
Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING HELD ON 10-11 MARCH 1999

Note by the Secretariat

1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its fourteenth meeting on 10-11 March 1999, under the chairmanship of Dr. Alejandro Thiermann (United States). The agenda proposed in WTO/AIR/1034 was adopted with amendments.

I. IMPLEMENTATION OF THE AGREEMENT

(a) Information from Members

(i) *United States – Measures related to solid wood packing material and other unmanufactured wood (G/SPS/N/USA/145)*

2. The representative of the United States recalled that at the November 1998 meeting he had provided information about US measures regarding exotic pests associated with solid wood packing material from China, including Hong Kong, China. He recognized that the risk of entry was not limited to China, although this had been identified as the highest risk pathway. On 20 January 1999, the USDA's Animal and Plant Health Inspection Service had published an advance notice of proposed rule making in the Federal Register to gather input from interested parties on how to amend current US legislation on the importation of unmanufactured wood articles to reduce the risk of solid wood packing materials introducing exotic plant pests into the United States. Apart from seeking the least trade restrictive way to protect itself from these pests, the United States also wished to respond to environmental concerns regarding the use of methyl bromide for fumigation of wood products. The deadline for comments was 22 March 1999.

3. The representative of the European Communities indicated that they had been monitoring similar problems, but were not yet in a position to provide precise information. He indicated that his delegation would keep the Committee informed.

(ii) *Argentina – Foot-and-Mouth Disease eradication programme*

4. The representative of Argentina informed the Committee that Argentina's status as a country free from Foot-and-Mouth Disease (FMD) with vaccination had not changed. As of 30 April 1999, FMD vaccination would be prohibited in all of Argentina, as would the importation of vaccinated animals. The representative of Argentina encouraged Members to recognize Argentina's sanitary status once it was recognized by the OIE.

(iii) *South Africa – Recognition as country free of Foot-and-Mouth Disease*

5. The representative of South Africa asked the Committee to take note that, after lengthy negotiations, the United States had recognized South Africa as a country free of Foot-and-Mouth

Disease. This followed a decision by the OIE to recognize South Africa's FMD-free status in May 1996.

(iv) *Chile – Status as zone free of Mediterranean fruit fly*

6. The representative of Chile thanked the Philippines for its official recognition of Chile as a zone free from fruit flies, and informed the Committee that negotiations with Japan on the same topic were almost concluded.

(v) *Chile – Status as country free of Classic Swine Fever*

7. The representative of Chile recalled his country's freedom from classic swine fever, as well as from all diseases on List A of the OIE. Unfortunately, many countries had yet to recognize Chile's status.

(vi) *Chile – Import restrictions on bovine semen*

8. The representative of Chile also recalled that at the meeting of September 1998, Switzerland had raised concerns regarding Chile's import restrictions on bovine semen. He indicated that the measure in question had been modified, and notified as G/SPS/N/CHL/31.

(b) Specific trade concerns

(i) *Australia/New Zealand – Import restrictions on raw milk cheeses (G/SPS/GEN/116)*

9. The representative of Switzerland brought again to the attention of the Committee the Australian import restrictions on Swiss hard and semi-hard cheeses made from raw milk. He stated that these cheeses had been imported into Australia for decades. However, in 1994, the Australia New Zealand Food Authority (ANZFA) implemented new measures requiring cheeses to be made with thermized or pasteurized milk. Australia accepted Swiss documentation on the equivalence of Swiss production methods to the Food Standards Code, and imports of Swiss cheese continued. In mid-1997, AQIS stopped, without prior notice, Swiss cheese imports with the argument that they did not meet Australian standards. Switzerland regarded the import prohibition as unjustified since there was no new relevant scientific evidence. In early 1998, Switzerland had made a formal application for amendment of the Australian Food Standards Code. Switzerland had also requested readmission of cheese imports based on the fact that in 1994 Australian authorities had recognized that Swiss cheese production methods resulted in health protection equivalent to that required by the Food Standards Code. Switzerland asked about the progress of Australia's internal procedures and the time-frame for their completion, and urged Australia to bring its measures into conformity with SPS obligations.

10. The representative of the European Communities indicated that they faced similar difficulties with respect to raw milk cheeses, including Roquefort.

11. The representative of Australia explained that imported cheese had to meet the Australian Food Standards Code with regard to public health issues, and the requirements of the Quarantine Act with regard to animal health. He reported that after having completed a risk assessment with respect to animal health, Australia was now finalizing a proposal for amendment of the relevant quarantine legislation. The representative of Australia noted that Australia's measure regarding raw milk cheeses was non-discriminatory, as the same requirements applied domestically. Australia had not arbitrarily changed its regulation in 1997 but realized at that time that not all of its existing legal requirements were being implemented. However, Australia was reviewing alternative methods to reach its appropriate level of protection. With respect to public health requirements, ANZFA had undertaken a

risk assessment based on independent scientific advice from Food Science Australia. The documentation would be published on 17 March 1999 for public comment. After a 3-week comment period, final recommendations would be presented to the ANZFA Board for approval, which would then make a recommendation to the Australia New Zealand Food Standards Council. Swiss officials in Canberra would be briefed on 16 March 1999.

12. In relation to French Roquefort cheese, the representative of Australia said that this cheese did not comply with Australian requirements. ANZFA had initiated a risk assessment, which it was currently finalizing. French officials in Canberra would be briefed in the near future.

13. The representative of New Zealand observed that New Zealand had not previously imported Swiss raw milk cheeses and would await the conclusions of ANZFA before it reconsidered its position.

(ii) *Slovak Republic – Import ban on dairy products and the transit ban in relation to BSE (G/SPS/GEN/71)*

14. The representative of Switzerland informed the Committee that a mutually satisfactory solution regarding Slovak importation of Swiss milk and milk products had been found.

(iii) *Mexico – Import prohibition of Thai milled rice (G/SPS/GEN/82, G/SPS/GEN/105)*

15. The representative of Thailand reported that although this item had been on the agenda for more than a year, Thailand still had not received all the information about the Mexican regulation that it had requested. Although it had no obligation to do so, Thailand was providing the information requested by Mexico. The representative of Mexico noted that the measures in question had been notified (G/SPS/N/MEX/44, G/SPS/N/MEX/45), and that the text of the relevant measures had been provided to Thailand. Mexico would review the latest information received from Thailand and act accordingly.

(iv) *Czech Republic - Import prohibition of Thai poultry meat*

16. The representative of Thailand reported that bilateral consultations on this matter were progressing. The problem might be resolved after a visit of Czech experts to Thailand, planned for April 1999. The representative of the Czech Republic confirmed that consultations were advancing.

(v) *Argentina – Import restrictions on bovine semen*

17. The representative of the European Communities raised concerns regarding Argentina's health requirements for the importation of bovine semen. He indicated that the European Commission had not been able to obtain the text of the measure (G/SPS/GEN/114 refers).

18. The representative of Argentina indicated that the measure, which re-categorised bovine semen as a low risk product, had been notified (G/SPS/N/ARG/37). It took into account scientific advances as well as OIE recommendations. Argentina had also sent questionnaires to Members, and was taking their answers into account in its risk analysis. Argentina had not received a request from the European Commission for the full text of the measure, although several European member States had requested the text. Nonetheless, the representative of Argentina confirmed that he would send the document to the European Commission.

(vi) *India – Import restrictions on bovine semen*

19. The representative of the European Communities reported that its bilateral contacts with India regarding import restrictions on bovine semen had not been successful. He presented a number of specific questions for transmission to the Indian authorities which were related to a lack of information about the application of international standards by India (G/SPS/GEN/113 refers).

(vii) *India – Restrictions on imports of horses*

20. The representative of the European Communities expressed concern about the interruption of trade in horses with India, which had been regular in the past. Bilateral contacts had failed to identify the health guarantees necessary to export horses to India. In particular, import restrictions were based on the presence of contagious equine metritis (CEM). The European Communities questioned the justification of India going beyond the requirements established in the relevant OIE Code, and asked India to respond to a number of specific questions contained in document G/SPS/GEN/112.

(viii) *Slovak Republic – Import restrictions on Polish potatoes*

21. The representative of Poland indicated that although an earlier import ban on Polish ware potatoes had been lifted by the Slovak Republic on 1 March 1999 following bilateral consultations, it had been replaced by testing requirements for potato spindle tuber viroid (PSTV) (G/SPS/GEN/115 refers). The Slovak Republic had not provided a comment period for this new measure. Since ware potatoes imported into The Slovak Republic had to be treated to suppress the faculty of germination, they were unlikely to introduce diseases to crop plants. Thus, Poland believed that the testing requirements for ware potatoes represented an unjustified obstacle to trade. Since Slovak specialists had confirmed that the Polish system of phytosanitary supervision guaranteed proper health conditions of exports, Poland encouraged The Slovak Republic to withdraw the new measure which led to considerable economic losses. The Slovak representative indicated that he had taken note of the Polish comments and would transmit them to his authorities.

(ix) *Chairman's report on consultations*

22. The Chairman informed the Committee that neither he nor the Secretariat had received any requests for bilateral consultations since the previous Committee meeting. He encouraged Members to seek his or the Secretariat's assistance as needed.

(c) *Consideration of specific notifications received*

23. The Chairman reported that for the first time no points had been raised under this agenda item.

24. The representative of the European Communities commented that many of the questions raised under "specific trade concerns" and under "consideration of specific notifications received" were not brought up again at subsequent meetings although they were not resolved. Since often these items were requests for information, the EC delegate indicated that he would begin to raise pending issues at future SPS Committee meetings. The representative of Chile noted that he was also concerned about the lack of follow-up on some of the issues raised. He reminded other delegations that issues raised under "Specific trade concerns" and "Consideration of specific notifications received" should be brought to the attention of the Secretariat and of the Members concerned at least 10 days before the meeting to allow countries sufficient time to prepare a response to any questions or concerns.

(d) Any other matters related to the operation of transparency provisions

25. The Chairman noted that a list of notifications received since November 1998 could be found under G/SPS/GEN/111. The most recent list of Enquiry Points had been circulated as G/SPS/ENQ/7/Add.2, and the latest list of National Notification Authorities could be found as G/SPS/GEN/91/Add.2. He encouraged Members which had not yet identified the National Notification Authority or the Enquiry Point to do so as soon as possible. The Secretariat indicated that it would periodically contact notification authorities directly to point out how notifications could be clarified or made more complete, without delaying the notification process.

26. The Secretariat set out the difficulties it was facing in carrying out its task to bring, in accordance with Annex B, to the attention of developing countries any notifications relating to products of particular interest to them. The Secretariat proposed to meet informally with interested Members before the next meeting to discuss how this task could be better carried out.

(e) SPS Agreement and developing countries

27. The Secretariat presented a paper on this subject, which had been prepared at the request of Members and circulated before the November 1998 meeting (G/SPS/W/93). As general awareness of the Agreement was increasing among developing countries, technical assistance needs had become more specific. Identified difficulties include internal coordination of SPS-related activities, participation in standard setting, and financial constraints.

28. The representative of Thailand, speaking on behalf of ASEAN countries, shared the Secretariat's concerns and urged the Secretariat, the three relevant standard-setting organizations, and Members to cooperate closely in alleviating these problems. He expressed particular concern about the gaps in scientific knowledge required to justify measures where international standards did not exist, and to meet other country's import requirements. He encouraged Members to implement Article 9.2 to promote trade between developing country exporters and other Members.

29. The representative of the Philippines suggested that it might be useful if the Secretariat prepared a questionnaire for Members to identify whether any technical assistance had been provided under Article 9.2, or under other special and differential treatment provisions. Such a questionnaire had been proposed by Egypt in the General Council (WT/GC/W/109 refers). The representative of Egypt reserved the right to return to this paper at a later stage to determine how the issues raised could be incorporated into the work of the SPS Committee. The representative of Mexico noted it would also be useful to examine the implementation of Article 10.

30. The representative of South Africa noted that capital-based specialists were increasingly attending the Committee meetings. He indicated that as the Agreement was increasingly applied by developing countries, there were, in addition to financial and scientific constraints, also legal capacity constraints.

31. The representative of Canada expressed his concern that not all Members were equally participating in the increasingly sophisticated trading system, especially in the SPS area. While the solution was not entirely in the hands of the SPS Committee, he emphasized the need for Members to report on their activities in the area of technical assistance. He proposed a session during which providers and receivers of technical assistance could discuss their experience and possible improvements.

32. The representative of Malaysia emphasized that other issues besides technical assistance were important for developing countries, for example a clear expression of the appropriate level of protection in notifications, and monitoring the use of international standards.

II. MONITORING THE USE OF INTERNATIONAL STANDARDS

33. The representative of the European Communities drew attention to the EC paper on bovine semen that had been introduced at the previous meeting (G/SPS/W/96 refers).¹ Although there was an international standard, he noted that the frequency of controls on bulls in collection centers was a source of concern.

34. The representative of the United States noted that some countries imposed quarantine actions to avoid the introduction of pests that already occurred in the importing country. This situation arose from the IPPC Glossary of Phytosanitary Terms definition of a "quarantine pest", which contained the phrase "officially controlled" (G/SPS/W/97). He stressed the need to agree on the meaning of this phrase to avoid further disruption of trade. Although definitions existed both for the term "official" and for the term "control" and a meaning for "officially controlled" could be constructed, interpretations by Members varied considerably. Japan, the European Communities, Hungary, and Chile shared the US concern. The representative of Thailand added cut flowers and ornamental plants to the list of products identified in the US submission. The representative of the IPPC informed the Committee that the IPPC had just reviewed the Glossary, including a definition for the phrase "official control". If endorsed by the Committee of Experts on Phytosanitary Measures, the revised Glossary would be submitted to the second Interim Commission on Phytosanitary Measures in October.

35. The representative of Thailand pointed out the need for an international standard for cooked chicken meat (G/SPS/W/99). The extreme heat treatment currently required to control Infectious Bursal Disease Virus (IBDV) rendered the product unacceptable. The OIE International Animal Health Code did not include recommendations for trade in poultry meat and poultry meat products. The representative of Australia noted that Australia supported the development of an international standard, although some new or supplementary scientific work might be required. Australia would make available to the OIE the scientific evidence upon which it had based its measure. The representatives of the European Communities, the United States, and Brazil were also interested in the development of an international standard. The representative of the OIE reported that the OIE had received a letter from Thailand requesting dispute settlement under the OIE. The OIE in turn had sent an official letter to Australia, which Australia was currently considering along with the possibility of further bilateral consultations. The International Zoosanitary Code Commission had not been able to consider this issue at its last meeting but it would do so at its next meeting in September 1999.

36. At a request from the representative of Australia, the representative of the OIE explained the OIE dispute settlement procedure. He said that the procedure was simple, but since it had never been used, there might be unexpected problems. The International Zoosanitary Code provided four steps. First, the complaining Member must approach the Director-General of the OIE and explain the problem. On this basis, the Director-General would ask the other concerned Member if it agreed to an OIE dispute settlement. Second, the concerned countries must agree to bear the costs involved in the dispute settlement. Third, the Director-General proposed the names of experts for agreement by the parties. Fourth, the experts examined the issue and sent their report to the parties. In their examination, the experts considered only the science, without taking into account any legal obligations under the SPS Agreement.

37. The Chairman observed that the interaction with the international organizations under this agenda item had been very useful, and encouraged Members to submit their interventions early, so that other Members and the international organizations could prepare any contributions they might wish to make. He remarked that the OIE dispute settlement procedure was similar to the informal WTO consultations, where the outcome was not binding on the parties.

¹ See G/SPS/R/13, paragraph 45.

38. The Secretariat explained that as a next step in the monitoring process it would compile a list of all standardization issues identified by Members up to the present meeting and circulate this list, with the request for Members to indicate whether they shared the concerns expressed. On the basis of Members' responses, the Secretariat would revise the draft annual report and circulate it in advance of the July 1999 meeting. If Members wished to raise new issues, they could do so in advance of the July meeting, but these new issues would not be included in the list or in the draft report. The Secretariat recalled that the Committee would also review the provisional procedures to monitor the process of international harmonization at its next meeting in July 1999.

III. CONSISTENCY

39. The Chairman informed the Committee that informal consultations on draft guidelines to further the practical implementation of Article 5.5 had been held prior to the formal meeting of the Committee. The Secretariat had prepared a new paper taking into account Members' comments, which had been discussed at the informal consultations. Since some Members had submitted suggestions at the last moment, Members who wished to comment on these late submissions could do so until 14 April 1999.

40. The representatives of India and of Thailand, on behalf of ASEAN countries, stressed that the guidelines were very important for decision makers, and that the Committee should attempt to complete them as soon as possible. The representative of the European Communities noted that areas of consensus were growing, and asked the Secretariat to highlight those areas in its next draft of the guidelines.

IV. REVIEW OF THE SPS AGREEMENT

41. The Chairman recalled that in accordance with the agreed procedure, informal consultations had been held prior to the formal meeting. The consultations were based on a revised draft prepared by the Secretariat. With some amendments, Members had informally agreed to the text.

42. The Committee adopted the report on the Review of the SPS Agreement (G/SPS/12).

V. TECHNICAL ASSISTANCE AND COOPERATION

43. The representative of the European Communities provided information on the SPS seminar held in Chiang Mai, Thailand, on 3-6 February 1999, under the Asian/European Trade Facilitation Action Plan. The Netherlands and Thailand had acted as facilitators for the workshop, which covered animal, plant and public health. The workshop had been very successful and the representative welcomed the offer made by China at the seminar to host the next workshop before the end of 1999. He encouraged further action in the areas of transparency, regionalization, risk assessment, and practical technical assistance.

44. The representative of Australia highlighted some of the recent activities in which Australia had been involved, and announced that an updated paper would be available at the next meeting. In general, Australia tried to assist regional and sub-regional initiatives to build quarantine infrastructure and capacity in risk analysis, and to improve awareness of SPS issues in general. Australia had provided in-house training for quarantine officials from Fiji, Samoa, Myanmar, Malaysia, Korea and China. AQIS Training Services had undertaken a series of training programmes for quarantine officers from Pacific island countries. Australia also provided training and technical assistance to countries such as Ethiopia, Iran, Israel and New Caledonia. Through the Northern Australia Quarantine Strategy, Australia had provided assistance in the training of quarantine personnel, the development of diagnostic facilities, and pest and disease surveillance in Indonesia and in Papua New Guinea. A series of training modules on blue tongue diagnostic techniques had been funded for

quarantine officials in China. Australia had also been involved in APEC animal and plant quarantine activities, particularly as a new member of the Network of Agriculture Centers in Asia/Pacific (NACA). Some of these activities included developing technical guidelines on quarantine certification and the establishment of information systems for movement of live aquatic animals throughout Asia. Thailand and the Philippines had received technical assistance related to market access for fruit exports to Australia. Australia had conducted workshops on import risk analysis in China, Indonesia, Malaysia, Philippines, Thailand and Vietnam. The Australia New Zealand Food Authority was assisting Vietnam in the development of its food law, and of an appropriate government infrastructure to underpin this law.

45. The representative of New Zealand reported that his country assisted mainly the Pacific island countries in increasing their understanding of the SPS Agreement, and in enhancing their participation in the international standard-setting bodies. New Zealand, in cooperation with the sub-regional FAO office, organized a workshop in the Kingdom of Tonga, mainly focussing on food safety and exports, and was planning further projects for the future.

46. The representative of Canada welcomed the reports on technical assistance activities. He indicated that Canada would prepare a paper on its technical assistance programmes and encouraged other Members to do the same. A collection of such papers could provide a basis for discussions about possible improvements in the area of technical assistance.

47. The Secretariat reported on technical assistance activities it had undertaken since the November 1998 meeting. The Secretariat had participated in the seminar held in Chiang Mai, Thailand, already referred to by the European Communities. Furthermore, the Secretariat, in coordination with IICA, had organized a regional seminar in San Jose, Costa Rica. The objective of the seminar was to enhance the understanding of the SPS Agreement, to assess its implementation by the nine participating countries, and to identify problem areas. Apart from presentations by the Secretariat, individual countries had presented their experiences based on a questionnaire prepared by the Secretariat. Representatives of the IICA Secretariat and of Mexico presented models for national SPS systems. Apart from the continuing need for enhancing the understanding of the Agreement in general aside, specific problem areas identified by participating countries were the management and application of the principle of equivalence, including international standards for the recognition of equivalence. Countries also had difficulties with the concept of consistency and the need for guidelines for its application. Furthermore, there were difficulties with the recognition of pest-free areas, which related to risk analysis and surveillance measures. Technical cooperation needs for the future included training in the organization of food safety services, epidemiological surveillance systems, legislation systems, risk analysis and certification procedures. Participants called for increased coordination of technical assistance. IICA presented a regional internet project to provide information on national SPS systems, which might eventually be expanded to global coverage. Countries in the region welcomed the fact that the SPS Agreement had led to a redirecting of government investment to national SPS systems. The Secretariat also organized a workshop on the SPS Agreement in Melbourne, taking advantage of the presence of many developing countries at the meeting of the Codex Committee on Food Import and Export Inspection and Certification Systems.

48. Looking ahead, the Secretariat was planning a regional SPS seminar in Windhoek, Namibia from 29 March-1 April 1999, with the participation of Codex, OIE, IPPC and the USDA/FAS. Three further seminars were planned for francophone African countries in September 1999. The International Trade Center had requested the Secretariat to participate in seminars regarding the implementation of the SPS Agreement in Egypt, Turkey, Pakistan and the Philippines in August 1999.

49. The representative of Codex announced that FAO was preparing an Uruguay Round umbrella training programme aimed at enhancing national capacities on WTO matters so that countries would be in a stronger position to meet their obligations, to benefit from existing agreements, and to

participate in the next round of multilateral negotiations. The programme would address the current Agreements' implications for agriculture, emerging issues relevant to future negotiations, special issues of regional concern, as well as sources of information on WTO agreements. The umbrella programme would include 15 sub-regional training courses in Africa, Asia, the Near East, Europe and Latin America. FAO also continued to provide technical advice and assistance to strengthen the participation of developing countries in Codex as well as training in food hygiene and HACCP, risk analyses, and other food control capacity building activities. Together with WHO and WTO, FAO was organizing an intergovernmental conference on International Food Trade Beyond 2000 on 11-15 October 1999, in Melbourne, Australia. This conference would address how food quality and safety issues affect trade, health and development at both domestic and international levels. It would include an analysis of current SPS, TBT and Codex procedures, and of the prospects for future changes, and develop recommendations on scientifically-based approaches to promoting food quality and safety in trade. The representative of Codex also reported on the third joint FAO/WHO/UNEP conference on mycotoxins held in Tunis on 3-6 March 1999, and on the third international FAO food database conference to be held in Rome on 3-5 July 1999.

50. The representative of the WHO informed the Committee that WHO was preparing a paper describing its activities in the area of food safety and public health, including technical assistance programmes.

51. The representative of the IPPC reported that the IPPC was involved in a significant number of technical assistance programmes both for specific countries and at a regional level. Much of this was legal assistance, reviewing new or modified legislation. In addition to programmes already mentioned, a seminar had been organized in North Africa on SPS and IPPC standards, which would continue in the form of annual meetings. The IPPC secretariat encouraged better coordination of technical assistance.

52. The representative of the OIE reported that a conference with Middle Eastern and East African countries on regional trade and animal health problems had taken place in December 1998 in the framework of an FAO programme. In January 1999, a seminar on risk analysis was held in Japan with the participation of several Asian countries. In cooperation with FAO, the OIE was planning a seminar on animal disease surveillance for southern Africa. Furthermore, technical assistance seminars on the quality of veterinary services were planned for the Americas.

VI. MATTERS OF INTEREST ARISING FROM THE WORK OF OBSERVER ORGANIZATIONS

(a) Codex

53. The representative of Codex informed the Committee that 11 Codex Committee sessions were scheduled for 1999, including the Codex Alimentarius Commission scheduled for 28 June–3 July 1999 in Rome. The seventh session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICs) had met on 22-26 February 1999 in Melbourne, Australia. The committee had (i) submitted guidelines for the development of equivalence agreements regarding food import and export inspection and certification systems to the 23rd Session of the Codex Alimentarius for final adoption, (ii) requested the approval of new work on guidelines for the assessment of equivalence of sanitary measures associated with food inspection and certification systems, and (iii) requested the approval of guidelines for the utilisation and promotion of quality assurance systems. CCFICs was also requesting advice on how to proceed on the matter of equivalence of technical regulations other than sanitary measures. It had agreed that the proposed draft guidelines/recommendations for food import control systems should be revised before being circulated for comments. CCFICs had also agreed that the proposed draft guidelines and criteria for official certificate formats and rules relating to the production and issuance of certificates be revised.

In this regard, it requested the advice of legal counsel as to whether the activities proposed in the discussion paper on guidelines for the establishment of a database on importing country legislation fell within the mandate of Codex and the terms of reference of the committee.

(b) WHO

54. The representative of the WHO announced that WHO and FAO would convene a joint expert consultation on risk assessment of microbiological hazards in food at WHO headquarters in Geneva on 15-19 March 1999. With regard to the revision of the International Health Regulations (IHR), comments made by SPS Members had been very helpful to WHO. A document had been drafted highlighting the different functions of WTO, WHO, IHR and Codex, and would be forwarded to the WTO Secretariat and Codex for comments. The intention was to have the document ready for distribution in April 1999. There had also been proposals for joint WTO SPS and WHO health trade focus groups for 1999, with the purpose of raising awareness of the functions of each organization, identifying and addressing priority issues, and identifying possible areas for synergy.

(c) IPPC

55. The representative of the IPPC reported on the meeting with the Methyl Bromide Technical Options Committee regarding definitions of terms. He announced that agreement had been reached on the revision of the Asian Pacific Plant Protection Commission. The IPPC had also updated the Glossary of Phytosanitary Terms. An informal working group on standard-setting procedures for the IPPC in Montevideo, Uruguay in May 1999. Also in May, Australia was sponsoring an open-ended working group on pest risk analysis to be held in Bangkok, Thailand. Furthermore, a working group for an international standard on the notification of pest interceptions and non-compliance would meet in April 1999 in Germany. He informed the Committee that the IPPC had invited contracting parties and regional plant protection organizations to identify topics and priorities in standard setting. Input from the SPS Committee was welcome; the deadline was 31 May 1999. An informal working group would meet in Rome to discuss dispute resolution, which under the IPPC was purely technical and not legally binding. He furthermore noted that the IPPC intended to invite the regional plant protection organizations to attend SPS Committee meetings as part of the IPPC delegation. This would allow increased exposure and involvement of these organizations. The IPPC website had recently been updated, and now included reports of meetings, the provisional agenda for the next Interim Commission meeting on phytosanitary measures, over 80 official contact points, and countries who have ratified the 1997 IPPC text (eight countries so far).

(d) OIE

56. The representative of the OIE reported on the standard-setting activities taking place in the OIE in preparation for the general session of the International OIE Committee in May 1999. These activities included the revision of the International Animal Health Code chapter on BSE, and proposals for revision of the chapters on Aujeszky's disease and blue tongue disease. There would be revisions of the chapter on import risk analysis and additions to the evaluation of veterinary services. The Code Commission would be submitting to members a new chapter on sheep scrapie (a disease similar to BSE, but which affects small ruminants). In the future, the Code Commission would revise the chapter on regionalization, adapt the principle of equivalence to the animal health area, and work on classic swine fever and Newcastle disease. The OIE Standards Commission had met in February 1999 and revised the lists of reference laboratories and disease experts, and examined the progress of the work on international standards on diagnostic tools and vaccination, concentrating on Foot-and-Mouth Disease and contagious bovine pleuropneumonia. The Standards Commission also reviewed the progress in preparing the next edition of the OIE Manual of Standards for Diagnostic Tasks and Vaccines, which should appear at the end of the year 2000. This handbook would contain a new chapter on administrative and technical requirements for diagnosis of animal diseases. The Foot-

and-Mouth Disease Committee would develop a list of countries that were fully or partially Foot-and-Mouth Disease free with or without vaccination. There would probably be proposals to create a procedure to recognize BSE-free countries. FAO, the Network of Aquaculture Centers in Asia-Pacific (NACA) and OIE were cooperating to collect information on aquatic animal diseases in Asia.

57. The representative of Chile asked the three international standard-setting organizations to provide papers for the next Committee meeting explaining the manner in which they monitored the use of international standards, to facilitate an exchange of ideas on the matter.

VII. OBSERVERS

58. The Chairman reported that the Secretariat had prepared a paper which had served as a basis for informal discussion prior to the meeting (G/SPS/W/98). He reminded the Committee that the long-term goal was to develop a set of criteria for permanent observer status. To make progress in the meantime, the Committee would establish preliminary criteria to be applied to interested organizations on a one-by-one basis. Candidates would be limited to those who had replied to a request for information which the Secretariat had sent out in June 1998. In order to choose among the candidates those who qualify, the Chairman proposed using the set of criteria identified in paragraph 7 of G/SPS/W/98. These organizations would then be invited as ad hoc observers for one meeting at a time, which implied going through the selection process at the end of each meeting.

59. The representative of Norway, speaking on behalf of EFTA countries, supported the criteria identified in paragraph 7 and expressed his hope that the discussion could be concluded at the present meeting. He emphasized that in the consideration of observer status, whether an applicant organization's work was SPS-related should be more important than whether the organization was global or regional.

60. Although there was consensus on applying the criteria identified in paragraph 7, the Committee decided to postpone application of these criteria to the next meeting. In the meantime, the Secretariat was requested to prepare a paper summarizing the information the candidates had provided.

61. The representatives of Canada, the United States and the European Communities welcomed the IPPC's decision to invite the regional plant protection organizations to participate in SPS meetings as part of the IPPC delegation.

VIII. ELECTION OF CHAIRPERSON

62. The Chairman announced that the Council for Trade in Goods had not yet decided on the Chairpersons of the subsidiary bodies. Therefore, the election of the new Chairperson would have to be postponed to the beginning of the July meeting of the Committee.

63. The representative of Australia, on behalf of the Committee, congratulated the Chairman on his second anniversary and thanked him for his great contributions to the work of the Committee. The representatives of Malaysia, Bolivia, and the Philippines speaking on behalf of ASEAN countries, added that they would be happy to see the Chairman continue for another year.

IX. OTHER BUSINESS

64. Regarding the European Communities' maximum levels for aflatoxins in nuts, the representative of Bolivia reported that Bolivia had presented a plan to improve its chestnuts. On this basis, consultations with the European Communities were ongoing. He indicated that this could be a

good case for the application of special and differential treatment. As a small economy, Bolivia counted on the application of the SPS Agreement to find a solution to the chestnut problem.

65. The representative of Peru informed the Committee that several countries affected by the European Communities' regulation on aflatoxins had brought their problems to the attention of the European Communities through their missions in Brussels without having obtained a satisfactory response. She reported that the European Communities had failed to demonstrate the scientific basis for the measure, and had not provided a risk analysis. In particular, the European Communities had not established a direct connection between the scientific principles they invoked and the maximum aflatoxin levels set by the measure. Thus, in Peru's view, the measure constituted an unjustified trade barrier and a violation of the SPS Agreement. Although the European Communities had modified some aspects of the measure in response to Members' comments, the maximum aflatoxin levels for chestnuts and dried fruit, among others, had not been changed. Since the Member maintaining the measure was required by the SPS Agreement to show that it was based on science, she considered it unacceptable that the burden of proof be transferred to the exporting Members. She again requested the European Communities to provide the interested parties with a copy of its risk assessment. The representatives of Brazil, the Philippines, speaking on behalf of ASEAN countries, Paraguay, the United States and Argentina also expressed their concern about the matter and requested to see the risk assessment.

66. The representative of the European Communities stressed that this issue should not be raised under "Other business". He replied to Bolivia that the European Communities were committed to continuing their common examination of the problem through a rapid procedure. With regard to the comments by other Members, he indicated that there were documents on file at the Secretariat which provided answers to all issues raised. He reminded Members that the fact that aflatoxins were carcinogens had been confirmed by several international organizations and was no longer under discussion. When the European Communities introduced the measure, ample time for comment had been given. In response to these comments, there had been an important modification based on Codex working documents. The European Communities furthermore had agreed to meetings under Article 12.2, which only Bolivia had attended. The EC representative reiterated that the measure increased transparency because it harmonized the aflatoxin levels allowed in EC member States. He also stressed that he was not aware of any trade effects from the measure in question, and that the measure did not discriminate among suppliers. The European Communities would accept comments specifically on cereals until 1 July 1999, and modify the measure if there was scientific evidence to that effect. He recalled that the SPS Agreement did not require a quantitative risk analysis.

X. DATE AND AGENDA OF THE NEXT MEETING

67. The next meeting of the Committee is scheduled for 7-8 July 1999. The Committee agreed on the following tentative agenda:

1. Adoption of the agenda
2. Implementation of the Agreement
 - (a) Information from Members
 - (b) Specific trade concerns
 - (c) Consideration of specific notifications received
 - (d) Any other matters related to the operation of transparency provisions
 - (e) The SPS Agreement and developing countries (G/SPS/W/93)
3. Monitoring of the use of international standards
4. Consistency - report by the Chairman on consultations

5. Technical assistance and cooperation
6. Matters of interest arising from the work of observer organizations
7. Observers – Requests for observer status
8. Other business
9. Chairmanship of the Committee
10. Date and agenda of next meeting

68. The Chairman reminded delegates of the following deadlines:

(a) *Article 5.5 guidelines*

The deadline for comments on recent submissions was **14 April 1999**. The Secretariat would circulate a draft document by **31 May 1999**. The deadline for comments on the new draft would be three weeks after the circulation of the draft.

(b) *Monitoring the use of international standards*

The Secretariat would circulate a list of specific problems with international standards identified by Members by **30 March 1999**. The deadline for Members' responses to this list was **17 May 1999**. The Secretariat would circulate a revised draft annual report by **15 June 1999**.

(c) *Informal meetings of the Committee*

On **6 and 7 July 1999**, the Committee would hold informal meetings on Article 5.5 guidelines; requests for observer status; and monitoring the use of international standards.

69. Furthermore, the Chairman reminded delegates that the deadlines for requesting the inclusion of specific items on the agenda, or receiving submissions from Members under the respective agenda items, were as follows:

| | |
|--|--------------|
| Agenda item 2: (b) Specific trade concerns and (c) notifications | 24 June 1999 |
| Agenda item 3: Monitoring procedure: New specific examples | 7 June 1999 |

70. The Secretariat reminded the Committee that the date for the next meeting had been scheduled back to back with the meeting of the Codex Alimentarius Commission, to facilitate the participation of delegates in both meetings.
