



Committee on Sanitary and Phytosanitary Measures

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

REVISED DRAFT RECOMMENDATIONS FOR THE FIFTH REVIEW REPORT

Note by the Secretariat¹

The following draft recommendations² were revised on the basis of Members' submitted comments as contained in G/SPS/W/324.

Members are invited to review these revised recommendations ahead of discussions in the virtual informal consultations which will be held on **Monday, 25 May 2020 starting at 3:00 p.m.** (further technical information on these consultations will be provided to Members). Members will also have the opportunity to provide comments in writing to the Secretariat (SPSCommittee@wto.org) by the deadline of **Tuesday, 2 June 2020**.

1 APPROPRIATE LEVEL OF PROTECTION, RISK ASSESSMENT AND SCIENCE

1.1. *Revised recommendations:*³

- *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 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 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 \(and revisions\)](#).

³ See paragraph 2.15 of [G/SPS/W/313/Rev.2](#) for the previous version of these recommendations.

2 CONTROL, INSPECTION AND APPROVAL PROCEDURES (ANNEX C)

2.1. *Recommendations*:⁴

- *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.*

3 EQUIVALENCE

3.1. *Revised recommendations*:⁵

- *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 SPS Committee representatives 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 ISSB discussions that bear on the issue of equivalence.*~~

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

4 FALL ARMYWORM

4.1. *Revised recommendations*:⁶

- *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 farms.*
- *As appropriate, Members are encouraged to request technical assistance to support efforts to improve their integrated pest management strategies and, where needed, their*

⁴ These are the recommendations reflected in paragraph 3.11 of [G/SPS/W/313/Rev.2](#).

⁵ See paragraph 4.12 of [G/SPS/W/313/Rev.2](#) for the previous version of these recommendations.

⁶ See paragraph 5.16 of [G/SPS/W/313/Rev.2](#) for the previous version of these recommendations.

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.

5 NATIONAL SPS COORDINATION MECHANISMS

5.1. Revised recommendations: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 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.

6 NOTIFICATION PROCEDURES AND TRANSPARENCY

6.1. Revised recommendations:⁸

- 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 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".~~

7 MRLS FOR PLANT PROTECTION PRODUCTS

7.1. Recommendations:⁹

- 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

⁷ See paragraph 6.7 of [G/SPS/W/313/Rev.2](#) for the previous version of these recommendations.

⁸ See paragraph 7.13 of [G/SPS/W/313/Rev.2](#) for the previous version of these recommendations.

⁹ These are the recommendations reflected in paragraph 8.6 of [G/SPS/W/313/Rev.2](#).

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.*

8 REGIONALIZATION

8.1. *Revised recommendations:*¹⁰

- *The Committee recognizes the importance of regionalization~~x~~ 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.*
- *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.*

¹⁰ See paragraph 9.15 of [G/SPS/W/313/Rev.2](#) for the previous version of these recommendations.

New footnote x: In the OIE context, regionalization is referred to as zoning and compartmentalization.

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

9.1. *Revised recommendations:*¹¹

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

¹¹ See paragraph 10.12 of [G/SPS/W/313/Rev.2](#) for the previous version of these recommendations.