

Committee on Sanitary and Phytosanitary Measures

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

Draft Report of the Committee¹

Revision

I. INTRODUCTION

1. 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 1999.²

2. 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. The Second Review of the Agreement was completed in July 2005.³ At its October 2008 meeting, the Committee adopted a procedure and timetable to undertake the Third Review of the Agreement.⁴

3. Members were invited to identify issues for discussion as part of the Third Review and any other issues they wished to have considered during the Review, by 28 November 2008. Members were also invited to: (i) submit papers on the issues proposed for consideration and to identify any further issues for consideration during the Review, by 9 February 2009; and (ii) submit any further papers on issues proposed for consideration, by 27 March 2009. Since October 2008, the Committee has held three informal meetings and three formal meetings at which it considered issues and proposals identified by Members. The draft report of the Review⁵ was discussed at the June 2009 meetings of the Committee, and Members were invited to submit written comments on the draft report by 27 July 2009.

4. In accordance with the procedures for the Third Review, the Committee considered, for adoption at its October 2009 meeting, a draft report of the Review⁶. The report was not adopted, however, and Members were invited to submit written comments on the draft report, and on the proposed changes to the draft report contained in the 28 October Room Document, by 16 December 2009. The Secretariat has revised the draft report of the Review based on Members comments and suggestions, and is circulating this revised draft report (G/SPS/W/237/Rev.2) for consideration by the Committee, with a view to its adoption during its March 2010 regular meeting.

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

² G/SPS/12.

³ G/SPS/36.

⁴ G/SPS/W/228.

⁵ G/SPS/W/237.

⁶ G/SPS/W/237/Rev.1.

5. As in the two previous Reviews, the Committee discussions in the Third Review have focused on implementation and operation issues related to:

- Consistency (Article 5.5);
- Equivalence (Article 4);
- Transparency (Article 7 and Annex B);
- Monitoring the use of international standards (Article 3.5 and 12.4);
- Technical assistance and training activities (Article 9);
- Special and differential treatment (Article 10);
- Regionalization (Article 6);
- Monitoring the implementation of the Agreement (Articles 12.1 and 12.2) – Specific trade concerns / Use of ad hoc consultations;
- Cooperation with Codex Alimentarius, World Organization for Animal Health (OIE), and the International Plant Protection Convention (IPPC) (Article 12.3); and
- Dispute settlement activities (Article 11).

6. In addition, in this Third Review the Committee also considered:

- "Least trade restrictive" (Article 5.6);
- Implementation of the Agreement – Article 13;
- Private voluntary standards;
- Good regulatory practice; and
- Control, Inspection and Approval Procedures (Article 8 and Annex C).

7. Appendix A of this document provides a summary of Committee activities since the Second Review in 2005. Appendix B provides information about SPS-related dispute settlement activities. Appendix C provides a list of documents submitted by Members since the Second Review of the Agreement relevant to the various issues raised in this revised draft report.

II. CONSISTENCY (ARTICLE 5.5)

8. Efforts and deliberations by the Committee to develop guidelines for consistency began during the Committee's first meeting in March 1995 and progressed through informal and formal meetings. During these discussions, Members raised conceptual issues related to the links between appropriate level of protection, measures and risk assessment.

9. In the Second Review of the Agreement in 2005 ("the 2005 Review"), the Committee noted that it should undertake another review of the operation of the guidelines to further the practical implementation of Article 5.5 whenever Members identified the need, and in any case not later than December 2008. Members were encouraged to provide information regarding their experiences in the implementation of Article 5.5 and in the use of the guidelines.⁷

10. 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 opportunity for Members to provide information

⁷ G/SPS/15.

regarding their experiences in this regard under the Agenda Item "Activities of Members". No Member has provided any such information since June 2005.

11. Some Members have suggested, however, that the Committee should solicit information from Members in order to determine the extent to which these guidelines, as well as others adopted by the Committee, are actually being implemented by Members.

12. Australia suggested that Members submit any issue of concern they might have on the Article 5.5 Guidelines by the June 2009 meeting of the Committee. Should no specific issue be raised by June, it was proposed that the Committee consider the current guidelines on consistency as having been reviewed and maintain the guidelines as such.

13. In its proposal on issues for consideration in the Third Review⁸, India (i) noted the need to review the progress achieved in this issue through the use of the Committee's guidelines (G/SPS/15), and (ii) asked that the Committee analyze some SPS measures of key trading Members which have a major effect on other countries' exports and assess to what extent they were "arbitrary or unjustifiable".

14. **Recommendations:**

- *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).*
- *The Committee should agree to review the guidelines in G/SPS/15 as part of the periodic review of the operation and implementation of the SPS Agreement, unless any Member requests a specific review of these guidelines in the intervening period, based on specific proposed amendments to the existing guidelines.*

III. LEAST TRADE RESTRICTIVE (ARTICLE 5.6)

15. India has proposed that the Committee clarify the words "reasonably available" in the context of alternative measures referenced in footnote 3 of Article 5.6 of the SPS Agreement.⁹

IV. EQUIVALENCE (ARTICLE 4)

16. In the 2005 Review, the Committee encouraged Members to provide information regarding their experiences in the implementation of Article 4 and in the use of the guidance developed by the Committee.¹⁰ In particular, Members were encouraged to notify any agreements reached on the recognition of equivalence. Finally, the relevant international organizations were invited to keep the Committee informed of any work they undertook with regard to the recognition of equivalence.

17. Equivalence is a standing agenda item for regular meetings of the Committee. At each meeting, Members are invited to report on their experiences regarding equivalence, and the relevant international organizations are invited to provide information. The following Members provided information under this agenda item: Brazil and Chile (June 2005), Egypt (March 2006) and the United States (June 2007). On 9 August 2007, Panama submitted the first notification on a recognition of equivalence (G/SPS/N/EQV/PAN/1). A second notification of the recognition of equivalence of SPS measures was submitted to the Committee in 2008 by the Dominican Republic (G/SPS/N/EQV/DOM/1).

⁸ G/SPS/W/236 and Rev.1.

⁹ G/SPS/W/236 and Rev.1.

¹⁰ G/SPS/19/Rev.2.

18. The Secretariat noted that Members' officials often made reference informally to various equivalence agreements with trading partners, but these had not been notified to the SPS Committee. Some Members agreed that equivalence agreements did exist, and that the guidance developed by the Committee was being used. They suggested that one reason Members did not notify these agreements was to avoid other exporters benefiting from the arrangements. Furthermore, in many cases the notion of equivalence was applied without any formal recognition of equivalence *per se*, or without calling the bilateral arrangements "equivalence". They agreed, however, that it would be useful for Members to provide information regarding their experiences in this area.

19. The international standard-setting organizations have developed guidance in this area, and the Codex, IPPC and OIE have regularly provided information on equivalence issues at meetings of the Committee. The Codex Alimentarius Commission has adopted Principles for the development of equivalence agreements regarding food import and export inspection and certification systems, and Guidelines on the judgement of equivalence of such systems.¹¹ The OIE has developed guidelines for reaching a judgement of the equivalence of sanitary measures.¹² At the October 2008 meeting of the Committee, the OIE elaborated on a new approach whereby two ad hoc groups were analyzing various chapters in the terrestrial and aquatic animal health codes, and noted that it would keep the Committee informed of the work of those ad hoc groups. The IPPC adopted in 2005 a standard with guidelines for determination and recognition of equivalence of phytosanitary measures (ISPM 24). In addition, ISPM 1, which also includes principles on equivalence, was revised in 2006.¹³

20. In its proposal for the Third Review¹⁴, India proposed that: (i) the Committee prepare a country-specific status report, listing the cases where Members had successfully negotiated bilateral equivalence agreements; (ii) Members be encouraged to share their experiences in and difficulties with implementing Article 4.2; and (iii) even if a Member did not enter into any equivalence arrangements, it could be required to make a statement to that effect.

21. **Recommendations:**

- *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 agreements, formal or informal, 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.*

V. TRANSPARENCY (ARTICLE 7 AND ANNEX B)

22. In the 2005 Review, the Committee: (i) encouraged Members to ensure full implementation of the transparency provisions of the SPS Agreement; (ii) asked that developing country Members clearly identify specific problems faced in implementing the transparency provisions of the Agreement; and (iii) asked that assistance be provided to least-developed and developing country Members in order to enable them to fully implement the transparency provisions and to make use of

¹¹ http://www.Codexalimentarius.net/download/standards/10047/CXG_053e.pdf.

¹² http://www.oie.int/eng/normes/en_mcode-2004.htm.

¹³ [https://www.ippc.int/index.php?id=ispsms&tx_publication_pi1\[showUid\]=133583&frompage=13399&type=publication&subtype=&L=0#item](https://www.ippc.int/index.php?id=ispsms&tx_publication_pi1[showUid]=133583&frompage=13399&type=publication&subtype=&L=0#item)

¹⁴ G/SPS/W/236 and Rev.1.

the benefits associated with transparency. Recognizing that the recommended procedures established by the Committee¹⁵, while not creating legal obligations, could facilitate Members' implementation of the provisions of the SPS Agreement, the Committee agreed to consider whether further recommendations could be beneficial.

23. The Secretariat organized a Workshop on Transparency in October 2007. This was the third SPS workshop on transparency organized by the WTO Secretariat, the first two having been held in 1999 and 2003. Various funding arrangements made it possible for a large number of participants from least-developed and developing countries to attend. The objectives of the workshop were to enhance the implementation of transparency obligations and to identify best practices for drawing benefits from a transparent system.

24. The main recommendations from the Workshop involved the following six issues: revision of the Recommended Transparency Procedures contained in G/SPS/7/Rev.2; training and dissemination on the SPS Information Management System (SPS IMS) as well as other sources of SPS-related information; regular updates on the level of implementation of transparency provisions; explanatory documents on timeframes related to transparency obligations and on benefits of the SPS Agreement; establishment of a mentoring mechanism between officials responsible for implementing the transparency provisions in different Members; and development of a practical procedural manual. Significant progress has been made with respect to all six recommendations.

25. On 30 May 2008, the Committee adopted revised recommended procedures for transparency.¹⁶ The new procedures, *inter alia*, clarify the definition of the comment period, encourage the notification of measures conforming to international standards, and provide links for access to full texts of regulations and their translations. The new transparency procedures, including new notification formats, took effect on 1 December 2008. These new formats provide the possibility for Members to include hyperlinks to texts of draft regulations or to submit these draft regulations to the Secretariat in PDF format so that they can be placed on a server and a hyperlink included.

26. To facilitate Members' management of the large volume of SPS-related information, the Secretariat regularly produces summary documents containing relevant SPS-related information, including monthly summaries of notifications¹⁷ received by the Secretariat and an annual listing of all SPS documents.¹⁸ Links to these documents can be found on the SPS web page.

27. Furthermore, the Secretariat has 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.

28. The Secretariat has also developed the new SPS Information Management System (SPS IMS), the public version of which was launched and presented on 15 October 2007 during the Transparency Workshop.¹⁹ The system includes the most recent information on SPS notifications as well as Committee documents and specific trade concerns. It 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. The website of the SPS IMS is constantly updated with the latest contact details on Members' Enquiry Points and National Notification Authorities.

¹⁵ G/SPS/7/Rev.2.

¹⁶ G/SPS/7/Rev.3.

¹⁷ See documents G/SPS/GEN/903, 910 and 917 for January to March 2009.

¹⁸ G/SPS/GEN/897 for 2008.

¹⁹ <http://spsims.wto.org/>.

29. The WTO Secretariat has provided demonstration sessions on the SPS IMS during the SPS Committee meetings and during its technical assistance programmes. It has also responded to ad hoc requests from Members and other interested parties for assistance.

30. The Secretariat has begun to provide annual updates on the level of implementation of the transparency provisions. In October 2007, the Secretariat circulated a first background note²⁰ providing an overview regarding the level of implementation of the transparency provisions of the SPS Agreement. An updated version of this note was circulated as G/SPS/GEN/804/Rev.1 in October 2008, and a second revision was circulated in October 2009. The development and updating of the SPS IMS facilitate the compilation and analysis of data related to the implementation of the transparency provisions, as well as specific searches by Members and the preparation of summary reports. Furthermore, Members' implementation of the new recommendations on transparency should result in substantially enhanced information.

31. Managing information on transparency, however, remains challenging for many developing country Members, and many have flagged their need for assistance and support to resolve 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.

32. As recommended in the 2007 Workshop on Transparency, the Secretariat developed a procedure for an informal mentoring mechanism to assist officials responsible for transparency in developing country Members. Nineteen Members have been "matched" with mentors in other Member countries that should provide guidance when requested.²¹

33. In addition, New Zealand worked with the Secretariat, along with contributions from Australia and a number of other Members, to develop a step-by-step procedural manual for the operation of Enquiry Points and National Notification Authorities. The document is available for Members in English, French and Spanish. A PDF version of the document can be downloaded from the SPS gateway of the WTO website (under the "transparency toolkit" section). This Transparency Manual reflects the new transparency procedures and replaces the 2002 handbook on "How to Apply the Transparency Provisions of the SPS Agreement".

34. In line with the Committee's previous decision to normally hold a special meeting on transparency every three years, back-to-back with a regular Committee meeting, a special meeting on transparency will be held on 18 October 2010. National Notification Authorities and Enquiry Points are encouraged to attend.

35. As of 31 December 2009, Members have submitted 7,315 regular notifications and 1,163 emergency notifications (not including related addenda and corrigenda). The Committee has also 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 new transparency procedures. As of 31 December 2009, two equivalence and 14 supplemental notifications have been circulated.

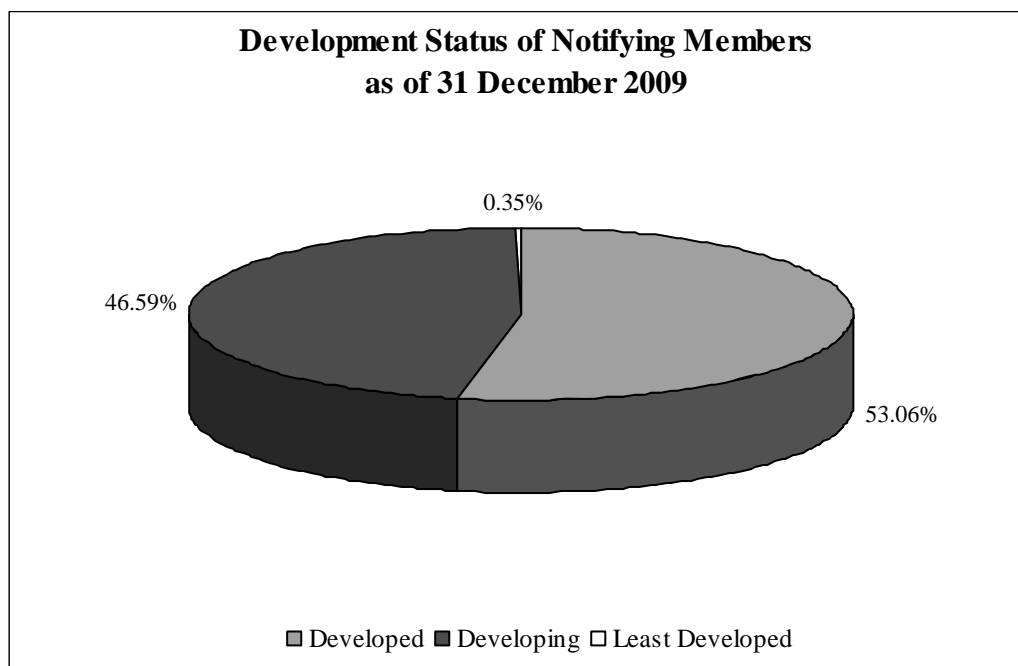
36. Out of the 153 WTO Members, 101 (66 per cent) have to date submitted at least one notification to the WTO. This figure stood at 98 in October 2008, meaning that three additional Members (Former Yugoslav Republic of Macedonia, Swaziland, and Ukraine) have submitted at least

²⁰ G/SPS/GEN/804.

²¹ G/SPS/W/217.

one notification during the past year. Members which have not submitted any notification so far include 20 developing countries and 23 LDCs as well as a number of EC member States.²²

37. As can be seen in Figure 1, the share of notifications submitted by developed country Members reaches 53 per cent while the share of those submitted by developing country Members (excluding LDCs) is 46.6 per cent.²³ A very small share comes from LDCs. Still, there has been a steady increase in notifications from developing country Members over the years.



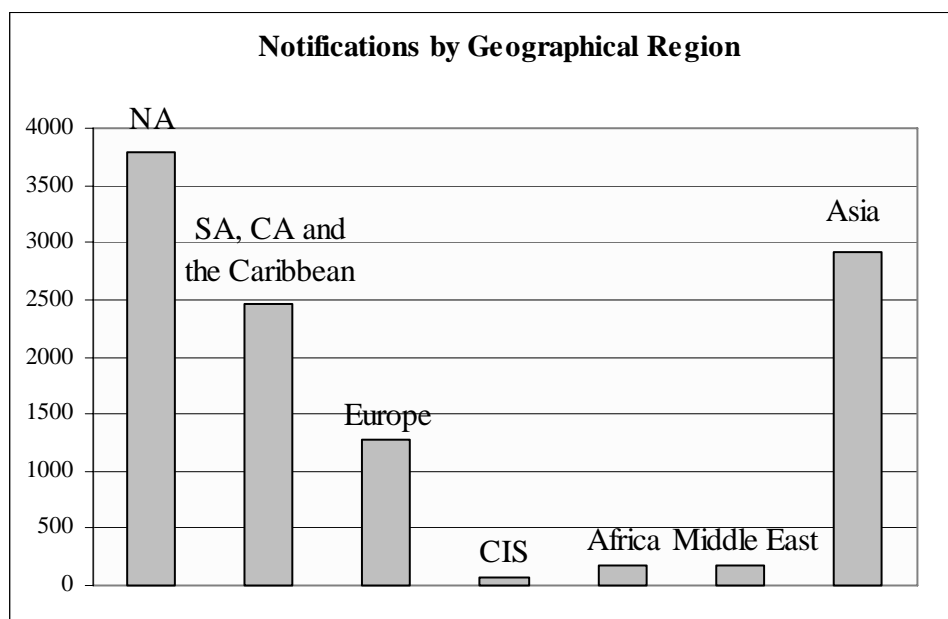
38. Looking at the geographic regions from which the notifications originate, Figure 2 shows that the majority of notifications come from North America, followed by Asia, and then South and Central America and the Caribbean.²⁴

²² See G/SPS/GEN/456 for notification procedures for the European Communities and its member States.

²³ The categories of level of development rely on WTO working definitions as identified in the Integrated Database (IDB) for analytical purposes.

²⁴ The geographical groupings used rely on WTO working definitions as identified in the Integrated Database (IDB) for analytical purposes. The same groupings are used in the WTO Annual Reports.

Figure 2



39. 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. Among the 153 WTO Members, 137 Members have, as of February 2010, designated a "Notification Authority". Those which have not yet done so include 8 LDCs and 7 developing country Members. As of February 2010, of the 153 WTO Members, 146 have provided the WTO with the contact information of their Enquiry Point. Those which have not yet done so include six LDCs and one developing country.²⁵

40. The Secretariat regularly updates documents containing the contact information of National Enquiry Points and of National Notification Authorities. In addition, regularly updated lists are available from the SPS IMS and from the SPS gateway on the WTO web page. Members should ensure that updated contact information is provided to the Secretariat so that it can be reflected in the SPS IMS.

41. In 2005, the Committee agreed to extend the Procedure to Enhance the Transparency of Special and Differential Treatment adopted in October 2004²⁶, and Members were invited to share with the Committee their experiences under this procedure. See Section VIII for more details.

42. During this Third Review, Egypt suggested that the Committee examine ways to ensure the effective functioning of the National Notification Authority and Enquiry Points of least-developed and developing country Members. Egypt also suggested that the Committee establish a mechanism for sharing comments submitted by Members in response to SPS notifications.

43. **Recommendations:**

- *The Committee should maintain transparency as a standing item of the agenda for its regular meetings.*

²⁵ The most recent Enquiry Point contact information is contained in G/SPS/ENQ/25, and the most recent National Notification Authority contact information is contained in G/SPS/NNA/15.

²⁶ G/SPS/33 and G/SPS/33/Add.1.

- *Members should ensure their full implementation of the transparency provisions of the SPS Agreement, and 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.*
- *The Committee should continue to explore means to enhance the implementation of the transparency provisions, and the benefits from this transparency, by least-developed and developing country Members.*

VI. MONITORING THE USE OF INTERNATIONAL STANDARDS (ARTICLES 3.5 AND 12.4)

44. In the 2005 Review, the Committee noted that it should continue to monitor the use of international standards at each of its regular meetings. 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 procedure²⁷, the Committee has produced annual reports relating to the process of monitoring international harmonization.²⁸

45. In 2006, the Committee reviewed the operation of the provisional procedure based on a document prepared by the Secretariat.²⁹ The Committee decided to extend the provisional procedure indefinitely. The Committee also decided to review the operation of the provisional procedure as an integral part of its periodic Review of the Operation and Implementation of the Agreement under Article 12.7, with a view to deciding whether to continue with the same procedure, amend it or develop another one. The Committee furthermore encouraged Members to make use of this procedure to address their concerns regarding specific international standards or the need for such standards.³⁰ The procedure has not been used extensively by Members.

46. The standard-setting bodies have promptly addressed the concerns raised by Members through this procedure in their respective competent bodies and regularly reported on their actions to the SPS Committee. To enhance the participation of developing country Members in standard-setting meetings and activities, training programmes and regional technical consultations on standards and their implementation, the Codex, IPPC and OIE have established trust funds. The OIE also continues to provide financial support for the participation of Chief Veterinary Officers of its member countries in OIE standard-setting activities.

47. In 2008, the Committee agreed to consider the monitoring procedure in light of the information gained from notifications under the new notification procedure and the implementation of the IPPC mechanism. Chile noted that if Members follow the new Transparency Recommendations and notify also when they impose measures based on the international standards, this could provide useful data and that the Committee may wish to revise the monitoring procedure in light of that development. Members were also encouraged to provide information on obstacles they encountered when exporting, not just on national measures applied to imports. Egypt noted that International

²⁷ G/SPS/11/Rev.1.

²⁸ G/SPS/37, G/SPS/42 & Corr./1, G/SPS/45, G/SPS/49, G/SPS/51 and Corr.1 for the period 2005-2009.

²⁹ G/SPS/W/200.

³⁰ G/SPS/40.

Standard-Setting Organizations should continue enhancing the participation of developing country Members in their relevant activities and report back to the Committee as appropriate.

48. In its proposal on issues to be considered during the Third Review³¹, India suggested that the Secretariat prepare: (i) a Member-specific compilation listing the various measures notified by each Member and assess how many of these were based on international standards, and (ii) a consolidated analytical compilation of all notifications relating to SPS measures over the two-year period from 1 August 2007 to 31 July 2009.

49. India also proposed that, in relation to Articles 3.5 and 12.4 of the Agreement, the Committee review: (i) the progress achieved through the use of its recommended monitoring procedure, and (ii) the monitoring procedure, including the introduction of timelines for the resolution of specific concerns raised by Members.

50. **Recommendations:**

- *The Committee should continue to monitor the use of international standards at each of its regular meetings and should consider revising the procedure to monitor the use of international standards (G/SPS/11/Rev.1) to more closely correspond to the provisions of Article 12.4.*
- *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 the recommended procedures established by the Committee (G/SPS/7/Rev.3), including those relating to the notification of measures conforming to international standards.*

VII. TECHNICAL ASSISTANCE (ARTICLE 9)

51. In the 2005 Review, the Committee encouraged Members requiring technical assistance to identify their specific needs in a clear and detailed manner to permit those needs to be effectively addressed. The Committee also encouraged Members providing technical assistance to keep it informed of specific programmes of assistance. Members were encouraged to report on the effectiveness of the technical assistance received, and, on the basis of that information, and information on the experiences of Members in the provision of technical assistance, the Committee would consider identifying best practices in the area of SPS-related technical assistance. The Committee invited Members 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. Finally, the Committee requested the Secretariat to keep it informed of its relevant technical assistance activities and of the activities of the Standards and Trade Development Facility (STDF), and invited observer organizations to report on their capacity building activities relevant to the SPS Agreement.

52. 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. The WTO Secretariat, as well as observer organizations, report on their assistance activities.

53. WTO's technical assistance activities in the SPS area contribute towards the strengthening of the capacities of developing country Members in meeting standards for market access of food and

³¹ G/SPS/W/236 and Rev.1.

other agricultural commodities. The activities 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 or regional needs. The programmes of national and 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 standard-setting organizations referenced in the SPS Agreement (Codex, IPPC and OIE).

54. The Secretariat has developed a number of tools to assist Members with the understanding and implementation of the Agreement. In particular, a booklet discussing the text of the SPS Agreement published under the WTO Agreements Series (Volume No. 4). The Secretariat has also printed the step-by-step Procedural Manual on the application of the recently revised transparency procedures. A CD-ROM explaining and discussing in detail the provisions of the Agreement, and dealing in particular with implementation, transparency, special and differential treatment and dispute settlement issues, has been produced by the Secretariat. The CD-ROM includes text, video and audio material and is complemented by multiple-choice tests to enable users to monitor their individual progress. In order to meet Members requests for a more advanced training activity on the implementation of the SPS Agreement, a three-week Specialized Course on SPS has been developed and is offered once each year. The Secretariat also offers a distance-learning course on the SPS Agreement.

55. In the context of the discussions on special and differential treatment and actions to address the underlying concerns of developing country Members, in October 2006 the Secretariat prepared a preliminary analysis of SPS-related technical assistance³², with a view to addressing issues regarding the effectiveness of assistance provided. The Committee agreed to continue to consider the issue, and to explore the possibility of identifying best practices in the area of SPS-related technical assistance.

56. Under the Third Review, Egypt has suggested that the Committee examine possible ways to fund the participation of National Notification Authorities and/or Enquiry Points from least-developed and developing country Members, to meetings of the Committee. Egypt also noted that regional organizations could play a role in that process.

57. The Secretariat has compiled document G/SPS/GEN/521/Rev.5, which contains an updated overview of all SPS-related technical assistance activities provided by the WTO Secretariat from September 1994 through December 2009.

58. For the period 1994-2009, the WTO Secretariat has undertaken a total of 198 technical assistance activities on the SPS Agreement, including 70 regional (or sub-regional) and 85 national workshops. 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 in 2005. Table 2 shows the overall number of activities per region since 1994.

³² G/SPS/GEN/726.

Table 1 - Number of SPS Technical Assistance Activities

Year	Type of Activity			Total
	National Seminar	(Sub)Regional Workshop	Other	
2005	4	7	2	13
2006	9	3	3	15
2007	7	4	2	13
2008	12	2	4	18
2009	13	5	2	20
Total	45	21	13	79

Table 2 - SPS Technical Assistance Activities per Region (1994-2009)

Region	Type of activity			Total
	National Seminar	(Sub)Regional Workshop	Other	
Africa	25	24	10	59
Arab and Middle East Countries	14	6	1	21
Asia and the Pacific	21	13	14	48
Central and Eastern Europe and Central Asia	7	5	-	12
Europe	1	3	7	11
Latin America and the Caribbean	17	19	5	41
North America	-	-	1	1
Global	-	-	5 ³³	5
Total	85	70	38	198

59. The STDF was established in September 2002 following the commitment made by the Heads of the WHO, the FAO, the WTO, the OIE and the World Bank at the Doha Ministerial Conference to explore new technical and financial mechanisms to promote the efficient use of resources in SPS-related activities.³⁴ The STDF has two main aims: (i) to assist developing countries enhance their expertise and capacity to analyze and to implement international SPS standards, improve their human, animal and plant health situation, and thus their ability to gain and maintain market access; and (ii) to act as a vehicle for awareness raising on the importance of SPS issues, coordination among technical assistance providers, the mobilization of funds, the exchange of experience and the dissemination of

³³ SPS Specialized Courses.

³⁴ More information on the STDF can be obtained on the website: <http://www.standardsfacility.org>

good practice in relation to the provision and receipt of SPS-related technical assistance. Secretariat documents give regular overviews and updates of STDF activities, including funding offered for projects and project preparation grants in developing countries.³⁵

60. As part of its co-ordination function, the STDF has organized a number of events that provided information and assistance to all Members. In November 2007, the STDF organized, jointly with the World Bank and the United Nations Industrial Development Organization (UNIDO), a workshop to examine issues related to investment in laboratory infrastructure in developing countries which provide services for food safety and agricultural health.³⁶ In March 2008, the STDF held a workshop on Capacity Evaluation Tools used in the SPS area.³⁷ A publication providing information on the scope and use of twelve Tools developed by international organizations is available on the STDF website.

61. In June 2008, the STDF organized an information session on private standards. The session focussed on developments in the area of private standards since the June 2007 information session, and drew conclusions with regard to SPS-related technical assistance.³⁸ Finally, in October 2008, the STDF organized a special workshop on Good Practice in SPS-related Technical Cooperation, in collaboration with the Organization for Economic Cooperation and Development (OECD). More than 200 delegates participated in the workshop, some with assistance from the WTO Global Trust Fund or the STDF. The workshop presented the results of research on good practice in SPS-related projects identified by Members as having been successful, and considered how to apply the Paris Principles on Aid Effectiveness in this area.³⁹

62. In November 2008, the STDF presented a desk study on SPS needs and assistance provided to eight LDCs at the LDC Ministerial Conference on Aid for Trade in Cambodia. The study identified areas where future SPS technical cooperation activities with a positive trade effect might be focused.⁴⁰ In the near future, similar SPS briefings may be envisaged for other countries. The STDF also prepared a background paper for the "Open-Ended Working Group for the Development of an IPPC Capacity Building Strategy" held in Rome in December 2008.⁴¹ The report identified current flows of phytosanitary technical cooperation, examined how phytosanitary needs are evaluated and discussed how these could be mainstreamed into national development plans.

63. In the first half of 2009, the STDF developed a 30 minute film entitled "Trading safely: Protecting health, promoting development". The purpose of the film, which was screened in the SPS Committee meeting in June 2009, is to raise awareness among policy and decision-makers about the importance of SPS issues and to promote SPS capacity building. With stories from Benin, Belize, Thailand and Viet Nam, the film illustrates how some countries are rising to the challenge of meeting food safety and animal and plant health requirements to be able to benefit from trade in food and agricultural products. The film is available on a trilingual DVD in English, French and Spanish and can also be downloaded from the STDF website.

64. Three STDF events took place in the second half of 2009. On 22-23 September, a joint STDF/World Bank workshop was held in Washington D.C. to discuss new developments in climate change and trade, and the implications for SPS risks. The event addressed key issues related to climate change, including effects on agriculture trade and the regulatory reforms needed to adapt to

³⁵ G/SPS/GEN/595, 648, 718, 748, 774, 847, 865, 877, 902 and 939.

³⁶ G/SPS/GEN/823.

³⁷ G/SPS/GEN/826.

³⁸ G/SPS/R/50.

³⁹ G/SPS/GEN/875 and G/SPS/R/52.

⁴⁰ G/SPS/GEN/900.

⁴¹ G/SPS/GEN/898.

these changes, as well as the expected SPS impacts. Presentations highlighted how climate change may require countries to upgrade their SPS systems in order to deal with emerging challenges, and the implications for SPS technical cooperation and assistance.

65. On 29-30 September, the STDF co-hosted with the Economic Community of West African States (ECOWAS) a stakeholder workshop in Bamako, Mali on the implementation of a regional action plan to control fruit fly in West Africa, in close collaboration with the World Bank, the European Communities and the Europe-Africa-Caribbean-Pacific Liaison Committee (COLEACP). Close to 100 participants, including government representatives, private sector, civil society, research institutions and development partners, validated the regional action plan, prepared by COLEACP, and adopted the Bamako Declaration, outlining a roadmap of recommended actions to commence implementation of the action plan.

66. On 30 October, the STDF organized a workshop in Geneva, back-to-back with the meetings of the SPS Committee, on the use of economic analysis to inform SPS decision-making. The workshop discussed the costs and benefits of strengthening SPS systems. Relevant experiences and lessons from both developed and developing countries were presented, as well as guidelines to assist countries in applying economic analysis in SPS decision-making. Detailed information about these three events, including summary reports, background documentation and presentations, is available on the STDF website. In addition, the STDF Secretariat prepared short briefing notes summarizing the main discussions and conclusions emerging from these events.⁴²

67. Two STDF thematic events are scheduled in 2010. A workshop/expert seminar on SPS performance indicators will take place on 1 July, back-to-back with the WTO SPS Committee meeting in Geneva, aiming at assisting SPS practitioners in improving the design and management of SPS projects, and lead to better monitoring and measurement of results. The event will build on previous STDF work on good practice and present the results of a joint STDF/OECD study on indicators to measure performance and ensure sustainability of SPS-related technical cooperation. A workshop on public-private partnerships in SPS capacity building is scheduled in the second half of the year, aiming at exploring new modalities of capacity building and fostering a more systematic dialogue with the private sector. The event will present examples and seek to identify the elements of effective and successful public-private partnerships in SPS capacity building.

68. Since the 2005 Review, the international standard-setting bodies have consistently provided information about their technical assistance activities to the SPS Committee. All three organizations have developed training programmes, including conferences, seminars and workshops, to enhance national capacities on SPS matters. The OIE reported in 2009 that the Performance of Veterinary Services (PVS) tool related to animal health had been conducted in many countries to identify their needs and priorities, in order to solve existing problems. In addition, the OIE supported the participation of developing country Members in the elaboration of standards by ensuring that experts from every region participated in developing the draft text of a scientific standard. The Codex and the IPPC have trust funds which sponsor the participation of officials from developing country Members and economies in transition to participate in their meetings. The programme is aimed at enhancing those officials' level of participation in the elaboration of Codex standards. In addition to information from the OIE, IPPC and the Codex, other observers organizations, including FAO, the World Bank, OIRSA, IICA, UNIDO and UNCTAD, provide regular updates concerning their provision of technical assistance.

⁴² STDF Briefing notes are available at: http://www.standardsfacility.org/Archive_1PageBriefings.htm

69. **Recommendations:**

- *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 Standards and Trade Development Facility.*
- *The observer organizations are invited to keep the Committee informed of their capacity building activities relevant to the SPS Agreement.*

VIII. SPECIAL AND DIFFERENTIAL TREATMENT (ARTICLE 10)

70. In the 2005 Review, the Committee agreed to continue to consider specific, concrete actions to address the problems faced by least-developed and developing country Members in the implementation of the SPS Agreement and in making use of the benefits of the Agreement. Members were 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 in October 2004.⁴³

71. Special and differential treatment is a standing agenda item. In 2005, Members were invited to share with the Committee their experience under the procedure to enhance the transparency of special and differential treatment. With respect to the proposals referred to the SPS Committee by the General Council, the Committee adopted, in June 2005, a report to the General Council on these proposals.⁴⁴ The report expresses the Committee's commitment to continue to examine the proposals before it, and any revision of these proposals, with the aim of developing specific recommendations for a decision. The report also identifies elements for discussion on further work to assist the Committee to address the concerns underlying the proposals as identified by Members, with a view to fulfilling the Doha Development Mandate. Discussion of these elements commenced at the Committee meeting of October 2005.

72. In March 2006, a Special Workshop was held to further identify ways to address the problems faced by developing country Members in implementing the SPS Agreement. Discussions at this Workshop focussed on the effectiveness of technical assistance and suggested the need for further work to improve the implementation of the transparency provisions.⁴⁵ In 2007, Egypt proposed amendments to the procedures for S&D transparency, some of which were adopted by the Committee as revisions to the general recommended procedures for transparency. Egypt's proposals are contained in JOB(07)/104 and the revised Transparency Recommendations are in G/SPS/7/Rev.3.

⁴³ G/SPS/33.

⁴⁴ G/SPS/35.

⁴⁵ G/SPS/R/41.

73. In February 2006, the Committee agreed to further extend the procedure for transparency of special and differential treatment provided in response to specific needs of developing country Members⁴⁶, but to date there has been no indication that Members are using this procedure. Starting in 2008, the Committee has considered proposals for the revision of the procedure to enhance the transparency of special and differential treatment. The proposal has been revised several times to incorporate further comments and suggestions made by Members at informal and regular meetings in October 2008, and in February, June and October 2009.⁴⁷

74. At its October 2009 regular meeting, the Committee adopted, on an ad referendum basis, a revision of the procedure to enhance the transparency of special and differential treatment.⁴⁸ No objections were raised by the 16 December 2009 deadline, and the revised decision was subsequently circulated as G/SPS/33/Rev.1.

75. The Committee also continued its examination of the implementation of the SPS Agreement and the concerns of developing country Members. The proposals referred to the SPS Committee by the General Council were on the agenda of each meeting of the Committee. Although there were substantive discussions of some revisions informally suggested by the African Group at the February, March and October 2006 meetings, the Committee was not able to reach a decision on any of the specific proposals as presented.⁴⁹

76. However, with a view to fulfilling the Doha Development Mandate, several Members suggested approaches to advance the work of the Committee to address the proposals as identified by Members including seeking clarification of the concerns underlying the proposals. In June 2006, the United States introduced a paper containing a compilation of ideas related to technical assistance and special and differential treatment⁵⁰, taking into account information provided by developing country Members at the Workshop on the Implementation of the Agreement, held in March 2006.⁵¹

77. At an informal meeting on Special and Differential Treatment held in February and March 2007, the Committee discussed the five proposals on special and differential treatment referred to it in August 2004. In particular: (i) the G/SPS/33 procedure and its extension until 2008; (ii) the G/SPS/35 report; (iii) the African Group's revisions to its proposal on Article 9.2; (iv) the adoption by the General Council of the proposal from a number of small and vulnerable economies; and (v) Members' submissions on technical assistance and the paper from the United States on Special and Differential Treatment.⁵² A revised proposal regarding Article 10.1 was presented to the Committee in June 2007 and discussed at its October meeting.⁵³

78. The Decision on Implementation taken at the Doha Ministerial Conference in 2001 included, *inter alia*, a clarification on Article 10.2.⁵⁴ It specifies that where the appropriate level of protection allows scope for the phased introduction of SPS measures, the "longer time-frame for compliance" referred to in Article 10.2 shall normally mean at least 6 months. Where the phased introduction of a new measure is not possible, but a Member identifies specific problems, the Member applying the new measure shall enter into consultations, upon request, to try to find a mutually satisfactory solution. The Decision also indicates that in the context of paragraph 2 of Annex B of the SPS

⁴⁶ G/SPS/33/Add.1.

⁴⁷ G/SPS/W/224 and subsequent revisions.

⁴⁸ The procedure is contained in G/SPS/33, and the proposed revision in G/SPS/W/224/Rev.6.

⁴⁹ G/SPS/41.

⁵⁰ G/SPS/W/198.

⁵¹ G/SPS/R/41.

⁵² G/SPS/W/198.

⁵³ JOB(07)/99.

⁵⁴ WT/MIN(01)/17, paragraph 3.1.

Agreement, a period of 6 months shall normally be provided between the publication of a measure and its entry into force.

79. The Committee on Trade and Development Special Session (CTD-SS) has been considering two proposals which are related to the SPS Agreement: one proposal relating to Article 10.2 tabled by India and another proposal relating to Article 10.3 tabled by the African Group and a group of developing country Members. The specific proposals and the most recent language considered under each article was brought to the attention of the SPS Committee. With respect to Article 10.2, the proponents were of the view that the current interpretation of the phrase "longer time-frame for compliance" found in paragraph 3.1 of the Doha Decision on Implementation-Related Issues and Concerns was not sufficient for operationalizing this Article. With respect to Article 10.3 relating to the granting of time-limited exceptions by the SPS Committee from obligations under the Agreement, the proponents claim that their focus is on ensuring predictability of the process to request such an exception, while other Members are concerned that the proposal would prejudge the outcome of such requests and amount to automatic granting of waivers. The objective of the CTD-SS is to agree on specific recommendations on all outstanding proposals. Some Members have recommended that all the SPS-related proposals be discussed in the SPS Committee.

80. In its proposal on the Third Review⁵⁵, India stressed the need to expedite the work under the special and differential agenda, and asked that the implementation of the procedure to enhance transparency of special and differential treatment be evaluated. Egypt suggested that the Committee develop a "quick guide" to inform least-developed and developing country Members of the steps to take should a new or modified SPS measure potentially have significant effect on their international trade.

81. **Recommendations:**

- *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).*

IX. REGIONALIZATION (ARTICLE 6)

82. In the 2005 Review, the Committee decided to develop a proposal for a decision on the effective application of Article 6, taking as the point of departure the various proposals submitted by Members and discussions in the Committee. Members were encouraged to provide information on their experiences in the implementation of Article 6, and observer organizations were 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 ("regionalization").

83. Regionalization is a standing agenda item. At each regular meeting of the Committee, Members are invited to provide information regarding their experience with the recognition of pest- or disease-free areas and areas of low pest or disease prevalence. Observer organizations regularly provide information to the Committee regarding relevant advances in their work on this issue.

⁵⁵ G/SPS/W/236.

84. In May 2008, the SPS Committee adopted "Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures", to facilitate the recognition of pest- and disease-free areas or areas of low pest or disease prevalence.⁵⁶ The guidelines identify the type of information normally needed for the recognition of regionalization, as well as typical administrative steps in the recognition process. The Committee agreed to monitor the implementation of Article 6, on the basis of information provided by Members.

85. 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 production sites; and ISPM 29: on the recognition of pest-free areas and areas of low pest prevalence. In addition, IPPC has a number of supporting standards, including guidelines for pest surveillance..

86. 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. At its 77th General Session in May 2009, the OIE adopted a number of resolutions related to recognition of disease-free areas. These are contained in the annexes to document G/SPS/GEN/943. The World Global Assembly (formerly International Committee) approved a list of countries or zones that had applied for official OIE recognition of their sanitary status concerning four diseases: BSE, FMD, contagious bovine pleuropneumonia (CBPP), and rinderpest. In addition, the OIE is working with the FAO to eradicate rinderpest globally and is considering the possibility of granting official recognition of freedom from certain horse diseases.

87. The procedures established by the OIE for FMD-free compartments as a new approach are described in document G/SPS/GEN/971. The OIE also continues to consider standards based on the treatment of commodities as a mechanism to avoid the requirement for zones to establish disease freedom. That mechanism will be further discussed at the next meeting of the Code Commission and at the OIE General Session in May 2010.

88. **Recommendations:**

- *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.*

X. IMPLEMENTATION OF THE AGREEMENT – SPECIFIC TRADE CONCERNS

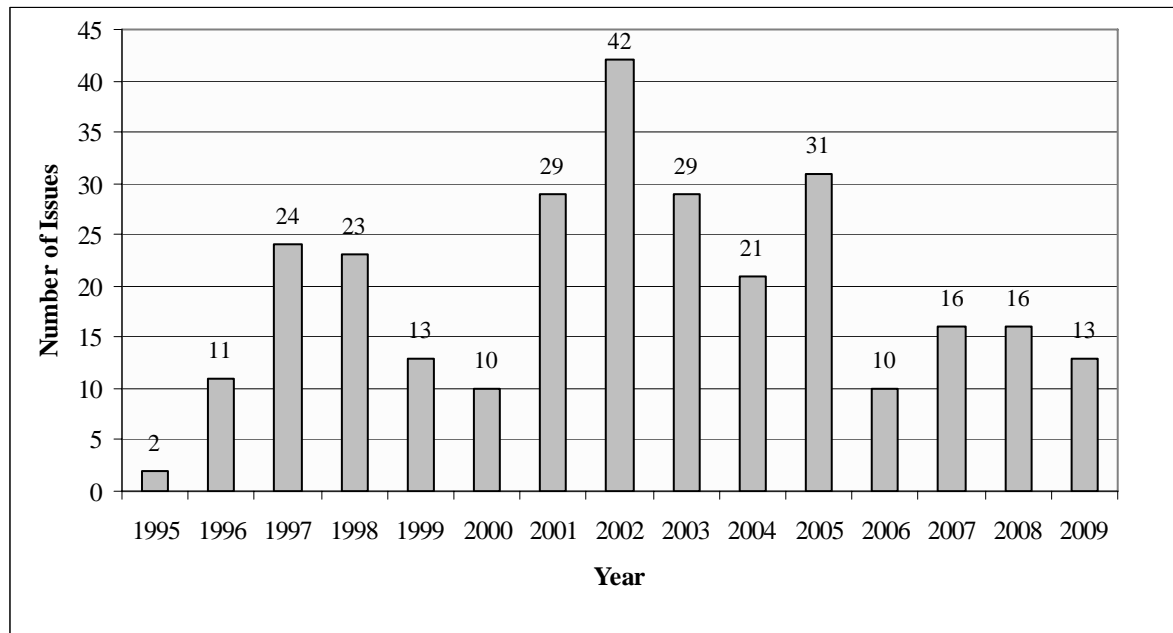
89. In the 2005 Review, the Committee encouraged Members to make use of the opportunity to identify specific trade problems and to seek to find mutually satisfactory resolutions of those problems. Members were encouraged to inform the Committee when specific trade concerns were resolved, and the Secretariat was requested to continue to provide regularly updated information on the specific trade concerns considered by the Committee.

⁵⁶ G/SPS/48.

90. Part of each Committee meeting is devoted to the consideration of specific trade concerns raised by Members. Since 2000, the Secretariat has annually updated a document that summarizes the specific trade concerns brought to the Committee's attention since 1995.⁵⁷ The excerpts below are from the tenth revision of GEN/204, issued in February 2010, which includes all issues raised at SPS Committee meetings through to the end of 2009. All information on specific trade concerns can also be searched in the SPS IMS.

91. Altogether, 290 specific trade concerns were raised between 1995 and 31 December 2009. Figure 3 shows the number of new concerns raised each year; 13 new concerns were raised in 2009. Figure 4a categorizes the trade concerns raised since 1995 into food safety, animal or plant health 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 concern measures taken with both animal health and food safety objectives. For the purposes of these graphs, a single objective has been designated as the principle concern, however all relevant keywords have been assigned for purposes of electronic searches of the data on specific trade concerns. Overall, 28 per cent of trade concerns relate to food safety concerns, 26 per cent relate to plant health, and 6 per cent concern other issues such as certification requirements or translation. 40 per cent 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). That latter category includes issues related to influenza A/H1N1. Figure 4b shows that TSEs account for 36 per cent of animal health concerns, while issues related to foot-and-mouth disease account for 24 per cent. The remaining 40 per cent relate to other animal health concerns and avian influenza.

Figure 3 - Number of New Issues Raised



⁵⁷ G/SPS/GEN/204 and Revisions 1 through 10 and addenda.

Figure 4a – Trade Concerns by Subject

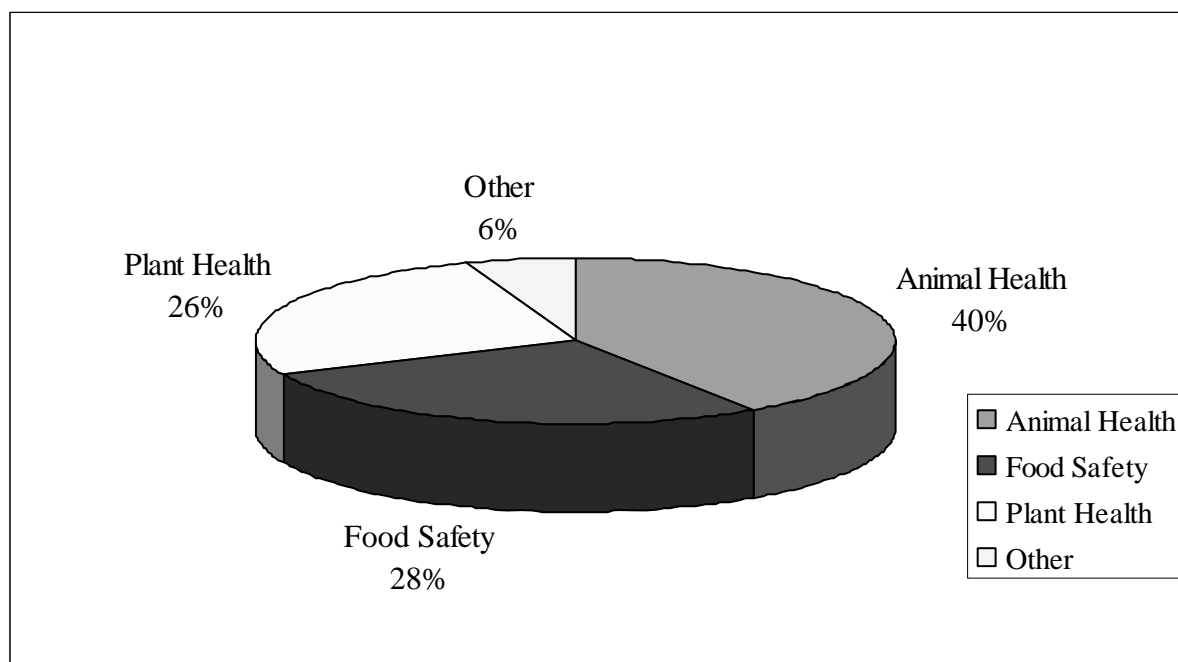
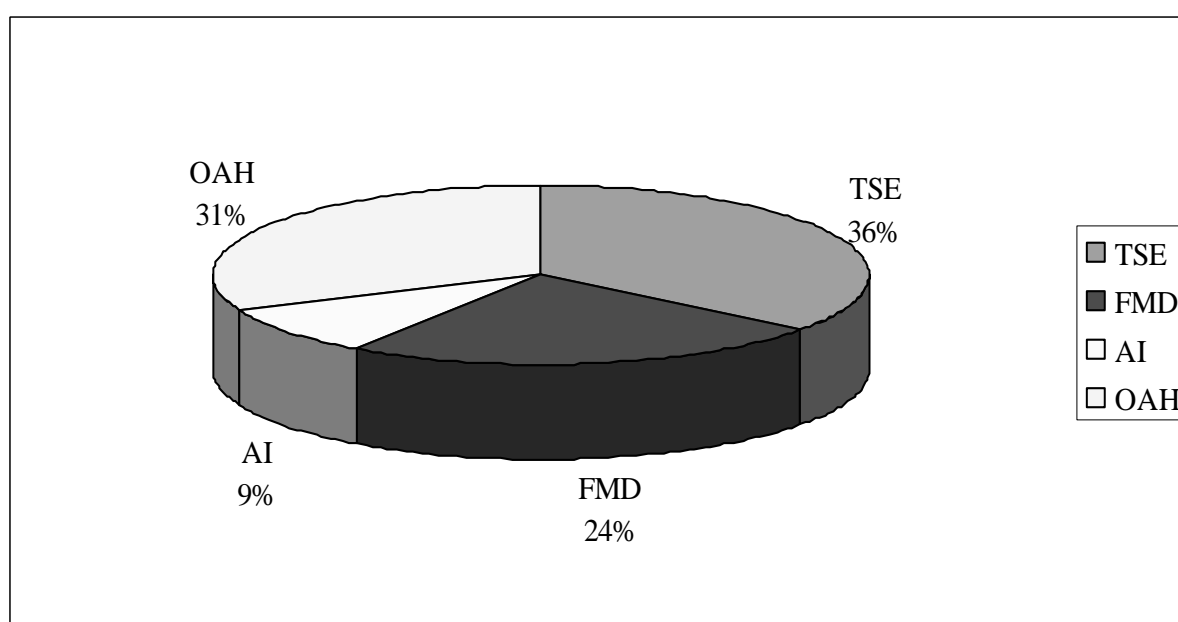


Figure 4b – Trade Concerns Related to Animal Health & Zoonoses



92. Developing country Members are participating actively under this agenda item in the SPS Committee meetings. Figure 5a indicates that since 1995, developing country Members have raised 146 trade concerns (on many occasions more than one Member has raised, supported or maintained an issue) compared to 190 raised by developed country Members and three raised by least-developed country Members.⁵⁸ A developing country Member has supported another Member raising an issue in

⁵⁸ The European Communities was counted as one Member. Similarly, when one Member spoke on behalf of ASEAN, it was counted as one Member only.

188 cases, compared to 136 for developed country Members and one for least-developed country Members. In 178 cases, the measure at issue was maintained by a developed country Member, and in 149 cases it was maintained by a developing country Member. No trade concerns regarding measures maintained by least-developed country Members have been raised. Figure 5b shows the number of new issues raised each year by each category of Member.

Figure 5a – Participation by WTO Members (1995-2009)

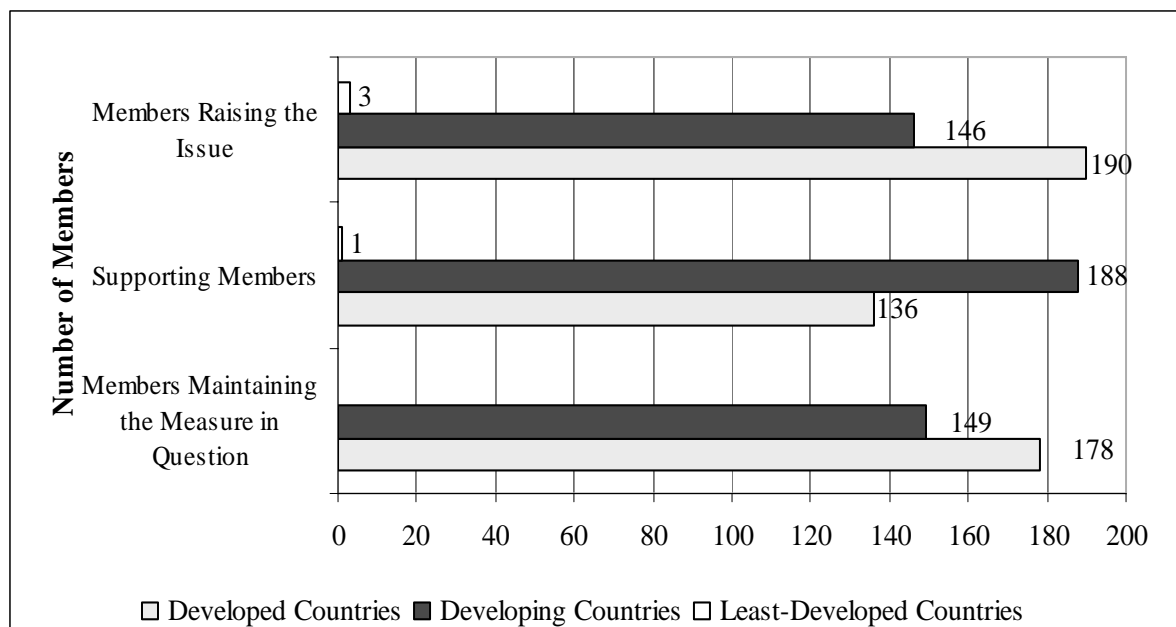
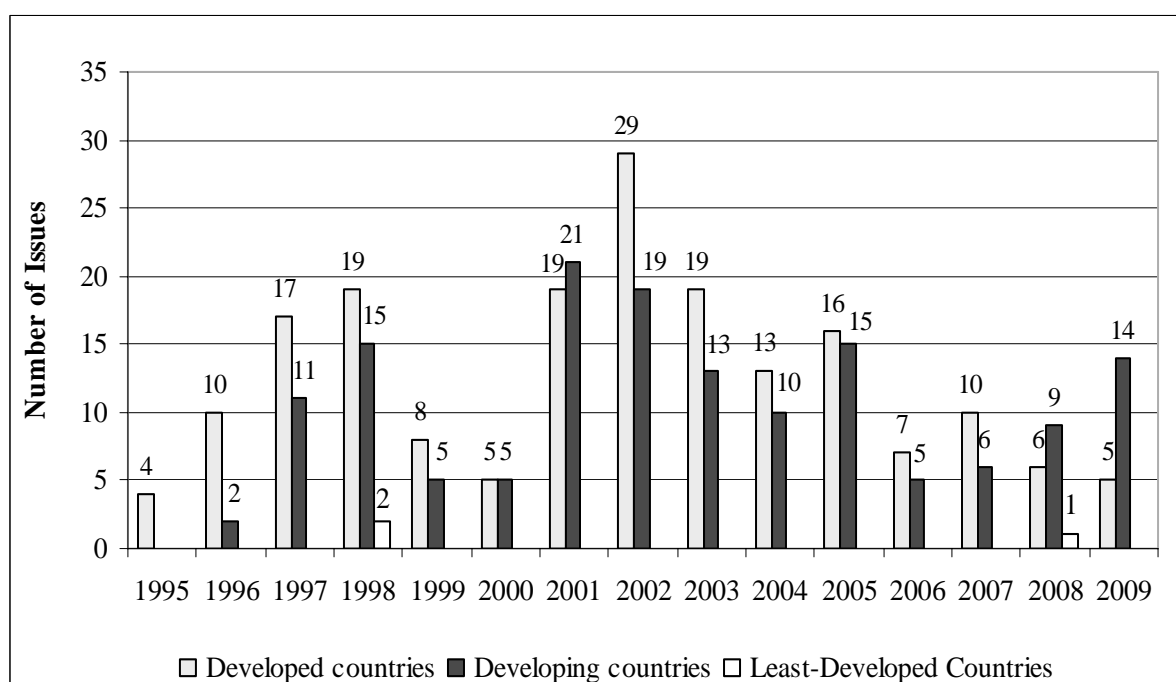
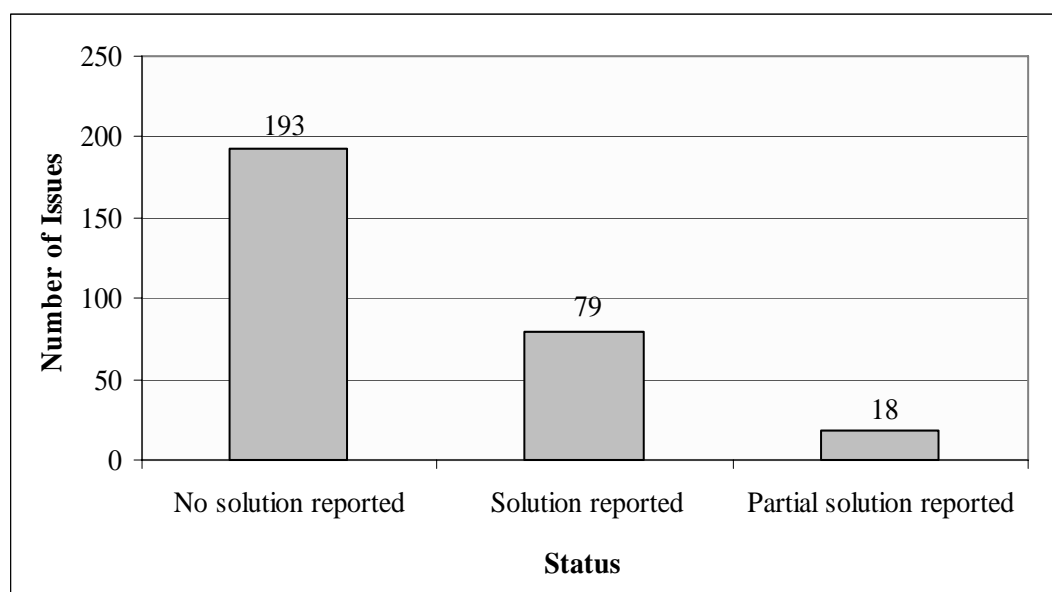


Figure 5b – Number of New Issues Raised by Members



93. Figure 6 indicates that 79 trade concerns have been reported resolved out of the 290 trade concerns raised since 1995. Three issues were reported resolved in 2009. Eighteen trade concerns have been reported partially solved. 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 193 trade concerns. It is also likely that other concerns have been resolved without the Committee being made aware of these developments.

Figure 6 – Solved Trade Concerns



94. During the discussions related to the Third Review, Cuba noted that several of the trade concerns had been continuously raised over a long period of time, and asked that the Committee consider the best way to deal with those concerns.

95. **Recommendations:**

- *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.*

XI. IMPLEMENTATION OF THE AGREEMENT – ARTICLE 13

96. The members of MERCOSUR (Argentina, Brazil, Paraguay and Uruguay) referred to Article 13 of the Agreement and to Members' responsibility to comply with the SPS Agreement.⁵⁹ As some Members had difficulties understanding and applying Article 13, MERCOSUR proposed that the

⁵⁹ G/SPS/W/245.

Committee elaborate guidelines to implement Article 13 and render its provisions effectively applicable by Members.

97. Some Members considered the MERCOSUR proposal as a good basis for further discussion on the issue of private standards and on Article 13, to enable, in particular, small developing country Members to better implement SPS provisions and improve market access.

98. Other Members noted that developing guidelines for Article 13 or a Code of Good Practice for private standards could pre-empt the results of the Committee's current work on private standards.

99. **Recommendations:**

- *Members are encouraged to make use of the Committee's meetings to share, on an ad-hoc basis, information regarding their experiences in the implementation of Article 13.*
- *Specific problems relating to the implementation of Article 13 may be raised as specific trade concerns.*

XII. PRIVATE VOLUNTARY STANDARDS

100. Since the 2005 Review of the SPS Agreement, there has been frequent discussion in the Committee on the issue of private voluntary standards ("private standards"). The discussions considered the impact of commercial and private standards on market access; the effect of private standards on development and whether it is appropriate for the Committee to have a discussion on related legal aspects, as some Members do not consider this to be within the mandate of the Committee. There has been no formal determination within the WTO on whether private standards fall under the jurisdiction of the SPS Agreement.

101. The issue of private standards was first raised at the June 2005 meeting of the Committee.⁶⁰ At that meeting, Saint Vincent and the Grenadines raised a concern regarding the operation of a EurepGAP scheme in relation to trade in bananas with supermarkets in the United Kingdom. The requirement was with respect to the use of certain pesticides. Other Members also expressed concerns with the effects of private standards on their trade. An information session was subsequently organized in the margins of the October 2006 meeting with representatives of EurepGAP and UNCTAD.⁶¹ The Committee also decided to include the issue of private and commercial standards as part of the agenda of its February 2007 meeting. A background note by the Secretariat described the different types of private standards, and summarized the types of concerns that had been identified by Members.⁶²

102. In 2008, the Committee continued to discuss the effects of commercial and private SPS – related standards on trade, and the appropriate role of the SPS Committee. At its June meeting, an informal information session was held with representatives of entities involved in the development and certification of private standards, as well with organizations who have undertaken related studies. Members were invited to propose possible actions by the SPS Committee in response to a series of questions.

103. Members agreed to work within a small group on an informal and flexible basis, with a commitment to keep the Committee fully informed. A list of documents and other information on

⁶⁰ G/SPS/R/37/Rev.1, paras.16-20.

⁶¹ G/SPS/R/43, paras. 40-42.

⁶² G/SPS/GEN/746.

private standards, including all the documents on private standards circulated in the SPS Committee, and a list of research and researchers on private standards, was made available by the Secretariat.⁶³

104. In October 2008, the Committee agreed to the actions proposed in document G/SPS/W/230, with the following changes: (1) that the Secretariat provide a format for the information solicited for purposes of undertaking a comparative study; (2) that there be no limitation on the number of products a Member could identify as affected by private standards; and (3) that although Members should make every effort to provide as complete information as possible with regard to each product identified, a lack of complete information should not necessarily prevent consideration of the product within the comparative study.

105. As a follow up, in December 2008, the Secretariat circulated a questionnaire on SPS-related private standards.⁶⁴ Members were invited to send their responses to the questionnaire by 16 February, which was subsequently extended until 24 April 2009. A total of 22 Members provided responses, in many cases for several products.

106. These responses were summarized in a compilation document, considered by the Committee at its June meeting.⁶⁵ The document was revised following the October meetings of the Committee and was circulated under a new title.⁶⁶

107. The initial replies to the questionnaire indicated that producers and companies considered private standards as "the" market access condition with which they had to comply. For most of them, there was no understanding of a distinction between national and international versus private standards. Those producers and companies which managed to meet private standards were able to gain or maintain market share, although that did not necessarily provide a price premium. For many producers supplying a number of markets or buyers, private standards mean complying with a multitude of standards and paying separately for their certification.

108. According to the initial responses, smaller producers were particularly affected by private standards due to their limited capacity to undertake the investment necessary to meet the detailed requirements and pay for the certification. Some which could meet official national food safety requirements in their export markets found themselves unable to satisfy the "safety" requirements of private standards. In some instances, technical assistance could assist farmers to meet the requirements of private standards.

109. On the other hand, it has been suggested that private standards and their certification requirements serve an important function in providing assurances to buyers and in responding to consumer demands in the area of food quality as well as in other areas such as labor and environmental requirements. Some Members consider that interfering in these initiatives of private entities could be inappropriate, except in instances of deceptive practices and distortions of competition. At the same time, some sensitization of entities involved with private standards was occurring, they were alerted to concerns related to lack of transparency and adverse effects on developing countries. Still, it was unrealistic for all producers to expect to be able to participate competitively in international trade.

110. An underlying preoccupation expressed by many Members was the importance of preserving the principles and relevance of the SPS Agreement in international trade matters related to sanitary and phytosanitary issues, and in not undermining the value of international standards. Several

⁶³ G/SPS/GEN/865 and G/SPS/GEN/891.

⁶⁴ G/SPSW/232.

⁶⁵ G/SPS/GEN/932.

⁶⁶ G/SPS/GEN/932/Rev.1.

Members also asked for, in addition to the ad-hoc working group, the establishment of a permanent monitoring mechanism by the Committee of private standards.

111. In its proposal of issues for the Third Review⁶⁷, India suggested that the Committee develop specific guidelines on the measures to be taken by Members in cases where private standards were being adopted by various entities within their territories. Some Members also suggested that Members consider introducing a Code of Good Practice (similar to Annex 3 of the TBT Agreement) for all voluntary standard-setting authorities located within their territories. Egypt suggested that the SPS Committee ask the Secretariat to prepare a legal note on the scope of the SPS Agreement and its relation to private standards.

112. The Committee's consideration of private standards has revealed widely divergent views. Some Members suggest that resources would be best used by focussing on the development of official measures and on specific trade concerns. In addition, Members could address their concerns directly to private standard and certification bodies, and highlight the need for improved transparency, consultation of stakeholders and, benchmarking of standards to official international standards.

113. As agreed by the Committee, the Secretariat prepared a document compiling Members' suggestions of possible actions that could be taken by the Committee and/or Members to address concerns regarding the effects of private SPS standards.⁶⁸ This document was considered at the October 2009 meeting and will be revised to reflect Members' concerns.

114. MERCOSUR expressed concerns regarding the proliferation of private standards and how these affected market access in the same manner as regulations⁶⁹. They suggested that the SPS Committee was competent to find a solution to the concern of many Members that private standards were being applied in a manner that rendered the SPS Agreement ineffective.

115. The OIE, IPPC and Codex also provided updates with respect to their work on private standards. The Committee decided to further consider the Secretariat's second report, G/SPS/W/247, in light of comments from Members and work undertaken by the OIE and Codex.

116. **Recommendations:**

- *Members are encouraged to make use of the Committee's meetings to raise concerns on SPS-related private standards and report on relevant developments.*
- *Members and Observers are encouraged to provide information on any relevant studies or analysis which they have undertaken, or of which they are aware.*
- *Informal information sessions may be organized with appropriate representatives of bodies involved in the setting of private standards, assessment of conformity, or assistance with compliance with private standards.*
- *The Committee should continue its consideration of the issue of private SPS-related standards and their effects on international trade and review the recommendations above in light of any decisions it may take on further actions.*

⁶⁷ G/SPS/W/236 and Rev.1.

⁶⁸ G/SPS/W/247.

⁶⁹ G/SPS/W/246.

XIII. IMPLEMENTATION OF THE AGREEMENT – USE OF AD HOC CONSULTATIONS

117. In the 2005 Review, Members were encouraged to make use of the possibility for ad hoc consultations, including through the Good Offices of the Chairperson of the SPS Committee, to facilitate the resolution of specific trade concerns.

118. Article 12.2 states that the Committee "shall encourage and facilitate ad hoc consultations or negotiations among Members on specific sanitary or phytosanitary issues". To date, this has been done through: (1) Members raising specific trade concerns at regular meetings of the SPS Committee; (2) discussions by the Committee of specific issues such as implementation of ISPM 15 and private/commercial standards; and (3) provision in the Committee's Working Procedures for the use of the Good Offices of the Chairperson.

119. Document G/SPS/GEN/781 gives a broad overview of different ways in which the SPS Committee has facilitated ad hoc consultations among Members. Most commonly, Members have raised specific trade concerns at meetings of the Committee, and sought bilateral resolutions. During the Second Review, there had been proposals to improve and increase the use of the mechanism, such as providing more time for this purpose at Committee meetings, establishing specific procedures, disseminating information about the resolution of concerns raised in the past and facilitating participation of developing and least-developed country Members. Rules and procedures for using the "Good Offices" of the Chair had also been proposed. This confidential procedure had been used on three occasions. In addition, according to Article 5.8, Members could request an explanation of the reasons for a measure which did not conform to an international standard or for which an international standard does not exist. This provision has been invoked by several Members over the years, and some had suggested developing a procedure for its use, however no specific procedure has been proposed.

120. Following-up on the Second Review, the United States and Argentina submitted proposals on guidelines for the use of the Chairperson's Good Offices, first individually and subsequently jointly.⁷⁰ Many Members welcomed the focus on addressing the technical issues, and the possible involvement of Codex, IPPC or OIE as appropriate. Several Members, however, indicated their preference to instead pursue the development of an horizontal mechanism to address non-tariff measures, under discussion in the Non Agricultural Market Access (NAMA) Negotiations. Argentina and the United States noted that their joint proposal on ad hoc consultations was in line with proposals in NAMA.

121. Argentina submitted a further proposal to develop a procedure to enhance the use of the good offices of the SPS chairperson⁷¹ and noted that there was no conflict between the joint Argentina-US proposal⁷² and the most recent draft under discussion in the NAMA negotiations on a "horizontal" mechanism for the resolution of trade concerns. The European Communities and India noted their support for the NAMA horizontal approach, and their concern that the development of a mechanism specific to the SPS Committee could undermine the work on a horizontal approach.

122. In June 2009, the Committee agreed to consider a provisional mechanism for use in the SPS Committee, that would be reviewed and revised as necessary when a conclusion was reached regarding the horizontal mechanism. The proposed provisional mechanism, based on the joint Argentina-US proposal, is contained in G/SPS/W/243.

⁷⁰ G/SPS/W/233.

⁷¹ G/SPS/W/241

⁷² G/SPS/W/233.

123. India proposed that in the context of the Third Review, Members assess the work undertaken by the Committee to implement the provisions of Article 12.2 of the SPS Agreement.⁷³

124. In October 2009, Brazil proposed a modified consultation mechanism in the SPS Committee, with the objective of ensuring the effective resolution of SPS divergences amongst Members.⁷⁴ India and the Philippines stated a preference for the procedure currently under negotiation in NAMA, to ensure coherence across the board.⁷⁵ China recognized the need for ad hoc negotiations and consultations amongst Members under the SPS Agreement, but expressed concerns about the costs in bringing technical experts from capital for the relevant meetings. Mexico submitted written comments in response to documents G/SPS/W/243 and G/SPS/W/248⁷⁶.

125. A number of Members indicated their preference for the mechanism proposed in G/SPS/W/243. They noted that they had been waiting for the results of the NAMA discussions for many years, and that paragraph 3 of G/SPS/W/243 would require that the outcome of the NAMA negotiations be taken into account.

126. Although Argentina was a co-author of the text under discussion in the NAMA negotiations, it was of the view that the SPS Committee had to move soon to formalize rules with respect to ad hoc consultations and in particular on the use of the good offices of the Chair. A revision of G/SPS/W/243 was prepared for consideration by the Committee in March 2010.

127. **Recommendations:**

- *Members should endeavour to expeditiously conclude this outstanding issue from the Second Review in a manner which facilitates the use of ad hoc consultations, including through the good offices of the Chairperson of the SPS Committee, for the resolution of specific trade concerns.*

XIV. COOPERATION WITH THE CODEX, OIE AND IPPC

128. In the 2005 Review, the Committee noted that the relationship between the Committee and the Codex, OIE and IPPC should be clarified with a view to facilitating the implementation of the SPS Agreement while avoiding duplication of activities. The Committee also invited Members to provide information regarding their experiences in that regard and to submit specific suggestions for consideration by the Committee.

129. The Committee is required to monitor the process of international harmonization and coordinate efforts with these bodies (Article 3.5), and to develop a procedure to monitor the use of international standards, guidelines and recommendations (Article 12.4). The Committee adopted a provisional monitoring procedure in July 1997, which has been subsequently extended and revised.⁷⁷ In addition, on the basis of an initiative from a Member, the Committee may, through appropriate channels, invite the relevant international organizations to examine specific matters with respect to a particular standard, guideline or recommendation (Article 12.6). In practice, this has been done through a letter from the Chairperson of the SPS Committee drawing the attention of the Codex, IPPC and OIE to relevant issues that have been identified in the annual report on the monitoring of the use of international standards.

⁷³ G/SPS/W/236 and Rev.1.

⁷⁴ G/SPS/W/248.

⁷⁵ TN/MA/W/106.

⁷⁶ G/SPS/GEN/988 and G/SPS/GEN/989.

⁷⁷ G/SPS/11/Rev.1.

130. Representatives from each of these organizations attend the SPS Committee meetings and representatives from the WTO Secretariat attend meetings of these international organizations as observers. Cooperation between the SPS Committee and the international standard-setting organizations is enhanced by coordinating meeting schedules to facilitate Member participation in regularly scheduled meetings. Several of the activities of the international standard-setting bodies have been discussed in previous Sections of this Report. The STDF provides an additional forum for coordination among its partner organizations, including the WTO, Codex, IPPC and OIE.

131. In the context of the recommendation arising from 2005 Review, New Zealand tabled a proposal to clarify the relationship between the SPS Committee and the Codex, IPPC and OIE, including a number of questions to be put to the Three Sisters.⁷⁸ Japan proposed, in light of the various cross-sectoral issues under consideration such as regionalization or private standards, that the Committee organize a workshop on the standard-setting procedures of the Codex, IPPC and OIE.⁷⁹

132. A special workshop was held on 26 October 2009 to examine the work of the Codex, IPPC and OIE and how to enhance the relationship between them and the SPS Committee. The programme for the workshop was organized around: (i) presentations by the international standard-setting organizations on the procedures and issues they face in the development, adoption and monitoring of the use of international standards of relevance to the SPS Committee; and (ii) discussions on concrete actions to improve coordination between the Committee and Codex, IPPC and OIE, to increase the use of international standards and avoid duplication of efforts.⁸⁰

133. The standard-setting procedures of each organization were reviewed, with a focus on how to enhance the participation of developing countries. Areas for future collaboration between the four bodies were identified, and the need for more effective coordination of positions at the national level was stressed. The workshop also resulted in 11 recommendations which seek to improve coordination and collaboration between the SPS Committee, Codex, IPPC and OIE. The report of the workshop is found in G/SPS/R/57, and the presentations from the workshop are available on the SPS gateway of the WTO website (http://www.wto.org/english/tratop_e/sps_e/wkshop_oct09_e/wkshop_oct09_e.htm).

134. Under the Third Review, Egypt suggested that Members provide information on their experiences on how the work of Codex, IPPC and OIE was being coordinated at the national level.

135. **Recommendations:**

- *The Committee should follow-up on any recommendations that may result from the October 2009 workshop with a view to strengthening the relationship between the Committee and the Codex, IPPC and OIE.*
- *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.*

XV. GOOD REGULATORY PRACTICE

136. In the 2005 Review, some Members noted that many problems related to gaining market access were directly linked to failure to comply in a timely fashion with certain obligations laid down in the SPS Agreement. Mexico proposed that the Committee consider developing guidelines that would promote practical implementation of specific provisions of the SPS Agreement.⁸¹ This type of

⁷⁸ G/SPS/W/206.

⁷⁹ G/SPS/W/226.

⁸⁰ G/SPS/W/235.

⁸¹ See G/SPS/W/166.

guideline on good regulatory practices would enable Members to check that the obligations of the SPS Agreement had been respected, before adopting new sanitary and phytosanitary measures.

137. During the Third Review, some Members have flagged the issue of the lack of information on the implementation and use of the various guidelines adopted by the Committee. Chile observed that very little information has been provided by Members regarding, for instance, their recognition of equivalence or of pest- and disease-free areas. It would be desirable to receive more information regarding the implementation of the Committee's decisions and guidelines and Chile urged Members to notify these agreements using the appropriate mechanism established by the Committee.

138. Canada noted that given the excellent search facilities available through the SPS Information Management System⁸², there was no need for a questionnaire to solicit information from Members on their use of the Committee's decisions, guidelines and recommendations.

139. **Recommendations:**

- *Members are invited to provide information regarding their experiences in the use of the guidelines developed by the Committee.*

XVI. CONTROL, INSPECTION AND APPROVAL PROCEDURES (ARTICLE 8 AND ANNEX C)

140. In the 2005 Review, the European Communities suggested that a discussion on issues related to implementation of control measures would be useful to clarify ambiguity regarding who should bear the cost of Members' inspections. The European Communities drew attention to the increasing number of requests for inspection visits and the resource intensive nature of these visits. The European Communities suggested that the Committee should discuss the possibility of developing common practices in this regard.

141. It was agreed that the Committee should consider the most effective way of facilitating the implementation of Article 8 and Annex C of the SPS Agreement, with a focus on those problems identified by Members, including the issue of costs related to inspection visits and conformity assessment. Members were invited to provide information on their experiences in that regard and to submit specific suggestions for consideration by the Committee.

142. In the context of the Third Review of the Agreement, the Committee had an initial discussion of a proposal by China for clarification of certain provisions in Annex C with regard to conformity assessment procedures.⁸³ China noted that many specific trade concerns related to control, inspection and approval, however, Annex C was seldom used to justify requirements, perhaps because some of its clauses were ambiguous. India supported China's proposal for further clarification on the control, inspection and approval procedures in Article 8 and Annex C of the SPS Agreement, and suggested that guidelines on those procedures would assist Members and avoid problems among trading partners.⁸⁴ MERCOSUR also stressed the need to clarify some of the provisions of Annex C to prevent different implementation criteria and unjustified trade restrictions.⁸⁵

143. In their respective proposals on Article 8 and Annex C, China, India and MERCOSUR proposed, *inter alia*, that:

⁸² <http://spsims.wto.org/>.

⁸³ G/SPS/W/234 and Add.1.

⁸⁴ G/SPS/W/236 and Rev.1.

⁸⁵ G/SPS/W/244.

- Members be encouraged to exchange information on their experiences and difficulties in implementing Article 8 and Annex C of the Agreement.
- The SPS Committee initiate discussions to identify typical steps of control, inspection and approval procedures in relation to sanitary and phytosanitary measures, as well as application recommendations and good practices, to provide guidance for implementation.
- Certain terms in Annex C such as "undue delay" in paragraph 1(a), "reasonable and necessary" in paragraph 1(e), "necessary assistance" in paragraph 2, "reasonable inspection" in paragraph 3, and the procedure referred to in paragraph 1(i) be discussed in the SPS Committee so that necessary explanations and clarification can be made to facilitate their implementation.
- The SPS Committee draw the attention of Codex, IPPC and OIE to these issues and consult with them regarding the development of relevant international standards pertaining to control, inspection and approval procedures, such as sampling, on-site inspection, determination of soil freedom, etc., to further the implementation of Article 8 of the SPS Agreement.

144. Australia noted⁸⁶, along with several other Members, that Codex, IPPC and OIE played important roles in this area. Codex noted that it was active in developing guidance on the conduct of audits and inspection, and that new work was being undertaken on guidance for national food control systems. The OIE recalled that there were existing standards on certificates, inspections, etc., and that it was also looking at infrastructure needs. However the OIE did not give guidance on what was reasonable or necessary as this could vary from situation to situation and be specific to diseases. The IPPC noted that it had two general standards on inspection procedures and on phytosanitary treatments, and welcomed any specific suggestions to further its process on the issue. In response to a request by the Chairman, Codex, IPPC and OIE circulated papers describing their work in this area for consideration at the June 2009 meeting of SPS Committee.⁸⁷

145. Several Members noted that the absence of mention of Article 8 and Annex C was not necessarily due to lack of clarity in these provisions. Issues related to control, inspection and approval procedures were frequently discussed bilaterally, thus making it unnecessary to raise issues in the multilateral setting. Some Members suggested that it would be of little relevance to define "reasonable and necessary" broadly as those criteria would likely vary based on the context and the measures that were being discussed. It was essential that the interpretation of "reasonable" be determined on a case-by-case basis. Discussions in the SPS Committee could help educate Members about the relevant work of Codex, IPPC and OIE on control, inspection and approval procedures, as well as application recommendations and good practice.

146. Some Members noted that Article 8 had been identified in the previous Reviews as an issue for further work, and that duplication of work could be avoided by leaving technical issues to the standard-setting bodies. A more in-depth discussion on Article 8 and Annex C based on specific examples from Members could facilitate the implementation of Article 8. It was suggested that information sharing on implementation experiences be included as a standing agenda item of the Committee.

147. **Recommendations:**

- *Members are encouraged to provide information regarding their experiences in the implementation of Article 8 and Annex C.*

⁸⁶ G/SPS/W/238.

⁸⁷ G/SPS/GEN/927, 929 and 947 respectively.

- *The Committee should consider the most effective way of facilitating the implementation of Article 8 and Annex C of the SPS Agreement, with a focus on those problems identified by Members, based on specific suggestions for consideration by the Committee.*
- *Codex, IPPC and OIE should be invited to continue to provide information on their work in this area to the SPS Committee and should also envisage to further their processes in this regard.*

XVII. DISPUTE SETTLEMENT

148. Article 11 of the SPS Agreement indicates that the Dispute Settlement Understanding will apply to SPS disputes and provides for the consultation of experts when a dispute involves scientific or technical issues. As of 31 December 2009, more than 400 disputes had formally been raised under the WTO's dispute settlement system. Of these, 40 alleged violation of the SPS Agreement, although in seven cases this was not the main focus of the dispute. Panels have been established to examine fifteen SPS-related complaints: the United States' and Canada's complaints regarding the EC ban on meat treated with growth-promoting hormones; complaints by Canada and the United States against Australia's restrictions on imports of fresh, chilled or frozen salmon; one at the request of the United States to examine Japan's requirement that each variety of certain fruits be tested with regard to the efficacy of fumigation treatment; Japan's restrictions on apples due to fire blight requested by the United States; the Philippines complaints against Australia's quarantine procedures; complaints by the European Communities against Australia's quarantine procedures; complaints by the United States, Canada and Argentina concerning EC measures affecting the approval and marketing of biotech products; complaints of the European Communities against the United States and Canada on their continued suspension of obligations relating to the EC-Hormones dispute; New Zealand's complaint against Australia's restrictions on apples; Canada's and Mexico's complaints regarding against the United States on the Certain Country Labelling (Cool) Requirements; China's complaint against certain United States measures affecting imports of poultry; and Canada's complaint against Korea's measures affecting the importation of bovine meat and meat products from Canada. These cases are further detailed in Appendix B.

APPENDIX A

Summary of major SPS Committee activities, 2005-2009

Subject	Year	Type of Activity	Related Documents
Consistency			
Equivalence			
Transparency	2006	Questionnaire on the Operation of SPS Enquiry Points and National Notification Authorities - Revision	G/SPS/W/103/Rev.2
	2007	Compilation of Proposals regarding the Revision of the "Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement" (Art. 7)	G/SPS/W/215, Rev.1 & Rev.2
	2007	Analysis of Replies to the Questionnaire on the Operation of the Enquiry Points and National Notification Authorities	G/SPS/GEN/751
	2007	Overview regarding the Level of the Implementation of the transparency provisions of the SPS Agreement	G/SPS/GEN/804
	2008	Proposal for a "Mentoring" System of Assistance relating to the Transparency Provisions of the SPS Agreement	G/SPS/W/217
	2008	Recommended Notification Procedures	G/SPS/7/Rev.3
	2008	Workshop on Transparency - October 2007	G/SPS/R/47
	2008	Overview regarding the Level of the Implementation of the Transparency Provisions of the SPS Agreement	G/SPS/GEN/804/Rev.1
	2009	Implementation of the Transparency Obligations as of 21 March 2009	G/SPS/GEN/27/Rev.19
	2009	Overview regarding the Level of Implementation of the Transparency Provision of the SPS Agreement	G/SPS/GEN/804/Rev.2
Monitoring International Standards	2005	Procedure to Monitor the Process of International Harmonization – Seventh Annual Report	G/SPS/37
	2006	Review of the Provisional Procedure to Monitor the Process of International Harmonization	G/SPS/W/200
	2006	Decision to Modify and Extend the Provisional Procedure to Monitor the Process of International Harmonization	G/SPS/40
	2006	Procedure to Monitor the Process of International Harmonization – Eighth Annual Report	G/SPS/42 & Corr.1
	2007	Procedure to Monitor the Process of International Harmonization – Ninth Annual Report	G/SPS/45

Subject	Year	Type of Activity	Related Documents
	2008	Procedure to Monitor the Process of International Harmonization – Tenth annual report	G/SPS/49
	2009	Programme for a Workshop on the Relationship between the SPS Committee and the International Standard-Setting Organizations	G/SPS/GEN/933
	2009	Procedure to Monitor the Process of International Harmonization – Eleventh Annual Report	G/SPS/51 & Corr.1
Technical Assistance	2005	Update on the Operation of the Standards and Trade Development Facility (STDF)	G/SPS/GEN/595
	2005	Review of Standards related Issues identified in the Integrated Framework Diagnostic Trade Integration Studies	G/SPS/GEN/545
	2006	Update on the Operation of the STDF	G/SPS/GEN/718
	2006	Overview of SPS-related Technical Assistance reported to the WTO/OECD Trade Capacity Building Database	G/SPS/GEN/726
	2006	Workshop on the Implementation of the SPS Agreement - March 2006	G/SPS/R/41
	2006	SPS Technical Assistance and Training Activities	G/SPS/GEN/521/Rev.1
	2007	<i>Idem</i>	G/SPS/GEN/521/Rev.2
	2007	SPS Technical Assistance Activities in 2007	G/SPS/GEN/797
	2007	Update on the Operation of the STDF	G/SPS/GEN/774
	2007	Background Document from the STDF for the Global Review of Aid for Trade	G/SPS/GEN/812
	2008	SPS Technical Assistance and Training Activities	G/SPS/GEN/521/Rev.3
	2008	Workshop on SPS-related Capacity Evaluation Tools	G/SPS/R/48
	2008	Mobilizing Aid for Trade for SPS-related Technical Cooperation – Conclusions from Pilot Activities of the STDF	G/SPS/GEN/864
	2008	Report on Workshop on Good Practice in SPS-related Technical Assistance	G/SPS/R/52
	2009	SPS Technical Assistance and Training Activities	G/SPS/GEN/521/Rev.4
	2009	Update on the Operation of the STDF	G/SPS/GEN/902
	2009	Update on the Operation of the STDF	G/SPS/GEN/939

Subject	Year	Type of Activity	Related Documents
	2009	SPS Technical Assistance Activities in 2009	G/SPS/GEN/956
	2009	SPS Technical Assistance and Training Activities (1 September 1994 to 31 December 2009)	G/SPS/GEN/521/Rev.5
	2009	Evaluation of the Standards and Trade Development Facility (STDF)	G/SPS/GEN/899
	2009	STDF Workshop "Using Economic Analysis to Inform SPS Decision Making" - Geneva – 30 October 2009 – Background Note and Draft Agenda	G/SPS/GEN/961/Rev.1
	2009	Update on the Operation of the Standards and Trade Development Facility	G/SPS/GEN/969
	2009	Overview of SPS Need and Assistance in Eight Least Developed Countries	G/SPS/GEN/900
Special and Differential Treatment	2005	Report on Proposals for Special and Differential Treatment	G/SPS/35
	2005	Proposals and Progress on Special and Differential Treatment	G/SPS/GEN/543
	2006	Decision to Extend the Procedures to Enhance Transparency of S&D in Favour of Developing Country Members	G/SPS/W/184
	2005	Special and Differential Treatment – Report by the Chairman to the General Council	G/SPS/39
	2006	<i>Idem</i>	G/SPS/41
	2007	<i>Idem</i>	G/SPS/44
	2007	<i>Idem</i>	G/SPS/46
	2008	Proposed Revision of the Procedure to Enhance Transparency of S&D in Favour of Developing Country Members (G/SPS/33)	G/SPS/W/224
	2008	<i>Idem</i> - Revision	G/SPS/W/224/Rev.1
	2009	<i>Idem</i> - Revision	G/SPS/W/224/Rev.2, Rev.3, Rev. 4, Rev.5 & Rev.6
	2009	Procedure to Enhance Transparency of S&D in favour of Developing Country Members	G/SPS/33/Rev.1
Regionalization	2006	Compendium of Documents regarding Article 6	G/SPS/GEN/636 & Corr.1 & Rev.1 and Rev.1/Corr.1
	2006	Issues in the Application of Article 6 of the SPS Agreement – Background Document	G/SPS/GEN/640 & Rev.1
	2006	Summary of the Special Meeting on Article 6	G/SPS/R/38 & Corr.1

Subject	Year	Type of Activity	Related Documents
Implementation of the Agreement-Specific Trade Concerns	2008	Guidelines to Further the Practical Implementation of Article 6 of the SPS Agreement	G/SPS/48
	2005	Specific Trade Concerns	G/SPS/GEN/204/Rev.5 and Addenda
	2006	<i>Idem</i>	G/SPS/GEN/204/Rev.6 and Addenda
	2007	<i>Idem</i>	G/SPS/GEN/204/Rev.7 and Addenda
	2007	Ad hoc Consultations and Resolution of Trade Concerns	G/SPS/GEN/781
	2008	Specific Trade Concerns	G/SPS/GEN/204/Rev.8 and Addenda
	2009	Specific Trade Concerns	G/SPS/GEN/204/Rev.9 and Addenda & Corr.1
	2009	Proposed Recommended Procedure for Ad Hoc Consultations or Negotiations among Members under the SPS Agreement (Article 12.2)	G/SPS/W/243
Other	2005	Review of the Operation and Implementation of the SPS Agreement	G/SPS/36
	2006	SPS Agreement – Designation of a Regional Body – Communication from Antigua, Barbuda, Barbados, Cuba, Dominica, Fiji, Grenada, Jamaica, Mauritius, Papua New Guinea, Solomon Islands, St. Kitts and Nevis, St. Vincent and the Grenadines – Revision	WT/COMTD/SE/W/16/Rev.1 & Rev.2
	2006	Committee on Trade and Development in dedicated Session – Report to the General Council on Measures to Assist Small Economies in Meeting their Obligations under the Agreements on SPS Measures, TBT and TRIPS	WT/COMTD/SE/5
	2007	Private Standards and the SPS Agreement	G/SPS/GEN/746
	2007	Joint UNCTAD/WTO Informal Information Session on Private Standards	Job(07)/89/Rev.1
	2007	Relationship with Codex, IPPC and OIE	G/SPS/GEN/775
	2008	Private Standards – Identifying Practical Actions for the SPS Committee – Summary of Responses	G/SPS/W/230
	2008	Report of the STDF Information Session on Private Standards	G/SPS/R/50
	2008	Proposed Procedure for Third Review	G/SPS/W/228

Subject	Year	Type of Activity	Related Documents
	2008	Report to the Council for Trade in Goods on China's Transitional Review	G/SPS/50
	2008	Questionnaire on SPS-related Private Standards	G/SPS/W/232
	2008	Documents and other Information of Private Standards	G/SPS/GEN/865
	2008	Research and Researchers on Private Standards	G/SPS/GEN/891
	2009	Review of the Operation and Implementation of the SPS Agreement – Background Document	G/SPS/GEN/887/Rev.1
	2009	Effects of SPS – Related Private Standards – Descriptive Report	G/SPS/GEN/932 & Rev.1
	2009	Report of the Council for Trade in Goods on the Transitional Review under Paragraph 18 of the Protocol of Accession of the People's Republic of China	G/SPS/52
	2009	Review of the Operation and Implementation of the SPS Agreement	G/SPS/W/237 & Rev.1
	2009	Possible Actions for the SPS Committee Regarding Private Standards	G/SPS/W/247
	2009	Membership in WTO and International Standard-Setting Bodies	G/SPS/GEN/49/Rev.9
	2009	Report (2009) on the Activities of the SPS Committee	G/L/897 & Rev.1

APPENDIX B

WTO Disputes Invoking the SPS Agreement

Since 1 January 1995, violations of the SPS Agreement have been alleged in the following invocations of the formal dispute settlement provisions of the WTO. Those which have been referred to a panel are highlighted.

	DS Number	Parties and nature of complaint	Panel Report / Appellate Body Report circulation	Comments
1	WT/DS3	US complaint against Korea's inspection procedures for fresh fruits		Mutually satisfactory solution notified in July 2001 (G/SPS/GEN/265).
2	WT/DS41	US complaint against Korea's inspection procedures for fresh fruits		Mutually satisfactory solution notified in July 2001 (G/SPS/GEN/265).
3	WT/DS5	US complaint against Korea's shelf-life requirements for frozen processed meats and other products		Mutually agreed solution notified in July 1995.
4	WT/DS18	Canadian complaint against Australia's import restrictions on fresh, chilled or frozen salmon Australia - Salmon	WT/DS18/R (1998) WT/DS18/AB/R (1998) WT/DS18/RW (2000)	Mutually agreed solution notified in May 2000.
5	WT/DS21	US complaint against Australia's import restrictions on fresh, chilled or frozen salmon Australia - Salmonids		Mutually agreed settlement notified in November 2000.
6	WT/DS20	Canadian complaint against Korea's restrictions on treatment methods for bottled water		Mutually agreed solution notified in April 1996.
7	WT/DS26	US complaint against EC's prohibition of meat from animals treated with growth-promoting hormones EC – Hormones (US)	WT/DS26/R/USA (1997) WT/DS26/AB/R (1998) WT/DS26/ARB (1999)	Suspension of concessions authorized on 26 July 1999. EC request for Article 21.5 consultations on 22 December 2008.
8	WT/DS48	Canadian complaint against EC's prohibition of meat from animals treated with growth-promoting hormones EC – Hormones (Canada)	WT/DS48/R/CAN (1997) WT/DS48/AB/R (1998) WT/DS48/ARB (1999)	Same panel handled both complaints. See above.
9	WT/DS76	US complaint against Japan's "varietal testing" requirement for fresh fruits Japan – Agricultural Products II	WT/DS76/R (1998) WT/DS76/AB/R (1999)	Mutually agreed solution notified in September 2001.
10	WT/DS96	EC complaint against India's quantitative restrictions on agricultural and other products		Mutually agreed solution notified in April 1998.
11	WT/DS100	EC complaint against US restrictions on poultry imports		Consultations requested on 18 August 1997; pending.
12	WT/DS133	Swiss complaint against Slovakia's BSE-related restrictions on cattle and meat		Consultations requested on 11 May 1998; pending.

	DS Number	Parties and nature of complaint	Panel Report / Appellate Body Report circulation	Comments
13	WT/DS134	Indian complaint against EC restrictions on rice imports		Consultations requested on 25 May 1998; pending.
14	WT/DS135	Canadian complaint against EC (French) measures affecting asbestos EC - Asbestos	WT/DS/135/R (2000) WT/DS/135/AB/R (2001)	SPS Agreement not invoked in the reports.
15	WT/DS137	Canadian complaint against EC restrictions due to pine wood nematodes		Consultations requested on 17 June 1998; pending.
16	WT/DS144	Canadian complaint against US state restrictions on movement of Canadian trucks carrying live animals and grains		Consultations requested on 25 September 1998; pending.
17	WT/DS203	US complaint against Mexico's measures affecting trade in live swine		Consultations requested on 10 July 2000; pending.
18	WT/DS205	Thai complaint against Egypt's GMO-related prohibition on imports of canned tuna with soybean oil		Consultations requested on 22 September 2000; pending.
19	WT/DS237	Ecuadoran complaint against Turkey's import requirements for fresh fruit, especially bananas Turkey – Fresh Fruit Import Procedures		Mutually agreed solution notified in November 2002.
20	WT/DS245	US complaint against Japan's restrictions on apples due to fire blight Japan - Apples	WT/DS245/R (2003) WT/DS245/AB/R (2003) WT/DS245/RW (2005)	Mutually agreed solution notified on 2 September 2005.
21	WT/DS256	Hungarian complaint against Turkey's restrictions on imports of pet food (BSE)		Consultations requested on 3 May 2002; pending.
22	WT/DS270	Philippine complaint against Australia's restrictions on fresh fruits and vegetables, including bananas Australia - Fresh Fruit and Vegetables		Panel established in August 2003.
23	WT/DS271	Philippine complaint against Australia's restrictions on pineapple		Consultations requested on 18 October 2002; pending.
24	WT/DS279	EC complaint against India's export and import policy		Consultations requested on 23 December 2002; pending.
25	WT/DS284	Nicaraguan complaint against Mexico's phytosanitary restrictions on black beans		Mutually agreed solution notified in March 2004.
26	WT/DS287	EC complaint against Australian quarantine regime Australia – Quarantine Regime		Mutually agreed solution notified in March 2007.
27	WT/DS291	US complaint against EC on GMO approvals EC – Approval and Marketing of Biotech Products	WT/DS291/R (2006)	Panel report adopted on 21 November 2006. Arbitration requested on the level of suspension of concessions (Art. 22.6) on 7 February 2008; suspended on 15 February 2008.

	DS Number	Parties and nature of complaint	Panel Report / Appellate Body Report circulation	Comments
28	WT/DS292	Canadian complaint against EC on GMO approvals EC – Approval and Marketing of Biotech Products	WT/DS292/R (2006)	Panel report adopted on 21 November 2006.
29	WT/DS293	Argentinian complaint against EC on GMO approvals EC – Approval and Marketing of Biotech Products	WT/DS293/R (2006)	Panel report adopted on 21 November 2006.
30	WT/DS297	Hungary's complaint against Croatia's restrictions on live animals and meat products (TSEs).		Consultations requested on 9 July 2003; pending.
31	WT/DS320	EC complaint against the US continued suspension of obligations in the EC-Hormones dispute* US – Continued Suspension of Obligations	WT/DS320/R WT/DS320/AB/R	Reports adopted on 14 November 2008.
32	WT/DS321	EC complaint against Canada's continued suspension of obligations in the EC-Hormones Dispute* Canada– Continued Suspension of Obligations	WT/DS321/R WT/DS321/AB/R	Reports adopted on 14 November 2008.
33	WT/DS367	New Zealand complaint against Australia's restrictions on apples Australia - Apples		Panel established on 21 January 2008.
34	WT/DS384	Canadian complaint against the US country of origin labelling requirements United States – Certain Country of Origin Labelling (COOL) Requirements		Panel established on 19 November 2009.
35	WT/DS386	Mexican complaint against the US country of origin labelling requirements United States – Certain Country of Origin Labelling (COOL) Requirements		Panel established on 19 November 2009.
36	WT/DS389	US complaint against EC Measures Affecting Poultry Meat and Poultry Meat Products EC - Poultry		Panel established on 19 November 2009.
37	WT/DS391	Canadian complaint against Korea's measures affecting the importation of bovine meat and meat products Korea –Bovine Products		Panel established on 31 August 2009.
38	WT/DS392	China complaint against US measures affecting imports of poultry US — Poultry		Panel established on 31 July 2009.

* Neither of these two requests for consultations claim violation of the SPS Agreement, however, the reports address issues related to the implementation of the SPS Agreement.

APPENDIX C

List of SPS Committee documents submitted by Members 2005-2009

A. Information on Member's experiences regarding Equivalence (Article 4)

Year	Member	Title/Subject	Symbol
2005	Brazil	Technical Committee on the health and hygiene of fishery products of Argentina, Brazil, Chile and Uruguay – Equivalence of inspection systems	G/SPS/GEN/586
2007	Panama	Determination of the recognition of equivalence	G/SPS/N/EQV/PAN/1
2008	Dominican Republic	Determination of the recognition of equivalence	G/SPS/N/EQV/DOM/1
2009	European Communities	Control regime applicable for imports from third countries of certain products of animal origin and of live animals with regards to provisions related to the agreement between the European Communities and the Swiss Confederation of Trade in Agricultural products	G/SPS/GEN/896

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

Year	Member	Title/Subject	Symbol
2005	Kazakhstan	Transparency	G/SPS/GEN/544
2006	Australia, New Zealand and United States	Second Review of the SPS Agreement – Review of the implementation of transparency provisions	G/SPS/W/197
	Bulgaria	Transparency	G/SPS/GEN/737
	European Communities	Transparency	G/SPS/GEN/737
	Romania	Transparency	G/SPS/GEN/737
2007	China	Proposal on the amendment of "the recommended procedures for implementing the transparency obligations of the SPS Agreement (Article 7)"	G/SPS/W/212
	European Communities	The EC NNA/EP for the SPS Agreement: experience acquired in the operational procedures and recent experience – Reflection note	G/SPS/GEN/803
2008	Argentina	Proposals regarding the revision of recommended procedures regarding transparency	G/SPS/W/220
	Chile	Chile's position on the implementation of the principle of transparency in 2008	G/SPS/W/221

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

Year	Member	Title/Subject	Symbol
2005	Kingdom of Bahrain	Adoption of international Codex standards	G/SPS/GEN/537
	Brazil	Brazilian approval of the new revised text of the IPPC 1997	G/SPS/GEN/600
	China	Monitoring the use of international standards: ISPM 15	G/SPS/GEN/551
	Ecuador	Establishment of the National Codex Alimentarius Committee	G/SPS/GEN/591
	European Communities	Implementation of ISPM 15 from 1 March 2005: new requirements for the import of wood packaging material and dunnage for a better protection against the introduction of pests or diseases in the European Communities	G/SPS/GEN/556
	Mauritius	Implementation of international standards	G/SPS/GEN/547
2006	Argentina	ISPM 15	G/SPS/GEN/653
	Brazil	Brazilian approval of the new revised text of the IPPC 1997	G/SPS/GEN/696
	Japan	Implementation of ISPM No. 15 as of April 2007	G/SPS/GEN/739
	New Zealand	Relationship between the SPS Committee and the standard-setting bodies	G/SPS/W/206
	Sri Lanka	Procedure to monitor the process of international harmonization	G/SPS/W/187
2008	Japan	Relationship between the SPS Committee and Codex, OIE and IPPC	G/SPS/W/226
2009	Argentina, Brazil, Paraguay and Uruguay	Project on Cooperation for Harmonization of Veterinary and Phytosanitary Standards and Procedures, Food Safety and Differentiated Agricultural Production	G/SPS/GEN/940
	European Communities	Relationship between the SPS committee and the three International Standard-Setting Bodies referenced in the SPS Agreement	G/SPS/GEN/970
	Paraguay	Harmonization	G/SPS/GEN/935

D.1 Information regarding Member's provision of technical assistance and training activities (Article 9)

Year	Member	Title/Subject	Symbol
2005	New Zealand	Technical assistance provided to developing country Members by New Zealand since 1 January 1995 – Revision	G/SPS/GEN/352/Rev.1
	United States	Technical assistance to developing country Members provided by the United States – Addendum/Revision	G/SPS/GEN/181/Add.5 and Rev.1

Year	Member	Title/Subject	Symbol
2006	Australia	Technical assistance to developing country Members	G/SPS/GEN/717
	Canada	Technical assistance to developing country Members	G/SPS/GEN/728
	European Communities	Technical assistance in the SPS field provided by the EC	G/SPS/GEN/669
2007	Australia	Technical assistance to developing country Members	G/SPS/GEN/717/Add.1
	Canada	Technical assistance to developing country Members	G/SPS/GEN/765
	European Communities	EC Technical assistance in the SPS Sector	G/SPS/GEN/839
	New Zealand	Technical assistance for operating the SPS Notification Authority and SPS Enquiry Point	G/SPS/W/214
	Norway	SPS technical assistance	G/SPS/GEN/879
	United States	Technical assistance to developing country Members provided by the United States	G/SPS/GEN/181/Add.6
2008	United States	Technical assistance to developing country Members provided by the United States	G/SPS/GEN/181/Add.7
2009	Chile	International Technical Cooperation. Internships in Chile	G/SPS/GEN/953

D.2 Information regarding Member's technical assistance and training needs (Article 9)

Year	Member	Title/Subject	Symbol
2005	Peru	Technical assistance within the framework of the WTO Agreement on the Application of SPS Measures	G/SPS/GEN/579
2006	Central African Republic	Technical assistance	G/SPS/GEN/644
	Tanzania	Technical assistance related to fisheries sector - Experience from the United Republic of Tanzania	G/SPS/GEN/687
2007	Costa Rica	Technical assistance – Responses to the questionnaire	G/SPS/GEN/295/Add.29/Rev.1
	Guatemala	Technical assistance – Responses to the questionnaire	G/SPS/GEN/295/Add.22/Rev.1
	Rwanda	Technical assistance – Responses to the questionnaire	G/SPS/GEN/295/Add.37
2008	Belize	Technical Assistance	G/SPS/GEN/885
2009	Belize	Technical Assistance from the European Communities to enhance national SPS capacity in Belize	G/SPS/GEN/912
	Belize	Technical assistance	G/SPS/GEN/980
	Belize	Strengthening of Sanitary and Phytosanitary (SPS) capacity to increase competitiveness of Belizean products in the export markets	G/SPS/GEN/978
	Paraguay	Technical Assistance and Cooperation	G/SPS/GEN/936

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

Year	Member	Title/Subject	Symbol
2006	United States	Special and differential treatment	G/SPS/W/198
2007	Egypt	Statement to the informal meeting	JOB(07)/25
	Egypt	Proposed revision of G/SPS/33	JOB(07)/104
	Egypt	Suggested language by Egypt for Article 10.1 of the SPS Agreement	JOB(07)/99
2009	Argentina	Proposed revision of the procedure to enhance transparency of special and differential treatment in favour of developing country Members (G/SPS/33)	G/SPS/W/242

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

Year	Member	Title/Subject	Symbol
2005	Argentina	Article 6 of the Agreement on the Application of SPS Measures	G/SPS/GEN/606
	Australia	Monitoring of international harmonization: regionalization	G/SPS/W/172
	Brazil	Improving the application of Article 6 of the SPS Agreement	G/SPS/W/177
	Brazil	Recognition of the state of Acre and the municipalities of Boca Do Acre and Guajará in the state of Amazonas, Northern region of Brazil, as Foot-and-Mouth Disease – Free zones where vaccinations is practiced	G/SPS/GEN/601
	Canada	Implementation of Article 6 of the SPS Agreement	G/SPS/GEN/613
	Chile	Proposal by Chile to further the discussion concerning the implementation of Article 6 on regionalization	G/SPS/W/171
	Colombia	Procedures for recognition of pest- or disease-free areas or areas of low pest or disease prevalence under Article 6 of the SPS Agreement	G/SPS/GEN/611
	European Communities	Clarification of Article 6 of the SPS Agreement	G/SPS/GEN/588
	Japan	Implementation of Article 6 (Regionalization) of the Agreement on the Application of SPS Measures	G/SPS/GEN/605
	Peru	Regionalization	G/SPS/GEN/607
2006	Argentina	Comments on G/SPS/GEN/640 – Article 6	G/SPS/W/189
	Brazil	Implementation of Art. 6 of the SPS Agreement	G/SPS/W/185
	Brazil	Comments on G/SPS/GEN/640 – Article 6	G/SPS/W/189
	Colombia	Comments on G/SPS/GEN/640 – Article 6	G/SPS/W/189
	Ecuador	Comments on G/SPS/GEN/640 – Article 6	G/SPS/W/189
	Ecuador	Regionalization	G/SPS/GEN/623
	Egypt	Article 6 – Procedures for recognition of pest- or disease-free areas or areas of low pest or disease prevalence	G/SPS/W/193
	Egypt	Implementation of Art. 6 – Experience in	G/SPS/GEN/630

Year	Member	Title/Subject	Symbol
		establishing and Maintaining "Pest-Free Areas"	
2006	European Communities	Application of Art. 6 of the SPS Agreement	G/SPS/GEN/632
	European Communities	Comments on G/SPS/GEN/640 – Article 6	G/SPS/W/190
	Grenada	Article 6 of the SPS Agreement	G/SPS/W/194
	Japan	Issues in the application of Art. 6 of the SPS Agreement	G/SPS/W/192
	Korea	Article 6 of the SPS Agreement	G/SPS/W/195
	Mexico	Regionalization	G/SPS/GEN/622
	New Zealand	Comments on G/SPS/GEN/640/Rev.1 – Article 6	G/SPS/GEN/725
	New Zealand	Procedures for recognition of pest- or disease-free area or areas of low pest prevalence under Art. 6 – Comparison of standards developed by the ISSBs	G/SPS/GEN/698 and Rev.1
	Paraguay	Comments on G/SPS/GEN/640 – Article 6	G/SPS/W/189
	Chinese Taipei	Comments on G/SPS/GEN/640 – Article 6	G/SPS/W/205
	United States	Comments on G/SPS/GEN/640 – Article 6	G/SPS/W/199
	United States	Additional comments on Art. 6 of the SPS Agreement – Adaptation to regional conditions	G/SPS/GEN/631
	Uruguay	Comments on G/SPS/GEN/640 – Article 6	G/SPS/W/189
2008	Chile	Chile's position on regionalization guidelines for 2008	G/SPS/W/222
	New Zealand	Guidelines to further the practical implementation of Art. 6 of the SPS Agreement	G/SPS/W/218

F.2 Information regarding Member's experience related to Regionalization (Article 6)

Year	Member	Title/Subject	Symbol
2005	Brazil	Pest free area of Minas Gerais state – <i>Micosphaerella fijiensis</i>	G/SPS/GEN/561
	Brazil	Pest free area of Ceará state – <i>Anastrepha grandis</i>	G/SPS/GEN/562
	Brazil	Foot and mouth disease free zone – Brazilian experience on regionalization	G/SPS/GEN/584
	Brazil	Newcastle disease – Brazilian experience in certifying disease free flocks	G/SPS/GEN/608
	Brazil	Classical swine fever – Brazilian experience in regionalization	G/SPS/GEN/609
	Canada	Update on developments in Canada regarding Bovine Spongiform Encephalopathy (BSE)	G/SPS/GEN/585
	Chile	Notification of recognition of pest- and disease-free zones - Regionalization	G/SPS/W/181
	Colombia	Avian influenza	G/SPS/GEN/602
	Nicaragua	Status of the national classical swine fever eradication programme in Nicaragua	G/SPS/GEN/575
	Nicaragua	Nicaragua initiates brucellosis – and tuberculosis - free certification for farms	G/SPS/GEN/576
	Peru	Current FMD Status	G/SPS/GEN/558

Year	Member	Title/Subject	Symbol
2006	Argentina	Grains, fruits etc. – FMD	G/SPS/GEN/654
	Australia	Exercise Eleusis – Avian influenza simulation	G/SPS/GEN/619
	Australia	Issues in the application of Art. 6 of the SPS Agreement	G/SPS/W/191
	Australia	Issues in the application of Art. 6 of the SPS Agreement - Addendum	G/SPS/W/191 and Add.1
	Brazil	Pest free area of Minas Cear state – <i>Micosphaerella fijiensis</i>	G/SPS/GEN/562/Add.1
	Brazil	Area of Rio Grande do Norte State free of <i>Anastrepha grandis</i>	G/SPS/GEN/642
	Brazil	Pest-free area of Bahia state – <i>Mycosphaerella fijiensis</i>	G/SPS/GEN/697
	Canada	Update on developments regarding BSE	G/SPS/GEN/635
	Chile	Situation regarding BSE	G/SPS/GEN/633
	Chile	Experience in the application of the principle of regionalization	G/SPS/GEN/610
	Colombia	Experiences in regionalization: FMD	G/SPS/GEN/612
	Colombia	Avian influenza H9N2	G/SPS/GEN/621
	Egypt	Experience in establishing and maintaining "Pest-Free Areas"	G/SPS/GEN/630
	Mexico	Regionalization - Information for the recognition of fruit fly-free areas	G/SPS/GEN/440/Rev.1
	Nigeria	Current SPS measures regarding the avian influenza situation	G/SPS/GEN/637
	Peru	Recognition of Southern Peru as a foot-and-mouth disease-free zone where vaccination is not practised	G/SPS/GEN/578
Turkey	Avian Influenza	G/SPS/GEN/620 and Rev. 1	
2007	Brazil	Pest free area of Cear state – <i>Anastrepha grandis</i>	G/SPS/GEN/562/Add.2
	Panama	Pest-free area of classical swine fever	G/SPS/GEN/783
	Panama	Certification and/or declaration of an area free of Mediterranean fruit fly in the Azuero peninsula	G/SPS/GEN/752
	Philippines	Avian Influenza and FMD status as of 1 March 2007	G/SPS/GEN/771
2008	Argentina	Foot and mouth disease situation	G/SPS/GEN/868
	Belize	Classical swine fever and FMD-free status	G/SPS/GEN/861
	Canada	Update on an outbreak of highly pathogenic avian influenza (H7N3) in the province of Saskatchewan	G/SPS/GEN/866
	Chile	Recognition of pest- and disease-free areas	G/SPS/GEN/862
	Haiti	Sanitary information – BSE	G/SPS/GEN/846
	Mexico	Report on the classification of Mexico by the OIE regarding BSE	G/SPS/GEN/858
	Peru	Areas found to be free of <i>Stenoma catenifer</i> (Lepidoptera-ocophoridae) on the basis of survey work on this pest conducted in Peruvian coastal areas where avocado (<i>Persea Americana</i>) is produced	G/SPS/GEN/815
	Switzerland	BSE	G/SPS/GEN/844

Year	Member	Title/Subject	Symbol
2009	Belize	Newcastle disease	G/SPS/GEN/913
	Belize	Declaration of the entire territory of Belize as free from the Mediterranean fruit fly (<i>Ceratitidis Capitata</i>)	G/SPS/GEN/920
	Brazil	Information on the Outbreaks of A/H1N1 Human Influenza Virus	G/SPS/GEN/922
	Chile	Recognition of "Negligible Risk" Status with Regard to BSE	G/SPS/GEN/952
	Costa Rica	Costa Rica on Alert due to the Presence of the South American Cucurbit Fruit Fly (<i>Anastrepha grandis</i>) in Panama	G/SPS/GEN/955
	Costa Rica	Phytosanitary state of emergency due to the Cotton Rat Pest (<i>Sigmodon spp.</i>)	G/SPS/GEN/962
	Costa Rica	Costa Rica declares itself free from Classical Swine Fever	G/SPS/GEN/966
	Indonesia	Free Status of Khapra Beetle (Trogoderma Granarium Everts)	G/SPS/GEN/946
	Mexico	Report on Activities Undertaken to Declare the Entire Territory of Mexico free from Classical Swine Fever	G/SPS/GEN/908
	Mexico	Information on Outbreaks of A/H1N1 Human Influenza Virus	G/SPS/GEN/921
	Paraguay	Activities of Members	G/SPS/GEN/934
	Philippines	Regionalization – Pest Free Areas	G/SPS/GEN/906

G. Comments/proposals regarding Monitoring Implementation of the Agreement (Articles 12.1 and 12.2)—Specific trade concerns

Year	Member	Title/Subject	Symbol
2005	Costa Rica	Panama – Imports of products of animal origin	G/SPS/GEN/582
	Sri Lanka	Trade difficulties encountered in the export of Sri Lankan cinnamon to the European Communities	G/SPS/GEN/597
	Uruguay	Undue delays	G/SPS/W/169
2006	Argentina	Review of concerns raised by Members pending their resolution	G/SPS/GEN/693
	Colombia	Proposal for preventing undue delays in the entry of animals, plants and their products	G/SPS/W/201
	Colombia	EC Regulation 258/97 on Novel Foods	G/SPS/GEN/735
	Ecuador	EC Regulation 258/97 on Novel Foods	G/SPS/GEN/714
	European Communities	Questions and answers on the EC control measures for avian influenza	G/SPS/GEN/641
	European Communities	Reply of the EC to the communication from Peru concerning Regulation 258/97 on Novel Foods	G/SPS/GEN/699
	Peru	Regulation 258/97 Of The European Parliament And Of The Council Concerning Novel Foods	G/SPS/GEN/681
	Peru	EC Regulation 258/97 on Novel Foods	G/SPS/GEN/713
	Peru	EC Regulation 258/97 on Novel Foods	G/SPS/GEN/733
	Uganda	Fish exports from Lake Victoria	G/SPS/GEN/685

Year	Member	Title/Subject	Symbol
2007	New Zealand	Australia – Measures affecting the importation of apples from New Zealand – Request for consultations	G/SPS/GEN/796
	Thailand	Undue delays in relation to Article 5 (risk assessment) and interim measures	G/SPS/GEN/769
2008	Argentina	Good offices of the Chairperson	G/SPS/W/219
	Peru	EC Regulation 258/97 on Novel Foods	G/SPS/GEN/884
	United States	Article 12.2 – Consultations	G/SPS/W/227
2009	Argentina and United States	Article 12.2 – Consultations	G/SPS/W/233
	Argentina	Good Offices of the Chairperson	G/SPS/W/241
	Brazil	Article 12.2 – Consultations	G/SPS/W/248
	Colombia	Suspension of Inspection and delivery of plant and animal health certificates for imports from Colombia by the Bolivarian Republic of Venezuela	G/SPS/GEN/983
	Mexico	Article 12.2 – Consultations – Comments from Mexico on the Proposal by Brazil (G/SPS/W/248)	G/SPS/GEN/988
	Mexico	Recommended procedure for Ad Hoc consultations or negotiations among Members under the SPS Agreement (Article 12.2) – Comments by Mexico on document G/SPS/W/243	G/SPS/GEN/989
	Peru	Application and amendment of European Communities Regulation No. 258/97 concerning novel foods	G/SPS/GEN/976

H. Review of the Agreement

Year	Member	Title/Subject	Symbol
2005	Costa Rica	Second review of the operation and implementation of the SPS Agreement – Prioritization of issues for the future work programmes of the SPS Committee.	G/SPS/W/180
	New Zealand	Second review of the operation and implementation of the SPS Agreement – Work programme	G/SPS/W/179
2006	Brazil	Second Review of the SPS Agreement – Prioritization of issues for the future work programme of the SPS Committee	G/SPS/W/182
	Canada	Second Review of the SPS Agreement – Clarification of the terms "measures" and "regulations" as contained in the SPS Agreement	G/SPS/W/186
	Chile	Second Review of the SPS Agreement – Undue delays	G/SPS/W/202
	Chile	Second Review of the SPS Agreement – Harmonization, relationship with int. organizations and int. standards	G/SPS/W/203
	Chile	Second review of the SPS – Proposed differences or clarifications procedure	G/SPS/W/204
	Colombia	Second Review of the SPS Agreement – Priority topics to be taken into account in the	G/SPS/W/188

Year	Member	Title/Subject	Symbol
		future work of the Committee	
2006	Costa Rica	Second Review of the SPS Agreement – Discussion proposal for the more effective implementation of the <i>ad hoc</i> consultations mechanism within the framework of Art. 12.2	G/SPS/W/183
	New Zealand	Second Review of the SPS Agreement – Review of the implementation of transparency provisions	G/SPS/W/197
2007	Canada	Second review of the SPS Agreement – Transparency enhancement proposal	G/SPS/GEN/778
2009	Australia	Third review of the SPS Agreement	G/SPS/W/238 & Corr.1
	Argentina, Brazil, Paraguay and Uruguay	Third review of the SPS Agreement	G/SPS/W/245
	China	Third review of the SPS Agreement	G/SPS/W/234 & Add.1
	India	Third review of the SPS Agreement	G/SPS/W/236 & Rev.1

I. Private Standards

Year	Member	Title/Subject	Symbol
2007	Ecuador	Private and commercial standards	G/SPS/GEN/792
	St. Vincent and the Grenadines	Private industry standards	G/SPS/GEN/766
	United Kingdom	Private voluntary standards within the WTO multilateral framework	G/SPS/GEN/802
2008	Uruguay	Terms of reference for the working group on private standards	G/SPS/W/225
	Uruguay	Private standards	G/SPS/GEN/843
2009	Argentina, Brazil, Paraguay and Uruguay	Legal framework for private standards in the WTO	G/SPS/W/246
	Argentina, Brazil, Paraguay and Uruguay	Private standards	G/SPS/W/249
	Belize	Statement on private and commercial standards	G/SPS/GEN/911
	Switzerland	Voluntary standards	G/SPS/GEN/967

J. Implementation of the SPS Agreement

Year	Member	Title/Subject	Symbol
2006	Bangladesh	Implementation of the SPS Agreement – Information for the workshop on 31 March 2006	G/SPS/GEN/676
	Benin	<i>Idem</i>	G/SPS/GEN/670
	Burkina Faso	<i>Idem</i>	G/SPS/GEN/662
	Burundi	<i>Idem</i>	G/SPS/GEN/674
	Cameroon	<i>Idem</i>	G/SPS/GEN/671
	Congo	<i>Idem</i>	G/SPS/GEN/659
	Costa Rica	<i>Idem</i>	G/SPS/GEN/679
	Chad	<i>Idem</i>	G/SPS/GEN/667

Year	Member	Title/Subject	Symbol
2006	Colombia	<i>Idem</i>	G/SPS/GEN/652
	The Gambia	<i>Idem</i>	G/SPS/GEN/664
	Guatemala	<i>Idem</i>	G/SPS/GEN/682
	Haiti	<i>Idem</i>	G/SPS/GEN/677
	Honduras	<i>Idem</i>	G/SPS/GEN/683
	Jamaica	<i>Idem</i>	G/SPS/GEN/645
	Kenya	<i>Idem</i>	G/SPS/GEN/660
	Madagascar	<i>Idem</i>	G/SPS/GEN/672
	Mauritania	<i>Idem</i>	G/SPS/GEN/684
	Mauritius	<i>Idem</i>	G/SPS/GEN/657
	Cuba	<i>Idem</i>	G/SPS/GEN/655
	Mongolia	<i>Idem</i>	G/SPS/GEN/675
	Nepal	<i>Idem</i>	G/SPS/GEN/656
	Niger	<i>Idem</i>	G/SPS/GEN/678
	Dominican Republic	<i>Idem</i>	G/SPS/GEN/691
	Egypt	<i>Idem</i>	G/SPS/GEN/647
	Egypt	<i>Idem</i>	G/SPS/GEN/649
	Egypt	<i>Idem</i>	G/SPS/GEN/651
	Nigeria	<i>Idem</i>	G/SPS/GEN/686
	Pakistan	<i>Idem</i>	G/SPS/GEN/661
	Pakistan	<i>Idem</i>	G/SPS/GEN/692
	South Africa	<i>Idem</i>	G/SPS/GEN/690
	Togo	<i>Idem</i>	G/SPS/GEN/665
Trinidad and Tobago	<i>Idem</i>	G/SPS/GEN/680	
Peru	<i>Idem</i>	G/SPS/GEN/668	
Uganda	<i>Idem</i>	G/SPS/GEN/673	
Zimbabwe	<i>Idem</i>	G/SPS/GEN/663	

K. Other

Year	Member	Title/Subject	Symbol
2005	Costa Rica	Phytosanitary certificate	G/SPS/GEN/604
	Cuba	Measures implemented in the field of veterinary medicine	G/SPS/GEN/538
	Dominican Republic	Current domestic measures to facilitate the implementation of the WTO Agreement on the Application of SPS Measures	G/SPS/GEN/587
	European Communities	Traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into a food or feed imported into the Community for placing on the market	G/SPS/GEN/539
	European Communities	Questions and answers on the procedure to obtain import tolerances and the inclusion of active substances for plant protection uses in the European Communities list	G/SPS/GEN/557

Year	Member	Title/Subject	Symbol
2006	Colombia	Centre for Phytosanitary Excellence – CEF – A Colombian cooperation initiative pursuant to Art. 5 of the SPS Agreement	G/SPS/GEN/702
	Colombia	Risk analysis	G/SPS/GEN/734
	Colombia	Strengthening of Colombia's system of sanitary and phytosanitary measures	G/SPS/GEN/736
	Cuba	Measures implemented in the field of veterinary medicine	G/SPS/GEN/615
	European Communities	Public consultation on the impact assessment of Regulation 258/97 on novel foods and food ingredients	G/SPS/GEN/700
	European Communities	Call for early comments on a Commission report on animal by-products not intended for human consumption	G/SPS/GEN/719
	European Communities	Adaptation of the common veterinary entry document to the trade control and export system (TRACES)	G/SPS/GEN/742
	Paraguay	Ban on the registration and importation of high-risk insecticides	G/SPS/GEN/688
	Paraguay	Health status report	G/SPS/GEN/689
	Paraguay	Phytosanitary status report	G/SPS/GEN/711
Paraguay	Health status report	G/SPS/GEN/712	
2007	Argentina	MRLs for pesticides – Impact on exports from developing country Members	G/SPS/W/211 & Corr.1 (in English only)
	Bolivia	Slaughter of imported breeding cattle	G/SPS/GEN/768
	Costa Rica	Clean stock program for <i>Dracaena spp.</i> intended for export to the US market	G/SPS/GEN/784
	European Communities	Call for comments on a Commission consultation on the review of Reg. (EC) 1774/2002 laying down health rules concerning animal by-products not intended for human consumption	G/SPS/GEN/773
	European Communities	Certification regime applicable for imports into the EC of bovine animals and of certain products of animal origin with regard to provisions related to certain transmissible spongiform encephalopathies	G/SPS/GEN/799
	Chinese Taipei	Veterinary and phytosanitary certificates	G/SPS/GEN/744 & Corr.1
2008	Chile	Bilateral agreements	G/SPS/GEN/863
	Ecuador	MRL for pineapple	G/SPS/GEN/841/Rev.1
	European Communities	Rules related to the export of meat-and-bone meal to third countries in order to ensure the prevention and control of certain transmissible spongiform encephalopathies (TSES)	G/SPS/GEN/889
	Paraguay	Information from Members	G/SPS/GEN/876
	Paraguay	Communication to the SPS Committee	G/SPS/GEN/852

Year	Member	Title/Subject	Symbol
2008	Singapore	Optical watermark on export certificates	G/SPS/GEN/859
	Venezuela	Comprehensive agricultural health system	G/SPS/GEN/854
	Zambia	Information on various SPS matters	G/SPS/GEN/836
2009	Argentina	Phytosanitary Import Authorizations	G/SPS/GEN/923
	Argentina, Brazil, Paraguay and Uruguay	Control, inspection and approval procedure	G /SPS/W/244
	Argentina	National prevention programme for HLB (Huanglongbin)	G/SPS/GEN/987
	Chile	Health status, transparency and trade restrictions	G/SPS/GEN/981
	China	China's safety administrative system for export poultry and poultry products	G/SPS/GEN/985
	Colombia	New structure of the Colombian Agricultural Institute (ICA)	G/SPS/GEN/984
	Costa Rica	Information on Measures to be Taken to Prevent the Entry of the Huanglongbing (HLB) Bacterium that Attacks Citrus Fruit	G/SPS/GEN/930
	Ecuador	Communication on the Ecuadorian Agency for Agricultural Product Quality Assurance	G/SPS/GEN/901
	Ecuador	Progress in the area of Sanitary and Phytosanitary Measures	G/SPS/GEN/982
	European Communities	Guidance Document on the Animal Health Requirements for Placing on the Market, Import and transit of Aquaculture Animals According to Council Directive 2006/88/EC/ and Commission Regulation (EC) No. 1251/2008	G/SPS/GEN/949
	European Communities	Guidelines as Regards Measures to be Taken Concerning the Presence of Nicotine in Wild Mushrooms	G/SPS/GEN/925
	Madagascar	Sanitary and Phytosanitary status	G/SPS/GEN/975
	Mexico	Committee on Technical Barriers to Trade	G/SPS/GEN/491/Add.9& G/TBT/GEN/7/Add.9
	Panama	Colombia – Concerns Regarding Exports of Processed Chicken Products from Panama	G/SPS/GEN/945
	Paraguay	Transparency of the Official veterinary Services	G/SPS/GEN/937
	Singapore	Optical watermark on export certificates	G/SPS/GEN/959
	Viet Nam	Report on food hygiene and safety control in Basa Catfish industry in Viet Nam	G/SPS/GEN/931
	Zambia	Plant Quarantine and Phytosanitary Service (PQPS) in Zambia Agriculture Research Institute	G/SPS/GEN/941
Zambia	Pest survey programmes	G/SPS/GEN/965	