



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

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

This document includes the comments submitted by the United States 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](#)). Please refer to document [G/SPS/W/324](#) for additional comments from Members on Part A of the revised draft Report of the Fifth Review (i.e. the section on proposals, [G/SPS/W/313/Rev.2](#)) and Part B of the revised draft Report of the Fifth Review ([G/SPS/W/313/Rev.2/Add.1](#)).

**1 CONTROL, INSPECTION AND APPROVAL PROCEDURES (ARTICLE 8 AND ANNEX C) -
SECTION 3 OF [G/SPS/W/313/REV.2/ADD.1](#)**

1.1. Suggested edits and comments in relation to paragraph 3.1.

"3.1 ... The workshop explored the ~~main WTO rules provisions of, and related jurisprudence on dispute settlement reports regarding,~~ Article 8 and Annex C of the SPS Agreement, and explained the relationship between the TF and SPS Agreements. Representatives from Codex, IPPC and OIE presented an overview of relevant work in the three sisters. Presentations by the World Bank, the STDF, and COMESA had depicted experiences on the ground, given estimates on SPS-related trade transaction costs, and identified ~~win-win~~ opportunities to facilitate safe trade, such as interagency collaboration and increased transparency. The European Union, the United States, Canada, China, Turkey, Zambia and Belize presented their domestic experiences."

- a. The US institutional position is that dispute settlement reports are not "jurisprudence". Also, we are not sure what are the "rules on" Article 8.
- b. The double win is not identified.

1.2. Comments on paragraph 3.5 in relation to the first and second sentences:

"3.5 Several speakers shared experiences as importing and exporting Members in relation to approval procedures, followed by a discussion on costs and challenges related to asynchronous ~~global~~ approval processes. An interesting insight into the linkages between the WTO Trade Facilitation Agreement and the disciplines on approval procedures was also provided. Some key takeaways included the need for increased cooperation and capacity building for strengthening the implementation of cost-effective approval procedures. Finally, a roundtable discussion concluded the thematic session by posing overarching questions to stimulate an exchange of ideas on possible ways to address some of the challenges identified, and explore possible future work."

- a. A more accurate formulation would be "...a discussion on costs and challenges related to trade and innovation caused by asynchronous approval processes globally."
- b. What was the insight?

2 COOPERATION WITH THE CODEX, IPPC AND OIE - SECTION 4 OF G/SPS/W/313/REV.2/ADD.1

2.1. Suggested edits and comments on paragraph 4.2 in relation to the first sentence:

"4.2 In addition to the standard setting information provided during the SPS Committee meetings by the three sisters, the IPPC urged Members in 2018 to support Finland's proposal to declare 2020 as the International Year of Plant Health (IYPH) at the UN General Assembly in September 2018. ..."

- a. There is no need for the clause, which characterizes the nature of the information presented.

3 EQUIVALENCE (ARTICLE 4) - SECTION 6 OF G/SPS/W/313/REV.2/ADD.1

3.1. Suggested edits and comments in relation to paragraph 6.8:

" 6.8. In October 2018, the first part of the Thematic Session on Equivalence¹ was held. The Secretariat developed a programme for the workshop based on the proposal by Canada and inputs from Members. ~~This first part provided an opportunity to lay out the international framework for the application of the concept of equivalence. The~~In this first part, the Secretariat provided an overview of the provisions of the SPS Agreement on equivalence (Article 4), ~~the relevant guidelines (G/G/SPS/19/Rev.2), and of related jurisprudence; the dispute settlement reports. The~~ thematic session included a presentation from the Secretariat on equivalence from a TBT perspective. ~~Secondly, the representatives~~Representatives of Codex, IPPC and OIE ~~explained how~~discussed the concept of equivalence ~~was applied~~ in their respective areas, ~~and identified the relevant international standards and guidelines.~~. Discussions covered the need to ensure the consistency of the work being undertaken by the standard-setting bodies with the WTO Agreements; the challenges of having a common definition of equivalence; the lack of consistency in wording across organizations; the situations in which a systems approach should be used; and the link between recognition of disease-free areas and equivalence determinations.

- a. In relation to the edit "In this first part, the Secretariat provided...", more neutral wording avoids characterizing.
- b. In relation to the edit "Codex, IPPC and OIE ~~explained how~~discussed the concept of equivalence ~~was applied~~ in their respective areas...", the ISSBs do not "apply" standards. In the discussions, the ISSB representatives conveyed that they do not know how the concepts on equivalence contained in their standards, guidelines and recommendations are applied at the national level.
- c. In relation to the text "the lack of consistency in wording across organizations", is it across and within ISSBs? Did Codex not acknowledge inconsistency across its documents?
- d. In relation to the text "...the situations in which a systems approach should be used", a more accurate formulation would be: "... the factors which contribute to the relevance and effectiveness of the use of a systems approach".
- e. In relation to the text "... and the link between recognition of disease-free areas and equivalence determinations", a more accurate formulation would be: "...and whether recognition of pest or disease-free areas constitutes a form of equivalence determination."

3.2. Comment in relation to the last sentence of paragraph 6.9:

"6.9 Finally, speakers from COMESA, Imperial College London and Peru explored other approaches to equivalence. During the session, the principles of transparency, engagement

¹ The programme is available in document [G/SPS/GEN/1640/Rev.1](https://www.wto.org/english/tratop_e/sps_e/workshop301018_e.htm). Presentations from the thematic session are also available at: https://www.wto.org/english/tratop_e/sps_e/workshop301018_e.htm.

and mutual trust were highlighted as prerequisites for the effective implementation of equivalence."

a. Actually, during the session it became clear that some (many?) Members did not notify their equivalence arrangements nor make the terms of such arrangements publicly available. Nor did these Members indicate a willingness to do so. Apparently, transparency is not a prerequisite.

3.3. Suggested edits in relation to paragraph 6.12:

"6.12 Also in 2019, a joint proposal submitted by Brazil, Kenya, Paraguay and the United States² on enabling access to tools and technologies towards safer and more sustainable agriculture through regulatory collaboration, included equivalence as one of the possible concepts ~~subject to~~for further Committee discussion in connection with fall armyworm (FAW).³"

4 MONITORING THE USE OF INTERNATIONAL STANDARDS (ARTICLES 3.5 AND 12.4) - SECTION 10 OF [G/SPS/W/313/REV.2/ADD.1](#)

4.1. Comment in relation to number (iv) of paragraph 10.5:

"10.5 In 2016, several previously raised issues were discussed: (i) Argentina's concerns regarding measures on bovine semen and reproductive material more restrictive than the OIE Standard; (ii) Senegal's concerns regarding the application of ISPM 13 on notifications of non-compliance; (iii) US concerns regarding BSE restrictions not consistent with the OIE International Standard; (iv) US concerns regarding IPPC phytosanitary certificate requirements for processed food products; (v) US concerns regarding the use of the Codex international standard on glyphosate; and (vi) US concerns regarding HPAI restrictions not consistent with the OIE International Standard."

a. A more accurate formulation would be: "(iv) US concerns regarding the non-application of IPPC international standards for phytosanitary certificates for processed food products."

4.2. Comment in relation to the second sentence in paragraph 10.7:

"10.7 In 2017, the Committee agreed to circulate the convening airgram one week earlier than the previous practice. This meant that the original deadline for raising agenda items under the procedure to monitor the use of international standards, which was 10 days before the meeting, no longer coincided with the deadline for raising issues under other agenda items. ..."

a. The original deadline is the deadline contained in G/SPS/11/Rev.1?
"This meant that the deadline of 10 days before the meeting contained in the Committee's monitoring procedures established in 2004, no longer coincided..."

4.3. Comment in relation to number (i) in the first part of paragraph 10.8:

"10.8 In 2018, several new issues were raised: (i) US concerns regarding unnecessary delays in adoption of Codex Food Additive Standards; (ii) US concerns regarding non-science factors in Codex standards; (iii) EU concerns on ASF restrictions not consistent with the OIE international standard; (iv) Indonesia's and US concerns regarding risk management related to the global movement in plant seeds (ISPM 38); and (v) India's concerns regarding the use of the Codex definitions for milk and milk products."

² [G/SPS/W/317](#).

³ [G/SPS/W/305](#), [G/SPS/W/309](#), [G/SPS/W/309/Corr.1](#) and [G/SPS/W/317](#). See the section on fall armyworm in Part A of the Report of the Fifth Review (i.e. document [G/SPS/W/313/Rev.2](#)), which provides additional details on the substance of submitted proposals and the subsequent discussions.

a. Language here is ambiguous on whether the complaint is delays by Codex in adopting new standards or delays by Members in adopting Codex standards. A more accurate formulation would be: "US concerns regarding unnecessary delays in the adoption of Food Additive Standards by the Codex Committee on Food Additives."

4.4. Comment in relation to number (iii) in the second part of paragraph 10.8:

"10.8 Some previously raised issues were also discussed: (i) EU and US concerns regarding HPAI restrictions not consistent with the OIE international standard; (ii) US concerns regarding the relation of the World Health Organization and the Food and Agriculture Organization to Codex Alimentarius; (iii) US concerns regarding the non-use of Codex Guidelines and Principles on Official Import and Export Certificates; (iv) US concerns regarding BSE restrictions not consistent with the OIE international standard; and (v) US concerns regarding the use of the Codex international standard on glyphosate."

a. In relation to the text "... Codex Guidelines and Principles on Official Import and Export Certificates", is this the right name?

5 OBSERVER STATUS

5.1. Comment in relation to the last sentence of paragraph 11.2:

"11.2 In September 2019, the Committee received a new request for ad hoc observer status from the United Nations Industrial Development Organization (UNIDO).⁴ In the November 2019 Committee meeting, some delegations requested more time to consider this request, and the Committee agreed to return to it at its March 2020 Committee meeting."

a. At its next meeting?

6 OTHER SUBSTANTIVE DISCUSSIONS - SECTION 12 OF [G/SPS/W/313/REV.2/ADD.1](#)

6.1 Maximum residue limits (MRLs) for plant protection products – Section 12.1

6.1. Suggested edits and comments in relation to paragraph 12.3:

"12.3 The Secretariat organized a Thematic Workshop on Pesticide Maximum Residue Levels⁵ in October 2016, which brought together officials for an in-depth session focusing on the relevant provisions of the SPS Agreement and related jurisprudence, as well as the Codex approach to establishing MRLs. The workshop also benefitted from presentations on various regional and international initiatives focused on harmonizing MRLs and establishing MRLs for minor-use crops. In addition, various WTO Members shared their national experiences on establishing MRLs and provided insights into: the challenges of implementing ~~and complying with~~ Codex MRLs, ~~as well as~~ the impact of default MRLs and MRL expiration on international trade, ~~and the challenges to producers of complying with Codex MRLs~~. Speakers from the private sector also contributed to the workshop, highlighting ~~the~~ various ways for the private sector to be involved in establishing MRLs, such as by providing ~~the~~ relevant technical data. Several follow-up actions were proposed during the workshop, with a view to addressing various concerns related to pesticide MRLs."

a. In relation to "jurisprudence", replace with "dispute settlement reports".

b. In relation to the edits in the text, these are proposed changes for clarity.

6.2. Comment in relation to number (iv) of paragraph 12.4:

⁴ [G/SPS/GEN/121/Add.18](#).

⁵ The summary report of the Pesticide MRLs Workshop was circulated as [G/SPS/R/85](#). The programme (G/SPS/GEN/1514/Rev.1) and presentations from the workshop are available via the following link: https://www.wto.org/english/tratop_e/sps_e/wkshop_oct16_e/wkshop_oct16_e.htm.

"12.4 Following the workshop, the United States made suggestions for future work by the SPS Committee in four topic areas: (i) enhancement of the Codex MRL system; (ii) transparency and predictability in Members' regulatory approaches; (iii) regular updates on harmonization efforts being undertaken by APEC, NAFTA, OECD and EAC, with the aim of inspiring similar harmonization initiatives at the regional level; and (iv) greater access of developing countries to newer, alternative pesticides that can replace older pesticides. ..."

- a. In relation to the text "newer, alternative pesticides that can replace older pesticides", instead refer to "lower-risk pesticides".

6.3. Suggested edits and comment in relation to paragraph 12.17:

"12.17 In 2019, Australia drew attention to the ~~"APEC import~~ Import MRL guideline ~~Guideline for Pesticides~~pesticides: A guideline ~~Guideline on possible approaches~~ Possible Approaches to Achieve ~~achieve alignment~~ Alignment of international ~~International~~ MRLs".⁶ ..."

- a. In relation to the suggested edits, this is a title.

6.4. Suggested edit in relation to last sentence of paragraph 12.19:

"12.19 ... Burkina Faso requested that JMPR include sesame in its studies, and ~~as well as~~ Côte d'Ivoire and Nigeria, pointed to the need for technical assistance in this area."

6.5. Comment in relation to last sentence of paragraph 12.20:

"12.20 ... Representatives of nearly 20 countries had attended the event and had explored practical examples of the application of the SPS Agreement for the proper definition of pesticide MRLs."

- a. What does this mean?

6.2 Fall armyworm (FAW) – Section 12.2

6.6. Suggested edits and comment in relation to first sentence of paragraph 12.27:

"12.27 First, the Secretariat provided an overview ~~of the provisions of the~~ certain SPS Agreement provisions and ~~jurisprudence~~ dispute settlement reports that could be relevant to regulatory approaches that enabled access to safe tools and technologies. ..."

- a. Some edits for clarity.

6.7. Suggested edit in the first sentence of paragraph 12.28:

"12.28 At the end of the thematic session, the Chairperson invited Members to comment on the first open-ended meeting of the Working Group ~~of~~ on FAW, which had been held after the informal meeting. ..."

6.8. Suggested edit and comment in relation to paragraph 12.29:

"12.29 ... The African Union reiterated its efforts to support the management of FAW outbreaks in Africa with other developing partners. ECOWAS drew attention to the training it had provided to strengthen the monitoring, prevalence and impact of FAW on food production, with the financial and technical support of FAO; which had led to additional targeted funding. ... "

- a. Added "on food production" to clarify that ECOWAS does not really want to strengthen the impact of FAW.

⁶ [G/SPS/GEN/1746](#).

6.3 Gene editing and biotechnology – Section 12.4

6.9. Comment in relation to the title of section 12.4 "Gene editing and biotechnology":

- a. A more accurate formulation would be: "Gene editing and other forms of biotechnology".

6.10. Comment in relation to paragraph 12.43:

"12.43 ... Australia, Brazil, Canada, Colombia, the Dominican Republic, Guatemala, Honduras, Jordan, Paraguay, the United States, Uruguay and Viet Nam supported the International Statement. ECOWAS also expressed support for the proposal, while highlighting some challenges for developing countries in responding to this advanced technology.

- a. Please use full title of the statement, i.e. "International Statement on Agricultural Applications of Precision Biotechnology".

6.11. Comment in relation to paragraph 12.46:

"12.46 In 2019, the United States brought Members' attention to its Executive Order 13874, entitled Modernizing the Regulatory Framework for Agricultural Biotechnology Products. The United States also drew attention to its Sustainable, Ecological, Consistent, Uniform, Responsible, Efficient (SECURE) proposed rule. The rule sought to modernize USDA's plant biotechnology regulations, to protect plant health while allowing agricultural innovation to thrive. The framework would provide a clear, predictable, and efficient regulatory pathway for innovators, while facilitating the development of new and novel GE plants that would be unlikely to pose a plant pest risk."

- a. Unclear if "the framework" is meant to refer to the Executive Order (which has "framework" in title), the rule, or both. Instead suggest "The framework, and the proposed rule, sought to provide a clear, predictable, and efficient pathway for innovators. The proposed rule sought to facilitate the development of new and novel GE plants that would be unlikely to pose a plant pest risk."

7 REGIONALIZATION (ARTICLE 6) - SECTION 14 OF [G/SPS/W/313/REV.2/ADD.1](#)

7.1. Suggested edits and comments in relation to the last part of paragraph 14.13:

"14.13 ... The Secretariat provided an overview of ~~the provisions of the SPS Agreement on pest-free areas~~ Article 6 and the ~~relevant guidelines~~ (G/SPS/48), as well as relevant jurisprudence from recent disputes. On behalf of the IPPC, a Member presented on the IPPC standards on pest-free areas; factors to consider when establishing pest-free areas; implementation challenges; and information on the IPPC's Pest-Free Area Project."

- a. In relation to the suggested edits "The Secretariat provided an overview of ~~the provisions of the SPS Agreement on pest-free areas~~", not all of Article 6 is about pest-free areas and we assume the presentation was about more than the specific parts of Article 6 on pest-free area.
- b. In relation to the edit "~~relevant guidelines~~", use the actual title instead of statement about relevance: "Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures".
- c. In relation to "jurisprudence", replace with "dispute settlement reports".

7.2. Suggested edit and comment in relation to the first sentence of paragraph 14.14:

"14.14 Discussions were also held on the role of dispute settlement panels in assessing the evidence provided by Members in relation to the determination of pest-free areas and on the broad nature of IPPC standards, among others. ..."

a. In relation to the text "among others", replace with "among other issues"?

7.3. Comment in relation to the footnote 85 of paragraph 14.16:

"Footnote 85 The WTO Secretariat participated in this symposium via video conference and delivered a presentation on pest-free areas and the SPS Agreement, including relevant SPS Committee Guidelines."

a. In relation to "relevant SPS Committee Guidelines", use actual title instead of statement about relevance: "Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures".

8 RISK ANALYSIS: RISK ASSESSMENT (ART. 5), RISK MANAGEMENT AND COMMUNICATION - SECTION 15 OF [G/SPS/W/313/REV.2/ADD.1](#)

8.1. Comment in relation to the last sentence of paragraph 15.10:

"15.10 ... Codex informed on the decision of the Chairperson of the Codex Committee on Residues of Veterinary Drugs in Food (CCRVDF) not to move the MRLs for Zilpaterol to step 5 for intermediate adoption, despite the completed JECFA risk assessment and Members' consensus on the science, and also on the adoption of the Risk Management Recommendation for Gentian violet."

a. In relation to the text "...on the adoption of the Risk Management Recommendation for...", unclear whether this connects to Members' consensus or the Chairperson's report.

8.2. Comment in relation to paragraph 15.11:

"15.11 In 2019, the Russian Federation informed the Committee of the International Conference on Food Safety Risk Analysis and Antimicrobial Resistance, to be held in Moscow on 17-18 December 2019. The aim of the conference, jointly organized with FAO, was to enhance multinational cooperation on food safety, gathering representatives in animal health, public health and food safety sectors to facilitate exchange in experiences and best practices relating to reduction of AMR, assess multifaceted food safety risks, enhance multilateral dialogue and promote partnerships between different stakeholders. In addition, the Dominican Republic highlighted the Risk Analysis Consortium created with the support of IICA (including its SPS Leadership Course) and OIRSA."

a. This paragraph is mentioned twice in the report, here and under AMR.

9 SPS-RELATED PRIVATE STANDARDS - SECTION 17 OF [G/SPS/W/313/REV.2/ADD.1](#)

9.1 Other activities in relation to private standards – Section 17.5

9.1. Suggested edits and comment in relation to paragraph 17.27:

"17.27 In July 2018, Belize informed the SPS Committee of its participation in government to government, and government to business meetings held in Japan in March 2018, with the support of FAO. On the margins of the Food Safety Conference, Belize expressed its concerns on issues related to private and commercial standards, and their negative impact on exporting companies in Belize. Belize ~~observed~~stated that since concerns with private and commercial standards had first been raised in the SPS Committee in 2005, ~~the following points had been noted by the Belize's private sector exporters had reported that:~~ ..."

a. In relation to the edit "Belize's private sector exporters had reported that", we presume this is not the view of the private sector users of the schemes, but rather of Belize's exporters.

9.2. Suggested edit and comment in relation to the word "referencing" in the first sentence of paragraph 17.28:

"17.28 In addition to referencing the Committee Decision on "Actions Regarding SPS-Related Private Standards", as contained in [G/SPS/55](#), Belize encouraged Members to: ..."

- a. Without this word here, the sentence reads – incorrectly – as if G/SPS/55 also encourages Members to do the 4 things suggested by Belize in paragraph 17.27.

9.3. Suggested edits and comments in relation to paragraph 17.29:

"17.29 Finally, Belize reminded Members of the ~~legal obligations contained in~~ provisions of Article 13 of the SPS Agreement, and in particular drew Members' attention to the second and third sentences of Article 13. Belize further ~~underscored the~~ expressed that it sees a need for the development of guidelines for the implementation of Article 13, especially given the increased role of the private sector, and urged the Committee to make an effort to initiate work in that regard. Belize also noted the work being undertaken in the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) on "Guidance for Authorities to Assess Third Party Assurance and its Potential to Inform National Food Control System Planning", indicating its hope that this would serve as a catalyst ~~to advance the Committee's work and influence~~ for Committee discussions and prompt the development of guidelines for the implementation of Article 13."

- a. This report consistently (and correctly) refers to the "provisions of" SPS Agreement Articles and does not elsewhere use the phrasing "legal obligations." The specific phrasing here, moreover, is not explicitly attributed to Belize as opposed to the Members who will endorse this report. Accordingly, Article 13's contents should be described using the "provisions of" phrasing used elsewhere.
- b. The word "underscored" suggests the need was already apparent.
- c. In relation to the edits "~~to advance the Committee's work and influence~~ for Committee discussions and prompt...", the current phrasing incorrectly suggests existence or contemplation of current work on guidelines.

9.4. Suggested edits and comments in relation to the last sentence of paragraph 17.30:

"17.30 ... Ecuador recalled that the Committee' discussions on private standards had continued for some time and that document [G/SPS/55](#), which had been adopted by the Committee in March 2011, continued to apply. Ecuador further noted that the application of standards and measures by private entities could have a disproportionate effect on trade for goods produced and exported by developing countries. Ecuador ~~indicated its~~ stated that it had continued interest in discussing this topic in the Committee; in order to reach an agreement on the best way to regulate these types of standards and to ensure compliance with Article 13 of the SPS Agreement."

- a. Phrase so as to ensure all thoughts in the sentence, including their relationship and precise framing, are clearly attributed to Ecuador only.
- b. In relation to the edit "in the Committee,", delete comma to help ensure that all thoughts in the sentence, and their relationship, are clearly attributed to Ecuador only and not to Members endorsing the report.

9.5. Suggested edits and comment in relation to paragraph 17.31:

"17.31 In 2018 and 2019, the Committee discussed proposals submitted by Belize ~~on~~ for the development of guidelines for implementation of Article 13,⁷ and on voluntary third-party assurance schemes.⁸"

⁷ [G/SPS/W/306](#).

⁸ [G/SPS/W/316](#) and [G/SPS/W/320](#). See the section on voluntary third-party assurance schemes in Part A of the Report of the Fifth Review (i.e. document [G/SPS/W/313/Rev.2](#)), which provides additional details on the substance of the submitted proposals and the subsequent discussions.

- a. The word "on" suggests a currently ongoing development process.

10 TECHNICAL ASSISTANCE AND TRAINING ACTIVITIES (ARTICLE 9) - SECTION 18 OF G/SPS/W/313/REV.2/ADD.1

10.1 The Standards and Trade Development Facility (STDF) – Section 18.3

- 10.1. Comment in relation to the first sentence of paragraph 18.21:

"18.21 The STDF is a global partnership that helps developing countries improve their food safety, and animal and plant health capacity to meet SPS requirements for trade, based on international standards. ..."

- a. In relation to the text "based on international standards", is this supposed to modify "SPS requirements" or how the partnership helps? Need to clarify. Is it "... requirements for trade that are based on international standards"?

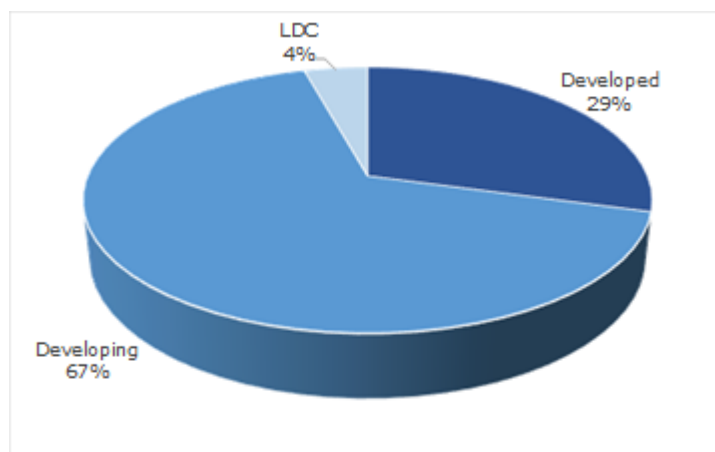
- 10.2. Suggested edits and comments in relation to the first sentence of paragraph 18.26:

"18.26 In 2018, the STDF initiated work on creating a guidance document and practical checklist on the use of Good Regulatory Practice (GRP).⁹ This work aims to provide guidance for developing countries to ensure that SPS measures are "fit for purpose" and that they avoid the creation of non-tariff barriers. It will seek to identify good practices and recommendations to enhance the development and implementation of SPS measures ~~in order~~. It will aim specifically to: (i) strengthen the effectiveness of regulatory interventions; (ii) ~~improve compliance with increase use of~~ international standards and implementation of the SPS Agreement; and (iii) ensure health protection while facilitating trade. A peer review group of STDF members and relevant organizations (including OECD) is supporting this work. The Secretariat aims to present this work on the margins of a Committee meeting in 2021."

- a. In relation to the edit "~~in order~~", this connector does not make sense.
- b. In relation to the text "increase use of international standards", there is no requirement to "comply" with international standards.

11 TRANSPARENCY (ARTICLE 7 AND ANNEX B) - SECTION 19 OF G/SPS/W/313/REV.2/ADD.1

- 11.1. Comment on "Chart 6 - Development status of notifying Members between January 2014 and 31 December 2019":



⁹ <http://www.standardsfacility.org/good-regulatory-practice>.

- a. This pie chart needs further labelling. Unclear what it is showing.

11.1 Proposals on transparency – Section 19.5

- 11.2. Suggested edit and comment in relation to paragraph 19.34:

"19.34 The Secretariat provided an overview of the key SPS and TBT transparency provisions and reviewed the objectives and coverage of the SPS and TBT Agreements, related discussions in the respective Committees and examples of measures notified under both Agreements. Brazil, Japan, Chinese Taipei, Canada and Uganda presented on their experience in implementing the transparency provisions with SPS/TBT notifications. The Secretariat, UNCTAD and ITC introduced several tools and sources of SPS/TBT information. Uganda, Australia, China and New Zealand shared their experience on transparency-related coordination. Representatives from the WTO Secretariat, STDF, UNCTAD and Belize took part in a round table on Guidelines and available tools for domestic coordination. Canada, Peru, Kenya, the United States and Senegal shared domestic coordination experiences. And finally, the African Union, ECOWAS, IICA, Chile and APEC presented on regional/international initiatives to support domestic coordination."

- a. Use of "Guidelines" here, with capitalization is odd. If part of a title, then we presume other words need to be capitalized. Should this be "guidance" (no capitalization)?

- 11.3. Suggested edits and comment in relation to paragraph 19.35:

"19.35 In 2019, the United States noted that several Members had national policies to align their SPS ~~standards and~~ regulations to those of the European Union, but did not regularly notify proposed changes to the SPS Committee. The United States pointed to the low notification rate of the European Free Trade Association (EFTA) and invited Members with national policies aligned with EU SPS measures to review their notification practices to ensure that other WTO Members had the opportunity to comment on changes to their SPS ~~measures~~ regulations. Colombia appreciated the inclusion of this item on the agenda and Paraguay and Uruguay expressed their concern."

- a. Annex B concerns regulations.

12 APPENDIX

- 12.1. Comment in relation to the Appendix:

" APPENDIX A: Secretariat background documents and other meeting documents, 2014-2019

- A. Transparency
- B. Monitoring International Standards
- C. Technical Assistance
- D. Implementation of the Agreement – Specific Trade Concerns /Ad Hoc Consultations
- E. Private Standards
- F. Regionalization
- G. Review of the SPS Agreement
- H. Equivalence
- I. Other"

- a. We are not sure what the point of including this table of contents is when the list itself will not be part of this document. It looks very odd and it will not be clear that this is a table of contents (as opposed to a listing of documents).