



**Committee on Sanitary and Phytosanitary Measures**

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

**DRAFT REPORT OF THE COMMITTEE**

*Note by the Secretariat<sup>1</sup>*

**1 INTRODUCTION**

1.1. 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.<sup>2</sup>

1.2. 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 Third Review of the Agreement was completed in May 2010.<sup>3</sup> At its October 2013 meeting, the Committee adopted a procedure and timetable to undertake the Fourth Review of the Agreement.<sup>4</sup>

1.3. This background document, following the practice of the three preceding Reviews, provides information regarding the implementation and operation of issues related to:

- Implementation of the Agreement (Articles 12.1 and 12.2) – Specific trade concerns;
- Implementation of the Agreement - Use of ad hoc consultations;
- Transparency (Article 7 and Annex B);
- Equivalence (Article 4);
- 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);
- Consistency (Article 5.5);
- Cooperation with Codex Alimentarius, International Plant Protection Convention (IPPC) and the World Organization for Animal Health (OIE)(Article 12.3);
- SPS-related Private Standards;
- Good regulatory practice; and
- Dispute settlement activities (Article 11).

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

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

<sup>3</sup> G/SPS/53.

<sup>4</sup> G/SPS/W/270.

1.4. Appendix A of this document provides a summary of Committee activities since the Third Review in 2010. Appendix B provides a list of documents submitted by Members since the Third Review of the Agreement relevant to the various issues raised in this Background Paper. Appendix C provides information about SPS-related dispute settlement activities.

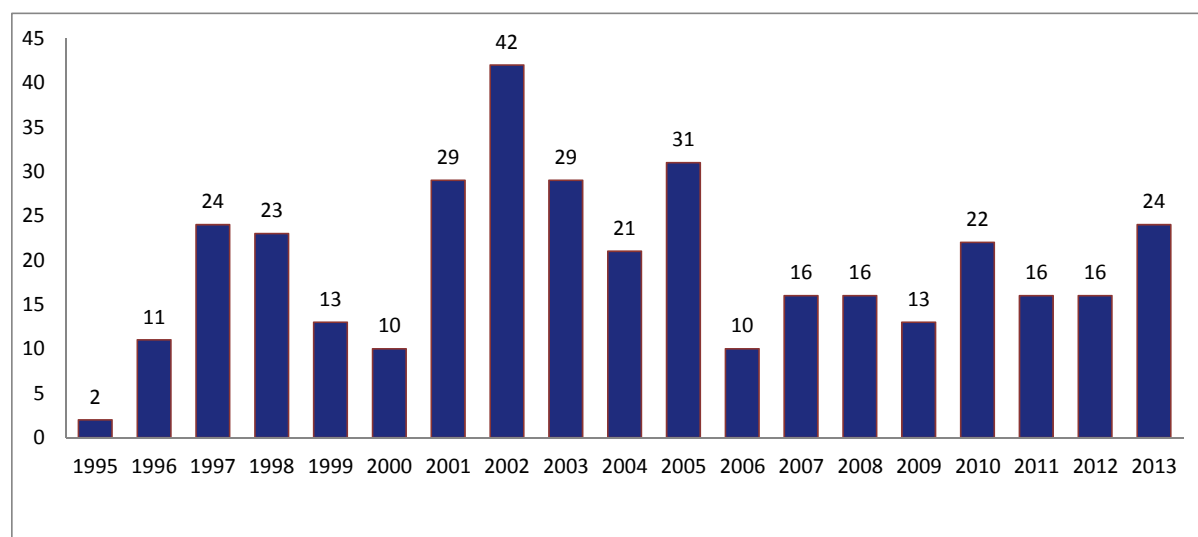
## 2 IMPLEMENTATION OF THE AGREEMENT – SPECIFIC TRADE CONCERNS

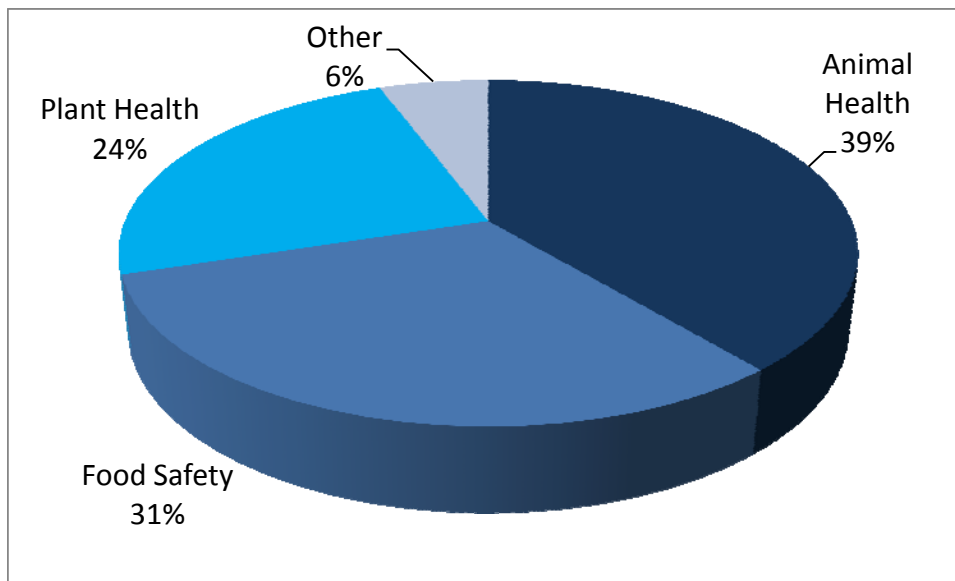
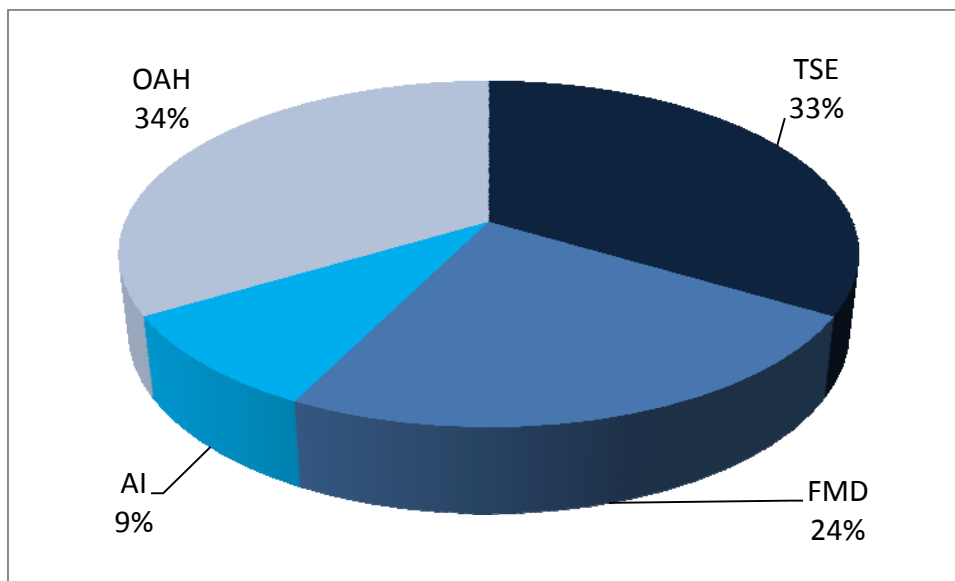
2.1. In the 2010 Review, the Committee encouraged Members to make use of the Committee's meetings to share, on an ad hoc basis, information regarding their experiences in the implementation of Article 13. Members were reminded that specific problems relating to the implementation of Article 13 may be raised as specific trade concerns.

2.2. Part of each Committee meeting is devoted to the consideration of specific trade concerns raised by Members. At the March 2000 meeting of the SPS Committee, the Secretariat was requested to prepare a paper summarizing the specific trade concerns that had been brought to the Committee's attention since 1995 and to update this document annually to include new information provided by Members. The statistics below are from the thirteenth revision of GEN/204 and include all issues which have been raised at SPS Committee meetings through to the end of 2013. The fourteenth revision of G/SPS/GEN/204 will be issued in early 2014.

2.3. Altogether, 368 specific trade concerns were raised between 1995 and the end of 2013. Chart 1 shows the number of new concerns raised each year; 24 new concerns were raised in 2013. Chart 2 categorizes the trade concerns raised over the eighteen years 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, 31% of trade concerns relate to food safety concerns, 24% relate to plant health, and 6% concern other issues such as certification requirements or translation. 39% 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 encephalopathy (TSEs), Avian Influenza (AI) and other animal health concerns (OAH). Chart 3 shows that TSEs account for 33% of animal health concerns, while issues related to foot-and-mouth disease account for 24%. The remaining 43% relate to other animal health concerns and avian influenza.

**Chart 1 – Number of new issues raised**



**Chart 2 – Trade concerns by subject****Chart 3 – Trade concerns related to animal health & zoonoses**

2.4. Developing country Members are participating actively under this agenda item in the SPS Committee meetings. Chart 4 indicates that over the eighteen years, developing country Members have raised 205 trade concerns (on many occasions more than one Member has raised, supported or maintained an issue) compared to 219 raised by developed country Members and five raised by least-developed country Members. A developing country Member has supported another Member raising an issue in 277 cases, compared to 183 for developed country Members and three for least-developed country Members. In 206 cases, the measure at issue was maintained by a developed country Member, and in 191 cases it was maintained by a developing country Member. Only one trade concern regarding measures maintained by least-developed country Members has been raised. Chart 5 shows the number of new issues raised each year by each category of Member.

Chart 4 – Participation by WTO members (1995-2013)

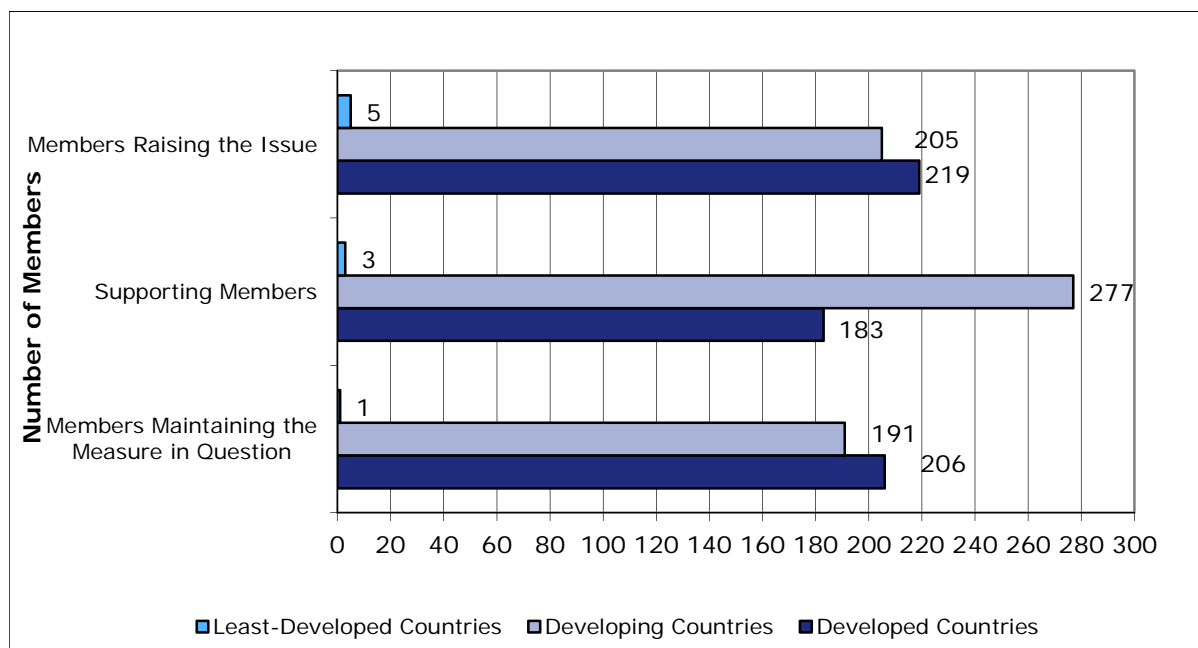
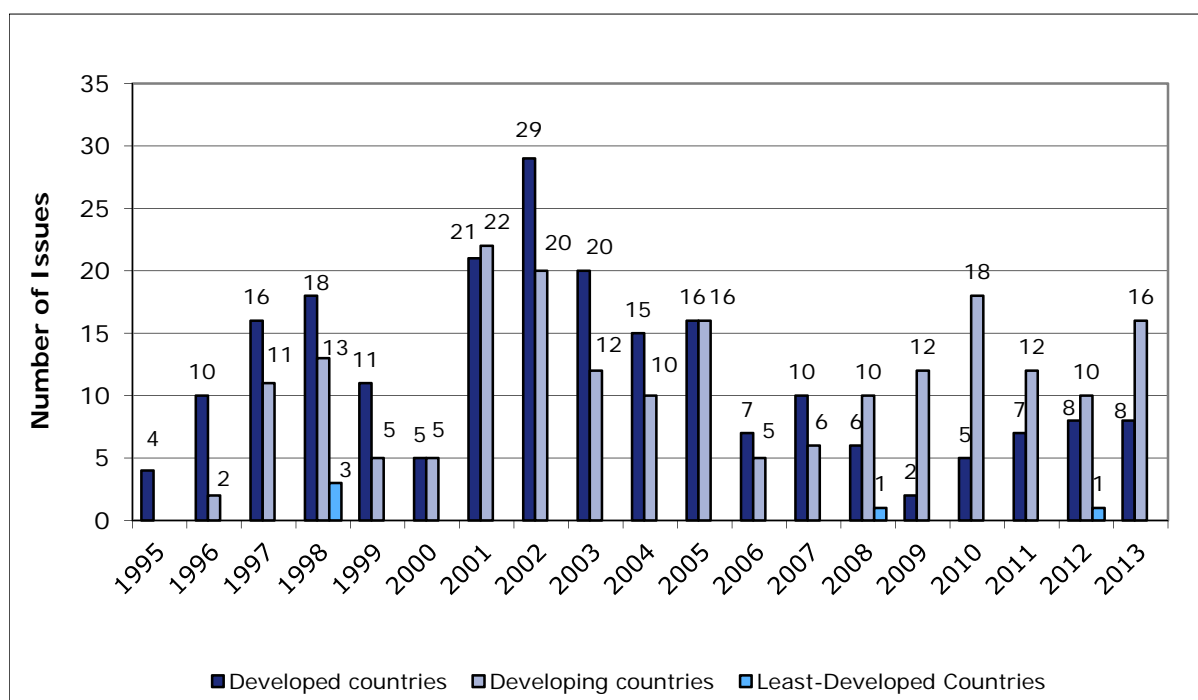
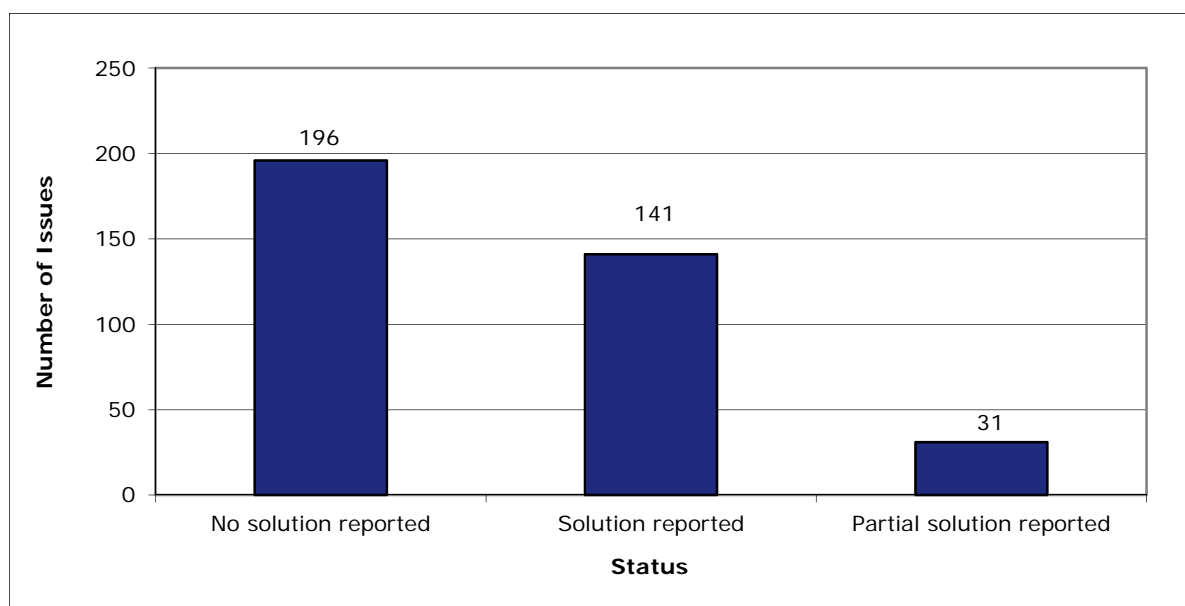


Chart 5 – Number of new issues raised by members



2.5. Chart 6 indicates that 141 trade concerns have been reported resolved out of the 368 trade concerns raised over the eighteen years. Forty issues were reported resolved in 2013. Thirty-one 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 196 trade concerns. It is also likely that other concerns have been resolved without the Committee being made aware of these developments.

Chart 6 – Solved trade concerns



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

3.1. Article 12.2 states that the Committee "shall encourage and facilitate ad hoc consultations or negotiations among Members on specific sanitary or phytosanitary issues". In each of the previous reviews, the Committee has recognized the usefulness of Article 12.2, and in particular of the good offices of the Chairperson, as a means of facilitating the resolution of trade problems.<sup>5</sup>

3.2. In 2010, Members agreed to "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".<sup>6</sup>

3.3. Several Members submitted proposals for a procedure to facilitate the use of ad hoc consultations and negotiations among Members.<sup>7</sup> In May 2011, the Secretariat circulated a document that sought to combine the proposals made, to facilitate the identification and consideration of those areas where there were substantive differences among the proposals.<sup>8</sup> The document was subsequently revised several times to reflect comments received from Members and discussions at informal meetings of the Committee.

3.4. At its meeting in October 2012, the Committee established an electronic Working Group (eWG) to make progress between Committee meetings. Individual delegates offered to act as stewards or co-stewards, working towards compromises in five areas where important differences remained. The resulting fifth revision was discussed in March 2013 by the eWG and in an informal meeting of the Committee. After this meeting, the stewards considered all comments received and revised their proposed compromise texts. After more inputs from Members, a sixth revision of the proposal was circulated to Members.

3.5. At the June 2013 meeting, the Committee discussed the sixth revision and few substantive concerns were raised by Members. These were taken into account in the preparation of a seventh revision, which was presented for adoption at the October 2013 meeting of the Committee. Since there was no consensus to adopt the proposal, a new deadline of 17 December 2013 was set for those Members unable to join the consensus to submit constructive suggestions for compromise language.

<sup>5</sup> G/SPS/12, paragraph 24; G/SPS/36, paragraphs 87-88; G/SPS/53, paragraphs 116-126.

<sup>6</sup> G/SPS/53, paragraph 126.

<sup>7</sup> G/SPS/W/219; G/SPS/W/227; G/SPS/W/233; G/SPS/W/248; G/SPS/W/243/Rev.4; and JOB/SPS/1.

<sup>8</sup> G/SPS/W/259.

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#### 4 TRANSPARENCY (ARTICLE 7 AND ANNEX B)

4.1. In the 2010 Review, the Committee: (i) committed to maintain transparency as a standing item of the agenda for its regular meetings; (ii) encouraged Members to ensure full implementation of the transparency provisions of the SPS Agreement and to follow, to the extent possible, the recommended procedures established in G/SPS/7/Rev.3; (iii) asked that developing country Members clearly identify specific problems faced in implementing the transparency provisions of the Agreement, asking that assistance 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; and (iv) committed to explore means to enhance the implementation of the transparency provisions, and the benefits from this transparency, by least-developed and developing country Members.

4.2. New transparency procedures, including the use of the new notification formats (G/SPS/7/Rev.3), took effect on 1 December 2008 and allow for the provision of more information such as hyperlinks to texts of draft regulations. A step-by-step procedural manual for the operation of Enquiry Points and National Notification Authorities has been available since February 2011.

4.3. Since 2007, the SPS Information Management System (SPS IMS) includes the most recent information on SPS notifications as well as Committee documents, specific trade concerns and Members' National Enquiry Points and Notifications Authorities. 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.

4.4. To further facilitate Members' management of the large volume of SPS-related information, the Secretariat regularly produces summary documents containing relevant SPS-related information, including an annual listing of all SPS documents. Links to these documents can be found on the SPS web page. Documents previously containing monthly summaries of notifications received by the Secretariat are no longer circulated as this information is easily retrievable via the SPS IMS.

4.5. At the March 2011 meeting, the Secretariat launched the new SPS Notification Submission System (SPS NSS) which allows National Notification Authorities to fill out and submit SPS notifications online. The SPS NSS allows for more accurate and complete notifications, and a substantial reduction in the time required for the WTO to circulate them. The system was made available to Members on 1 June 2011 upon request. Interested Members are requested to send an email to the Secretariat so that their National Notification Authorities can receive their login names and access passwords. To date, 51 Members have requested and been given access to the system, and 30 of these have officially submitted notifications via the SPS NSS. About half of SPS notifications are now submitted via the on-line system.

4.6. The WTO Secretariat has provided demonstration sessions on the SPS IMS and the SPS NSS 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.

4.7. The Secretariat organized workshops on transparency in October 2010 and 2012 (see also paragraph 6.8 below). The latter was the fourth SPS workshop on transparency organized by the WTO Secretariat since 1999. The workshop was a highly interactive, "hands-on" training event focussing in particular on the use of the SPS IMS and SPS NSS, as well as sharing of national experiences thereof. This training was complemented by information from Codex, IPPC and OIE on their online tools.

4.8. The main recommendations from the October 2012 workshop involved the following issues: suggestions for technical and substantial changes to the SPS IMS and SPS NSS; and the need to provide LDCs with training in the use of the SPS NSS. Progress is still on-going on the first issue as improvements to the two systems are awaiting budgetary approval. Training to LDCs has become a regular component of technical assistance activities.

4.9. The Secretariat continues to provide annual updates on the level of implementation of the transparency provisions of the SPS Agreement; the latest revision to the background note, G/SPS/GEN/804/Rev.6, was issued in October 2013. The development of the SPS IMS facilitates the compilation and analysis of data related to the implementation of the transparency provisions. Furthermore, Members' implementation of the new recommendations on transparency should result in substantially enhanced information.

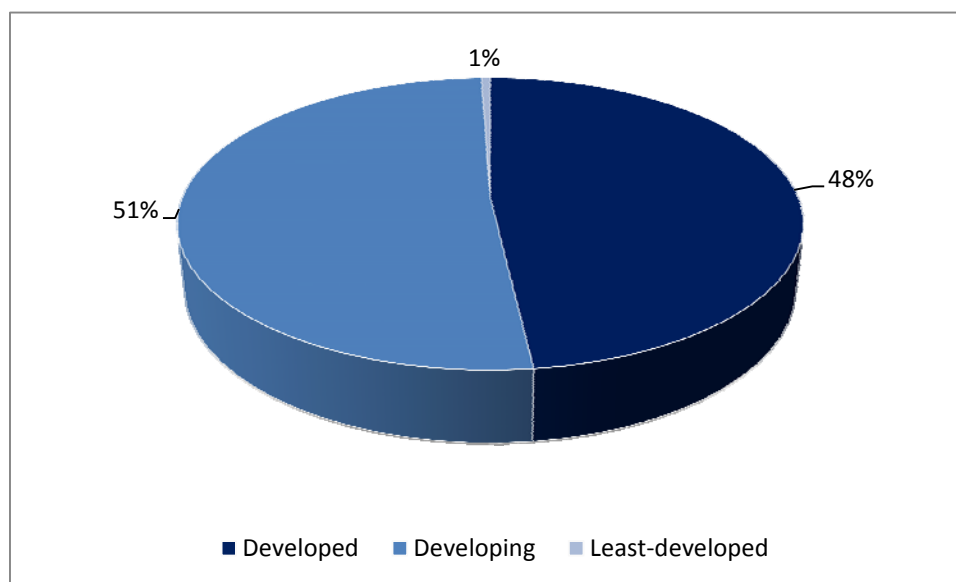
4.10. Managing information on transparency remains, however, challenging for many developing country Members and many have flagged their need for assistance and support to resolve their individual transparency difficulties, for example with the process of sending notifications to the WTO. Other difficulties faced by developing country Members relate to the operation of their SPS National Notification Authority and their National Enquiry Point.

4.11. As of 15 September 2013, Members have submitted 10,643 regular notifications and 1,489 emergency notifications (plus 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. 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. As of 15 September 2013, two equivalence and 17 supplemental notifications have been circulated.

4.12. Out of the 159 WTO Members, 108 (68%) have to date submitted at least one notification to the WTO. Members which have not submitted any notification so far include 20 developing countries and 22 LDCs, as well as a number of EC member States.<sup>9</sup>

4.13. As can be seen in Chart 7, the share of notifications submitted by developing country Members (excluding LDCs) reaches 51% while the share of those submitted by developed country Members is 48%, reflecting the steady increase in notifications from developing country Members over the years.<sup>10</sup> A very small share comes from LDCs.

**Chart 7 – Development status of notifying members as of 15 September 2013**

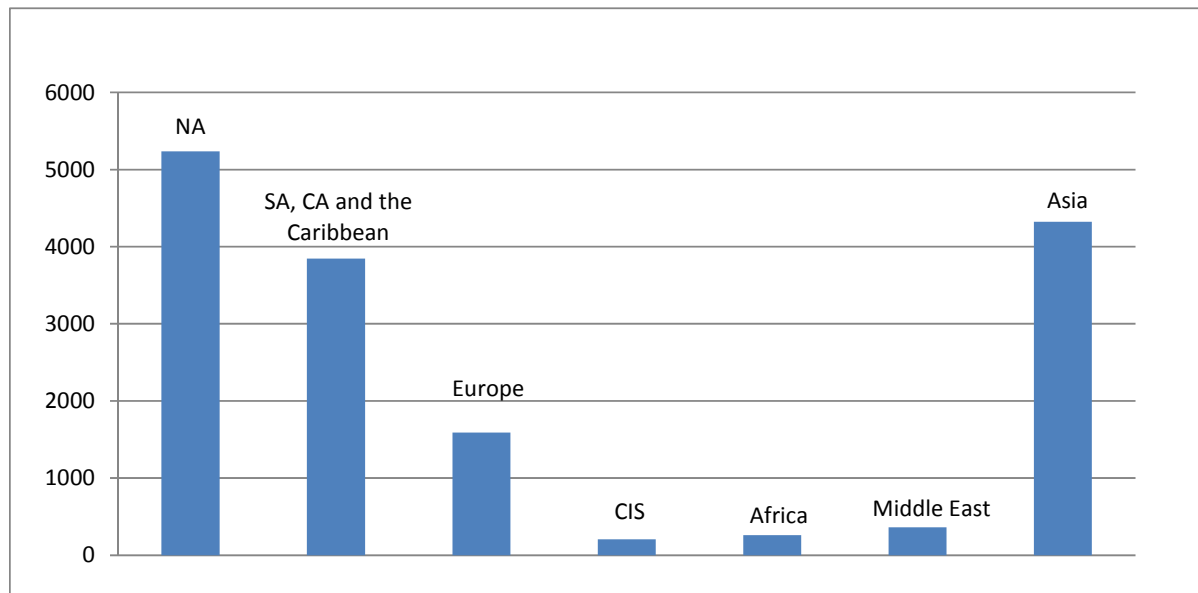


<sup>9</sup> See G/SPS/GEN/456 for notification procedures for the European Communities and its member States.

<sup>10</sup> The categories of level of development rely on WTO working definitions as identified in the Integrated Database (IDB) for analytical purposes.

4.14. Looking at the geographic regions from which the notifications originate, Chart 8 shows that the majority of notifications come from North America, followed by Asia, and then South and Central America and the Caribbean.<sup>11</sup>

**Chart 8 – Notifications by geographical region**



4.15. 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 159 WTO Members, 149 Members have, as of September 2013, designated a "Notification Authority". Those which have not yet done so include six LDCs and four developing country Members. As of September 2013, of the 159 WTO Members, 154 have provided the WTO with the contact information of their Enquiry Point. Those which have not yet done so include four LDCs and one developing country. The updated lists containing the contact information of National Enquiry Points and of National Notification Authorities are available from the SPS IMS.

## 5 EQUIVALENCE (ARTICLE 4)

5.1. The Committee adopted an initial decision regarding the implementation of Article 4 on equivalence in October 2001. This initial decision included a commitment to develop a specific work programme to further the implementation of Article 4, which was concluded by the adoption of the current version of the equivalence guidelines in July 2004 (G/SPS/19/Rev.2) and the agreement that equivalence would be a standing agenda item for the regular meetings of the Committee.

5.2. At each meeting, Members are invited to report on their experiences regarding equivalence, and the relevant international organizations are invited to provide information. In June 2010, the Secretariat noted that in the context of technical assistance activities, it often became aware of various Members' experiences with equivalence. The Secretariat encouraged Members to share this information with the Committee, along with any relevant internal reports and evaluations so Members could learn from each other's' experiences.

5.3. In March 2001, Chile reported that it was working with the European Union on two issues relating to equivalence as outlined in their Plan of Action Agreement, namely with regard to molluscs and exports of EU packaged beef.

<sup>11</sup> 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. North America (NA) here, as well as in Chart 2, includes Canada, Mexico and the United States.



5.4. In October 2011, Codex provided information regarding the development of guidelines for the judgement of equivalence of food control systems by the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS). It was proposed that the principle of recognition that other systems could be capable of meeting the same food safety objectives be included in the general guidelines for food control systems. This could be applied at the national and international levels. The Principles and Guidelines for National Food Control Systems were adopted by Codex at its 36<sup>th</sup> session in July 2013.<sup>12</sup> Codex guidelines already exist for the development of equivalence agreements regarding import and export certification and inspection systems and for the judgment of equivalence of sanitary measures.

5.5. In March 2012, IPPC indicated that it had engaged CABI to undertake a study on the application of the concept of equivalence in the phytosanitary area. ISPM 24, adopted in 2005, provides guidelines for determination and recognition of equivalence of phytosanitary measures, and, ISPM 1 includes principles on equivalence. In the case of the IPPC, equivalence is managed at the level of application of phytosanitary measures. These measures are applied as single measures, combined measures or as a package of measures in systems approaches. Most of these measures are negotiated based on agreements at bilateral or multi-lateral levels. The study seeks to provide a clearer picture of the importance and frequency of the use of this concept and recognition of the IPPC's application of the concept.

5.6. The OIE has developed guidelines for determining the equivalence of sanitary measures, contained in Article 5.3 of the Terrestrial Animal Health Code.

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

6.1. Articles 3.5 and 12.4 of the SPS Agreement require the Committee to develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines and recommendations. The Committee initially adopted a monitoring procedure in 1997, which was revised in November 2004.<sup>13</sup> In June 2006, the Committee decided to extend this procedure indefinitely, and to review its operation as an integral part of the periodic review of the operation and implementation of the Agreement under Article 12.7.

6.2. The monitoring of the use of international standards is a standing item on the agenda of regular Committee meetings, and in accordance with the agreed procedure the Committee has produced annual reports relating to the process of monitoring international harmonization.<sup>14</sup>

6.3. In October 2010, Members agreed to prioritize three issues for consideration under the work of the Committee arising from the Third Review: (i) the cooperation between the SPS Committee and the Three Sisters; (ii) improving the procedure for monitoring the use of international standards; and (iii) control, inspection and approval procedures (Article 8 and Annex C).<sup>15</sup>

6.4. In June 2011, there was discussion related to the lack of adoption of Codex standards relating to ractopamine.<sup>16</sup> Several Members were concerned that unjustified opposition to the adoption of a science-based international standard threatened the institutional integrity of the Codex. Furthermore, non-adoption of MRLs could result in systemic problems that jeopardized the Codex' role in food safety and posed a risk to the credibility of JEFCA, the scientific advisory body of the Codex, and Codex. These Members all shared the concerns that had been raised regarding the need to ensure the basic principles and processes of Codex be respected.<sup>17</sup>

6.5. At the March 2012 meeting, some Members raised a horizontal concern regarding the number of SPS measures that were not based on international standards, guidelines and

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<sup>12</sup> CAC/GL 82-2013.

<sup>13</sup> G/SPS/11/Rev.1.

<sup>14</sup> G/SPS/37, G/SPS/42 and Corr./1, G/SPS/45, G/SPS/49, G/SPS/51 and Corr.1, G/SPS/54, G/SPS/56, G/SPS/59.

<sup>15</sup> G/SPS/GEN/1086.

<sup>16</sup> G/SPS/GEN/1092, G/SPS/56.

<sup>17</sup> The concern was first raised by Brazil at the October 2009 Committee meeting. The issue was raised again at the June 2010 Committee meeting. At the meeting of March 2011, Brazil noted the continuing failure of Codex to adopt MRLs for ractopamine.

recommendations.<sup>18</sup> These Members reaffirmed: (i) the need for science based international guidelines, standards and recommendations; (ii) the need to support and strengthen confidence in SPS international standard-setting bodies; and (iii) the need for SPS measures that resulted in a higher level of protection than would be achieved by measures based on the relevant international standards to be established on the basis of science.

6.6. In July 2012, Argentina submitted a proposal to revise the monitoring procedure<sup>19</sup> so as to enable the Secretariat to include in the annual report, unless the submitting Member requested otherwise, issues that had been raised under the agenda item on Specific Trade Concerns when these related to non-use of international standards or the absence of existing standards. While agreeing that the monitoring procedure could be improved, some Members maintained that it was their right to decide under which agenda item they wished to raise such problems. The Chairperson encouraged bilateral discussions among Members on the subject.

6.7. Also in July 2012, Brazil noted the increase in demand for scientific advice to support food control systems and the need for Members to ensure that adequate resources were available for these bodies to carry out their functions.<sup>20</sup> A number of Members agreed in particular on the crucial role of the scientific advice bodies.

6.8. At the October 2012 meeting, the United States encouraged all Members to promote the use of international standards in their national SPS programmes and to actively participate in the on-going work of the three standard setting bodies recognised under the SPS Agreement, as international standards were critical for ensuring safe food for consumers and facilitating trade. Members also stressed the importance of international standards and emphasized that international standard-setting bodies needed to be inclusive to achieve harmonization.<sup>21</sup>

6.9. Codex indicated that it did not have a specific system of monitoring like the IPPC, but regularly gathered information on how Codex standards were being used, the needs of member countries and/or why standards were not being used in certain regions. Codex used a regular questionnaire for this monitoring process.<sup>22</sup>

6.10. At the October 2012 and March 2013 meetings of the Committee, the IPPC reported on its Implementation Review and Support System (IRSS)<sup>23</sup>. The IRSS provides a help desk to address specific issues identified by members. A summary of the major actions, review and support activities completed through the IRSS can be found in G/SPS/GEN/1225.

## 7 TECHNICAL ASSISTANCE (ARTICLE 9)

7.1. In the 2010 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, including hard or soft infrastructure developments or any other technical assistance approaches. Members were encouraged to report on the effectiveness of the technical assistance received to assist them in complying with international and official standards. 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.

7.2. 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.

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<sup>18</sup> G/SPS/GEN/1143/Rev.2.

<sup>19</sup> G/SPS/11/Rev.1.

<sup>20</sup> G/SPS/GEN/1165 and G/SPS/59.

<sup>21</sup> G/SPS/W/269.

<sup>22</sup> *Ibid.*

<sup>23</sup> G/SPS/GEN/1204.

7.3. 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 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/regional needs. The programmes of national/regional activities include presentations on the transparency obligations, dispute settlement, implementation problems, specific trade concerns and technical/scientific issues such as risk analysis and equivalence, as well as the work undertaken by the three standard-setting organizations referenced in the SPS Agreement (Codex, IPPC and OIE).

7.4. Since 2010, Members have been informed at the beginning of each year of all SPS-related planned technical assistance activities and interested officials are invited to submit applications for specific events. The endorsement of Members' permanent representations to the WTO is sought before the final selection of participants. The Secretariat has endeavoured to ensure that selected participants represent a balance of officials with responsibilities in the food safety, animal health or plant protection area within their national administrations, as well as SPS enquiry points and national notification authorities; and other officials responsible for coordination of WTO trade issues and SPS matters within their governments. This more "demand-driven" approach, based on applications from interested officials, together with the pre-requisite of completion of the SPS E-learning course for many activities, has resulted in a more homogeneous and higher level of background knowledge by participants, and permitted the delivery of more advanced and effective training activities.

7.5. The latest revision of G/SPS/GEN/997 contains all the detailed information on eligibility criteria, deadlines, funding, pre-requisites and application processes. In 2013, an online application form<sup>24</sup> was used for the first time to solicit applications for SPS technical assistance activities.

7.6. 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 was published under the WTO Agreements Series (Volume No. 4). The Secretariat has also issued a Procedural Step-by-Step Manual for SPS National Notification Authorities and SPS National Enquiry Points. This manual is intended as a guide for governments to facilitate the implementation of the transparency provisions of the SPS Agreement, including the 2008 changes in the recommended 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 Advanced Course on the SPS has been offered each year since 2005. This Advanced SPS course provides in-depth and "hands-on" SPS training, where at the end of the course participants must elaborate an "action plan" to address identified SPS needs in their countries. The Secretariat also offers an e-Learning course on the SPS Agreement.

7.7. The Secretariat has sponsored workshops and seminars on transparency, SPS coordination at national and regional levels, and SPS-related market access challenges and opportunities.

7.8. In October 2010 and 2012, the Committee held special workshops on the transparency provisions of the SPS Agreement. The participation of officials from Members' SPS Enquiry Points and Notification Authorities was particularly encouraged in these training workshops. The objective of the 2010 workshop was to enhance the implementation and benefits of the transparency provisions, in particular by sharing experiences on how to operate an effective SPS National Notification Authority and Enquiry Point. Many of the presentations from this workshop highlighted the importance of internal coordination within and across the public and private sector. The 2012 workshop was a highly interactive, "hands-on" training event focussing in particular on the use of the SPS Information Management System (SPS-IMS) and on the system for the on-line submission

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<sup>24</sup> This application form is accessible via a web link, which is included in the latest version of G/SPS/GEN/997.

of SPS notifications (SPS-NSS). The workshop benefitted from presentations by government officials on their national experiences with submitting SPS notifications through the SPS-NSS. Codex, IPPC and OIE also provided information on their online tools. Summary reports of the 2010 and 2012 workshops have been circulated as G/SPS/R/60 and G/SPS/R/68, respectively.

7.9. In October 2011, the Secretariat organized a workshop entitled "SPS Coordination at National and Regional Levels". This workshop was held in response to a recommendation adopted at the October 2009 workshop on the Relationship between the SPS Committee and the International Standard-setting Organizations (G/SPS/R/57), that the SPS Committee identify ways to improve coordination at a national level among the relevant representatives of the three Sisters and SPS representatives, and Japan's proposal in this regard (G/SPS/W/251). See paragraph 12.3 below. In October 2013, the Secretariat held a workshop entitled "SPS-related Market Access Challenges and Opportunities" which brought together officials, selected from among former participants to the Advanced SPS Course, for an in-depth session focusing on specific SPS-related challenges faced by Members in their agricultural exports and how these have been addressed. Several former participants of the Advanced SPS Course and other invited speakers presented experiences in gaining and maintaining market access. The role of government, public and private sector collaboration and technical cooperation in enhancing SPS-related market access was also highlighted in the presentations. The IPPC and OIE presented the technical aspects of enabling market access and a new IPPC manual "Market Access: A guide to phytosanitary issues for national plant protection organizations" was introduced. A summary report of the workshop will be circulated shortly.

7.10. The Secretariat has compiled document G/SPS/GEN/521/Rev.8, which contains an updated overview of all SPS-related technical assistance activities provided by the WTO Secretariat from September 1994 through December 2012. Detailed information is also provided in the annex of G/SPS/GEN/521/Rev.8, on the technical assistance activities undertaken for the last three years (2010-2012).

7.11. For the period 1994 to 2012, the WTO Secretariat has undertaken a total of 268 technical assistance activities on the SPS Agreement, including 81 regional (or sub-regional) and 120 national seminars. Table 1 provides information about the number of sub-regional and national activities per year since the last review of the operation and implementation of the SPS Agreement in 2010. Table 2 shows the overall number of activities per region since 1994.

**Table 1: Number of SPS technical assistance activities**

Year	Type of Activity			Total
	National Seminar	(Sub)Regional Workshop	Other	
2010	11	3	3	17
2011	10	4	6	20
2012	14	4	7	25
<b>Total</b>	<b>35</b>	<b>11</b>	<b>16</b>	<b>62</b>

**Table 2: SPS technical assistance activities per region (1994-2012)**

Region	Type of Activity			Total
	National Seminar	(Sub)Regional Workshop	Other	
Africa	40	27	11	78
Arab and Middle East Countries	14	7	4	25
Asia and the Pacific	28	15	16	59
Central and Eastern Europe and Central Asia	9	7	3	19
Europe	1	3	7	11

Region	Type of Activity			Total
	National Seminar	(Sub)Regional Workshop	Other	
Latin America and the Caribbean	28	22	7	57
North America	-	-	1	1
Global	-	-	18 <sup>25</sup>	18
<b>Total</b>	<b>120</b>	<b>81</b>	<b>67</b>	<b>268</b>

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

7.12. The Standards and Trade Development Facility (STDF) is a global partnership that supports developing countries in building capacity to implement international SPS standards, guidelines and recommendations as a means to improve their human, animal and plant health status and ability to gain and maintain access to markets. In doing so, it contributes to sustainable economic growth, poverty reduction, food security and environmental protection in developing countries. More specifically, the STDF increases awareness, mobilizes resources, strengthens collaboration and identifies and disseminates good practice to enhance the effectiveness of SPS assistance. The STDF also provides support to beneficiaries on issues related to SPS project development and finances the development and implementation of projects that promote compliance with international SPS requirements.<sup>26</sup>

7.13. As part of its coordination function, the STDF has undertaken work and organized a series of events that provided information and assistance to Members on several cross-cutting thematic SPS capacity building issues. Since 2007, presentations, publications and briefing notes capturing the key findings, conclusions, recommendations and lessons learned can be viewed and downloaded on STDF's website. In addition to the work below, this includes material on SPS-related capacity evaluation tools, climate change and trade and the link to SPS standards, investment in SPS laboratory infrastructure, etc. In 2009, the STDF produced a film: "Trading Safely: protecting health, promoting development" which to date continues to be widely distributed and used by STDF partners, donors, beneficiaries and other organizations in awareness raising and training activities. In 2011, the STDF produced Arabic, Chinese and Russian versions of this film.<sup>27</sup> The STDF plans to initiate the development of new film material in 2014, highlighting results of STDF-funded projects and its SPS-related thematic work.

7.14. In 2010, the STDF organized an international workshop on public-private partnerships (PPPs) to build SPS capacity, in The Hague, The Netherlands, followed by the release of a joint STDF/IDB publication on this topic in 2012. The paper analyses the emergence, operation and performance of selected SPS-related partnerships between government agencies responsible for food safety, animal and plant health and/or trade and the private sector. It raises awareness about the potential value and role of PPPs in enhancing SPS capacity and provides practical guidance to facilitate and promote PPPs for SPS capacity development. In July 2013, the STDF organized a side-event on this topic during the Fourth Global Review of Aid for Trade.<sup>28</sup>

7.15. In October 2009, on the margins of the SPS Committee meeting, the STDF organized a workshop on the use of economic analysis to inform SPS decision-making. Building on the recommendations of this event, the STDF has supported the development of a decision-support tool, based on Multi Criteria Decision Analysis (MCDA), to help developing countries prioritize

<sup>25</sup> This category also includes the Advanced SPS Course.

<sup>26</sup> More information on the STDF and its activities, including projects and project preparation grants, is available on the STDF website (<http://www.standardsfacility.org>). Members can also subscribe to the STDF mailing list to receive news on relevant activities ([http://www.wto.org/english/news\\_e/news13\\_e/sps\\_29nov13\\_e.htm](http://www.wto.org/english/news_e/news13_e/sps_29nov13_e.htm)).

<sup>27</sup> See <http://www.standardsfacility.org/IRVideos.htm>.

<sup>28</sup> See for more information: <http://www.standardsfacility.org/en/TAPPP.htm> as well as <http://www.standardsfacility.org/en/TAidForTrade.htm>.

options to strengthen SPS capacity. The tool, which has been applied in several countries<sup>29</sup>, helps to: (i) enhance the economic efficiency of SPS resource allocation decisions so that scarce resources are allocated in a manner that best meets a country's economic development, poverty alleviation, public health and/or other objectives; (ii) promote more transparent and accountable choices between multiple investment options; and (iii) facilitate dialogue and coordination among public and private sector SPS stakeholders and encourage more inclusive decision-making processes. The STDF aims to revise and finalize a practical MCDA toolkit in 2014.<sup>30</sup>

7.16. Two publications were issued on the role and functioning of regional and national SPS coordination mechanisms in Africa.<sup>31</sup> Conclusions and recommendations, including the identification of concrete ways to enhance their operation and effectiveness, were presented at a WTO workshop on this topic in 2011. Both papers illustrated that strengthening coordination among relevant government institutions at the national and sub-national level, and with the private sector, reduces information gaps, promotes synergies in the implementation of SPS measures and enhances the effectiveness of available resources. Participants recommended, *inter alia*, that the Committee consider the development of guidelines on national SPS coordination and/or a manual of good practices on SPS coordination. The papers may provide useful input and guidance if the Committee were to decide to undertake additional work in this area.

7.17. In 2012, on the margins of the Committee meeting, the STDF organized a seminar on International Trade and Invasive Alien Species (IAS), which considered the mutually supportive objectives of the SPS Agreement and the Convention on Biological Diversity (CBD). Participants agreed on the contribution of effective SPS control systems to help protect against the entry, establishment and spread of harmful species, including pests, diseases and other IAS. A publication on this topic, released in 2013 in collaboration with the IPPC and the OIE, reviews and analyses key concepts and principles relevant to IAS and international trade in the context of the SPS Agreement and the CBD, and in relation to the IPPC and OIE (i.e. the relevant standard-setting bodies under the SPS Agreement). It also considers various initiatives to enhance capacities for managing the entry and spread of IAS (including plant pests and animal diseases), reviews common challenges and good practices, and makes a number of targeted recommendations. One recommendation in particular is directed towards the SPS Committee:

*"The SPS Committee should consider developing guidance regarding the relationship between IAS and the SPS Agreement, for the purpose of providing legal clarity and firmly embedding IAS into the global trade regulatory framework. Such guidance should seek to clarify, inter alia, notification requirements for SPS measures taken by national environment/ biodiversity institutions to prevent the introduction of IAS other than animal and plant pests or diseases."*

7.18. In 2012, the STDF initiated work on the implementation of SPS measures in the context of trade facilitation. This work will identify, analyse and foster dialogue on experiences, lessons and good practices to improve the implementation of SPS controls in a way that facilitates safe trade. It will examine the SPS controls applied to selected agri-food products in selected countries in Africa, Asia and Latin America. The objectives are to: (i) raise awareness about the synergies between the implementation of SPS measures and trade facilitation; (ii) identify key needs, opportunities and good practices to improve the implementation of SPS measures in a way that ensures the appropriate level of health protection while minimizing trade transaction costs; and (iii) make recommendations to enhance future work and technical cooperation focused on SPS and trade facilitation. Preliminary results of the work will be presented in a half-day seminar on SPS and Trade Facilitation on 26 March 2014, on the margins of the Committee meeting. WTO/SPS delegates will be invited to attend.

7.19. The STDF was established in 2002 following the commitment made by the Heads of the FAO, the OIE, WHO, the WTO 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. Other organizations involved in SPS-related technical cooperation, donors contributing

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<sup>29</sup> Including Belize, Mozambique, Viet Nam and Zambia; with support from the Common Market for Eastern and Southern Africa (COMESA) and the United States Department for Agriculture (USDA) the MCDA tool has also been applied in Ethiopia, Malawi, Rwanda and Uganda.

<sup>30</sup> See for more information: <http://www.standardsfacility.org/en/TAEcoAnalysis.htm>.

<sup>31</sup> See for the publications: <http://www.standardsfacility.org/en/IROthers.htm>.

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funds to the STDF and selected developing country experts participate actively in the Facility's work. The STDF is managed and housed by the WTO and has reported to Members on its activities and projects in each SPS Committee meeting.<sup>32</sup> An independent review of the Facility recently judged that "the results are impressive and a testament to the effective operation of the STDF" and praised STDF's role in coordinating assistance projects as "significant value added."<sup>33</sup>

## **8 SPECIAL AND DIFFERENTIAL TREATMENT (ARTICLE 10)**

8.1. In the 2010 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 (G/SPS/33/Rev.1). So far, no notifications have been made under this procedure.

8.2. Special and differential treatment continues to be a standing agenda item. The Committee on Trade and Development Special Session has been considering proposals relating to Articles 10.2 and 10.3 of the SPS Agreement. The Secretariat has kept the SPS Committee informed on the status of these discussions.

## **9 REGIONALIZATION (ARTICLE 6)**

9.1. 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 (G/SPS/48). 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 through notifications and from information presented during SPS Committee meetings. Two reports have been issued by the SPS Secretariat, the first one covering the year 2009 through the end of 2011 (G/SPS/GEN/1134) and the second one covering the year 2012 through the first quarter of 2013 (G/SPS/GEN/1245).

9.2. 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.

9.3. Both the IPPC and the OIE have provided guidance for countries seeking to establish, or to be recognized for, pest- or disease-free status.

9.4. 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; ISPM 22 on requirements for the establishment of areas of low pest prevalence; ISPM 26 on the establishment of pest free areas for fruit flies; 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.

9.5. The IPPC recently concluded a study on the implementation by its members of their national reporting obligations. The study found that WTO Members had notified to the IPPC less than 5% of the obligatory information that they were reporting to the WTO Secretariat. This could be due to a lack of understanding, communication, resources, capacities or coordination. Governments should be aware that providing information regarding pests at the SPS Committee meetings or through SPS notifications is not sufficient to meet their obligations under the IPPC or the OIE.

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<sup>32</sup> As recommended by the Committee during the Third Review of the SPS Agreement.

<sup>33</sup> See for further information: [http://www.wto.org/english/news\\_e/news13\\_e/sps\\_29nov13\\_e.htm](http://www.wto.org/english/news_e/news13_e/sps_29nov13_e.htm).

9.6. More information on the IPPC work is contained in documents G/SPS/GEN/1226-1247-1283 for 2013; G/SPS/GEN/1152-1171-1201 for 2012; G/SPS/GEN/1102-1123 for 2011; and G/SPS/GEN/999-1028-1049 for 2010.

9.7. 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.

9.8. During its annual General Sessions the OIE has adopted a number of resolutions related to recognition of disease-free areas. In 2011 the World Assembly adopted Resolution 18, declaring that the world had achieved freedom from rinderpest. This was the first animal disease eradicated globally, and represents a great achievement of national Veterinary Services. More information can be found in Annex 1 of document G/SPS/GEN/1096.

9.9. At the 80th General Session, in 2012, the OIE adopted the revised Chapter 12.1 on African horse sickness (AHS) and from 2013 AHS is one of the diseases for which OIE provides official disease status recognition. During the 81st General Session, in 2013, the Assembly adopted the revised Chapters 14.8 and 15.2 to provide official recognition of disease-free status for peste des petits ruminants and swine fever. Official free status recognition by the OIE can now be granted for six diseases: foot and mouth disease (FMD); African horse sickness (AHS); classical swine fever (CSF); contagious bovine pleuropneumonia (CBPP); peste des petits ruminants (PPR); and bovine spongiform encephalopathy (BSE). The full list of countries and their recognised disease status for FMD, CBPP, BSE and AHS can be found in Annex 1 of document G/SPS/GEN/1255.

9.10. The OIE has undertaken, in collaboration with the CBD Secretariat, to consider the development of guidelines on risk assessment for invasive animal species (G/SPS/GEN/1120). Two volumes of the OIE Scientific and Technical Review were dedicated to the issue of invasive species (G/SPS/GEN/1043).

9.11. More information on the OIE work is contained in documents G/SPS/GEN/1231-1255-1277 for 2013; G/SPS/GEN/1141-1164-1198 for 2012; G/SPS/GEN/1073-1096-1120 for 2011; and G/SPS/GEN/1000-1024-1043 for 2010.

9.12. On the adoption of the "Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures" in May 2008, it was decided that they would be reviewed periodically, and revised as necessary by the Committee in light of experience gained through the implementation of the Agreement and the use of the guidelines themselves. The first review was to be undertaken within 36 months of the adoption of the guidelines. This task still being pending, the Committee may wish to undertake this review as part of the overall Fourth Review of the Operation and Implementation of the SPS Agreement.

## **10 CONSISTENCY (ARTICLE 5.5)**

10.1. Article 5.5 required the Committee to develop guidelines to further the practical implementation of that provision. The Committee adopted such guidelines (G/SPS/15) in July 2000. G/SPS/15 provides that the guidelines will be reviewed periodically and revised as necessary by the SPS Committee in the light of experience gained through the implementation of the SPS Agreement, the use of the guidelines themselves and any pertinent work done by the relevant international standard-setting organizations. The Committee agreed to undertake a first review of the guidelines within 36 months of their adoption by the Committee and thereafter as the need arises.

10.2. 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.

10.3. 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 regarding their experiences in this regard under the Agenda Item "Activities of Members".

## 11 COOPERATION WITH THE CODEX, OIE AND IPPC

11.1. In the 2010 Review, the Committee proposed to follow-up on the recommendations that resulted from the October 2009 workshop (G/SPS/R/57) with a view to strengthening the relationship between the Committee and the Codex, IPPC and OIE. Members were encouraged to provide information on their experiences in coordinating their involvement in the work of Codex, IPPC and OIE at the national level.

11.2. The SPS Committee maintained its close working relationship with Codex, the IPPC, and the OIE and received regular updates on their activities.

11.3. On cooperation between the SPS Committee and the Three Sisters, following a proposal submitted by Japan, the WTO Secretariat organized, on 17 October 2011, a Geneva-based workshop on coordination of SPS matters at the national and regional levels. The objective of the workshop was to bring together officials responsible for participation in and implementation of the SPS Agreement, Codex, IPPC and/or OIE for an in-depth discussion, at a technical level, on best practices in coordination at national and regional levels. In the workshop, the Secretariat presented a background document (G/SPS/GEN/1115) that described and compared the procedures used by the Three Sisters to develop standards. IPPC, Codex and OIE outlined the strengths and challenges of their respective standard-setting procedures, and changes under consideration. The WTO Secretariat, in its brief report on the coordination workshop, highlighted two specific recommendations resulting from it, namely a possibility to develop guidelines for good national coordination and/or a manual of good practices. Also, at its October meeting, the SPS Committee formally agreed to a proposal from Canada and Japan to encourage the Three Sisters to undertake joint work on cross-cutting issues, such as, inter alia, certification, inspection, approval procedures and/or risk analysis.<sup>34</sup> A preliminary analysis of the treatment of SPS matters in Regional Trade Agreements was also presented by the Secretariat, and the Standards and Trade Development Facility (STDF) presented the results of two studies concerning national and regional coordination in Africa. A summary report of the workshop, which includes the programme and recommendations, has been circulated as G/SPS/R/65.

## 12 SPS-RELATED PRIVATE STANDARDS

12.1. Since the 2010 Review of the SPS Agreement, the Committee has continued to discuss the effects of SPS-related private standards ("private standards") on trade, and the appropriate role of the SPS Committee.

12.2. The issue of private standards was first raised at the June 2005 meeting of the Committee.<sup>35</sup> 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. Other Members also expressed concerns with the effects of private standards on their trade.

12.3. An ad hoc working group was charged with identifying possible actions that could be taken by the Committee and/or Members to address concerns regarding the effects of private standards.<sup>36</sup> Drawing upon the work of the ad hoc working group, Committee discussions on the topic and specific written contributions, the Secretariat prepared a document identifying 12 possible actions by the SPS Committee and/or Members regarding private standards. The document was discussed during SPS Committee and ad hoc working group meetings in March, June and October 2010.<sup>37</sup> MERCOSUR also tabled a document suggesting as priority action areas a mechanism for considering specific trade concerns arising from private standards and guidelines on Article 13 of the SPS Agreement.<sup>38</sup>

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<sup>34</sup> G/SPS/58.

<sup>35</sup> G/SPS/R/37/Rev.1, paras.16-20.

<sup>36</sup> G/SPS/R/53.

<sup>37</sup> G/SPS/GEN/247 and Revisions 1 to 3.

<sup>38</sup> G/SPS/W/249.

12.4. In March 2011, the ad hoc working group on private standards submitted its final report on possible actions regarding private standards for consideration by the Committee.<sup>39</sup> The SPS Committee endorsed five of the six actions put forward by the ad hoc working group.<sup>40</sup> Despite further revision and discussions, consensus was not reached on Action 6.<sup>41</sup> In addition to the six actions it put forward for endorsement, the working group also identified six other actions on which consensus could not be reached. These proposed actions are listed in Annex I of the ad hoc working group report, along with a brief explanation of the main differences of opinion.

12.5. The five actions agreed by the Committee provided a basis for the Committee's work on private standards with discussions focussing in particular on Action 1 relating to the development of a working definition of SPS-related private standards. The Committee discussed a working definition on the basis of draft definitions prepared by the Secretariat based on proposals from Members.<sup>42</sup> However, as no consensus emerged, China and New Zealand, the only Members having submitted new proposals for a definition by a 19 April 2013 deadline, were requested to develop a joint proposal.

12.6. A first joint proposal was discussed in June 2013 and, taking into account the comments made during the meeting and additional comments submitted by Members, China and New Zealand tabled a revised joint working definition of an SPS-related private standard for discussion at the October 2013 informal meeting of the Committee.<sup>43</sup> In light of the lack of consensus on the joint definition tabled by China and New Zealand, the Committee agreed to move the process forward by forming an electronic working group focussed on developing a working definition of an SPS-related private standard, with China and New Zealand as "co-stewards". The e-working group is to submit a proposed working definition of an SPS-related private standard by 28 February 2014. The proposed definition will be circulated to all Members for consideration at the March 2014 meeting of the Committee.

12.7. The Committee also discussed the implementation of the other four actions agreed by the Committee in document G/SPS/55. On Action 2, it was noted that information exchange mechanisms between the SPS Committee and Codex, IPPC and OIE ("three Sisters") were already in place, and functioning. Some Members encouraged Codex, IPPC and OIE to contact the private schemes identified by Members in document G/SPS/GEN/932/Rev.1 to promote the use of international standards, and report back to the Committee on those contacts. Codex provided updates on its work on the issue of private standards, including its discussions on private standards in the framework of Codex regional bodies. The OIE highlighted steps it was taking to promote compatibility and avoid conflict between private and official standards, and drew attention to the OIE General Assembly's Resolution on Private Standards.<sup>44</sup> The IPPC noted that it had requested that ISO clarify that there were no obligations to implement ISO standards in order to comply with IPPC standards.

12.8. On Action 3, the Secretariat has kept the Committee informed of relevant discussions in other WTO fora, including: (i) the publication of the 2012 World Trade Report which focuses on TBT and SPS measures, (ii) a session on Non-Tariff Measures at the 2012 WTO Public Forum, and (iii) the thematic discussion on standards organized during the March 2013 TBT Committee.<sup>45</sup>

12.9. On Action 4, it was noted that useful ideas could be shared amongst Members regarding their efforts to reach out to entities involved in private standards in their territories. China suggested that when communicating with private standard-setting entities, Members make reference to the Code of Good Practice of the TBT Agreement and to the TBT Committee's Decision on the "Six Principles" for the preparation of international standards.<sup>46</sup> Belize also noted that Action 4 could be enhanced by sensitizing private standard-setting entities to the list of concerns in paragraph 24 under Action 6 of document G/SPS/W/256.<sup>47</sup> Several Members noted the importance of sensitizing private standard-setting entities and actors and reported on efforts undertaken at

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<sup>39</sup> G/SPS/W/256.

<sup>40</sup> G/SPS/55.

<sup>41</sup> G/SPS/W/261.

<sup>42</sup> G/SPS/W/265 and Revisions 1 and 2

<sup>43</sup> G/SPS/W/272.

<sup>44</sup> G/SPS/GEN/1024.

<sup>45</sup> JOB/TBT/41/Rev.1, JOB/TBT/42 and Corr.1 and G/TBT/GEN/144.

<sup>46</sup> G/SPS/GEN/1261.

<sup>47</sup> G/SPS/GEN/1290.

the national level. Members who were already communicating with private standard-setting entities in their territories were encouraged to share their experiences in that regard.

12.10. The Secretariat referred to various relevant examples under Action 5 regarding collaboration between the SPS Committee and the three Sisters to develop and/or disseminate informative materials on the importance of international standards. In particular, the Secretariat highlighted: (i) the usefulness of the STDF film on Trading Safely, (ii) the joint regional SPS workshops with the three Sisters, as well as (iii) the development of a new e-learning module with the Inter-American Development Bank. The Secretariat also noted that Codex had developed new materials on the role Codex standards can play in ensuring the trade of safe food. Members could use those new Codex materials as well as materials that already existed from the other sisters, and disseminate them to their private sector. IPPC drew attention to a publication on the application of international phytosanitary standards developed by IPPC with the FAO Forestry Division and to upcoming similar guidelines for the seeds sector. Some Members noted the importance of increased awareness about the operations of private standards-setting bodies, and referred to the OIE Resolution guiding OIE's relations with private standard-setting bodies. The collaboration of both OIE and Codex with private standards-setting bodies was encouraged in order to foster the development and implementation of science-based food safety and other standards, whether official or private. It was further suggested that Codex, IPPC and OIE liaise directly with the various private schemes identified by Members in document G/SPS/GEN/932/Rev.1. Such contact could then inform the three Sisters' efforts in developing and/or disseminating materials underlying the importance of international standards.

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

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

12.13. With regards to Action 10, Belize encouraged Members to review the TBT Code of Good Practice and determine its applicability for the implementation of the action.<sup>48</sup> On Action 11, Belize encouraged Members liaising with entities involved in private standards to share their experience with the Committee as the approaches used could be considered in the implementation of Action 11.<sup>49</sup> Belize, supported by several Members, expressed concerns regarding the proliferation of private standards and how these affected market access and stressed the relevance of addressing the issue of private standards in the SPS Committee.<sup>50</sup>

12.14. On other matters related to private standards, ISO encouraged increased engagement between ISO, Codex, OIE and non-governmental organizations working on private standards such as the Global Food Safety Initiative (GFSI). These organizations were encouraged to move away from private standard-setting to focus on implementation and harmonization. ISO also flagged the publication of a brochure entitled *International Standards and Private Standards*. IICA reported on a study undertaken on the impact of private food standards in the Southern Cone.<sup>51</sup> Work in other fora relating to private standards was also presented, in particular the creation of the UN Forum on Sustainability Standards (UNFSS) by the FAO, ITC, UNCTAD, UNEP and UNIDO. The UNFSS is intended to provide an unbiased and credible policy dialogue with analytical, empirical and capacity-building activities, based on demand by developing countries and involving all concerned non-governmental stakeholders.<sup>52</sup>

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<sup>48</sup> G/SPS/GEN/1291.

<sup>49</sup> G/SPS/GEN/1291.

<sup>50</sup> G/SPS/GEN/1240.

<sup>51</sup> G/SPS/GEN/1088.

<sup>52</sup> [www.unfss.org](http://www.unfss.org).

### 13 GOOD REGULATORY PRACTICE

13.1. In March 2013, the Secretariat recalled that in the past two reviews of the SPS Agreement, one of the issues that had been raised by Members related to good regulatory practices. There had been several suggestions for the Committee to look at guidelines on Good Regulatory Practice (GRP), but the Committee had not yet agreed to do so. The Secretariat drew attention to the work that had been done on GRP in the TBT Committee, highlighting several workshops that had been organized by the TBT Committee. On the basis of the most recent discussions, the TBT Committee had decided to identify a non-exhaustive list of voluntary mechanisms and related principles of GRP to guide Members in the efficient and effective implementation of GRP. The Secretariat observed that GRPs for TBT measures would very likely look similar to GRPs for SPS measures and as such, encouraged the Committee to follow the work of the TBT Committee in this area. JOB/TBT/44 provided information on inputs and suggestions from delegates on the voluntary mechanisms and principles of GRP, and made reference to previous documents that had been prepared by the TBT Committee on this issue. In June 2013, the Secretariat drew attention to a thematic workshop on GRP that had been organized by the TBT Committee the previous week, and encouraged Members to read the report of the TBT Committee on this issue.

### 14 DISPUTE SETTLEMENT

14.1. Article 11 of the SPS Agreement indicates that the Dispute Settlement Understanding applies to SPS disputes, and provides for the consultation of experts when a dispute involves scientific or technical issues. As of 15 November 2013, more than 450 disputes had formally been raised under the WTO's dispute settlement system. Of these, 42 alleged violation of the SPS Agreement and 24 resulted in the establishment of a dispute settlement panel. These panels were established to look at 15 different SPS issues, listed below and further detailed in Appendix C.<sup>53</sup>

- a. Canada and the United States' complaint against Australia's measures affecting the importation of salmon;
- b. Canada and the United States' complaint against the European Communities' measures concerning meat and meat products (ban on meat treated with growth-promoting hormones);
- c. The United States' complaint against Japan's measures affecting agricultural products (requirement to test different fruit varieties with regard to treatment efficacy);
- d. Ecuador's complaint against Turkey's import procedures for fresh fruit;
- e. The United States' complaint against Japan's measures affecting the importation of apples (restrictions due to fire blight concerns);
- f. The Philippines' complaint against Australia's measures affecting the importation of fresh fruit and vegetables;
- g. The European Communities' complaint against Australia's quarantine procedures;
- h. Argentina, Canada and the United States' complaint against EC measures affecting the approval and marketing of biotech products;
- i. The European Communities' complaint against Canada and the United States regarding their continued suspension of obligations relating to the EC-Hormones dispute;
- j. New Zealand's complaint against Australia's measures affecting the importation of apples (restrictions due to concerns related to fire blight and two other plant pests);

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<sup>53</sup> Please note that in four disputes, the panels (and the Appellate Body) made findings principally under the TBT Agreement. These cases concerned Canada's complaint against the European Communities' ban on asbestos and products containing asbestos, Canada and Mexico's complaint against the United States' country of origin (COOL) labelling requirements, and Indonesia's complaint against the United States' ban on clove cigarettes.

- k. The United States' complaint against the European Communities' measures affecting poultry meat and poultry meat products;
  - l. China's complaint against the United States' measures affecting imports of poultry;
  - m. Canada's complaint against Korea's restrictions on bovine meat and meat products;
  - n. The United States' complaint against India's measures concerning the importation of certain agricultural products (due to concerns about avian influenza; panel proceedings on-going);
  - o. Argentina's complaint against the United States' measures affecting the importation of animals, meat and other animal products (due to concerns about foot-and-mouth disease; panel proceedings on-going).
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**APPENDIX A - SUMMARY OF MAJOR SPS COMMITTEE ACTIVITIES, 2010-2013**

<b>Subject</b>	<b>Year</b>	<b>Type of Activity</b>	<b>Related Documents</b>	
<b>Transparency</b>	2010	Implementation of the Transparency Obligations as of 26/02/2010	G/SPS/GEN/27/Rev.20	
	2010	Overview Regarding the Level of Implementation of the Transparency Provisions of the SPS Agreement	G/SPS/GEN/804/Rev.3	
	2010	Draft Programme for Transparency Workshop	G/SPS/GEN/1021/Rev.1	
	2010	Workshop on transparency held on 18 and 22/10/2010	G/SPS/R/60	
	2011	Implementation of the transparency obligations as of 10/03/2011	G/SPS/GEN/27/Rev.21	
	2011	Update on the mentoring system of assistance relating to the transparency provisions of the SPS Agreement	G/SPS/GEN/1097	
	2011	Overview regarding the level of implementation of the transparency provisions of the SPS Agreement	G/SPS/GEN/804/Rev.4	
	2012	Implementation of the transparency obligations as of 10/03/2011	G/SPS/GEN/27/Rev.22	
	2012	Overview regarding the level of implementation of the transparency provisions of the SPS Agreement	G/SPS/GEN/804/Rev.5 and Corr.1	
	2012	Programme for Transparency Workshop	G/SPS/GEN/1156/Rev.1	
	2012	Workshop on Transparency	G/SPS/R/68	
	2013	Procedure to monitor the process of international harmonization - Draft fifteenth annual report	G/SPS/W/269	
	2013	Overview regarding the level of implementation of the transparency provisions of the SPS Agreement	G/SPS/GEN/804/Rev.6	
	<b>Monitoring International Standards</b>	2010	Procedure to monitor the process of International Harmonization – Twelfth Annual Report	G/SPS/54
		2010	Summary Report of the Workshop on the Relationship between the SPS Committee and the International Standard-Setting Organizations	G/SPS/R/57
2011		Procedure to Monitor the Process of International Harmonization – Thirteenth Annual Report	G/SPS/56	
2011		Monitoring the Use of International Standards	G/SPS/GEN/1086	
2011		Joint Work by Codex, IPPC and OIE on Cross-cutting Issues – Decision of the Committee	G/SPS/58	
2011		Three Sisters Standard-setting Procedures	G/SPS/GEN/1115	
2012		Summary Report of the Workshop on SPS Coordination at the National and Regional Levels – 17 October 2011	G/SPS/R/65	
2012		Procedure to Monitor the Process of International Harmonization – Fourteenth Annual Report	G/SPS/59	
2013		Procedure to Monitor the Process of International Harmonization – Fifteenth Annual Report	G/SPS/60	

Subject	Year	Type of Activity	Related Documents
<b>Technical Assistance</b>	2010	SPS Technical Assistance and Training Activities	G/SPS/GEN/521/Rev.5 & Corr.1
	2010	WTO SPS Technical Assistance Activities in 2010 – General Information, Selection Processes and Application Form	G/SPS/GEN/997
	2010	Update on the Operation of the Standards and Trade Development Facility (STDF)	G/SPS/GEN/1002
	2010	Agency for International Trade Information and Cooperation (AITIC)	G/SPS/GEN/1009
	2010	Update on the Operation of the STDF	G/SPS/GEN/1029
	2010	Update on the Operation of the STDF	G/SPS/GEN/1046
	2011	SPS Technical Assistance and Training Activities	G/SPS/GEN/521/Rev.6
	2011	WTO SPS Technical Assistance Activities in 2011 – General Information, Selection Processes and Application Form	G/SPS/GEN/997/Rev.1
	2011	Update on the Operation of the STDF	G/SPS/GEN/1075
	2011	Update on the Operation of the STDF	G/SPS/GEN/1089
	2011	Update on the Operation of the STDF	G/SPS/GEN/1114
	2012	SPS Technical Assistance and Training Activities	G/SPS/GEN/521/Rev.7
	2012	Update on the Operation of the STDF	G/SPS/GEN/1144
	2012	Update on the Operation of the STDF	G/SPS/GEN/1158
	2012	Update on the Operation of the STDF	G/SPS/GEN/1193
	2012	WTO SPS Technical Assistance Activities in 2012 – General Information, Selection Processes and Application Form	G/SPS/GEN/997/Rev.2
	2013	Update on the Operation of the STDF	G/SPS/GEN/1221
	2013	Update on the Operation of the STDF	G/SPS/GEN/1251
	2013	Update on the Operation of the STDF	G/SPS/GEN/1279
	2013	SPS technical assistance and training activities	G/SPS/GEN/521/Rev.8
2013	WTO SPS Technical Assistance Activities in 2013 – General Information, Selection Processes and Application Form	G/SPS/GEN/997/Rev.3	
<b>Implementation of the Agreement – Specific Trade Concerns /Ad Hoc Consultations</b>	2010	Proposed Recommended Procedure for Ad Hoc Consultations or Negotiations among Members under the SPS Agreement (Article 12.2)	G/SPS/W/243/Rev.3
	2010	Specific Trade Concerns	G/SPS/GEN/204/Rev.10 and Addenda
	2011	Proposed Recommended Procedure for Ad Hoc Consultations or Negotiations among Members under the SPS Agreement (Article 12.2)	G/SPS/W/243/Rev.4
	2011	Proposed Recommended Procedure to Encourage and Facilitate Ad Hoc Consultations or Negotiations among Members under the SPS Agreement (Article 12.2)	G/SPS/W/259/Rev.1
	2011	Specific Trade Concerns	G/SPS/GEN/204/Rev.11 and Addenda and Corrigenda

Subject	Year	Type of Activity	Related Documents
	2012	Proposed Recommended Procedure to Encourage and Facilitate Ad Hoc Consultations or Negotiations among Members under the SPS Agreement (Article 12.2)	G/SPS/W/259/Rev.4 and Corr.1
	2012	Specific Trade Concerns	G/SPS/GEN/204/Rev.12
	2013	Proposed Recommended Procedure to Encourage and Facilitate Ad Hoc Consultations or Negotiations among Members under the SPS Agreement (Article 12.2)	G/SPS/W/259/Rev.7
	2013	Specific Trade Concerns	G/SPS/GEN/204/Rev.13 and Corr.1
<b>Private Standards</b>	2010	Possible Actions for the SPS Committee Regarding Private SPS Standards	G/SPS/W/247/Rev.3
	2010	The Global Food Safety Initiative (GFSI)	G/SPS/GEN/1004
	2011	Report of the Ad Hoc Working Group on SPS-related Private Standards to the SPS Committee	G/SPS/W/256
	2011	Actions Regarding SPS-related Private Standards – Decision of the Committee	G/SPS/55
	2011	Proposed Revisions to Action 6 of the Report of the Ad Hoc Working Group on SPS-related Private Standards (G/SPS/W/256)	G/SPS/W/261
	2012	Proposed Working Definition on SPS-related Private Standards	G/SPS/W/265/Rev.2
<b>Regionalization</b>	2012	Annual Report on the Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures	G/SPS/GEN/1134
	2013	Annual Report on the Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures	G/SPS/GEN/1245
<b>Other</b>	2010	Review of the Operation and Implementation of the SPS Agreement – Report adopted by the Committee on 18 March 2010	G/SPS/53
	2010	Report (2010) on the Activities of the Committee on Sanitary and Phytosanitary Measures	G/L/943
	2010	Membership in WTO and International Standard-Setting Bodies	G/SPS/GEN/49/Rev.10
	2011	Report to the Council for Trade in Goods on China's Transitional Review	G/SPS/57
	2011	Programme for a Workshop on SPS Coordination at National and Regional Levels	G/SPS/GEN/1110
	2011	Outstanding Requests from International Intergovernmental Organizations – Criteria for Observer Status	G/SPS/GEN/1112
	2011	Report (2011) on the Activities of the Committee on Sanitary and Phytosanitary Measures	G/L/969
	2011	Membership in WTO and International Standard-Setting Bodies	G/SPS/GEN/49/Rev.11
	2012	Observers in the SPS Committee - Their Role and Outstanding Requests	G/SPS/GEN/1157
	2012	Report (2012) on the activities of the Committee on Sanitary and Phytosanitary Measures	G/L/1013



Subject	Year	Type of Activity	Related Documents
	2012	Revised Secretariat Procedures for Production and Distribution of Certain SPS Committee Documents	G/SPS/INF/18/Rev.1
	2013	Programme - Workshop on SPS-related market access challenges & opportunities	G/SPS/GEN/1270
	2013	Proposed process for the fourth review of the operation and implementation of the Agreement on the application of sanitary and phytosanitary measures	G/SPS/W/270

**APPENDIX B: LIST OF SPS COMMITTEE DOCUMENTS SUBMITTED BY MEMBERS 2010-2013****A. Comments/Proposals regarding Transparency (Article 7 and Annex B)**

Year	Member	Title/Subject	Symbol
2010	European Union	Experience After the Revision of the Transparency Provisions of the SPS Agreement	G/SPS/GEN/1044
	Morocco	Authority Responsible for the Implementation of the WTO SPS Agreement and Serving as the Enquiry Point	G/SPS/GEN/1017
	Morocco	Moroccan Authority Responsible for Implementation of the WTO SPS Agreement	G/SPS/GEN/1039
	Morocco	Measures Taken by Morocco to Implement the Transparency Obligations of the SPS Agreement	G/SPS/GEN/1047

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

Year	Member	Title/Subject	Symbol
2010	Argentina	Procedure to monitor the use of international standards	G/SPS/W/255
	Canada	Work of the Committee Arising from the Third Review – Proposed Priorities – Cooperation between the SPS Committee and the International Standards-Setting Bodies	G/SPS/W/253
	Indonesia	Implementation of the International Standard for Phytosanitary Measures (ISPM) No. 15 concerning Wood Packaging Material	G/SPS/GEN/998
	Japan	Work of the Committee Arising from the Third Review – Proposed Priorities – Cooperation between the SPS Committee and the International Standards-Setting Bodies	G/SPS/W/251
2011	Canada/Japan	Review of the Operation and Implementation of the SPS Agreement Proposal to Advance Recommendation 3 of the Workshop between the SPS Committee and the International Standard-setting Bodies (G/SPS/R/57)	G/SPS/W/258
	Costa Rica	Defense of the Scientific Principles of Codex - Ractopamine	G/SPS/GEN/1092
2012	Argentina	Revision of the Procedure to Monitor the Process of International Harmonization	G/SPS/W/268
	Argentina/ Australia/Brazil/ Canada Chile/Colombia/ Costa Rica/New Zealand/ Paraguay/Peru/ Philippines/ United States	SPS Measures and International Standards, Guidelines and Recommendations	G/SPS/GEN/1143/Rev.2
	Chile/United States	International Standard-Setting Bodies' Involvement in the WTO SPS Committee on Specific Trade Concerns – Proposal by Chile and the United States	G/SPS/W/267
2013	Brazil	50th anniversary of the Codex Alimentarius Commission - The importance of the scientific principle	G/SPS/GEN/1253

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

Year	Member	Title/Subject	Symbol
2010	Australia	Technical Assistance to Developing Countries provided by Australia	G/SPS/GEN/717/Add.2
	Canada	Technical Assistance to Developing Countries	G/SPS/GEN/1008 and G/SPS/GEN/1027
	Philippines	EU Trade-Related Technical Assistance Project – Standards Harmonization and SPS Conformity	G/SPS/GEN/995
	United States	Technical Assistance to Developing Countries	G/SPS/GEN/181/Add.8
2011	Canada	Technical Assistance to Developing Countries	G/SPS/GEN/1099
	European Union	Overview of SPS Related Technical Assistance Activities	G/SPS/GEN/1074
	United States	Technical Assistance to Developing Countries	G/SPS/GEN/181/Add.9/Rev.1 & Corr.1
2012	Australia	Technical Assistance to Developing Countries provided by Australia	G/SPS/GEN/717/Add.3
	Canada	Technical Assistance to Developing Countries	G/SPS/GEN/1149 and G/SPS/GEN/1196
	European Union	Technical Assistance to Developing Countries	G/SPS/GEN/1139
	European Union/ Philippines	Standards Harmonization and SPS Conformity under the Trade Related Technical Assistance Project 2 (TRTA 2) – A Joint Project of the Philippines and the European Union	G/SPS/GEN/1154
	Japan	Technical Assistance to Developing Countries	G/SPS/GEN/1160
2013	European Union	Technical Assistance to Developing Countries	G/SPS/GEN/1139/Add.1
	Japan	Technical Assistance to Developing Countries	G/SPS/GEN/1160/Add.1

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

Year	Member	Title/Subject	Symbol
2010	Dominican Republic	Technical Assistance	G/SPS/GEN/1034
	Kenya	Technical Assistance	G/SPS/GEN/1020
	Madagascar	Establishment of a National SPS Committee	G/SPS/GEN/1011
	Morocco	National SPS Workshop organized by the WTO in Morocco (Rabat) on 18 and 19 September 2012	G/SPS/GEN/1199
	Pakistan	Need for Technical Assistance and Global Cooperation	G/SPS/GEN/1188/Rev.1
2013	Belize	Technical assistance - Information from Members	G/SPS/GEN/1239
	Botswana	National SPS Workshop in October 2012	G/SPS/GEN/1223
	Philippines	Report on the follow-up national workshop on the SPS agreement for the Philippine Department of Agriculture Regulatory Agencies and the SPS Workshop for Regional Regulatory	G/SPS/GEN/1275

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

Year	Member	Title/Subject	Symbol
2010	Cuba	Statement on the Issues of Technology Transfer and Private Standards	G/SPS/GEN/1055

**E.1 Comments/Proposals regarding Regionalization (Article 6)**

Year	Member	Title/Subject	Symbol
2012	European Union	Application of Article 6 of the Agreement on Sanitary and Phytosanitary Measures	G/SPS/GEN/1159

**E.2 Information regarding Members' experience related to Regionalization (Article 6)**

Year	Member	Title/Subject	Symbol
2010	Argentina	Actions Aimed at the Implementation of the WTO SPS Agreement	G/SPS/GEN/994
	Argentina	Analysis of Risk Factors Associated with BSE in Argentina	G/SPS/GEN/1038
	Argentina	National Programme for the Prevention and Eradication of Lobesia Botrana	G/SPS/GEN/1059
	Madagascar	Detection of Varroasis in Madagascar	G/SPS/GEN/1012
	Paraguay	Health Status Report	G/SPS/GEN/1023
	Philippines	FMD Status	G/SPS/GEN/1031
2011	Argentina	Information on Official OIE Recognition of Food and Mouth Disease Free Status	G/SPS/GEN/1128
	China	An Introduction to China's Regionalization Management System on Food Safety	G/SPS/GEN/1101
	Colombia	Bovine Tuberculosis Status	G/SPS/GEN/1060
	Colombia	Brucellosis Status	G/SPS/GEN/1061
	Colombia	National Plan for the Detection, Control and Eradication of Fruit Flies	G/SPS/GEN/1064
	Colombia	Avian Influenza Situation	G/SPS/GEN/1083
	Costa Rica	Detection of a Focus of the Huanglongbing Bacterium	G/SPS/GEN/1070
	European Union	Foot and Mouth Disease Status in Bulgaria	G/SPS/GEN/1072 and Add.1
	Jamaica	Information on the Activities to Control Huanglongbing	G/SPS/GEN/1118
	Korea, Republic of	Highly Pathogenic Avian Influenza Situation	G/SPS/GEN/1116
	Mexico	Report on the Epidemiological Analysis of Outbreaks of Venezuelan Equine Encephalitis (Enzootic IE Strain)	G/SPS/GEN/1124
	Paraguay	Report on Health Status Developments	G/SPS/GEN/1077 and G/SPS/GEN/1081
2012	Argentina	Information on the Recognition of Fruit Fly Free Areas	G/SPS/GEN/1178
	Argentina	Sanitary Status of Foot and Mouth Disease (FMD)	G/SPS/GEN/1179
	Argentina	Health Status with regard to Bovine Spongiform Encephalopathy (BSE) and other Transmissible Spongiform Encephalopathies (TSE)	G/SPS/GEN/1180
	Botswana	Re-entry into the EU Beef Market by Botswana	G/SPS/GEN/1162
	Chile	Establishing Compartmentalization as a Tool for Health Management	G/SPS/GEN/1147
	European Union	Review of the EU Plant Health Regime – Update	G/SPS/GEN/1145
	European Union	Restriction to Trade adopted in relation to the occurrence of the Schmallenberg Virus in the European Union	G/SPS/GEN/1161
	Mexico	Information on Outbreaks of the AH7N3 Avian Influenza Virus	G/SPS/GEN/1175
	Mexico	Declaration of Mexico as an Area Free from Avian Salmonellosis	G/SPS/GEN/1184
	Mexico	Declaration of Mexico as an Area Free from	G/SPS/GEN/1185

		Classical Swine Fever	
	Mexico	Declaration of the State of Tabasco as an Area Free from Aujeszky's Disease	G/SPS/GEN/1189
	Mexico	Declaration of the State of Coahuila, excluding the Lagunera Region, as an Area Free from Aujeszky's Disease	G/SPS/GEN/1190
	Mexico	National Tick ( <i>Boophilus</i> Spp.) Control Campaign	G/SPS/GEN/1192
	Mexico	Declaration of Various Municipalities and Communities in the State of Guerrero as Areas with a Low Prevalence of Fruit Flies of the Genus <i>Anastrepha</i>	G/SPS/GEN/1207
	Mexico	Declaration of Various Municipalities in the State of Chihuahua as Areas Free from Pink Bollworm and Boll Weevil	G/SPS/GEN/1208
	Mexico	Declaration of Certain Regions in the State of Morelos as Areas Free from Fruit Flies of the Genus <i>Anastrepha</i>	G/SPS/GEN/1209
	Mexico	Declaration of the Municipality of Sayula, Jalisco, as an Area Free from Avocado Seed Weevils and Moths	G/SPS/GEN/1210
2013	Brazil	Bovine Spongiform Encephalopathy case in Brazil	G/SPS/GEN/1232
	Chile	Declaration of Chile as a country free from caprine and ovine Brucellosis	G/SPS/GEN/1229
	Costa Rica	Statement by Costa Rica on the sanitary status of bovine spongiform encephalopathy (BSE)	G/SPS/GEN/1263
	European Union	Notification G/SPS/N/RUS/8	G/SPS/GEN/1216
	Guatemala	Declaration of areas free of Mediterranean fruit fly ( <i>Ceratitis capitata</i> wied) and other fruit flies	G/SPS/GEN/1274
	Honduras	Declaration of a pest free area (for <i>Ceratitis Capitata</i> Wied. ) in accordance with ISPM no. 10	G/SPS/GEN/1222
	Japan	Current status after the nuclear power plant accident	G/SPS/GEN/1233
	Mexico	Communication regarding two new cases of highly pathogenic avian influenza in the State of Aguascalientes, Mexico	G/SPS/GEN/1212
	Mexico	Declaration of the State of Nayarit as an area free from Aujeszky's disease	G/SPS/GEN/1214
	Mexico	Declaration of the State of Tlaxcala as an area free from the tick <i>Boophilus</i> spp	G/SPS/GEN/1215
	Mexico	Declaration of the municipality of Purépero, Michoacán, as an area free from avocado seed weevils and moths	G/SPS/GEN/1265
	Mexico	Declaration of municipalities in the State of Aguascalientes as an area free from fruit flies of the genus <i>Anastrepha</i>	G/SPS/GEN/1266
	Mexico	Decision declaring the Municipality of Asientos in the State of Aguascalientes to be an area free from fruit flies of the quarantine-significant genus	G/SPS/GEN/1267
	Mexico	Declaration of various communities in the State of Michoacán as areas with a low prevalence of fruit flies of the genus <i>Anastrepha</i>	G/SPS/GEN/1268
	Mexico	Declaration of the State of Sonora as an area free from the tick <i>Boophilus</i> spp.	G/SPS/GEN/1286
	Mexico	Declaration of the Municipality of Urique,	G/SPS/GEN/1287

		Chihuahua, as an area free from the tick <i>Boophilus</i> spp.	
	Paraguay	Phytosanitary emergency due to the detection of citrus greening disease (Huanglongbing, HLB)	G/SPS/GEN/1219
	Paraguay	Sanitary status concerning foot and mouth disease - 2013	G/SPS/GEN/1238
	Paraguay	Citrus greening disease (Huanglongbing, HLB)	G/SPS/GEN/1273
	Peru	Peru: country free from citrus black spot, sweet orange scab, citrus canker, citrus variegated chlorosis, citrus leprosis and Huanglongbing	G/SPS/GEN/1243
	Peru	OIE recognition of Peru as a foot-and-mouth disease-free country	G/SPS/GEN/1281
	Philippines	Philippines area freedom from mango pulp weevil (MPW) and mango seed weevil (MSW)	G/SPS/GEN/1278

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

Year	Member	Title/Subject	Symbol
2010	Brazil	Ad Hoc Consultations	G/SPS/GEN/1052
	European Union	Updated List of Specific Trade Concerns Raised in the SPS Committee	G/SPS/GEN/1051
	Morocco	Brazilian Draft Technical Regulation on the Identity and Quality of Canned Sardines	G/SPS/GEN/1048
	Nicaragua	Measures Applied by Mexico to Imports of Bovine Meat	G/SPS/GEN/1056
2011	Canada	Canadian Experience Using Article 12.2 Ad Hoc Consultations to Facilitate the Resolution of an SPS Trade-related Issue	G/SPS/GEN/1080
	Chile	Ad Hoc Consultations of Negotiations among Members under Article 12.2 of the SPS Agreement	G/SPS/W/263
	Madagascar	EU Decision Concerning Certain Protective Measures with Regard to Certain Products Originating from Madagascar	G/SPS/GEN/1113
	Norway	Quarantine and Testing Procedures Applied to Salmon Imported from Norway – Questions to China	G/SPS/GEN/1090
	Paraguay	Maximum Residue Limits for Certain Agricultural Pesticides Applied to Sesame	G/SPS/GEN/1091
	Peru	Regulation 258/97 of the European Parliament and of the Council Concerning Novel Foods	G/SPS/GEN/1087
	Peru	Implementation of Regulation 258/97 Concerning Novel Foods	G/SPS/GEN/1117
2012	Cameroon/ Colombia/ Ecuador/Ghana /Mexico/ Nicaragua/Peru	New Maximum Cadmium Levels for Foodstuff in the European Union	G/SPS/GEN/1173/Rev.1
	Peru	Restrictions on Access to the European Market through the Implementation of Regulation 258/97 concerning Novel Foods	G/SPS/GEN/1137
	Peru	Implementation of Regulation. 258/97 concerning Novel Foods	G/SPS/GEN/1194
2013	European Union	Updated list of specific trade concerns raised in the WTO SPS Committee	G/SPS/GEN/1269
	Paraguay	Maximum residue limits for certain agricultural pesticides applied to sesame	G/SPS/GEN/1220

Year	Member	Title/Subject	Symbol
	Paraguay	Maximum residue limits for certain agricultural pesticides applied to sesame by Japan	G/SPS/GEN/1272
	Peru	Implementation of Regulation. 258/97 concerning Novel Foods	G/SPS/GEN/1218
	Peru	Application and amendment of European Union Regulation. 258/97 concerning Novel Foods	G/SPS/GEN/1280

### G. Review of the Agreement

Year	Member	Title/Subject	Symbol
2010	Argentina	Work of the Committee Emanating from the Third Review – Proposed Priority Issues	G/SPS/W/252
2011	Canada/New Zealand	Work of the Committee Emanating from the Third Review – Proposed Priority Issues – Comments on the Communication from Argentina	G/SPS/W/257
2013	Canada	Fourth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures – Catalogue of Instruments	G/SPS/W/271

### H. SPS-Related Private Standards

Year	Member	Title/Subject	Symbol
2010	Cuba	Statement on the Issues of Technology Transfer and Private Standards	G/SPS/GEN/1055
2013	Belize	Concerns with private and commercial standards	G/SPS/GEN/1240
	Belize	Actions regarding SPS-related private standards	G/SPS/GEN/1290
	Belize	Actions regarding SPS-related private standards	G/SPS/GEN/1291
	China/New Zealand	Proposed working definition of SPS-related private standards	G/SPS/W/272
	China	Actions regarding SPS-related private standards	G/SPS/GEN/1261

### I. Other

Year	Member	Title/Subject	Symbol
2010	Argentina	Phytosanitary Import Authorizations (AFIDI)	G/SPS/GEN/1041 and Add.1
	Argentina	On-site Audit Procedures	G/SPS/W/254
	Dominican Republic	Activities of Members	G/SPS/GEN/1014
	Kenya	Activities of Members	G/SPS/GEN/1019
	Malawi	Information on Relevant Activities	G/SPS/GEN/1013
	Mexico	Publication of the National Standardization Programme for 2010	G/SPS/GEN/491/Add.11 & Add.12
	Philippines	Pilot Implementation of the INS Trade Software System	G/SPS/GEN/1001
	Zambia	Report on SPS Activities of the Plant Quarantine and Phytosanitary Service	G/SPS/GEN/996
2011	Argentina	National Plan for the Prevention of Entry and Transmission of Pests and Diseases through Waste Regulation	G/SPS/GEN/1129

Year	Member	Title/Subject	Symbol
	Argentina	Organizational Structure of SENASA – National Agriculture and Food Health and Quality Service	G/SPS/GEN/1130
	Belize	Comprehensive Surveillance Programme for Bovine Tuberculosis, Bovine Brucellosis, BSE and the Implementation of an Animal Identification System	G/SPS/GEN/1107 (Regionalization?)
	Canada	Entry into Force of Canada's Aquatic Animal Health Regulations	G/SPS/GEN/1122
	European Union	Transitional Review Mechanism Pursuant to Para. 18 of the Protocol on the Accession of China – Questions from the EU to China concerning SPS	G/SPS/W/262
	European Union	Establishment of a List of Approved or Registered Establishments and Plants for the Import or Transit of Animal By-products	G/SPS/GEN/1063
	European Union	The European Union's Approach to SPS Audits and Inspections in Third Countries	G/SPS/GEN/1095
	Korea, Republic of	Quarantine Inspection Agency	G/SPS/GEN/1104
	Mexico	Use of Electronic Sanitary and Phytosanitary Certificates in World Trade	G/SPS/W/264
	Mexico	National Standardization Programme for 2011	G/SPS/GEN/491/Add.13 and Add.14
	New Zealand	Amalgamation of the New Zealand Food Safety Authority and the Ministry of Agriculture and Forestry	G/SPS/GEN/1071
	New Zealand	Change to Format for Phytosanitary Certificates	G/SPS/GEN/1103
2012	Argentina	New Version of Phytosanitary Certificate	G/SPS/GEN/1191
	Brazil	Importance of Scientific Advice Body – Science for Safe Food	G/SPS/GEN/1165
	Canada	Transition Process for Foods Marketed as Natural Health Products to the Food Regulator Framework	G/SPS/GEN/1170
	European Union	General Guidance on Implementation and Interpretation of Article 24 of Council Directive 97/78/EC – Re-enforced Checks	G/SPS/GEN/1167
	European Union	New Models of Health Certificates for the Import of Aquatic Animals and Fishery Products	G/SPS/GEN/1211
	Mexico	National Standardization Programme for 2012	G/SPS/GEN/491/Add.15 and Add.16
	Mexico	Publication of the Regulations relating to the Federal Law on Animal Health in the Official Journal of 21 May 2012	G/SPS/GEN/1176
	Mexico	Agreement establishing the Additives and Processing Aids in Food, Beverages and Food Supplements, the use thereof and Health Provisions	G/SPS/GEN/1177
	Mexico	Import and Export Certificates for Agricultural, Livestock, Aquaculture and Fisheries Products	G/SPS/GEN/1183
	New Zealand	Change of Name for the New Zealand Ministry of Agriculture and Forestry	G/SPS/GEN/1142
2013	Argentina	Phytosanitary Import Authorizations (AFIDI)	G/SPS/GEN/1041/Add.2
	Australia	Responses to comments received following release of the Draft Biosecurity Bill and Inspector-General of Biosecurity Bill	G/SPS/GEN/1213
	Canada	A new regulatory framework for federal food inspection: discussion document	G/SPS/GEN/1282



Year	Member	Title/Subject	Symbol
	Costa Rica	Phytosanitary certificate	G/SPS/GEN/1244 and Corr.1
	Ecuador	Action by Agrocalidad in the framework of Ecuador's single window	G/SPS/GEN/1217
	European Union	Healthier animals and plants and a safer agri-food chain - A modernised legal framework for a more competitive European Union	G/SPS/GEN/1252
	Indonesia	Encouragement to eliminate the use of non-ecofriendly methyl bromide in phytosanitary treatments	G/SPS/GEN/1271
	Korea, Republic of	SPS-related government agency changes in the Republic of Korea	G/SPS/GEN/1242
	Mexico	National Standardization Programme for 2013	G/SPS/GEN/491/Add.17 and Add.18
	Paraguay	Processed products certificate	G/SPS/GEN/1264

## APPENDIX C - WTO DISPUTES INVOKING THE SPS AGREEMENT

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

Please note that in the WTO, the European Union was officially called the European Communities until 30/11/2009. In this table, reference is made to "the European Communities" or "the EC" regarding dispute developments that took place before this date.

	STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
1	STC 2	WT/DS3	US complaint against Korea's inspection procedures for fresh fruits.	Consultations requested on 6/04/1995 (WT/DS3/1).	Pending
2	STC 1	WT/DS5	US complaint against Korea's shelf-life requirements for frozen processed meats and other products.	Consultations requested on 3/05/1995 (WT/DS5/1).	Mutually agreed solution notified on 20/07/1995 (WT/DS5/5).
3	<i>STC 8</i>	<i>WT/DS18</i>	<i>Canada's complaint against Australia's import restrictions on fresh, chilled or frozen salmon.</i> <b>Australia - Salmon</b>	<i>Consultations requested on 5/10/1995 (WT/DS18/1).</i>	<i>Panel established on 10/04/1997.</i>  <i>Appellate Body report (WT/DS18/AB/R) and Panel report (WT/DS18/R) adopted on 6/11/1998.</i>  <i>Suspension of concessions authorized on 24/12/1998; Request for Arbitration 3/08/1999 (WT/DS18/13).</i>  <i>Mutually agreed solution notified on 18/05/2000 (WT/DS18/RW).</i>
4	STC 1	WT/DS20	Canada's complaint against Korea's restrictions on treatment methods for bottled water	Consultations requested on 8/11/1995 (WT/DS20/1).	Mutually agreed solution notified on 24/04/1996 (WT/DS20/6).
5	<i>STC 8</i>	<i>WT/DS21</i>	<i>US complaint against Australia's import restrictions on fresh, chilled or frozen salmon.</i> <b>Australia - Salmonids</b>	<i>Consultations requested on 17/11/1995 (WT/DS21/1).</i>	<i>Mutually agreed solution notified on 27/10/2000 (WT/DS21/10).</i>

	STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
6	N/A	WT/DS26	US complaint against EC's prohibition of meat from animals treated with growth-promoting hormones. <b>EC – Hormones (US)</b>	Consultations requested on 26/01/1996 (WT/DS26/1).	Panel established on 20/05/1996.  Appellate Body report (WT/DS26/AB/R) and Panel report (WT/DS26/R/USA) adopted on 13/02/1998.  Suspension of concessions authorized on 26/07/1999; Request for Arbitration on 22/12/2008 (WT/DS26/ARB).  Memorandum of Understanding notified on 25/09/2009 (WT/DS26/28).
7	STC 2	WT/DS41	US complaint against Korea's inspection procedures for fresh fruits.	Consultations requested on 24/05/1996 (WT/DS41/1).	Pending
8	N/A	WT/DS48	Canada's complaint against EC prohibition of meat from animals treated with growth-promoting hormones. <b>EC – Hormones (Canada)</b>	Consultations requested on 28/06/1996 (WT/DS48/1).	Panel established on 16/10/1996.  Appellate Body report (WT/DS48/AB/R) and Panel report (WT/DS48/R/CAN) adopted on 13/02/1998.  Suspension of concessions authorized on 26/07/1999; Request for Arbitration on 22/12/2008 (WT/DS48/ARB).  Memorandum of Understanding notified on 17/03/2011 (WT/DS48/26).
9	STC 12	WT/DS76	US complaint against Japan's "varietal testing" requirement for fresh fruits. <b>Japan – Agricultural Products II</b>	Consultations requested on 7/04/1997 (WT/DS76/1).	Panel established on 18/11/1997.  Appellate Body report (WT/DS76/AB/R) and Panel report (WT/DS76/R) adopted on 19/03/1999.  Mutually satisfactory solution notified on 23/08/2001 (WT/DS76/12).

	STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
10	N/A	WT/DS96	EC complaint against India's quantitative restrictions on agricultural and other products.	Consultations requested on 18/07/1997 (WT/DS96/1).	Mutually agreed solution notified on 7/04/1998 (WT/DS96/8).
11	N/A	WT/DS100	EC complaint against US restrictions on poultry imports.	Consultations requested on 18/08/1997 (WT/DS100/1).	Pending
12	STC 4	WT/DS133	Switzerland's complaint against Slovakia's BSE-related restrictions on cattle and meat.	Consultations requested on 7/05/1998 (WT/DS133/1).	Pending
13	N/A	WT/DS134	India's complaint against EC restrictions on rice imports.	Consultations requested on 27/05/1998 (WT/DS134/1).	Pending
14	N/A	WT/DS135	<i>Canadian complaint against EC (French) measures affecting asbestos.</i> <b>EC - Asbestos</b>	<i>Consultations requested on 28/05/1998 (WT/DS135/1).</i>	<i>Panel established on 25/11/1998.</i>  <i>Appellate Body report (WT/DS/135/AB/R) and Panel report (WT/DS/135/R) adopted on 5/04/2001. No findings under the SPS Agreement.</i>
15	N/A	WT/DS137	Canada's complaint against EC restrictions due to pine wood nematodes.	Consultations requested on 17/06/1998 (WT/DS137/1).	Pending
16	N/A	WT/DS144	Canada's complaint against US state restrictions on movement of Canadian trucks carrying live animals and grains.	Consultations requested on 25/09/1998 (WT/DS144/1).	Pending
17	N/A	WT/DS203	US complaint against Mexico's measures affecting trade in live swine.	Consultations requested on 10/07/2000 (WT/DS203/1).	Pending
18	STC 77	WT/DS205	Thailand's complaint against Egypt's GMO-related prohibition on imports of canned tuna with soybean oil.	Consultations request on 22/09/2000 (WT/DS205/1).	Pending

	STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
19	STC 92	WT/DS237	<i>Ecuador's complaint against Turkey's import requirements for fresh fruit, especially bananas.</i> <b>Turkey – Fresh Fruit Import Procedures</b>	<i>Consultations requested on 31/08/2001 (WT/DS237/1).</i>	<i>Panel established on 29/07/2002; composition suspended on the same day.</i>  <i>Mutually agreed solution notified on 22/11/2002 (WT/DS237/4).</i>
20	STC 100	WT/DS245	<i>US complaint against Japan's restrictions on apples due to fire blight.</i> <b>Japan - Apples</b>	<i>Consultations requested on 1/03/2002 (WT/DS245/1).</i>	<i>Panel established on 3/06/2002.</i>  <i>Appellate Body report (WT/DS245/AB/R) and Panel report (WT/DS245/R) adopted on 10/12/2003.</i>  <i>Mutually agreed solution notified on 30/08/2005 (WT/DS245/RW).</i>
21	STC 76	WT/DS256	Hungary's complaint against Turkey's restrictions on imports of pet food (BSE)	Consultations requested on 3/05/2002 (WT/DS256/1).	Pending.
22	STC 74	WT/DS270	<i>Philippine complaint against Australia's restrictions on fresh fruits and vegetables, including bananas</i> <b>Australia - Fresh Fruit and Vegetables</b>	<i>Consultations requested on 18/10/2002 (WT/DS270/1).</i>	<i>Panel established on 29/08/2003.</i>
23	STC 74	WT/DS271	Philippine complaint against Australia's restrictions on pineapple	Consultations requested on 18/10/2002 (WT/DS271/1).	Pending.
24	N/A	WT/DS279	EC complaint against India's export and import policy	Consultations requested on 23/12/2002 (WT/DS279/1).	Pending.
25	STC 164	WT/DS284	Nicaragua's complaint against Mexico's phytosanitary restrictions on black beans	Consultations requested on 17/03/2003 (WT/DS284/1).	Mutually agreed solution notified on 8/03/2004 (WT/DS284/4 – withdrawal of request for consultations).

	STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
26	STC 139	WT/DS287	EC complaint against Australian quarantine regime <b>Australia – Quarantine Regime</b>	Consultations requested on 3/04/2003 (WT/DS287/1).	Panel established on 7/11/2003.  Mutually agreed solution notified on 9/03/2007 (WT/DS287/8).
27	STC 106/110	WT/DS291	US complaint against EC on GMO approvals. <b>EC – Approval and Marketing of Biotech Products</b>	Consultations requested on 13/05/2003 (WT/DS291/1).	Single panel established for disputes DS291, DS292 and DS293 on 29/08/2003.  Panel report (WT/DS291/R) was adopted on 21/11/2006.  Suspension of concessions authorized on 15/02/2008; Arbitration requested on 7/02/2008 (WT/DS291/34).
28	STC 106/110	WT/DS292	Canada's complaint against EC on GMO approvals. <b>EC – Approval and Marketing of Biotech Products</b>	Consultations requested on 13/05/2003 (WT/DS292/1).	Single Panel established to examine disputes DS291, DS292 and DS293, on 29/08/2003.  Panel report (WT/DS292/R) adopted on 21/11/2006.  Mutually agreed solution notified on 15/07/2009 (WT/DS292/40).
29	STC 106/110	WT/DS293	Argentina's complaint against EC on GMO approvals. <b>EC – Approval and Marketing of Biotech Products</b>	Consultations requested on 14/05/2003 (WT/DS293/1).	Single Panel established to examine disputes DS291, DS292 and DS293, on 29/08/2003.  Panel report (WT/DS293/R) adopted on 21/11/2006.  Mutually agreed solution notified on 19/03/2010 (WT/DS293/41).
30	STC 166	WT/DS297	Hungary's complaint against Croatia's restrictions on live animals and meat products (TSEs).	Consultations requested on 9/07/2003 (WT/DS297/1).	Mutually agreed solution notified on 30/01/2009 (WT/DS297/2).

	STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
31	N/A	WT/DS320*	EC complaint against the US continued suspension of obligations in the EC-Hormones dispute. <b>US – Continued Suspension of Obligations</b>	Consultations requested on 8/11/2004 (WT/DS320/1).	Panel established on 17/02/2005.  Appellate Body report (WT/DS320/AB/R) and Panel report (WT/DS320/R) adopted on 14/11/2008, <u>no further action was required</u> . (See also Memorandum of Understanding, DS26).
32	N/A	WT/DS321*	EC complaint against Canada's continued suspension of obligations in the EC-Hormones Dispute. <b>Canada– Continued Suspension of Obligations</b>	Consultations requested on 8/11/2004 (WT/DS321/1).	Panel established on 17/02/2005.  Appellate Body report (WT/DS321/AB/R) and Panel report (WT/DS321/R) adopted on 14/11/2008, <u>no further action was required</u> . (See also Memorandum of Understanding, DS48).
33	STC 217	WT/DS367	New Zealand's complaint against Australia's restrictions on apples. <b>Australia - Apples</b>	Consultations requested on 31/08/2007 (WT/DS367/1).	Panel established on 21/01/2008.  Appellate Body report (WT/DS367/AB/R) and Panel report (WT/DS367/R) adopted on 17/12/2010.  Reasonable period of time for implementation expired on 17/08/2011. Implementation notified by respondent on 02/09/2011.  Agreed procedures (Sequencing agreement) notified on 13/09/2011 (WT/DS367/21).
34	STC 91 of TBT	WT/DS384	Canada's complaint against the US country of origin labelling requirements. <b>United States – Certain Country of Origin Labelling (COOL) Requirements</b>	Consultations requested on 1/12/2008 (WT/DS384/1).	Single panel established with that of Mexico (DS386) on 19/11/2009.  Appellate Body report (WT/DS384/AB/R) and Panel report (WT/DS384/R) adopted on 23/07/2012. No findings under the SPS Agreement.

	STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
35	STC 91 of TBT	WT/DS386	Mexico's complaint against the US country of origin labelling requirements. <b>United States – Certain Country of Origin Labelling (COOL) Requirements</b>	Consultations requested on 17/12/2008 (WT/DS386/1).	Single panel established with that of Canada (DS384) on 19/11/2009.  Appellate Body report (WT/DS386/AB/R) and Panel report (WT/DS386/R) adopted on 23/07/2012. No findings under the SPS Agreement.
36	STC 242	WT/DS389	US complaint against EC measures affecting poultry meat and poultry meat products. <b>EC - Poultry</b>	Consultations requested on 16/01/2009 (WT/DS389/1).	Panel established on 19/11/2009; composition pending.
37	STC 247	WT/DS391	Canada's complaint against Korea's measures affecting the importation of bovine meat and meat products <b>Korea –Bovine Products</b>	Consultations requested on 9/04/2009 (WT/DS391/1).	Panel established on 31/08/2009; Panel proceedings suspended on 4/07/2011.  Mutually agreed solution notified on 19/06/2012 (WT/DS391/9).  Panel report (WT/DS391/R) circulated to Members on 3/07/2012, reporting on the solution reached by parties.
38	STC 257	WT/DS392	China's complaint against US measures affecting imports of poultry. <b>US – Poultry</b>	Consultations requested on 17/04/2009 (WT/DS392/1).	Panel established on 31/07/2009.  Panel report (WT/DS392/R) adopted on 25/10/2010, <u>no further action required</u> .
39	STC 257 in TBT	WT/DS406	Indonesia's complaint about US ban on clove cigarettes. <b>US - Measures Affecting the Production and Sale of Clove Cigarettes</b>	Consultations requested on 7/04/2010 (WT/DS406/1).	Panel established on 20/07/2010.  Appellate Body report (WT/DS406/AB/R) and Panel report (WT/DS406/R) adopted on 24/04/2012. No findings under the SPS Agreement.
40	STC 185	WT/DS430	US complaint against India's import restrictions on agricultural products. <b>India – Agricultural Products</b>	Consultations requested on 6/03/2012 (WT/DS430/1).	Panel established on 25/06/2012.  Panel composed on 18/02/2013; Panel proceedings on-going.
41	STC 318	WT/DS447	Argentina's complaint against US restrictions on beef and other meat products. <b>US - Animals</b>	Consultations requested on 30/08/2012.	Panel established on 28/01/2013.  Panel composed on 08/08/2013; Panel proceedings on-going.



	STC No.	DS Number	Parties and nature of complaint	Request for consultations	Panel/Appellate Body proceedings
42	STC 336	WT/DS448	Argentina's complaint against US measures affecting the importation of fresh lemons.	Consultations requested on 3/09/2012.	Pending.

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

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