



Committee on Sanitary and Phytosanitary Measures

**FIFTH REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE AGREEMENT
ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**

COMPILATION OF COMMENTS SUBMITTED BY MEMBERS ON THE REVISED DRAFT REPORT OF THE
FIFTH REVIEW ([G/SPS/W/313/REV.2](#) AND [G/SPS/W/313/REV.2/ADD.1](#))

Note by the Secretariat¹

This compilation includes Members' submitted comments on the revised draft Report of the Fifth Review (documents [G/SPS/W/313/Rev.2](#) and [G/SPS/W/313/Rev.2/Add.1](#)).² In addition, included in this compilation are Members' comments on the US submission ([G/SPS/W/323](#)) which also provides comments on the recommendations in [G/SPS/W/313/Rev.2](#).

Section 1 provides a compilation of Member's comments on Part A of the revised draft Report of the Fifth Review (i.e. the section on proposals, [G/SPS/W/313/Rev.2](#)), including comments on the recommendations and other more general comments. Section 2 provides a compilation of Members' comments on Part B of the revised draft Report of the Fifth Review (i.e. the factual section, [G/SPS/W/313/Rev.2/Add.1](#)).

**SECTION 1 – MEMBERS' COMMENTS ON PART A OF THE REVISED DRAFT REPORT OF THE
FIFTH REVIEW (SECTION ON PROPOSALS, [G/SPS/W/313/REV.2](#))**

1 APPROPRIATE LEVEL OF PROTECTION, RISK ASSESSMENT AND SCIENCE

1.1. *Recommendations (Paragraph 2.15 of [G/SPS/W/313/Rev.2](#)):*

- *Given the importance of ensuring that SPS measures are based on scientific principles, the Committee encourages Members to review periodically the SPS measures implemented in their national and/or regional systems, and their risk assessment techniques, as new circumstances and scientific evidence emerge and international standards, guidelines, and recommendations, are developed and updated by Codex, the OIE, or the IPPC.*
- *The Committee should continue to discuss the topic of risk, including management of situations involving insufficient scientific information, and consider next steps for discussion.*
- *The Committee invites Members to share experiences and examples of national efforts to consider scientific uncertainty and/or insufficiency of scientific evidence in risk analysis and the development and implementation of SPS measures.*
- *The Committee invites ISSBs to share examples of efforts to consider scientific uncertainty and/or insufficiency of scientific evidence in risk analysis and the development of international standards, guidelines and recommendations.*

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

² Members' previous comments on the draft Report of the Fifth Review are available in documents [G/SPS/W/315 \(and revisions\)](#), and [G/SPS/W/318 \(and revisions\)](#).

1.1 Canada

1.2. Canada has a suggested revision to the last recommendation:

- The Committee invites ISSBs to share guidance documents, international standards, guidelines and recommendations pertaining to the consideration of examples of efforts to consider scientific uncertainty and/or insufficiency of scientific evidence in risk analysis and the development of international standards, guidelines and recommendations.

1.2 India

1.3. We note that the recommendations make a reference to "scientific uncertainty and/or insufficiency of scientific evidence" in risk analysis as well as development and implementation of measures. While Article 5.7 of the SPS Agreement pertains to a situation where the relevant scientific evidence is insufficient, the SPS Agreement does not refer to the concept of "scientific uncertainty". India would like to seek a clarification regarding the legal basis of the term, "scientific uncertainty".

2 CONTROL, INSPECTION AND APPROVAL PROCEDURES (ANNEX C)

2.1. *Recommendations (Paragraph 3.11 of [G/SPS/W/313/Rev.2](#)):*

- *The Committee should continue discussions and information exchange on the topic of control, inspection and approval procedures. To that end, the Committee should establish a formal SPS Committee agenda item on Annex C under the Operation and Implementation of the SPS Agreement agenda item to enable Members to share information on this topic.*
- *Following the fruitful exchange of experiences and ideas at the November 2019 SPS Committee Thematic Session on Approval Procedures, the Committee should create an electronic working group open to the participation of all Members and Observers to continue to examine the topic of approval procedures. The electronic working group, outlined in [G/SPS/W/321](#), could explore the:*
 - i. Key challenges of approval procedures that impact international trade that Members should seek to address;*
 - ii. Principles of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of sanitary or phytosanitary protection;*
 - iii. Available tools and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures; and*
 - iv. Possible future work of the Committee on this topic.*

2.1 Canada

2.2. Canada supports the recommendations in the draft Report of the Fifth Review.

2.3. Canada does not support the suggested revision from the United States in [G/SPS/W/323](#) to remove reference to the working group proposal; Canada considers it important to include the reference to the proposal ([G/SPS/W/321](#)) in the recommendation, since the proposal provides further detail and context for the establishment of the working group.

2.2 India

2.4. Rather than reference [G/SPS/W/321](#), we suggest that the topics that the e-Working Group could explore, are listed directly in the recommendations themselves.

2.3 Korea, Republic of

2.5. Korea, Republic of submits the following comments on the recommendations of the draft Report in [G/SPS/W/313/Rev.2](#). We would like to delete the following sentences, for a more flexible approach to the electronic working group (recommendations in paragraph 3.11):

- *The Committee should continue discussions and information exchange on the topic of control, inspection and approval procedures. To that end, the Committee should establish a formal SPS Committee agenda item on Annex C under the Operation and Implementation of the SPS Agreement agenda item to enable Members to share information on this topic.*
- *Following the fruitful exchange of experiences and ideas at the November 2019 SPS Committee Thematic Session on Approval Procedures, the Committee should create an electronic working group open to the participation of all Members and Observers to continue to examine the topic of approval procedures. ~~The electronic working group, outlined in [G/SPS/W/321](#), could explore the:~~*
 - ~~v. Key challenges of approval procedures that impact international trade that Members should seek to address;~~
 - ~~vi. Principles of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of sanitary or phytosanitary protection;~~
 - ~~vii. Available tools and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures; and~~
 - ~~viii. Possible future work of the Committee on this topic.~~

2.4 United Kingdom

2.6. The United Kingdom supports the recommendation to consider Annex C as a standalone item on the agenda to facilitate an exchange of views.

2.5 United States³

2.7. The revised recommendations from the United States, as indicated in [G/SPS/W/323](#), are as follows:

- *The Committee should continue discussions and information exchange on the topic of control, inspection and approval procedures. To that end, the Committee should establish a formal SPS Committee agenda item on Annex C under the Operation and Implementation of the SPS Agreement agenda item to enable Members to share information on this topic.*
- *Following the fruitful exchange of experiences and ideas at the November 2019 SPS Committee Thematic Session on Approval Procedures, the Committee should create an electronic working group open to the participation of all Members and Observers to continue to examine the topic of approval procedures. ~~The electronic working group, outlined in [G/SPS/W/321](#), The electronic working group could explore the:~~*
 - i. Key challenges of approval procedures that impact international trade that Members should seek to address;*
 - ii. Principles of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of sanitary or phytosanitary protection;*

³ The United States also submitted its comments on the recommendations in [G/SPS/W/313/Rev.2](#) as a separate document [G/SPS/W/323](#).

- iii. *Available tools and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures; and*
- iv. *Possible future work of the Committee on this topic.*

2.8. Comments from the United States on its suggested edits for the second recommendation on control, inspection and approval procedures in relation to the revised text "~~The electronic working group, outlined in [G/SPS/W/321](#), The electronic working group could explore the...~~":

- a. Rather than reference [G/SPS/W/321](#), we suggest the recommendation list the topics that the eWG "could" explore. That way, the eWG can take up the elements of interest to Members.

3 EQUIVALENCE

3.1. *Recommendations (Paragraph 4.12 of [G/SPS/W/313/Rev.2](#)):*

- *Members are encouraged to notify any agreement reached on the recognition of equivalence.*
- *Given the importance of Article 4 on equivalence and of the Committee's Decision on the Implementation of Article 4 of the SPS Agreement (Equivalence),³² the Committee should continue discussions and information exchange on the topic of equivalence, including systems approaches, through the existing agenda item and in-depth discussion during future thematic sessions, informal meetings, and working groups as appropriate.*
- *Members are encouraged to coordinate with their Codex, OIE, and IPPC representatives and experts to highlight the importance of understanding trade impacts during the development and discussion of international standards, guidelines, and recommendations on the issue of equivalence.*

Footnote 32: [G/SPS/19/Rev.2](#).

3.1 Canada

3.2. Canada supports the recommendations in the draft report of the Fifth Review and the revisions to the recommendations made by the United States in [G/SPS/W/323](#).

3.2 United States⁴

3.3. The revised recommendations from the United States, as indicated in [G/SPS/W/323](#), are as follows:

- *Members are encouraged to notify any agreement reached on the recognition of equivalence.*
- ~~*Given the importance of Article 4 on equivalence and of the Committee's Decision on the Implementation of Article 4 of the SPS Agreement (Equivalence),⁵ the Committee should continue discussions and information exchange on the topic of equivalence, including systems approaches, through the existing agenda item and in-depth discussion during future thematic sessions, informal meetings, and working groups as appropriate.*~~
- ~~*Members SPS Committee representatives are encouraged to coordinate with their country's Codex, OIE, and IPPC representatives and experts to highlight the importance of understanding trade impacts during the development and discussion of international standards, guidelines, and recommendations*~~ *ISSB discussions that bear on the issue of equivalence.*

⁴ The United States also submitted its comments on the recommendations in [G/SPS/W/313/Rev.2](#) as a separate document [G/SPS/W/323](#).

⁵ ~~[G/SPS/19/Rev.2](#).~~

3.4. Comments from the United States on its suggested edits for the second recommendation on equivalence in relation to the deleted text "~~Given the importance of Article 4 on equivalence and of the Committee's Decision on the Implementation of Article 4 of the SPS Agreement (Equivalence),⁶~~":

- a. On further reflection, we would prefer not to single out specific obligations as "important" or to reaffirm. The SPS Agreement lays out a balance of rights and obligations.

3.5. Comments from the United States on its suggested edits for the third recommendation on equivalence in relation to the revised text "...ISSB discussions that bear on the issue of equivalence...":

- a. We would like this to refer to ISSB discussions bearing on equivalence more broadly. This accounts for the trade significance of discussions that bear on equivalence but that are not about the development of standards, guidelines, or recommendations specifically focused on the general topic of equivalence; and this ensures the relevance of the 5th Review recommendation regardless of how ISSB agendas and discussions evolve.

4 FALL ARMYWORM

4.1. *Recommendations (Paragraph 5.16 of [G/SPS/W/313/Rev.2](#)):*

- *Members should continue to exchange experiences on efficient, predictable and science-based regulatory approaches that help to mitigate the effect of fall armyworm on trade while safeguarding human, animal and plant health and life, and taking into account specific needs of smallholdings.*
- *As appropriate, Members are encouraged to request technical assistance to support efforts to improve their integrated pest management strategies and, where needed, their regulatory approach to pre-market approval and inspection systems, with the goal of, inter alia, enabling greater access to products that strengthen host plant resistance.*
- *Members are encouraged to continue discussion of the concepts identified in [G/SPS/W/317](#) that aim to assist Members, particularly those with capacity constraints, to address SPS challenges, in the SPS Committee, including where appropriate in the electronic working group on approval procedures established pursuant to the proposal by Canada in [G/SPS/W/321](#).*

4.1 Canada

4.2. Canada supports the recommendations in the draft report of the Fifth Review and the revisions to the recommendations made by the United States in [G/SPS/W/323](#).

4.3. Canada welcomes discussion of the concepts identified in [G/SPS/W/317](#) in the electronic working group on approval procedures, which was proposed by Canada in [G/SPS/W/321](#).

4.2 India

4.4. We find that there are certain ambiguities in the text of the recommendations:

- a. How does the Membership understand the term "smallholdings"? It is a term neither used in the SPS Agreement nor in [G/SPS/W/317](#).
- b. It is unclear what kind of technical assistance is envisaged/expected in paragraph 2 of the recommendations. Is the technical assistance expected from the Membership or the Secretariat? If the former, are the contours of the technical assistance to be guided by Article 9 of the SPS Agreement which deals with the subject, or does it go beyond the scope of Article 9? We may consider making a reference to Article 9 in the second paragraph if we want the level of obligation on the non-requesting Members to be limited to "facilitate(ing) the provision of technical assistance to other Members, especially

⁶~~[G/SPS/19/Rev.2](#)~~.

developing country Members, either bilaterally or through the appropriate international organizations."

- c. With respect to the third paragraph of the recommendations, the stakeholders had earlier identified certain problems with the various concepts listed in [G/SPS/W/317](#). In India's comments on [G/SPS/W/318](#), where it was proposed to recognise the concepts of: i) data portability; (ii) common application dossiers; (iii) joint risk assessments; (iv) adaptation to regional conditions; (v) unilateral recognition; (vi) mutual recognition; (vii) familiarity; (viii) history of safe use; (ix) equivalence; (x) harmonization; and (xi) emergency use authorization, India has asked the following questions:
- i. Are the concepts being proposed to address the SPS challenges relating to FAW voluntary in nature or are they to be adhered to in a prescriptive manner?
 - ii. Is the list of concepts exhaustive or is it merely an indicative/inclusive one?
 - iii. With respect to the following:
 - 1) Data portability;
 - 2) Common application dossiers;
 - 3) Joint risk assessments;
 - 4) Familiarity
 - 5) History of safe use; and
 - 6) Emergency use authorization.

What is the legal basis for these concepts under the SPS Agreement? Do the concepts adhere to the requirements specified under the SPS Agreement or are some of them SPS-plus?"
- d. We note that the recommendation now is only an encouragement to continue discussion on these concepts, including through the electronic working group. We would still encourage the proponents to provide written answers to above-mentioned questions that India has raised on the Fall Army Worm proposal.

4.3 Chinese Taipei

4.5. Our comments on the document [G/SPS/W/323](#) are to point 4 on fall armyworm, where the United States suggests to replace "smallholdings" to "smallholder farm families". Because the definition of "family" might be different among the 164 WTO Members, and in some Members, it might mean a much bigger family than in the United States, we consider whether it might be clearer to use "smallholders" or "smallholdings" to represent the idea of "small".

4.4 United States⁷

4.6. The revised recommendations from the United States, as indicated in [G/SPS/W/323](#), are as follows:

- *Members should continue to exchange experiences on efficient, predictable and science-based regulatory approaches that help to mitigate the effect of fall armyworm on trade while safeguarding and that also safeguard human, animal and plant health and life; and taking into account for the specific needs of ~~smallholdings~~ smallholder farm families.*

⁷ The United States also submitted its comments on the recommendations in [G/SPS/W/313/Rev.2](#) as a separate document [G/SPS/W/323](#).

- *As appropriate, Members are encouraged to request technical assistance to support efforts to improve their integrated pest management strategies and, where needed, their regulatory approach to pre-market approval and inspection systems, with the goal of, inter alia, enabling greater access to products that strengthen host plant resistance.*
- *Members are encouraged to continue discussion of the concepts identified in [G/SPS/W/317](#) that aim to assist Members, particularly those with capacity constraints, to address SPS challenges, in the SPS Committee, ~~including and~~, where appropriate, in the electronic working group on approval procedures ~~established pursuant~~ referred to in paragraph [insert relevant 5th Revision paragraph with the proposal by Canada in [G/SPS/W/321](#). eWG recommendation] above.*

4.7. Comments from the United States on its suggested edits for the first recommendation on fall armyworm in relation to the revised text "...smallholder farm families.":

- a. The "smallholding" would be the land itself, which would not have needs. The original "smallholder farm families" seems more appropriate.

4.8. Comments from the United States on its suggested edits for the third recommendation on fall armyworm in relation to the revised text "~~...established pursuant~~ referred to in paragraph [insert relevant 5th Revision paragraph with the proposal by Canada in [G/SPS/W/321](#). eWG recommendation] above.":

- a. Due to confusion about what "established pursuant to the proposal by Canada" would bring in, refer to the eWG in this way.

5 NATIONAL SPS COORDINATION MECHANISMS

5.1. Recommendations (Paragraph 6.7 of [G/SPS/W/313/Rev.2](#)):

- *Members are encouraged to implement appropriate national coordination mechanisms to enable consultation and communication between relevant technical and trade policy experts to enable the development of coordinated SPS positions consistent with the obligations of the SPS Agreement. Members are further encouraged to consider ways to strengthen internal coordination on SPS matters.*
- *Members should continue to share experiences on their national coordination mechanisms and discuss strategies and approaches to improve SPS coordination and engagement at the national level with the aim of strengthening implementation of the SPS Agreement, including resolving specific trade concerns.*
- *The Committee requests the Secretariat to prepare a collection of resources that can be useful for Members in implementing their national coordination mechanisms, starting with those mentioned at the 2019 Workshop on Transparency and Coordination with particular attention to the concepts and questions outlined in [G/SPS/W/297](#), and including additional resources as suggested by Members.*

5.1 Canada

5.2. Canada supports the recommendations in the draft report of the Fifth Review and the revisions to the recommendations made by the United States in [G/SPS/W/323](#).

5.3. Canada is uncertain of the necessity to emphasize in the last recommendation the development of the collection of resources with particular attention on the concepts and questions outlined in [G/SPS/W/297](#). Rather the collection of resources should focus on the resources discussed during the Workshop on Transparency and Coordination. If desired, Members could suggest additional resources to the Secretariat based on the concepts and questions outline in [G/SPS/W/297](#) or other experiences.

5.2 Korea, Republic of

5.4. Korea, Republic of submits the following comments on the Recommendations of the draft Report in [G/SPS/W/313/Rev.2](#). We would like to delete the following sentences, for a more flexible approach to the National SPS coordination mechanisms (recommendations in paragraph 6.7).

- *Members are encouraged to implement appropriate national coordination mechanisms to enable consultation and communication between relevant technical and trade policy experts to enable the development of coordinated SPS positions consistent with the obligations of the SPS Agreement. Members are further encouraged to consider ways to strengthen internal coordination on SPS matters.*
- *Members should continue to share experiences on their national coordination mechanisms and discuss strategies and approaches to improve SPS coordination and engagement at the national level with the aim of strengthening implementation of the SPS Agreement, including resolving specific trade concerns.*
- *The Committee requests the Secretariat to prepare a collection of resources that can be useful for Members in implementing their national coordination mechanisms, starting with those mentioned at the 2019 Workshop on Transparency and Coordination ~~with particular attention to the concepts and questions outlined in [G/SPS/W/297](#)~~, and including additional resources as suggested by Members.*

5.3 United States⁸

5.5. The revised recommendations from the United States, as indicated in [G/SPS/W/323](#), are as follows:

- *Members are encouraged to implement appropriate national coordination mechanisms to enable consultation and communication between relevant technical and trade policy experts to enable the development of coordinated, SPS positions that are consistent with the obligations of the SPS Agreement. Members are further encouraged to consider ways to strengthen internal coordination on SPS matters.*
- *Members should continue to share experiences on their national coordination mechanisms and discuss strategies and approaches to improve SPS coordination and engagement at the national level with the aim of strengthening implementation of the SPS Agreement, including resolving specific trade concerns.*
- *The Committee requests the Secretariat to prepare a collection of resources that can be useful for Members in implementing their national coordination mechanisms, starting with those mentioned at the 2019 Workshop on Transparency and Coordination with particular attention to the concepts and questions outlined in [G/SPS/W/297](#), and including additional resources as suggested by Members.*

5.6. Comments from the United States on its suggested edit for the first recommendation on national SPS coordination mechanisms:

- a. To be clear that we want the positions to be consistent with the SPS Agreement – and that we are not saying there is an SPS Agreement requirement for internally coordinated positions.

6 NOTIFICATION PROCEDURES AND TRANSPARENCY

6.1. *Recommendations (Paragraph 7.13 of [G/SPS/W/313/Rev.2](#)):*

- *Members are encouraged to clearly indicate in their SPS Committee notifications when a measure has been notified to another Committee.⁵¹ Members should include this*

⁸ The United States also submitted its comments on the recommendations in [G/SPS/W/313/Rev.2](#) as a separate document [G/SPS/W/323](#).

information under the point of the notification format titled "Other relevant documents and language(s) in which these are available".⁵²

Footnote 51: Please refer to section 2.7 of the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7) in document [G/SPS/7/Rev.4](#), which also makes reference to notifying a regulation containing SPS and TBT measures under both the SPS and TBT Agreements.

Footnote 52: In the Committee's Recommended Transparency Procedures ([G/SPS/7/Rev.4](#)), the explanatory sections of the notification formats in Annex A-1 and Annex B-1 indicate that this type of information should be included in the notification format under the point titled "Description of content". This section would have to be updated if the Committee agreed that this information should be included under the point titled "Other relevant documents and language(s) in which these are available".

6.1 Argentina

6.2. Argentina does not consider it necessary to remove footnote 51 from document [G/SPS/W/313/Rev.2](#) because there is nothing to indicate that it might create confusion, as argued by the United States. On the contrary, it considers that the reference to document [G/SPS/7/Rev.4](#) is relevant, in that the section in question mentions that it is preferable, in addition to notifying both the SPS Committee and the TBT Committee when a measure falls under both the SPS and TBT Agreements, to indicate which parts of the measure fall under each respective agreement. Such an indication could facilitate the analysis and processing of notifications, especially in countries with fewer resources, thereby generating greater transparency.

6.3. On the other hand, Argentina agrees with the comments made by the United States regarding the removal of footnote 52 from document [G/SPS/W/313/Rev.2](#), given that it proposes that indication of whether the measure has also been notified to the TBT Committee should be included in point 9 ("Other relevant documents"), while document [G/SPS/7/Rev.4](#) recommends that point 6 ("Description of content") should include an indication of which parts of a measure subject to double notification fall under the SPS Agreement and which parts fall under the TBT Agreement.

6.2 Canada

6.4. Canada supports the recommendation in the draft report of the Fifth Review.

6.5. Regarding the US comments in [G/SPS/W/323](#), Canada supports the deletion of the second footnote.

6.6. However, Canada sees value in the inclusion of the first footnote and does not consider that this footnote would lead to confusion.

6.3 United States⁹

6.7. The revised recommendations from the United States, as indicated in [G/SPS/W/323](#), are as follows:

- *Members are encouraged to clearly indicate in their SPS Committee notifications when a measure has been notified to another Committee.⁴⁹ Members should include this information under the point of the notification format titled "Other relevant documents and language(s) in which these are available".⁴⁴*

⁹ The United States also submitted its comments on the recommendations in [G/SPS/W/313/Rev.2](#) as a separate document [G/SPS/W/323](#).

⁴⁹ Please refer to section 2.7 of the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7) in document [G/SPS/7/Rev.4](#), which also makes reference to notifying a regulation containing SPS and TBT measures under both the SPS and TBT Agreements.

⁴⁴ In the Committee's Recommended Transparency Procedures ([G/SPS/7/Rev.4](#)), the explanatory sections of the notification formats in Annex A-1 and Annex B-1 indicate that this type of information should be included in the notification format under the point titled "Description of content". This section would have to be updated if the Committee agreed that this information should be included under the point titled "Other relevant documents and language(s) in which these are available".

6.8. Comments from the United States on its suggested edit for the recommendation on notification procedures and transparency:

- a. We do not believe that the footnotes should be included. These footnotes are slightly off point in ways that could create confusion.
- b. We feel the content of footnote 4 (i.e. the second footnote) is inaccurate. Box 6, description of content, suggests identifying which parts of a dual-notified measure are SPS and which TBT.
- c. The new proposed notification for box 9 (other relevant documents) would indicate whether the measure was also notified to the TBT committee. Whether it has been dually notified is different from the question of which parts are SPS and which TBT.

7 MRLS FOR PLANT PROTECTION PRODUCTS

7.1. *Recommendations (Paragraph 8.6 of [G/SPS/W/313/Rev.2](#)):*

- *The Committee encourages Members to engage in national discussions of options that could enable a more productive Codex MRL system; and in particular, to discuss ways to achieve sustainable funding for the joint FAO/WHO scientific bodies. Such national discussions of options with respect to the MRL system would take place in the context of national resource availability, and could involve consideration of, inter alia, options for increasing support to JMPR, including increasing representative expert participation and other forms of support for the scientific bodies, and options for encouraging programmes to support submission of data from developing countries, especially on minor crops. The Committee invites regular updates from Codex on its progress in the evaluation of new compounds and of new uses for existing compounds, and on its progress in its periodic review of existing compounds.*
- *The Committee encourages Members to provide greater transparency and predictability worldwide on MRLs, by inter alia: (1) notifying all proposed changes to their MRLs, including changes to MRLs that are based on international standards; and (2) reviewing and improving their ability to take the comments of their trading partners meaningfully into account when considering proposed changes on MRLs.*
- *The Committee welcomes efforts by Members and the relevant observer organizations to provide regular updates to the Committee on their activities on MRLs, including updates on regional initiatives on MRLs. The Committee notes that such information could provide the basis for other Members to implement similar activities at the national and regional levels to improve harmonization to Codex MRLs, as well as to regional MRLs where relevant, in order to facilitate trade.*
- *The Committee invites Members, on a voluntary basis, to explore ways in which their domestic regulatory approaches to pesticide registration and use can impact – both negatively and positively – the incentives of the private sector to invest in registration and stewardship of lower-risk alternative pesticides in their countries. The Committee also invites Members to evaluate their own minor use needs and to collaborate in global data-generation activities.*

7.1 Argentina

7.2. The recommendations contained in the report are in line with those proposed in document [G/SPS/W/292/Rev.4](#), which was submitted by Argentina together with other Members. It is considered particularly important to include in the report the recommendations put forward in this document, with the wording as proposed.

7.2 Canada

7.3. As a cosponsor of this proposal, Canada supports the recommendations.

8 REGIONALIZATION

8.1. *Recommendations (Paragraph 9.15 of [G/SPS/W/313/Rev.2](#)):*

- *The Committee recognizes the importance of regionalization to safe trade in agricultural products. The Committee encourages Members to respond to requests from other Members concerning regionalization in a timely manner and to avoid unnecessary requests for information.*
- *Members are encouraged to use actively and systematically the Guidelines to Further the Practical Implementation of Article 6 ([G/SPS/48](#)), including the section on Expedited Process (Section IV).*
- *With a view to increasing transparency, Members are encouraged to share: their experiences in developing and strengthening their frameworks for regionalization; and information on their procedures and processes related to regionalization, including on how another Member may request recognition of pest- or disease-free areas.*
- *Under the Committee's agenda item for regionalization, Members are encouraged to share experiences on: securing another Member's recognition of regional conditions with respect to specific plant pests or animal diseases; and recognizing regional conditions of another Member with respect to specific plant pests or animal diseases.*
- *Members appreciate the information shared by OIE and IPPC on their activities in support of regionalization. Members welcome additional information on case studies, the Performance of Veterinary Services (PVS) Pathways, and Observatory projects, and on other activities aimed at improving understanding and implementation of OIE and IPPC standards.*
- *The Committee should further discuss issues related to Article 6, including the Committee Guidelines, through future thematic sessions, informal meetings or working groups, as appropriate.*

8.1 Canada

8.2. Canada supports the recommendations in the draft report of the Fifth Review.

8.2 Peru

8.3. Regarding the draft Report of the Review of the Operation and Implementation of the SPS Agreement ([G/SPS/W/313/Rev.2](#)), Peru would like to submit the following proposal for the first bullet for point 9.15 (the recommendations contained in the regionalization subheading) to include "*and processed products,*" to read as following:

- *The Committee recognizes the importance of regionalization to safe trade in agricultural products and processed products. The Committee encourages Members to respond to requests from other Members concerning regionalization in a timely manner and to avoid unnecessary requests for information.*

8.3 Chinese Taipei

8.4. Our comments on the draft Report of the 5th Review are in relation to the recommendation (point 3) on regionalization in paragraph 9.15 of [G/SPS/W/313/Rev.2](#):

- *"With a view to increasing transparency, Members are encouraged to share: their experiences in developing and strengthening their frameworks for regionalization; and information on their procedures and processes related to regionalization, including on how another Member may request recognition of pest- or disease-free areas."*

8.5. Based on data protection as well as securing another Member's rights, it is not suggested for Members to share another Member's information on requesting recognition of pest- or disease-free

areas. Thus, we suggest to delete "*including on how another Member may request recognition of pest- or disease-free areas.*"

8.4 United Kingdom

8.6. The United Kingdom recommends the Committee to consider compartmentalisation in parallel.

9 ROLE OF CODEX, IPPC AND OIE IN ADDRESSING SPECIFIC TRADE CONCERNS

9.1. *Recommendations (Paragraph 10.12 of G/SPS/W/313/Rev.2):*

- *The International Standard Setting Bodies are invited to provide information on relevant standards, guidelines and recommendations in the SPS Committee meetings.*
- *The Committee may continue to consider the role of Codex, IPPC and OIE in addressing specific trade concerns.*

9.1 Argentina

9.2. Argentina considers that the amendment proposed by the United States to the first point of recommendation 10.12 changes the content of that recommendation. In this connection, the original recommendation was addressed to the Codex, IPPC and OIE, which were invited to provide information on their standards in SPS Committee meetings.

9.3. If the amendments suggested by the United States were to be implemented, the recommendation would be addressed to the Members of the Committee, who would be encouraged to hold consultations within the framework of these standard setting bodies to obtain advice and guidance when a specific trade concern arises with respect to the standards of these bodies.

9.4. Given the above, it would be advisable to keep the original wording of the first recommendation, which does not preclude the possible inclusion of the United States' proposal as an additional recommendation.

9.2 Canada

9.5. Canada supports the recommendations as stated in the draft Report of the Fifth Review.

9.6. However, Canada has additional revisions (in italics) for the first recommendation as revised by the United States in [G/SPS/W/323](#):

- ~~The International Standard Setting Bodies are invited~~ *Committee encourages Members to provide information on consult with their relevant ISSB experts for advice and counsel when a specific trade concern arises regarding one of the ISSB's relevant standards, guidelines and or recommendations in the SPS Committee meetings.*

9.7. Canada considers that this recommendation should be related to Members seeking advice from their domestic ISSB experts in advance of the SPS Committee rather than seeking advice from the ISSBs themselves.

9.3 India

9.8. We note that Article 12.6 of the SPS Agreement states:

"The Committee may, on the basis of an initiative from one of the Members, through appropriate channels invite the relevant international organizations or their subsidiary bodies to examine specific matters with respect to a particular standard, guideline or recommendation, including the basis of explanations for non-use given according to paragraph 4."

9.9. We would prefer replacing the term "addressing specific trade concerns" in the second recommendation, with "with respect to specific trade concerns". This would ensure that the process in the Committee with respect to the STCs, remains Member-driven.

9.4 United Kingdom

9.10. The United Kingdom suggests this alternative phrasing for the first recommendation:

- The Committee encourages Members to consult with the relevant ISSB for advice and counsel when a specific trade concern arises regarding one of the ISSB's standards, guidelines or recommendations.

9.11. The United Kingdom suggests this alternative phrasing for the second recommendation:

- The Committee may continue to consider the role of Codex, IPPC and OIE with respect to specific trade concerns.

9.5 United States¹²

9.12. The revised recommendations from the United States, as indicated in [G/SPS/W/323](#), are as follows:

- ~~The International Standard Setting Bodies are invited~~ *Committee encourages Members to provide information on consult with the relevant ISSB for advice and counsel when a specific trade concern arises regarding one of the ISSB's standards, guidelines and/or recommendations in the SPS Committee meetings.*
- *The Committee may continue to consider the role of Codex, IPPC and OIE in addressing with respect to specific trade concerns.*

9.13. Comments from the United States on its suggested edit in the second recommendation on the role of Codex, IPPC and OIE in relation to the revised text "~~in addressing with respect to...~~":

- a. Current phrasing presumes they have a role in "addressing" the concerns. That would misunderstand the permissible role of ISSBs.

10 GENERAL COMMENTS

10.1 Argentina

10.1. Argentina thanks the Secretariat for preparing the documents for the Fifth Review of the SPS Agreement, which reflect the discussions held so far. We also thank the United States for the comments that they submitted, which are broadly shared.

10.2. However, it draws attention to its comments above.

10.2 European Union

10.3. Regarding [G/SPS/W/313/Rev.2](#) and [G/SPS/W/313/Rev.2/Add.1](#), we have no further comments on the text.

10.3 Turkey

10.4. As the SPS working group of Turkey, we would like to inform you that we have no comments on the documents.

¹² The United States also submitted its comments on the recommendations in [G/SPS/W/313/Rev.2](#) as a separate document [G/SPS/W/323](#).

SECTION 2 – MEMBERS' COMMENTS ON PART B OF THE REVISED DRAFT REPORT OF THE FIFTH REVIEW (FACTUAL SECTION, [G/SPS/W/313/REV.2/ADD.1](#))

10.4 European Union

10.5. Regarding [G/SPS/W/313/Rev.2](#) and [G/SPS/W/313/Rev.2/Add.1](#), we have no further comments on the text. We understand the temporal scope of the report is 2014-2019. We would be interested in the factual report including a reference to EU GEN document on Technical Assistance (G/SPS/GEN/1139/Add.5). Although circulated prior to the meeting of March, the report covers the period 2017-2018.

10.5 Turkey

10.6. As the SPS working group of Turkey, we would like to inform you that we have no comments on the documents.

10.6 United States

10.7. Please refer to the comments from the United States on [G/SPS/W/313/Rev.2/Add.1](#) in document G/SPS/W/326.
