing presentations from observer organizations and how to maximize the value of the contributions from the ISSBs and the observer organizations in the SPS Committee. All the relevant documents and presentation were made available on the [dedicated webpage](#).<sup>24</sup>

#### **4.5 Group 5: How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures; and in particular, to increase awareness of and sensitivity to the impacts of SPS measures on the export possibilities of such Members**

4.13. Group 5 held meetings on 29 September and 19 October 2022, and on 9 February, 21 March and 10 May 2023. Some of the topics included the implementation challenges experienced by developing and LDC Members, possible solutions to increase participation, and support for the needs of developing and LDC Members in the development and application of SPS measures, among others.

4.14. Upon request, the Secretariat presented on the actions undertaken by the Committee regarding Articles 9 and 10 of the SPS Agreement at the Group meeting in February 2023<sup>25</sup> and again in front of the full membership in the March 2023 Committee meeting.<sup>26</sup> The presentation highlighted the extensive amount of work done within the Committee on the topic.

4.15. Additionally, Group 5 held two sessions dedicated to SPS capacity building: (1) a workshop organized in collaboration with the Standards and Trade Development Facility (STDF), entitled "Facilitating safe trade: what solutions does the STDF offer to strengthen SPS capacity in developing and least developed countries", held in March 2023<sup>27</sup>; and (2) a follow-up to discuss other forms of assistance, such as capacity building provided directly between Members and by other organizations, held in May 2023.<sup>28</sup> All the relevant documents and presentations were made available on the [dedicated webpage](#).<sup>29</sup>

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<sup>23</sup> See paragraph 17 of the report by the Chairperson on the February 2023 intersessional consultations, contained in Annex B to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

<sup>24</sup> More detailed information on the work undertaken by Group 4 is available in the documents prepared by the steward on his own responsibility, circulated as [G/SPS/W/334](#) and [G/SPS/W/342](#).

<sup>25</sup> See paragraph 20 of the report by the Chairperson on the February 2023 intersessional consultations, contained in Annex B to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

<sup>26</sup> See paragraph 11 of the report by the Chairperson on the informal March 2023 Committee meeting, contained in Annex A to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

<sup>27</sup> See paragraph 7 of the report by the Chairperson on the informal March 2023 Committee meeting, contained in Annex A to the summary report of the March 2023 meeting ([G/SPS/R/109](#)). Information on the event is also available at <https://standardsfacility.org/thematic-group-5-workshop-mc-12-sps-declaration>.

<sup>28</sup> See paragraph 7 of the report by the Chairperson on the May 2023 intersessional consultations, contained in an annex to the summary report of the July 2023 meeting ([G/SPS/R/110](#)).

<sup>29</sup> More detailed information on the work undertaken by Group 5 is available in the documents prepared by the co-stewards on their own responsibility, circulated as [G/SPS/W/335](#) and [G/SPS/W/343](#).