

Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING HELD ON 15-16 MARCH 2000

Note by the Secretariat

1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its seventeenth meeting on 15-16 March 2000, under the chairmanship of Mr. Attie Swart (South Africa). The agenda proposed in WTO/AIR/1258 was adopted with amendments.

I. IMPLEMENTATION OF THE AGREEMENT

(a) Information from Members

(i) *Communication from the European Communities on the precautionary principle (G/SPS/GEN/168)*

2. The representative of the European Communities introduced a communication on the precautionary principle adopted by the European Commission on 2 February 2000. He indicated that this communication was intended to contribute to the ongoing debate in international fora on the application of the precautionary principle. The European Communities hoped that this communication would help to build a common understanding of how to manage risks in situations of scientific uncertainty where the scientific evidence was insufficient to conduct a proper risk assessment, and to dispel fears that the precautionary principle might be used in an arbitrary way or as a disguised form of trade protectionism. The European Communities considered that there was a need to establish guidelines for a correct and reasonable application of this principle internationally. The precautionary principle should not be invoked to justify arbitrary measures; on the contrary, the European Communities considered that measures based on the precautionary principle must comply with the general principles of risk management, such as proportionality, non-discrimination, cost-effectiveness and transparency.

3. The representative of Hong Kong, China welcomed the EC efforts at transparency. She indicated that in addition to those mentioned in Appendix 2 of the communication, the Appellate Body had made other observations in the Hormones Case with respect to the relationship between the precautionary principle and the SPS Agreement which Members might wish to consider in the current discussions.

4. The representative of Australia welcomed the EC commitment to a scientific approach and to risk assessment, but expressed concern that there appeared to be some qualifications in the paper. He hoped that all Members would abide by their obligations under the SPS Agreement and other WTO agreements in applying the precautionary principle. He noted that precaution was already incorporated into the SPS Agreement under Article 5.7 and other Articles, and that precaution was recognized as a central element in risk analysis in the formulation of both national and international food safety standards. The delegate urged all Members to refer to the conclusions from the FAO

Conference on International Food Trade Beyond 2000, which had been held in Melbourne, Australia, in October 1999. He was interested why additional references to precaution were needed. He expressed concern that Members might consider the precautionary principle to override the obligations of the SPS Agreement and other WTO Agreements.

5. The representative of Canada informed the Committee that Canada dealt with precaution on a daily basis in operating its science-based system of risk management. In addition, the SPS Agreement had a number of relevant provisions, including not only Article 5.7 but also Article 5.5 and others. In Canada's view the issue could be better described as managing risks in the area of animal, plant and human life and health in situations of limited information. Canada did not share the views expressed in the paper on the international currency of the precautionary principle and reminded the Committee that the WTO had a clear system of rights and obligations which were relevant to the issue. He was not sure whether the SPS Committee was an appropriate forum for this discussion, but indicated that there might be occasions where it would be useful to exchange experiences with this difficult question.

6. The United States agreed that precaution must not be used as a guise for protectionism and appreciated the EC efforts to develop guidance for the uniform application of precaution within the Communities. Precaution had been a longstanding and essential element in the US regulatory system for food, health and safety, manufacturing, and construction. The United States incorporated precaution as part of its science-based approach to the development of food safety standards. In the US representative's opinion, these precautionary approaches were fully consistent with WTO rules. He expressed concern regarding the legal basis for the precautionary principle as outlined in the EC paper. The United States was still reviewing the document and would soon provide detailed written comments and questions to the European Communities.

7. The representative of Bolivia questioned to what extent the EC document differed from the provisions of the SPS Agreement. In Bolivia's view, the precautionary principle was already contained in the SPS Agreement.

8. The representative of Chile commented that the SPS Agreement covered the precautionary principle in risk management where scientific evidence existed, and also permitted taking provisional measures, with proper notification, where scientific evidence was not sufficient. Given the amount of work before the Committee, she believed that it was not the appropriate time for a major discussion of the precautionary principle. She also suggested it might be preferable to study what was happening in other fora, such as environmental ones. Because of certain sensitivities in this area, she suggested that it was not appropriate to tackle the issue in the Committee.

9. The representative of Brazil highlighted that although the document in question was an internal paper, Brazil was nevertheless concerned because it sought to legitimize guidelines for recourse to precautionary measures. These guidelines went beyond the letter and spirit of the SPS Agreement. They allowed for too much flexibility and leeway for discretionary actions. Thus, the document lacked the concept of least-restrictive trade measures and of minimizing trade effects when determining the appropriate level of protection (Article 5.6), and it placed political, consumer and environmental concerns on the same level as science when applying SPS measures. These non-scientific concerns might be legitimate, but they were subjective. Negotiators in the Uruguay Round had worked hard to develop a set of rules that would achieve predictability in international trade, and Brazil would like to retain this predictability and the balance of rights and obligations. The delegate of Brazil acknowledged that the European Communities might not be seeking to upset this balance, but she cautioned that loose rules could lead to loose actions by any Member.

10. The representative of Argentina argued that it was not clear that the so-called precautionary principle was part of customary international law. Argentina did not believe that the precautionary

approach overrode obligations in the SPS Agreement or in the WTO rules. Furthermore, according to the SPS Agreement, nothing prevented governments from acting with precaution. Article 5.7 enabled governments to take provisional measures. Provisional, in Argentina's view, did not mean that these measures should be maintained for as long as scientific information was incomplete or inconclusive, as the EC document suggested. In Argentina's view, this could be a reward for inefficient research, and could contradict the condition in Article 5.7 that governments had to seek additional information and review provisional measures. No one would disagree about the need to act with precaution. However, it was problematic to introduce this so-called principle that could override SPS obligations; for the sake of precaution, consolidated trade concessions could be removed, impaired or nullified without compensation. He emphasized that this was of much concern to developing countries whose already serious problems in complying with SPS measures in export markets would be made worse by the "blank cheque" of precaution.

11. The representative of Mexico expressed doubts about the interpretations of WTO provisions contained in the EC paper, both of the WTO preamble and of the SPS and TBT Agreements. In preparing for the Seattle Ministerial Conference, the Mexican delegation had made comments which he believed were still valid in this regard.

12. The representative of the European Communities pointed out that four elements should be retained from this discussion. First, this was an exercise in transparency. Precaution was applied in many instances by many countries. The European Communities wanted to inform Members how the Commission saw this question. Second, this document did not add to or detract from the SPS Agreement, and was coherent with the SPS Agreement. But it might be necessary to have a development of the Articles in the Agreement that allowed for this principle, precisely to avoid unpredictability. In that context, it would be useful to have guidelines based on a reasoned and coherent set of principles. Third, it was necessary to build a common understanding on how to assess, manage and communicate risks that science was not yet fully able to evaluate. Finally, it was important to have a clear and explicit set of rules to avoid unwarranted recourse to the precautionary principle, which could serve as a justification for disguised protectionism. He informed the Committee that the document on precaution was also available on the europa website (<http://europa.eu.int/>).

(ii) *Communication from the European Communities on the White Paper on Food Safety (G/SPS/GEN/169)*

13. The representative of the European Communities informed the Committee that the European Union had developed its legal system in the area of food safety over several decades. It aimed to harmonize legislation between EC member States in order to facilitate trade, while obtaining and maintaining a high level of health protection for consumers. The Commission, however, was determined to put in place an improved, updated and more effective food safety regime built on the principles included in the White Paper on Food Safety. This paper outlined a set of actions designed to make European Union food safety legislation more coherent, understandable and flexible; to promote better enforcement of that legislation; and to provide greater transparency to consumers. This strategy included setting up a food safety authority responsible for key tasks such as scientific advice, information gathering and communication.

(iii) *EC Sanitary Status regarding African swine fever and avian influenza*

14. The representative of the European Communities provided information on an outbreak of African swine fever which had been reported in the Alentejo region of southern Portugal in November 1999. The Portuguese authorities had immediately taken measures to control and eradicate the disease, and had carried out an epidemiological investigation on the origin of the outbreak. On 3 December 1999, the Commission had adopted safeguard measures which basically confirmed the

measures introduced by Portugal. In January, the Commission Decision was modified to take account of the favorable evolution of the situation. Since the original confirmation of African swine fever, no new outbreaks had been detected. In accordance with Commission Decision 2000/64/EC, any trade of pigs, pork or pork products was restricted from an area consisting of seven municipalities in the region of Alentejo and the Algarve. From the remaining parts of these two regions, trade was only allowed if certain disease-control measures and serological controls were applied.

15. An outbreak of avian influenza had occurred in mid-December in northern Italy. The situation in northern Italy had been reviewed during meetings of the Standing Veterinary Committee, most recently at the meeting held in March 2000. Following the first outbreaks reported in mid-December 1999, Italy immediately introduced the protection measures foreseen by EC legislation, including slaughtering and destruction of animals, cleaning and disinfection of holdings, and restricted movement of poultry. In addition, Italy prohibited the export of live poultry, hatching eggs and fresh poultry meat from the affected area. Clinical and serological testing of poultry was also imposed in non-affected areas of Italy for live poultry, hatching eggs or day-old chicks destined for export. A Commission Decision had reinforced recent actions to avoid indirect transmission of the disease through means of transport, packaging materials, etc. The representative of the European Communities indicated that the Commission Decisions referred to could be obtained from the EC SPS Enquiry Point, or from the EUR-Lex website (<http://www.europa.eu.int/eur-lex/en/index.html>).

(iv) Information from the European Communities on the Second ASEM-TFAP Seminar on Quarantine and SPS Measures

16. The representative of the European Communities reported on a seminar jointly organized by China and the Dutch Government that took place in Beijing on 23-26 November 1999, in the framework of the ASEM Trade Facilitation Action Plan (TFAP). The seminar focused mainly on the partners' administrative structure, their import legislation, and inspection and control procedures. Partners, including non-WTO Members, agreed to recognize the SPS Agreement as the benchmark for their trade policies, and to refer to the work of international organizations as a basis for sanitary and phytosanitary measures and relevant import and export certificates. Partners also agreed to exchange information on relevant legislation and procedures, and to inform each other promptly of changes in structure and organization. The seminar emphasized risk analysis as an essential prerequisite for the determination of trade-related SPS measures. The Government of the Netherlands had offered to host the next seminar later this year. ASEM partners included Brunei, Indonesia, Malaysia, the Philippines, Singapore, Thailand, Vietnam, China, Japan, Korea, as well as the EC member States.

(v) Chile – Progress in the implementation of the Agreement

17. The representative of Chile informed the Committee that a cooperation agreement had been signed between the sanitary services of Chile and Uruguay. EC technicians had visited Chile to authorize imports of strawberry plants, and were going to report to the Commission in May. With respect to risk assessment, he informed the Committee that at a meeting of the Chilean agricultural sanitary service (SAG) with APHIS of the United States, progress had been made with risk analysis regarding clementine and tangerine exports to the United States. Risk analysis for avocados, melons, watermelons and artichokes had also progressed. Furthermore, experts at the meeting had discussed alternatives to methyl bromide treatment. Regarding regionalization, he reported that Argentina, Cuba, Uruguay and Japan now recognized Chile's freedom from classical swine fever (G/SPS/GEN/81). He expressed hope for recognition by the European Communities and the United States, and noted that dialogue with Mexico was ongoing after a visit by Mexican technicians. No replies had been received so far from New Zealand, Korea and Canada. He considered that this case of regionalization, on which he had reported at each meeting, was a good example of how administrative matters could delay the recognition process even after technical progress had been achieved. The representative of Chile also reported that Chile would henceforth include a chapter on

SPS measures in all its trade agreements. A committee on SPS measures had been set up in the context of Chile's free trade agreement with Mexico, which would enhance coordination between the different ministries. The representative of Chile also thanked Korea for cooperation in the negotiation of the SPS aspects of a trade agreement between the two countries.

18. The Chairman encouraged other Members to provide information under this agenda item in the future.

(b) Follow-up to issues previously raised

(i) *Statement from the European Communities on measures related to dioxin*

19. The representative of the European Communities drew the attention of the Committee to document G/SPS/GEN/123/Add.3, containing an update of the dioxin contamination incident that had occurred in Belgium last year. All restrictions in the Belgian beef and dairy sectors had been lifted in July and September 1999, while no restrictions had been necessary on products of animal origin from other EC member States. The representative of the European Communities recalled that he had not criticized trade restrictions put in place by third countries, as at the beginning of the crisis the extent of contamination had not been clear. He expressed his appreciation to those Members who had adjusted their measures according to the information provided by the Commission. However, many WTO Members continued to apply more stringent measures, which significantly restricted trade from Belgium and other EC member States. In the light of the scientific evidence and the information provided by the European Communities concerning the scope of the contamination, he found it increasingly difficult to accept the continuation of these unjustified trade disruptions. In its document, the European Communities had outlined a number of notifications related to dioxin contamination for which they had asked the notifying Members to justify its import measures. The European Communities looked forward to receiving replies from these Members, and would continue to evaluate measures, whether or not they had been notified to the WTO. The European Communities reserved its rights to take any necessary action with regard to unjustified trade barriers, but was confident that the information provided would enable Members to adjust their measures to the current situation.

(c) Specific trade concerns

20. The representative of Chile suggested that follow-up to specific trade concerns should constitute a separate sub-item on the agenda, similar to the subdivision under item 2 (a) "information from Members". When providing this follow-up information under 2 (b) "specific trade concerns", Members would still have to inform the Member concerned as well as the Secretariat eleven calendar days in advance of the meeting of their intention to raise the issue. He also requested the Secretariat to prepare a summary of the pending issues.

(i) *European Communities - Measures affecting imports of gelatin*

21. In a joint communication, Brazil and the European Communities informed the Committee that constructive consultations had taken place regarding Commission Decision 99/724/EC with respect to animal and public health requirements governing trade in gelatin. The European Communities was going to evaluate the relevant documentation provided by Brazil. Brazil remained optimistic that a solution to both Brazil's and the European Communities' concerns would be found soon, and was impressed by the European Communities' transparent approach to the issue.

22. The representative of the United States indicated that in its response to US comments, the European Communities had indicated that the proposed measures were not just for protection against BSE, but were necessary for general public hygienic purposes. However, the response had not

specified the other risks which the measures were designed to address. The European Communities took note of the US intervention, and noted that it had responded to questions received from the United States.

(ii) *India's ban on bovine semen imports from Canada*

23. The representative of Canada informed the Committee that despite the fact that Canada was a reliable BSE-free supplier of high quality bovine semen, India had banned imports of bovine semen from Canada because of BSE concerns. Furthermore, the OIE and most veterinarians agreed that BSE was not transmittable via semen. In its latest communication with Canada, India had indicated that it was aware that the existing scientific evidence suggested that the disease was not transmittable through semen, but noted that ongoing studies might conclude otherwise. Canada was not aware of any such studies, and had yet to see a risk assessment that would justify the ban. Therefore, Canada saw no scientific justification for the measure and asked that it be withdrawn immediately. The representative of the United States supported Canada, as all of North America was free of BSE.

24. The representative of India indicated that he had provided an explanation to Canada, which he would be happy to provide to Members. The restriction on bovine semen imports had been imposed to avoid inadvertent introduction of BSE or scrapie into India, where these diseases had not been reported so far. He clarified that the measure was not a ban, but a licensing process. The Government of India had prepared a questionnaire for a few other countries and would carry out a risk assessment based on the responses. The representative indicated that he would draw his authorities' attention to Canada's points in order to try to solve this problem bilaterally as soon as possible.

(iii) *India's restrictions on semen imports from the European Community*

25. The representative of the European Communities again expressed concern about India's measures on semen imports, which the EC had already raised at the March 1999 Committee meeting. At that time the European Communities had posed specific questions (G/SPS/R/14, para. 19 and G/SPS/GEN/113 refer). Notwithstanding some bilateral contacts and multilateral discussions, no information had been provided by the Indian authorities regarding the conditions for exporting semen to India. The European Communities would evaluate the information it had received from India at this meeting. The representative of India regretted the delay in providing answers to the European Communities.

(iv) *Mexico's import prohibition of Thai milled rice*

26. The representative of Thailand regretted having to bring this issue to the attention of the Committee again. He noted that the Mexican Government had taken new measures replacing the ban on the importation of Thai milled rice, which had been notified in G/SPS/N/MEX/153. However, Thailand had some concerns regarding these new measures, which included unusual and unnecessary requirements such as fumigation at point of entry (G/SPS/GEN/172). The representative of Mexico clarified that the Mexican notification corresponded to a draft amendment to a regulation. He invited Thailand to comment on this draft during the 60-day comment period which ended on 9 April. Public responses to all comments would be published in the official journal.

(d) Consideration of specific notifications received

(i) *Iceland's notification on meat and meat products (G/SPS/N/ISL/1)*

27. Argentina expressed interest in this notification, which announced the possibility to export meat without heat treatment to Iceland, since it opened the market to higher quality beef. The representative of Argentina asked for additional clarification. The representative of Iceland confirmed

that meat could be imported into Iceland without heat treatment, provided all necessary certificates and documents were submitted. The new regulation took into account both the favorable disease situation in Iceland and the disease situation of the exporting country. The new regulation was more transparent, and eased the existing restrictive measures on meat products.

28. The representative of Canada drew the attention of the Committee to the fact that the Icelandic measure was adopted on 10 May 1999, entered into force on 10 May 1999, and the final day for comments was 10 May 1999, but it had been notified only on 16 December 1999. In addition, it was impossible to tell from the notification what the measure was about. The Committee had spent a lot of time on the notification requirements. All Members should try to provide as much information as possible on notifications, including what they were addressing and why, and give other Members a reasonable amount of time for comment.

(e) Any other matters related to the operation of transparency provisions

29. The Chairman noted that the most recent list of enquiry points had been circulated as G/SPS/ENQ/10, and the latest list of national notification authorities as G/SPS/GEN/167. Monthly lists of notifications received since the previous Committee meeting were contained in G/SPS/GEN/153, G/SPS/GEN/160, G/SPS/GEN/163 and G/SPS/GEN/166. He also informed the Committee that additional responses had been received from Members to the questionnaire on their SPS-related websites, which had been included in G/SPS/GEN/144/Rev.1.

30. The representative of Switzerland suggested that in the title of a notification, the Secretariat could include information from point 6, so that it would read, for example, "Notification (animal health)". This would enhance transparency, considering the large number of SPS notifications circulated.

31. The Secretariat reported that 37 WTO Members were not in compliance with their obligations of identifying SPS enquiry points and national notification authorities. Of these 37 Members, 23 were least-developed countries, for whom the obligation had only come into effect on 1 January 2000, and five of those 23 had notified one of these institutions, but not both. What was of more concern was that there were 14 Members for whom this obligation had taken effect five years ago, and who had not yet notified both an enquiry point and a national notification authority; five had notified one or the other. The Secretariat intended to send letters to all those Members who were not yet fully in compliance with these obligations. The Secretariat hoped that the handbook it had prepared on the implementation of the transparency provisions would be helpful to these countries.

32. At the last meeting, the Secretariat had announced that it would establish direct links from the WTO homepage to the various websites Members had included in their response to the questionnaire on SPS-related websites. There had been a delay in creating these links because the WTO homepage was being revised, and it was therefore more prudent to wait for the end of the renovation.

33. Regarding the lists of notifications that the Secretariat was circulating each month, the Secretariat regretted to note that there were still considerable delays in translation of both notifications and lists. In response to Canada's point on late notifications made after a measure had entered into force, and which were not emergency actions, the Secretariat explained that it was sometimes consulted by Members who wondered whether to notify a measure that had already come into effect, since a Member could be criticized for not providing a comment period. In such cases, the Secretariat recommended notifying in the interest of transparency, since it was better to know late than not to know at all that a measure had come into effect. Of course it was desirable that there be less such cases. Finally, delegates had received a final draft of the handbook on transparency, which would be published soon as a WTO Secretariat publication. If any Member wanted to provide final comments, they would be accepted until the end of March 2000.

34. The representative of Chile indicated that some of the notifications mentioned in the monthly notification lists were neither available on the web, nor had they been mailed electronically. For example, the list of notifications of October 1999, circulated as G/SPS/GEN/140, included Canadian notifications numbers 60-74, as well as US notifications numbers 187-194. The Secretariat responded that although there were considerable delays in translation, the notifications should have been available in the language in which they were received. If the notifications were not on the website, there was some error that the Secretariat would look into. Members who had subscribed to the electronic mailing list should automatically receive notifications electronically in the original language, unless there was some technical difficulty.

35. The representative of the European Communities asked if the Secretariat could transmit all documents by electronic mail, which would be very helpful for some delegations. The Secretariat indicated it would examine this possibility. The Secretariat was also looking into posting unrestricted documents on the SPS website before SPS Committee meetings.

II. SPS AGREEMENT AND DEVELOPING COUNTRIES

36. The Chairman recalled that the document on the SPS Agreement and developing countries prepared by the Secretariat (G/SPS/W/93) had been discussed at several Committee meetings. In this context, Egypt and Guatemala had made statements which had subsequently been circulated as G/SPS/GEN/128 and 157, respectively. The Chairman announced that he had consulted with several delegations on how to structure this agenda item in order to more effectively focus discussions in the future. It had been suggested that discussion could concentrate on one or two particular topics at each meeting. Members and observers could then provide background information, specific concerns and examples on this topic. To refresh the Committee's memory, he recalled that the topics raised included equivalence, transparency and timeframes for notification and implementation, participation in standard-setting, mutual recognition agreements, and domestic regulatory infrastructure. He asked Members to comment on this approach, and to identify useful topics on which to focus.

37. Several Members voiced their support for this approach. Supported by Pakistan, the representative of Egypt suggested inviting an expert to speak on the selected topic. Possible topics were identified in G/SPS/GEN/128, including equivalence and special and differential treatment. The representative of India suggested identifying the discussion topics at the preceding meeting, in order to have three months for preparation. To add structure to discussions, he asked the Secretariat to compile Members' submissions and concerns referring to the selected topics. The representatives of Canada and New Zealand stressed the importance of finding a practical way to discuss problems and solutions. New Zealand suggested that one topic per meeting would be sufficient if the Committee wanted an in-depth discussion.

38. The representatives of Chile, Egypt and India indicated a preference for special and differential treatment as the first topic. Chile explained that there was still a lot of progress to make with equivalence, and there were not many concrete examples. The work of the relevant international scientific organizations on this topic was just beginning.

39. The representatives of Canada and the United States suggested that the discussions should be held at informal meetings, as well as at the formal meeting of the Committee, to allow a more candid exchange. Egypt, Chile and India expressed concern that some of the fruits of the discussion might be lost if they took place in informal mode. If an expert were invited for the discussion, the Committee could switch to an informal mode for the necessary period of time.

40. The Committee decided to have a practical discussion on special and differential treatment at the next formal Committee meeting. The Chairman stressed that it would be very useful if papers were submitted in advance, and if Members identified practical problems and considerations. He

asked the Secretariat to prepare a paper compiling Members' past contributions on the chosen topic, and invited the observers to contribute their views as well.

III. TECHNICAL ASSISTANCE AND COOPERATION

41. The Chairman noted that additional replies to the questionnaire on technical assistance (G/SPS/W/101) had been included in document G/SPS/GEN/143/Rev.1.

42. The representative of the European Communities informed the Committee about French participation in a workshop in Senegal on food security in Africa. The seminar had taken place in January, and had been organized in association with the World Bank, FAO, and the Senegalese Ministry of Agriculture and Livestock. Eleven sub-Saharan African countries participated in the workshop. Besides presentations from the international standard-setting organizations, working groups had dealt with official control systems, training, and coordination needs within administrations. Several African countries had expressed a desire for regional harmonization of sanitary regulations. Five main topics were discussed: public and private sector roles; laws, standards and regulations; modernization of institutions; operational and technical needs; and risk analysis and the role of science. The World Bank had announced that a compilation of all documents related to the workshop would become available on paper and on CD-ROM before the end of March.

43. The representative of Trinidad and Tobago stated that the highest SPS standards had to be considered in any technical assistance programme to permit access to the world's major markets. In Trinidad and Tobago's view the EC standards were currently the highest, and once they were fulfilled, countries should have no problems accessing other markets. The representative identified her country's technical assistance needs in the SPS area as including (i) the revision of quarantine legislation to accommodate implementation of pest risk analysis and pest-free area data as trade regulatory mechanisms, (ii) the formulation of methodologies for pest risk analysis and the establishment of pest-free areas, (iii) the determination of pesticide residues and acceptable tolerance levels of pests and diseases, (iv) the design of policies and management systems for standard setting in the areas of human, plant and animal health, (v) the preparation of policies, regulations and systems for environmental preservation, (vi) training of personnel, setting-up of laboratories and upgrading of equipment and technology, (vii) epidemiological surveillance procedures, and (viii) impact risk assessment.

44. The Secretariat reported on its technical assistance activities since the previous meeting. It had held national seminars in Bahrain, Jordan, Burkina Faso and Malaysia. Direct assistance had been provided to Macedonia in its accession process. The Secretariat had also participated in two regional events: the workshop on food safety strategies for West Africa that the European Communities had mentioned, and the Manila Forum on Food Fortification Policy, organized by the Asian Development Bank in cooperation with the International Life Sciences Institute (ILSI) and the Micronutrient Initiative. Furthermore, in conjunction with the Codex CCFICS meeting in Adelaide in February, the Secretariat held a seminar on the implementation of the SPS Agreement. There were several activities planned for the near future, including an SPS seminar for Gulf countries in Dubai at the end of March, and national seminars in Mali, Côte d'Ivoire, Burkina Faso, Jamaica and Lebanon. In April, the Secretariat would participate in a US-Hungary joint training session in Budapest. The Secretariat was planning a risk assessment workshop to be held immediately preceding the June meeting, with the cooperation of the three sisters. The Secretariat was currently exploring ways to fund the participation of some least-developed countries. Finally, a regional seminar was foreseen in southern Africa, to be held back to back with the meeting of the Codex Regional Coordinating Committee for Africa.

45. The representative of Canada provided a brief list of Canada's technical assistance activities. This list included a variety of activities conducted by several agencies, including the Food Inspection

Agency, the Department of Agriculture, the Department of Health, and the development assistance agency. Canada was currently reviewing and refocusing some of its activities in this area, and would like to receive reactions from countries as to which activities were more effective than others.

46. The representative of Côte d'Ivoire indicated a need for technical assistance in the preparation of standards in the areas of food safety and chemical products. She announced that in the near future an SPS seminar would be held in her country.

47. The representative of the IPPC informed the Committee that a working group of the Interim Commission on Phytosanitary Measures had met on 6-10 March in Bangkok, Thailand, to review progress with the pilot project initiated by New Zealand for the evaluation of national phytosanitary capacity, and to elaborate on the role of the Interim Commission in the area of technical assistance. It was noted that the Interim Commission had no financial resources for technical assistance but benefited from the combined experience, expertise, and willingness to cooperate among its Members. The pilot project undertaken by New Zealand was an example of how the Interim Commission could play a significant role in technical assistance. It was noted that this unique initiative provided the means for both developing and developed country Members to identify strengths and weaknesses in their national phytosanitary systems and to develop strategies for improvement, whether through technical assistance or other means. The working group strongly endorsed the pilot project and recommended that it be continued and expanded. The working group would meet again in October 2000 to finalize recommendations for the Interim Commission.

48. The representative of Codex informed the Committee about a regional workshop on risk analysis which had been held in Thailand in December, in conjunction with the Regional Coordinating Committee for Asia. Another regional workshop, either on the administration of Codex Contact Points or on food control systems, was planned for November 2000 in Uganda in conjunction with the Regional Coordinating Committee for Africa. In addition to regional workshops, Codex was working on projects in individual countries. A workshop on the administration of Codex structures was planned in Syria in April. This was part of a project of updating legislation and harmonization with international standards. In Africa, Codex workshops were scheduled in Cameroun in April and in Tanzania in May. In Senegal, Codex had also participated in the workshop on food safety which the European Communities had mentioned, and carried out a project on street-vended food.

49. The representative of IICA explained that his organization was a technical cooperation agency headquartered in Costa Rica with programmes and offices in 34 countries in the Americas. Its governing board were the Ministers of agriculture of these countries. SPS-related activities were structured in four areas. The first dealt with updating agricultural health services on a country-by-country basis, especially in Central America, the Andean and the Caribbean regions, including institutional, judicial and technical elements such as financial sustainability, technical independence, regulations and epidemiology. The second area dealt with the practical application of the SPS Agreement. IICA was involved in documentation and use of case studies of the implementation of specific Articles of the Agreement within the Americas, training, support to the OIE Commission for the Americas, and technical cooperation with the IPPC. The third area dealt with food safety – regional conferences had been held in Mexico, Colombia and Costa Rica. Another conference was planned for the year 2000 in North America. In March 2000 a meeting on poultry was planned in the Caribbean with the participation of the public and private sectors. Other organizations such as the World Bank, Codex, FAO, OIE, etc. had provided cooperation and sponsorship for some of these activities. The fourth area dealt with emerging issues, such as international organic product standards and livestock traceability. In all these activities, Agrihealth XXI served as an electronic network for information sharing, electronic fora, etc. (<http://www.iicanet.org/>).

50. The representative of the WHO informed the Committee that the WHO's executive board had requested the Director-General of WHO to provide technical support to developing countries in the

areas of health assessment, development of laboratory-based surveillance systems for major food pathogens and contaminants, and in risk assessment.

IV. MONITORING THE USE OF INTERNATIONAL STANDARDS

51. The Chairman noted that no Members had submitted new examples for consideration. An update by the OIE of its activities in this area had been circulated as G/SPS/GEN/145/Add.1. The representative of Thailand thanked the OIE for its update on standards concerning chicken meat and infectious bursal disease virus (IBDV).

52. Chile repeated its request that updated lists of international standards be circulated to all Members. In 1997, these lists had been circulated as G/SPS/GEN/29, 30 and 31.

V. CONSISTENCY

53. The Chairman informed the Committee that informal consultation on guidelines to further the practical implementation of Article 5.5 had come close to conclusion on the basis of a new draft prepared by the Secretariat. He introduced a corrigendum to this draft which included a few changes proposed by Members. Several delegations suggested minor changes to the text, focussing on guidelines B2, B4 and B7, as well as the bridging text between parts A and B of the guidelines. Although adoption at the present meeting was not possible, the Chairman concluded that the Committee had reached fairly general agreement on the resulting text (G/SPS/W/104 refers), and would consider it for adoption at the June meeting.

VI. MATTERS OF INTEREST ARISING FROM THE WORK OF OBSERVER ORGANIZATIONS

(a) OIE

54. The representative of the OIE reported that since the last SPS Committee meeting, several OIE Commissions had met in preparation of the 68th General Session which would take place in May. The Commission of the International Animal Health Code met in January 2000, and its proposals were contained in a report which OIE members could obtain from the website. The Commission on FMD and other Epizootics advanced in its standard-setting activities, and in recognition of certain members as free from FMD, rinderpest and contagious bovine pleuropneumonia. This Commission was also working on a questionnaire for the recognition of BSE freedom. The Standards Commission had almost finished the next edition of the Manual of Standards for Diagnostic Tests and Vaccines, which would be published at the end of the year. The Commission on Fish Diseases was considering the modernization of a number of chapters of the International Aquatic Animal Health Code, and had also established an emergency action plan for the aquatic environment. At the beginning of March, a meeting on antimicrobial resistance had been held, focussing on risk analysis, harmonization of laboratory methods, harmonization of surveillance programmes, and guidelines on the prudent use of antimicrobials in animal production. All draft standards would be proposed for adoption at the OIE meeting in May.

(b) WHO

55. The representative of the WHO informed the Committee that the Director-General of WHO had identified food safety as a second priority area for WHO, and had proposed a WHO food safety plan for the future. The document titled Food Safety Report of the Director-General (Document Number EE105/10) and a draft resolution (Document Number EE105/R16) were available on the WHO website (www.who.org) in the WHO's six working languages. The WHO Executive Board had identified five major food safety directions. The first direction was the better evaluation and

estimation of the food-borne disease burden. Second, microbiological risk-assessment was necessary for decision-making to reduce food-borne illnesses caused by microorganisms. This topic had been taken up by the Codex Food Hygiene Committee. Third, it was important to evaluate the potential effect on human health from the consumption of foods produced by biotechnology. WHO would provide the scientific basis for this evaluation, including a joint expert consultation with FAO. Fourth, the current working relationship between WHO and FAO under the joint WHO/FAO Food Standards Programme would be reviewed with a view to increasing WHO's scientific and public health role in the work of Codex. Finally, WHO would facilitate open and understandable risk communication between all parties affected by food-borne risks. WHO would also work on assisting governments in crisis management.

56. Regarding the International Health Regulations (IHR), the WHO representative informed the Committee that after consultations with members, much conceptual work had been carried out in 1999 and 2000. The new concepts would affect how members states carried out disease surveillance, responded to urgent international public health events, and applied public health measures. They would also prescribe routine port of entry and port of embarkation inspection and control activities. Besides member states, the new IHR would also impact other stakeholders such as international shippers, aircraft operators, and international organizations including the International Maritime Organization, IATA, and the WTO and its Committees. The next step in the revision process would be to test these concepts with the collaborators and stakeholders. Under the current IHR, member states had obligations with respect to only three diseases, and instances of conflicts between IHR and the SPS Agreement had not been evident. The new IHR, however, would provide a considerably expanded template for preventing the international spread of a wide range of diseases, which would increase the possibility for conflict. The key areas of conflict might include (i) contaminated food products destined for human consumption, for which the WHO had issued directives; (ii) other urgent international disease events which could disrupt the distribution of food products; and (iii) WHO dispute rulings, which might interfere with subsequent WTO actions. The new IHR would offer better protection for member states suffering disease outbreaks, by reducing the imposition of unjustified public health measures, and by reducing the cost of unnecessary protective measures by other member states through a uniform template for action. Since almost all WTO Members were also members of WHO, it was critical to reduce conflict between IHR and the SPS Agreement to a minimum, and to explore synergies. The WHO welcomed comments from WTO Members, preferably early in the review process.

57. The representative of the United States suggested that it might be useful to request the WHO to present additional information about the IHR at an informal session. Canada added that it would be useful if a paper were circulated in advance of the next meeting, outlining some of the issues, and providing some sense of timing. The European Communities asked that the informal presentation by the WHO concentrate not on potential conflicts between IHR and SPS Agreement, but rather on an explanation of how WHO worked, what its internal arrangements were, and the nature of the obligations of its members. Australia and Chile supported the previous speakers. The representative of Australia stated that it was extremely important that countries coordinate the approach they took at different international organizations. The representative of Chile especially welcomed the increased participation of the WHO in the Codex Alimentarius. The Secretariat was requested to arrange for an informal meeting of the Committee with the WHO on the IHR, to be held at the time of the next regular meeting of the Committee. The OIE requested to be invited to the informal meeting with the WHO.

(c) Codex

58. The representative of Codex first provided an update on the questions of the SPS Committee in the context of monitoring the use of international standards. At its November meeting, the Committee on Food Hygiene (CCFH) had considered the questions of bacilli and other organisms in

canned/bottled products including jams. The CCFH drew the attention of the SPS Committee to the Codex Principles for the Establishment and Application of Microbiological Criteria for Foods, and recommended that the Committee on Processed Foods and Vegetables proceed with the revision of the existing standards. Concerning the question of certification of raw meat products regarding the absence of pathogens, the CCFH recognized that it was scientifically impossible to provide such certification, as it concerned only one step of the HACCP system in the framework of risk management, and recommended adherence to good manufacturing practice as specified in the General Principles of Food Hygiene. The report of the meeting of the CCFH was available on the Codex website. The CCFH concluded that at this stage there was no need for a specific texts on these two topics. The question regarding benzoic acid would be addressed in the framework of the general standard for food additives. The Committee on Food Additives and Contaminants would meet in March and proceed with the development of this general standard. The last question, related to tetracycline, would be addressed by the Committee on Veterinary Drug Residues at its meeting at the end of March. The Philippines thanked Codex for the update on benzoic acid.

59. Regarding general Codex work, the representative reported that the CCFH had also proceeded with its work on guidelines for management of microbiological risk. There would be a joint FAO-WHO expert consultation on microbiological risk assessment on 17-20 July 2000. There would be another important consultation at the end of May on the safety aspects of biotechnology. At the time of the SPS meeting, the Codex task force on foods derived from biotechnology was meeting in Japan. The Committee on General Principles would discuss working principles for risk analysis from 10-14 April in Paris, including specific discussion of the precautionary principle. The Committee on Pesticide Residues would meet in May.

(d) IPPC

60. The representative of the IPPC informed the Committee of working groups that had met to develop draft standards on notification of interceptions and non-compliance (Finland, December 1999) and pest listing (South Africa, January 2000). He added that a working group of the Interim Commission on Phytosanitary Measures had met in Thailand to discuss the role of the Interim Commission in technical assistance, and to begin a strategic planning process for the IPPC. He noted that the working group had identified standard setting as the highest priority for the work programme of the IPPC and emphasized key objectives of the SPS Agreement, such as increased transparency and greater participation by developing countries. A questionnaire formulated by the working group would be distributed by the IPPC secretariat to members of the Interim Commission as the means to solicit input for the formulation of a strategic plan to be submitted to the Interim Commission at its next meeting in April 2001. In addition, it was noted that the IPPC had planned two meetings of the Interim Standards Committee as a means to bring forward several pending draft standards, and the Interim Commission had established an open-ended working group to discuss the role of the IPPC with regard to GMOs, biosafety and invasive species (June 2000 at FAO Headquarters in Rome). Other working groups for drafting standards included: non-manufactured wood packaging (Canada, June 2000); regulated non-quarantine pests (Costa Rica, July 2000); systems approaches for risk management (Australia, September 2000); and pest reporting (Slovenia, September 2000).

(e) EFTA

61. The representative of EFTA explained that EFTA was an international intergovernmental organization celebrating its fortieth anniversary. One of its tasks was the development of free-trade agreements with a large number of non-EU countries, particularly in Eastern Europe. Through the Agreement on an European Economic Area, EFTA was participating closely in the European single market. EFTA was also involved with most of the issues dealt with by the SPS Committee, and was an observer in international organizations such as Codex.

(f) OIRSA

62. The representative of OIRSA informed the Committee that OIRSA centered its activities around plant and animal health, and recently also around food safety. One of its priorities had been to support the implementation and practical understanding of the SPS Agreement in the countries of the Central American region and Mexico. It carried out diverse seminars and workshops, giving special attention to the participation of exporters, who would benefit from an understanding of the Agreement. OIRSA was also supporting the harmonization of SPS measures in the region and the preparation of technical studies, and working in the areas of risk assessment methodology, regionalization, food security, and the modernization and strengthening of national agricultural health systems. In addition, OIRSA and the graduate school of the University of Chapingo, Mexico, had designed and created a Master's programme in sanitary and phytosanitary measures, which was operational since February. The curriculum included risk analysis, epidemiological surveillance, agricultural quarantine, plant and animal health, international regulations, food safety and international trade.

(g) IICA

63. The representative of IICA highlighted the continuing and growing need for information of the private sector. In this context, IICA was working on specific initiatives such as the Panamerican Veterinary Congress, which had a fifty year history and convened about 2000 veterinarians every two years. In September, the Congress would meet in Panama and include a session on the role of veterinarians in the implementation of the SPS Agreement. In December there would also be a world buiatrics congress in Uruguay including a similar session. Recently, IICA hosted a group of leaders in veterinary medicine from Canada, the United States and Europe to look at specific elements in veterinary medicine and their link to SPS. IICA was also working on the enhancement of enquiry points, since only a handful of these enquiry points had websites. IICA was making available server space and a template for a more complete enquiry point, but the content and maintenance of the information on the website would be the responsibility of each country.

VII. OBSERVERS

64. The Committee agreed to invite all ad hoc observers (ACP Group, EFTA, IICA, OECD, OIRSA, SELA) to the regular meeting of the SPS Committee in June.

65. The Chairman recalled that at its last meeting, the Committee had not been able to reach a consensus on the OIV's request for observer status. On the basis of information provided in advance of the meeting, it appeared that the Members concerned were not yet in a position to join a consensus on the matter. The United States confirmed that its position had not changed. The representative of the European Communities called the attention of the Committee to the additional information provided by the OIV (G/SPS/GEN/164), which was modifying its internal decision-making procedures and voting systems. He thanked the Secretariat for the special attention given to this matter in the report of the previous meeting (G/SPS/R/17 and Corr.1, paras. 74-80), which accurately reflected the positions taken at that meeting. The representative of the European Communities did not agree with the approach taken by the Committee with respect to the request for observer status by the OIV. In his opinion the OIV was treated differently than other organizations. He hoped that this would not create a precedent, and that by the next meeting the United States would have changed its view, particularly since the OIV would meet to discuss its changes during the week prior to the next Committee meeting. The representative of Australia observed that it appeared that no consensus would be reached at the present meeting on granting ad hoc observer status to the OIV. Some Members had expressed legitimate concerns about the OIV, and legitimate efforts were being made to address these concerns, which hopefully would allow the Committee to reconsider its request in the future.

66. The Chairman informed the Committee that the Asian and Pacific Coconut Community (APCC) had requested observer status in the SPS Committee. The Secretariat had summarized the information provided by the APCC regarding their membership, objectives and mandate, and reciprocity (G/SPS/121/Add.1). Since many delegates had not had sufficient time to consider this information, he proposed considering this matter at the next meeting. The representative of New Zealand requested that more information be sought from the APCC regarding its interest in phytosanitary areas. The document referred to quality standards, production methods and consumer requirements, but there seemed to be little reference to phytosanitary issues. The Secretariat agreed to seek additional information.

VIII. OTHER BUSINESS

67. The representative of the Philippines brought to the attention of the Committee its serious concern with the restrictive phytosanitary measures applied by Australia to certain tropical fresh fruits. Major Philippine exports including mangoes, bananas and pineapples, which were widely accepted by other importing countries, continued to face restrictions in Australia. It seemed that Australian regulations refused to recognize the phytosanitary protocol, which, following rigorous scientific tests, had been considered adequate by other countries. The Philippines believed that Australia's phytosanitary measures effectively rendered access to the Australian market for these products difficult, if not impossible. Bilateral informal consultations were being held on the matter. The representative of Australia confirmed that consultations were being held. He clarified that in response to a request for access, Australia conducted an open, transparent and consultative process of scientific risk assessment and risk management with a view to minimizing the risk of introduction of diseases not currently present in Australia. The representatives of Thailand and Malaysia also expressed concern regarding Australia's phytosanitary measures on tropical fresh fruit imports. Thailand had had bilateral consultations with Australia, and would continue an exchange of views.

68. The representative of the United States informed the Committee that on 30 December 1999 it had published its final rule to allow the importation of rhododendrons under conditions designed to prevent the introduction of dangerous plant pests.

IX. ELECTION OF CHAIRPERSON

69. The Chairman informed the Committee that informal consultations regarding the chairmanship of the SPS and other Committees were still under way. Therefore, he proposed to reconvene the Committee for a very brief meeting as soon as the Committee was in a position to make a decision regarding the new chairperson.

70. The delegates and the Secretariat thanked Mr. Attie Swart for his excellent work as chairman of the Committee. His ability to speak and listen well combined with his wit had allowed him to make much progress on difficult subjects. He would certainly be missed.

X. DATE AND AGENDA OF THE NEXT MEETING

71. The next regular meeting of the Committee is scheduled for 21-22 June 2000. The Committee agreed on the following tentative agenda:

1. Proposed agenda
2. Implementation of the Agreement
 - (a) Information from Members
 - (i) Activities of Members
 - (ii) Follow-up to issues previously raised

- (b) Specific trade concerns
 - (i) New issues
 - (ii) Issues previously raised
- (c) Consideration of specific notifications received
- (d) Any other matters related to the operation of transparency provisions
- 3. SPS Agreement and developing countries
 - (a) Implementation of the provisions for special and differential treatment
- 4. Technical assistance and cooperation
- 5. Monitoring of the use of international standards
- 6. Adoption of Article 5.5 Guidelines
- 7. Matters of interest arising from the work of observer organizations
- 8. Observers - Requests for observer status
- 9. Other business
- 10. Date and agenda of next meeting

72. The Chairman reminded delegates that the deadlines for requesting the inclusion of specific items on the agenda, or receiving submissions from Members under the respective agenda items, were as follows:

Specific trade concerns	8 June 2000
Airgram	9 June 2000
Agenda item 3: Monitoring procedure - new specific examples	22 May 2000
