

Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING HELD ON 22-23 JUNE 2004

Note by the Secretariat¹

I. ADOPTION OF THE AGENDA

1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its thirtieth meeting on 22-23 June 2004. The agenda proposed in WTO/AIR/2335 was adopted with amendments.

2. The Secretariat commented that the number of last minute submissions to the June meetings had made it difficult for the Secretariat to ensure that all documents were available to delegates for Committee discussions in the correct format. The Secretariat requested that delegates submit these documents well in advance of the meeting, so that they could be circulated as formal documents, in the three WTO working languages. Alternatively, the Secretariat would need to impose a working deadline for document submission to the Committee meetings.

II. ELECTION OF THE CHAIR

3. The Chairperson, Mr. Paul Martin (Canada), reported that the Chairman of the Council for Trade in Goods had carried out informal consultations on a slate of names for appointment as chairpersons to the subsidiary bodies of the Council for Trade in Goods in accordance with the established Guidelines for Appointment of Officers to WTO bodies. On the basis of the understandings reached, the Committee elected Mr. Gregg Young (United States) as Chairperson of the Committee by acclamation, to take over immediately in the session in progress. The Committee congratulated the new Chairperson and expressed their appreciation for the outgoing Chairperson.

III. ACTIVITIES OF MEMBERS

Official controls (Regulation EC No. 882/2004) in the EC

4. The representative of the European Communities described official controls performed to ensure the verification of compliance with feed and food laws, animal health and animal welfare rules which had been adopted by the Council and Parliament of the European Union (Regulation EC No. 882/2004). These new provisions would be implemented beginning 1 January 2006. The February 2003 proposal on official controls on foodstuffs and animal feedstuffs had been notified under the SPS Agreement (G/SPS/N/EEC/191). The package of legislative instruments simplified Community legislation with respect to food hygiene, by replacing seventeen different directives with one harmonized, transparent policy.

5. The representative of the United States expressed appreciation for the additional information on the proposal provided to the Committee by the European Communities. However, the

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 or obligations under the WTO.

United States continued to have concerns about these provisions, specifically with the requirement for control plans and lists of high risk products from third countries, and would continue to consult with the European Communities as the implementation date approached.

Bovine spongiform encephalopathy (BSE) in Argentina

6. The representative of Argentina reported that the 72nd Regular Session of the World Organization for Animal Health (OIE) had granted Argentina the status of country provisionally free of BSE. Argentina had achieved this through co-operation with three other countries and with investment in human and financial resources to maintain proper monitoring of the disease.

7. The representatives of Uruguay and Iceland noted that the OIE 72nd Regular Session had also granted their countries "provisionally-free" from BSE status.

Foot and Mouth Disease (FMD) in Argentina

8. The representative of Argentina provided information on the national plan for eradication of FMD. Since first detection of the most recent focus of the disease in Argentina eight months ago, no clinical evidence or proof of the disease had been identified in the region where the focus had occurred. Epidemiological surveillance over the six months since the first identification of the disease found no antibodies against the FMD virus in the population studied. Intensive surveillance activities in the border area in the north of Argentina would continue, including official vaccination of all species likely to be infected.

9. The representative of Uruguay highlighted the usefulness of this information and noted that the OIE had also recognized Uruguay as disease-free for FMD.

FMD in Colombia

10. The representative of Colombia summarized details of the situation and control efforts relating to FMD in his country (G/SPS/GEN/492). Since 1997, the OIE had recognized the North of Chocó department as an area free of FMD without vaccination. In May 2001, the OIE had recognized the northern area of Colombia as an area free of FMD with vaccination. In May 2003, OIE granted the status of area free of FMD with vaccination to a new area including the majority of the municipal areas in the departments of Antioquia, Bolívar, Cesar, northern Santander and Santander. The animal health service of Colombia had requested the same recognition be considered in the October meeting for two other areas. The document provided information on the current status of each of the areas described, as well as details of production sites, the last outbreak of FMD in the endemic zone, the vaccination cycles, and relevant legislation.

Avian Influenza in Canada

11. The representative of Canada updated the Committee on efforts to control the outbreak of Avian Influenza within the province of British Columbia, including the depopulation of all poultry flocks in the high risk area and the implementation of control measures on processing and sales of poultry meat. Since the first case of highly pathogenic avian influenza had been identified, on-going surveillance efforts had detected 42 commercial and 11 backyard infected premises. Since 18 June 2004, the depopulation, cleaning and disinfection in the high risk region had been completed on all infected premises and the OIE-recommended 21-day required surveillance period had been initiated. Movement controls on all birds would remain in effect until the end of the surveillance period. A number of trading partners had regionalized their import restrictions, and Canada anticipated normalizing bilateral trade in poultry and poultry products from all of Canada.

Bovine and Bubaline Identification and Certification System in Brazil

12. The representative of Brazil highlighted the growing importance of animal traceability and identification for international trade of animals and animal products and provided details of Brazil's efforts in this area (G/SPS/GEN/503). The Brazilian Bovine and Bubaline Identification and Certification System (SISBOV) had been adopted in January 2002. The SISBOV consisted of actions, measures, and procedures to characterize the origin, the sanitary status, production and productivity of the entire Brazilian cattle raising system, as well as the safety of related products. The SISBOV was based on individual identification of the animal from its birth to its slaughter or natural or accidental death. The information was centralized on a single electronic database operated exclusively by the Ministry of Agriculture, Livestock and Food Supply.

13. The representative of Brazil also noted that the OIE had approved a resolution on future work in the field of animal identification and traceability at its May 2004 meeting. He encouraged collaboration of the OIE with the Codex Alimentarius Commission to achieve a common definition of animal traceability and guidelines for the development of identification and traceability systems to adequately address sanitary risks.

14. The representative of the European Communities recalled that document G/SPS/GEN/489 provided details of the EC traceability system, including the computerized system which improved the management of animal movement within and into the European Union.

Avian Influenza in Indonesia

15. The representative of Indonesia informed the Committee that in January 2004, his Government had officially declared that deaths of poultry had been caused by highly pathogenic avian influenza (HPAI) with H5N1 subtype (G/SPS/GEN/506). No human case had been reported by the Department of Health of Indonesia. Following FAO, OIE and WHO recommendations for the control and eradication of the disease, depopulation had been carried out on all infected farms through elimination of healthy poultry in contact with infected poultry and vaccinations had covered approximately 21.4 million birds.

Pseudococcidae in fresh fruit from Chile

16. The representative from Chile expressed concern about the phytosanitary measures adopted by certain Members relating to the presence of insects of the family *Pseudococcidae* in fresh fruit exported for consumption (G/SPS/GEN/499). He stated that some Members had adopted measures which were inconsistent with international standards issued by the IPPC, particularly ISPM 14 "Pest Risk Analysis (PRA) for Quarantine Pests Including Analysis of Environmental Risks". While this standard stated that the assessment of the potential for introduction must consider both the entry and establishment of the pest, the phytosanitary measures introduced by certain Members had been based only on the probability of entry of this pest. These insects could not become a risk, since they did not have the capacity to spread autonomously from the fruit to the environment. Chile urged Members that had established measures of this kind to comply with international rules, to reassess their risk analyses and to ensure the compliance of their phytosanitary risk management measures with the SPS Agreement.

IV. SPECIFIC TRADE CONCERNS

(a) New Issues

United Arab Emirates' and Qatar's import restrictions on Spanish olive oil

17. The representative of the European Communities raised concerns about import restrictions on Spanish pomace olive oil by some Gulf countries. After an isolated safety incident in 2001, some Members applied restrictive measures to this product. Since 2001, most Members had gradually lifted the import ban, but Gulf countries had maintained restrictions on this item. The representative of the European Communities indicated that these products no longer presented risk for human or animal health, since corrective measures had been quickly and properly applied by the competent authorities of Spain. He requested that Bahrain, Kuwait, Oman, Qatar and the United Arab Emirates immediately lift the ban on any type of olive oil imported from the European Union, since this ban was not based on any scientific evidence.

(b) Issues Previously Raised

Japan's official control restrictions

18. The representative of New Zealand welcomed the conclusion of Japan's review of its plant quarantine regime and urged that the recommendations of Japan's Plant Quarantine Review Committee, particularly the recommendation that Japan move towards international practice, be adopted promptly. This issue had first been raised in the SPS Committee in March 2002, but bilateral exchanges had been occurring since 1986 between New Zealand and Japan on this issue. With the conclusion of the plant quarantine review, New Zealand expected that Japan would expand its non-quarantine pest list to reflect those pests already in Japan and not under official control. Although the Plant Quarantine Review Committee's report had not yet been considered domestically and implementation timelines had not been published, New Zealand hoped that a mutually acceptable solution could be reached soon.

19. The representative of the United States recalled that his country had also previously raised the issue of Japan's official control restrictions. At the last Committee meeting, he had provided an update on Japan's policy for requiring fumigation for non-quarantine pests, even when these pests were commonly found in Japan. On 8 October 2003 the US Department of Agriculture had written to the Japanese Ministry of Forestry and Agriculture regarding concerns about eleven specific pests that did not meet the definition of a quarantine pest. The United States welcomed Japan's written response which had recognized the necessity of taking into account the relevant standards of the IPPC when conducting pest risk assessments (PRAs). ISPM 2, "Guidelines for Pest Risk Assessment", indicated that the PRA process should end when, in the course of the analysis, a potential quarantine pest had been identified as present and not subject to official controls.

20. The representative of the European Communities shared the concerns of New Zealand and the United States.

21. The representative of Japan indicated his authorities were identifying measures which would maintain Japan's appropriate level of protection and be consistent with relevant international standards. The Consultative Group on Plant Quarantine Systems published its report on 21 May 2004, including input from national stakeholders and foreign governments. The Consultative Group recommended that plant quarantine measures should be based on scientific risk assessments, following IPPC guidelines. In the review of existing PRAs, the plant quarantine authorities had focused on high priority pests designated by other Members. As a first step, Japan planned to notify these measures by December 2004.

India's phytosanitary import restrictions

22. The representative of the European Communities raised concerns about India's import restrictions related to plant quarantine. While India had amended the wood packaging part of these measures and brought them into line with international standards, concerns remained about a range of other existing measures that had negative trade impacts. India had not produced scientific information to justify these measures. The European Communities understood that according to India's regulatory approach in this area many types of products were banned before PRAs were conducted to determine if a ban was justified. Since no international standards existed for many of the banned products, in accordance with the SPS Agreement, India should conduct a PRA prior to implementing a measure.

23. The representatives of Canada, New Zealand and the United States echoed the EC concerns. Both the representatives of Canada and New Zealand stressed that Members had not had an opportunity to comment on these measures, and indicated that their authorities were engaged in bilateral discussions with India to seek resolution to this issue.

24. The representative of India stated that the Plant Quarantine Order had been notified on 4 March 2004 and 60 days had been provided for comment. India had delayed implementation of these measures until the comments could be considered. The Ministry of Agriculture had also discussed the phytosanitary concerns of other Members on a bilateral basis, and in some cases had provided short-term solutions to the issues. For example, India had accepted all import consignments of plant and plant materials until 30 June 2004 to provide ample adjustment period to exporting Members. As suggested by some Members, some provisions of the Plant Quarantine Order 2003 had already been amended, including those on treatment of solid wood packaging materials, and these amendments had been notified to the Secretariat.

Japan's restrictions on importation of mangoes

25. The representative of Brazil recalled that Brazil had first raised this issue in the Committee in June 2003. After the last meeting, Brazilian and Japanese phytosanitary authorities had held two technical meetings in Japan to discuss a phytosanitary protocol that would allow Brazilian mango exports to Japan. In the last meeting, the Japanese authorities had confirmed that negotiations on the protocol had been concluded, and certification of consignments remained the only outstanding issue. The Japanese authorities had indicated that this issue could be resolved in parallel with the public consultation phase and Brazil encouraged Japan to initiate the public consultation soon.

26. The representative of Japan confirmed that the technical evaluation on the Mediterranean fruit fly had been completed and a bilateral meeting had been held to coordinate plant quarantine measures for market access and requirements for hot water dipping. The new protocol was expected to be implemented based on the outcomes of these bilateral discussions.

EC sanitary conditions for the importation of bees and material

27. The representative of Argentina expressed continued concern about the EC sanitary conditions for the importation of bees, hives, queens with or without attendants, and bee-keeping material. Argentina believed that requirements that hives should be subject to official check at the point of destination and queens transferred to new locations were not supported by scientific justification. In addition, the EC measure did not consider the health situation of exporting countries. Argentina had provided documentation that the pests in question had not been detected in Argentina. Argentina hoped that an upcoming bilateral meeting with the European Communities would resolve this issue.

28. The representatives of Australia and the United States also expressed concerns about the appropriateness of the EC measure. Australia considered that the measures were inappropriate for the management of the small hive beetle. The representative of the United States indicated that honey bee exports from Hawaii to the European Communities had been halted, although the state of Hawaii was free of many of the pests covered by this measure. He requested that the certification requirements for honey bees from Hawaii be modified to reflect the conditions there.

29. The representative of the European Communities recalled that these rules had been introduced to preserve the parasite free status of honey bees in the European Union. The European Communities was prepared to review the legislation and border measures of Argentina and other countries, when documentation had been provided, in order to assess the possibility of instituting joint measures.

Venezuela's restrictions on imports of potatoes, meat, and onions

30. The representative of Canada recalled that Canada had raised concerns with Venezuela's issuance of SPS-related permits in previous SPS Committee and Agriculture Committee meetings. Venezuela's policies had restricted Canadian exports of meat, seed potatoes, table potatoes and onions. Venezuela had not provided a clear explanation of this policy, however it appeared that the permits in question were SPS-related. Importers would apply to Venezuelan authorities for permits and provide SPS information to support their application, but applications had been denied without an SPS-related justification. Canada requested that Venezuela grant permits on an automatic basis as long as the conditions of the SPS Agreement had been met. Venezuela and Canada had agreed to continue to pursue this issue bilaterally.

31. The representatives of Chile and the United States requested that Venezuela review its import procedures in order to comply with obligations under the SPS Agreement. The representative of the United States noted that for products not subject to tariff rate quotas (TRQs), Venezuela seemed to be using SPS permits in a manner equivalent to import licences.

32. The representative of Venezuela stated that Canadian import requests were normally given a positive reply. The comments from Canada, Chile and the United States would be considered carefully. Venezuela would contact the Canadian authorities to clarify the situation concerning import requests of meat.

Indonesia's restrictions on importation of meat due to FMD

33. The representative of Argentina stated that despite several requests to Indonesia's veterinary service, Argentine bovine meat had continued to be prohibited. Indonesia required that bovine products come from areas free from FMD for the past twelve months, and where vaccination had not been carried out in the previous three consecutive years. These measures go beyond official OIE recommendations. Indonesia had not provided any scientific evidence to support these restrictive measures.

34. The representative of Indonesia noted that this matter had been discussed in bilateral meetings with the delegation of Argentina. The importation of ruminants and ruminant products from countries with endemic status or status of free of FMD with vaccination was prohibited pending further decisions by the Indonesian expert commissions of veterinary public health and animal health. He would inform the appropriate officials in capital for their further consideration and clarification.

Lack of recognition of disease-free status for FMD

35. The representative of the European Communities stated that all EC member States were officially free of FMD according to the OIE criteria. However, some WTO Members failed to

recognize this status. No new outbreaks of FMD had been recorded in the territory of the European Communities since 2002. The European Communities considered the epidemic to be under control and the disease completely eradicated. According to the OIE rules, countries could recover free status three months after the last identified case when a stamping out policy and serological surveillance were applied. There was no scientific justification for restrictive measures on EC products due to FMD. The European Communities urged all Members to respect the obligations of SPS Agreement with regard to recognition of disease free status and to remove all continued import restrictions concerning FMD.

Lack of recognition of disease-free status and of regionalization for Classical Swine Fever

36. The representative of the European Communities also highlighted the lack of recognition of regionalization for Classical Swine Fever. The European Communities had continued to recognize area disease-free status in several WTO Members who themselves failed to recognize regionalization in the European Communities. The European Communities regularly provided information to importing countries upon request concerning which EC member States could be considered free of Classical Swine Fever and had also facilitated inspections. However some WTO Members continued to impose restrictions on imports from Italy and France based on concerns about Classical Swine Fever. The European Communities urged Members to respect Article 6 of the SPS Agreement, particularly related to Italy and France, and offered to provide any relevant information to support the implementation of this request.

General import restrictions due to BSE

37. The representative of the European Communities raised concerns about unjustified import restrictions on EC exports due to concerns about BSE. To satisfy consumer demands, the European Communities had adopted comprehensive measures to address risks relating to BSE. These measures applied both to products intended for consumption within the European Communities, and to those destined for export. The system of geographical assessment used in the European Communities had successfully identified countries in which the disease was still present. The representative from the European Communities called on other countries to replace import bans, which exceeded OIE recommendations and yet did not fully address potential internal risks, with specific import requirements in accordance with OIE standards. He noted that many products, such as semen, embryos and dairy products could be traded with predefined guarantees. He urged Members to take into consideration OIE recommendations for international trade and to stop discriminating among Members with similar BSE conditions.

38. Reiterating one of the points raised by the European Communities, the representative from Canada recalled that at its last meeting the OIE had reconfirmed that some products, such as semen, embryos, hides, and milk, did not contribute to the transmission of BSE. Hence the imports of these types of products did not provide a potential pathway for introduction of the disease.

The EC animal by-product requirements

39. The representative of the United States drew attention to EC Regulation No. 1774 which imposed new requirements on gelatine, tallow, pet food, yellow grease and other animal by-products not intended for human consumption. This regulation had been implemented on 15 June 2004, although product could arrive in the European Communities as late as 15 August 2004. He reported that while consultations had lead to derogations on hide, skins and tallow, the United States continued to be concerned about other provisions of the regulation, particularly those related to pet food and yellow grease.

40. The representative of Canada expressed satisfaction that the European Communities had adopted two transitional measures requested by Canada. He commented that since these complicated regulations had been put in place, the European authorities had indicated that a flexible enforcement strategy would be implemented until 15 August 2004. Although no problems had yet been reported by Canadian exporters, problems could arise with the end of "soft" enforcement in August.

41. The representative of the European Communities commented that based upon on-going consultations with the United States and Canada, the European Communities had modified the regulations to include justified exemptions. The EC regulation allowed cooking oils (yellow grease) to be used for animal feed only when they came from the food industry and only when a reliable system of traceability had been established. Imported used cooking oils intended for technical purposes remained authorized without restriction. The use of animal carcasses judged unfit for human consumption in pet food had been prohibited based upon scientific information which indicated that the BSE epidemic had spread through recycling of infected bovine material in bovine feed. A waiver had been implemented for the use of wild fish protein for feed for fish in fish farms. The European Communities indicated a willingness to discuss implementation of this regulation with Members concerned about potential trade restrictions.

India's restrictions due to avian influenza

42. The representative of the European Communities stated that India continued to apply import bans on a range of poultry products, including live birds, fresh meat and fresh meat products from several countries allegedly in response to highly pathogenic avian influenza, since February 2004. These blanket import bans were disproportionate to the risk and should be confined to imports from regions affected by the disease in accordance with OIE recommendations. The European Communities was officially free of this disease, according to the OIE criteria, and had implemented safeguard measures to protect this sanitary status. He asked that India review the current ban and lift all restrictions on poultry products from the European Communities.

43. The representative of India responded that measures prohibiting poultry and poultry products had been implemented as temporary measures. New outbreaks of highly pathogenic avian influenza in WTO Members, but not within the territories of the European Communities, had been reported as recently as 4 June 2004. Since poultry production in India was typically a family-run business, Indian authorities were particularly concerned about potential human development of the disease.

The United States de-listing of France from authorization to export certain meat and meat products to the United States

44. The representative of the European Communities had raised this issue under other business in the March meeting, but no resolution had been achieved. The inspection services of the US Department of Agriculture (USDA) audited the French veterinary services and eleven establishments authorized to export meat products to the United States early in 2004. Six of these establishments had not had any major infractions. In February 2004, the US authorities had notified the EC authorities of the decision to suspend French eligibility to export meat and meat products to the United States. The French authorities had forwarded a detailed plan of action about how to respond to US requirements for administrative practices relating to controls. The European Communities praised the United States for its offer to participate in training of French veterinary inspectors. Still the European Communities believed that some restrictions were disproportionate and discriminatory, and urged the United States to lift the prohibition on the six establishments exporting meat and meat products to the United States.

45. The representative of the United States stated that on 24 February 2004 the United States had suspended French exports of meat and meat products to the United States due to process control and sanitation deficiencies identified over a multi-year period. France had been informed that unsatisfactory results of the January enforcement audit would result in suspension of French meat exports to the United States. United States and French inspection officials had discussed the audit findings and follow-up actions, and France had acknowledged deficiencies and agreed to submit a new action plan to the USDA. The USDA would complete its review shortly and communicate findings to the French authorities. The USDA had identified experts in the European Union and United States who could provide training of French inspection personnel in the implementation of HACCP system. A technical seminar would be held in September 2004 for senior foreign meat inspection officials on the verification and enforcement of pathogen reduction HACCP requirements in meat export establishments. France had indicated that it would send two senior officials to this seminar. The United States emphasized its commitment to work with France to reinstate their eligibility to export meat and meat exports to the United States.

Korea's maximum residue level testing

46. The representative of the United States raised concerns about Korea's import inspection program which required that imported grains, fruits and vegetables be subject to annual MRL test requirements for the presence of 196 agricultural chemicals. Importers would bear the cost of these tests, estimated at US\$1-2,000 each. While the United States recognized Korea's attempts to modify their requirements through the issuance of notifications G/SPS/N/KOR/154 and 155 in 2004, the proposed fee for testing would still be twice as large as that proposed by Korea's Food and Drug Administration. Although the number of chemicals subject to mandatory testing had been reduced from 196 to 47, domestic producers were exempt from the mandatory testing requirement. Thus, Korea's import inspection program was inconsistent with national treatment provisions of the WTO. Despite bilateral discussions over the past year, the United States perceived insufficient progress on this issue and hoped for more significant progress in the future.

47. The representatives of Australia, Canada and the European Communities expressed similar concerns.

48. The representative of Korea emphasized that both the testing fees and the number of agricultural chemicals for which mandatory testing was required had been substantially reduced. In order to provide testing exemptions based upon compliance history, the relevant regulations would need to be revised.

(c) Consideration of Specific Notifications Received

EC maximum residue levels for pesticides on food (G/SPS/N/EEC/236 and 237)

49. The representative of China raised concerns that the maximum residue limits (MRLs) notified in G/SPS/N/EEC/236 and 237 were several times higher than the MRLs proposed by the Codex Alimentarius Commission and by other developed countries. He requested that the European Communities provide scientific justification for its measures or modify the MRLs according to relevant international standards. In addition, China requested that the European Communities extend the time period for implementation of the measure from the date of adoption to one year and provide China with the testing methods for the concerned MRLs.

50. The representative of the European Communities informed the Committee that he had been prepared to address China's concerns on notification G/SPS/N/EEC/243, which was indicated in the draft agenda, and was not prepared to provide specific answers to China's concerns on the notifications G/SPS/N/EEC/236 and 237. However, a written detailed reply would be sent to China

shortly. The representative of the European Communities clarified that the proposed date of entry into force in notifications G/SPS/N/EEC/236 and 237 should read 19 January 2005 instead of 19 January 2004. Furthermore, some of the Codex MRLs mentioned by China were proposed for revocation at the next meeting of the Codex Alimentarius Commission. EC MRL standards for pesticide quantities in foodstuffs were higher than international standards in four cases: (1) phyto-pharmaceutical products which did not lead to detectable levels of pesticides residues in foodstuffs; (2) unauthorized use of the pesticides; (3) EC authorizations which were unsupported by technical and scientific evidence; and (4) residues present in imported foods without sufficient scientific evidence indicating their food safety. In this case, the European Communities undertook its own assessment and was also willing to consider data submitted by the exporting country.

51. The Chair asked the European Communities to submit an addendum to clarify the dates on the concerned notifications for the benefit of Members not present in the meeting.

India's non-notification of various SPS measures

52. The representative of the United States indicated that his country shared the concerns raised earlier by several Members over India's non-notification of various SPS measures. India's non-notification, or late notification, of SPS measures had created unnecessary trade disruptions and an uncertain environment for trade. He requested that India comply with obligations under the SPS Agreement by notifying all its SPS measures to the WTO and providing a reasonable period of time for Members to review and comment on the notifications.

53. The representatives of Australia, the European Communities and New Zealand shared the concerns raised by the United States.

54. The representative of India stated that India attached great importance to the issue of transparency. With respect to India's Plant Quarantine Order 2003, statements had already been provided to the European Communities and the issue had been discussed at the March Committee meeting. India had notified the measure on 4 March, 2004 with a 60-day comment period and had ensured that trade was not restricted because of the lack of timeliness of the notification.

(d) Information on resolution of issues

Brazil's import requirements for seed potatoes

55. The representative of Canada informed the Committee that the issue of Brazil's import requirements for seed potatoes had been resolved, and Brazil had made a number of adjustments to the levels of regulation of non-quarantine pests. Canada reminded Members of the importance of notifying their SPS measures sufficiently in advance to provide an opportunity to comment before regulations are finalized to avoid future problems of this nature.

56. The representative of Brazil requested that G/SPS/GEN/204/Rev.4 (paragraphs 88-92) reflect that the issue had been resolved.

57. The representative of Turkey informed the Committee that Turkey had lifted its ban on imports on pet foods from Hungary and had also resolved the issue of restrictions on banana imports from Ecuador. He requested that document G/SPS/GEN/204/Rev.4 reflect these updates (paragraphs 464 and 471).

V. OPERATION OF TRANSPARENCY PROVISIONS

(a) Report on the informal meeting

58. The Chairperson reported that at the informal meeting on transparency held on 21 June, the Committee had considered two issues related to transparency: the proposals by Mexico and Egypt on pre-notification (G/SPS/W/136 and W/143, respectively) and China's written report on the analysis of SPS notifications in 2003 (G/SPS/GEN/498). In addition, Mr. Robson of the FAO, had provided a demonstration of the International Portal for Food Safety, Animal and Plant Health.

59. Mexico and Egypt had recalled that the pre-notification of regulatory calendars or intentions provided trading partners with advance information at an early stage in the drafting of the regulations. Mexico had drawn attention to the circulation of its national standardization programme for 2004 (G/SPS/GEN/491) as an example.

60. The European Communities had described its practice of notifying "White Papers" as an early indication of the EC's regulatory agenda, and of subsequently notifying approved regulations as addenda to the earlier notifications. Many Members had agreed that the voluntary provision of information at an early stage in the development of SPS regulations would be useful.

61. Canada, while acknowledging the benefits of pre-notifications from Members whose regulatory procedures so permitted, had stressed the importance of ensuring implementation of existing provisions in the recommended notification procedures, in particular, providing copies of working documents within five days of a request; acknowledging receipt of requested documents; acknowledging receipt of comments on notified measures, and explaining how comments would be taken into account. Canada proposed that Members provide written acknowledgement of request for, and receipt of, documents relating to notifications and comments on notifications would be helpful. The Secretariat had drawn Members' attention to model letters of acknowledgement which were included in annexes to the Handbook on Applying the Transparency Provisions of the SPS Agreement.

62. The Chair concluded that there was broad agreement that "pre-notification" or highlighting of regulatory plans enhanced transparency and could assist Members, at an earlier stage of regulatory development, to prepare responses to new measures of trading partners. The sense of the Committee was, therefore, that Members who were in a position to provide and indeed had been providing such advance notices should be encouraged to do so on voluntary basis.

63. The Chair further reported that China had introduced their written analysis of SPS notifications in 2003, and had highlighted the clarifications and additions which had been made to the document since its oral presentation to the Committee in March. A number of delegations had welcomed China's analysis as a useful tool to examine implementation of the transparency provisions.

64. Referring to paragraph 9 in China's report, which examined the information provided in notifications concerning the existence of a relevant international standard, the Secretariat had recalled that Members were not obliged to notify SPS measures if they did not deviate from an international standard. However, no other international organization currently was collecting information regarding Members' use of international standards. The Secretariat had suggested that in its next review of the recommended transparency procedures, the Committee consider recommending that Members notify measures even when they were based on international standards. A number of delegations had supported this suggestion to improve transparency.

65. Mr. Robson had demonstrated the International Portal for Food Safety, Animal and Plant Health which provided internet access to official information on SPS regulatory issues. The Portal

had been designed to harvest official information automatically from national and international organizations' formal websites. FAO had worked with countries to develop links with national websites in collaboration with national stakeholders. While the navigation site was currently available in English, documents were often available in multiple languages, depending upon their official internet source. Mr. Robson had welcomed feedback from Members on the Portal, which was continuing to evolve since its official launch in May 2004.

66. In response to the Chairperson's report, several Members reiterated support for the proposal to recommend that Members notify measures based on international standards. The representative of Canada suggested that this recommendation could be considered within the context of the pending Review.

67. The Chair drew Members' attention to the documents circulated by the Secretariat to enhance transparency within the context of the SPS Agreement. These included:

- Lists of National Notification Authorities (G/SPS/NNA/6, Corr.1, Add.1, and Add.2);
- Lists of SPS Enquiry Points (G/SPS/ENQ/16, Corr.1, Add.1, and Add.2);
- Updates of implementation of transparency obligations (G/SPS/GEN/27/Rev.13); and
- Monthly summaries of SPS notifications (G/SPS/GEN/485, 488 and 493).

68. The Secretariat informed the Committee that some Members had already notified the existence of unofficial translations using the mechanism agreed to in the March Committee meeting. The Secretariat encouraged other Members to notify the existence of translations.

VI. IMPLEMENTATION OF THE PROVISIONS FOR SPECIAL AND DIFFERENTIAL (S&D) TREATMENT

69. The Chair recalled that the Committee had in principle adopted Canada's proposal on transparency on S&D (G/SPS/W/27) in April 2003, pending the elaboration of procedures. At the meetings in June and October 2003 and March 2004, the Committee had considered various drafts by the Secretariat on the elaboration of procedures but a consensus for finalizing the procedures had not been reached. At the March 2004 meeting the Chair had requested that any comments on the current version of the Elaboration (G/SPS/W/123/Rev.3) be submitted by the end of April. As no comments had been received by the deadline, no informal meeting had been scheduled for June. However, one Member had since informed the Chair of its intention to submit a proposal for consideration at the next meeting and that it would therefore not be in a position to adopt the elaboration at this meeting. The Chair proposed that an informal meeting be held prior to the next regular meeting of the Committee in October and that the issue remain on the agenda of the next regular meeting.

70. The representative of Canada reflected that at the last meeting the Committee had nearly reached a consensus on this issue after two years of discussion. The debate should not be prolonged as the document described a useful mechanism to provide information about the problems that developing countries faced and the assistance that they received from developed and other developing countries. The proposal would use established transparency procedures to enhance the demand for, and supply of, solutions to problems faced by developing countries. The delegate stressed that the proposal included a one year review clause and urged Members to suspend further comments until Members had had experience implementing the proposed procedures.

71. The representative of Jamaica supported Canada's statement and expressed disappointment that the document would not be adopted at this meeting, particularly given the understanding that if no comments had been received by the end of April, the document as amended in the March meeting would have been adopted. Delaying the adoption of the document would only delay the possibilities for developing countries, including Jamaica, to benefit from S&D treatment.

72. The representatives of Belize, Nicaragua and St. Vincent and the Grenadines shared the concerns of Canada and Jamaica and supported the adoption of the proposed procedure with no amendments.

73. The representatives of Brazil, Chile, Cuba, Ecuador, Peru and Uruguay expressed support for Canada and supported the adoption of document G/SPS/W/123/Rev.3 at this meeting, with the removal of the footnote on page two.

74. The representative of Malaysia apologised to the Committee for having failed to meet the April deadline for raising their concerns. While acknowledging Canada's statements on the one-year review clause, he expressed a systemic concern that review clauses could be difficult to implement in the WTO context. Malaysia's view was that this document would establish a procedure in which S&D treatment would be provided primarily on a request basis and thus would create additional burden on developing countries.

75. The representative of the United States expressed support for adoption of the document and shared the positions of Canada and Jamaica. He noted that the Committee could be held accountable for implementing the review of the procedure in one year. The United States was concerned that Malaysia's proposals could re-write the existing provisions of the SPS Agreement and were beyond the scope of the Committee.

76. The representative of Canada recalled a discussion held three years ago in which developing countries had indicated that they were not receiving the appropriate type of S&D treatment from developed and importing countries. The rationale behind this proposal was that specific requests would generate S&D treatment that would be better suited to a particular developing country's needs. With this clarification, the representative of Canada urged Malaysia to join other Members to adopt the document without further amendments.

77. The representative of Malaysia reiterated his request that the Committee consider including in the language of the document the requirement that developed countries provide S&D treatment of a generic nature when a measure was notified and provide additional S&D treatment if requested by developing countries.

78. The Chair concluded that the Committee could not reach a consensus at this meeting and urged Members to consider Malaysia's questions when formulating solutions on reaching a common position. He requested Members to submit any comments before the end of September, and suggested that an informal meeting be scheduled for October 2004.

VII. EQUIVALENCE (ARTICLE 4)

(a) Information from Members on their Experience

79. No information on Member's experiences was provided under this agenda item.

80. The representative of Canada drew attention to document G/SPS/19/Rev.1 and requested that the document be updated to reflect the activities which had already taken place in the standard-setting

organizations. The representative of Australia suggested adding footnotes to the current document which would indicate when activities had already occurred.

81. The Chair noted the suggestions of Canada and Australia and requested the Secretariat to identify the most appropriate way to provide the information requested. The updated information was subsequently provided in footnotes in document G/SPS/19/Rev.2.

(b) Information from Relevant Observer Organizations

82. The representative of the International Plant Protection Convention (IPPC) reported that the IPPC standards on equivalence had been developed and examined by the IPPC Standards Committee. The draft standards were in the process of country consultations and comments were expected by the end of September 2004. The Standards Committee would examine draft standards in November 2004 and the Commission would consider them for adoption in April 2005.

VIII. PEST AND DISEASE-FREE AREAS (ARTICLE 6)

(a) Report of Informal Meeting

83. The Chairperson reported that at the informal meeting on the clarification of Article 6, the Committee's discussions benefited from inputs from the OIE and the IPPC. Members' discussions had centred around the issues raised in three specific proposals put forth by Chile, Canada, and Peru.

84. The OIE representative had described the OIE's procedures for recognition of disease-free zones and compartments, which had been adopted in May 2004. These were procedures implemented by a country to define sub-populations of different animal health status within its territory in accordance with OIE recommendations. While a zone was a clearly defined part of a country, a compartment was one or more establishments under a common biosecurity management system. The OIE recommendations for zones or compartments depended on the epidemiology of the disease, environmental factors, applicable biosecurity measures and necessary surveillance. An exporting country seeking to define a zone or compartment within its territory for an OIE-listed disease needed to implement OIE's recommended measures for identifying the animal sub-population, recognizing its distinct health status and maintaining it. The OIE was not conducting any work on the status of low-prevalence of a disease as this did not have much practical value in the animal world. The OIE officially verified and recognized the health status for four diseases based on a set of pre-determined procedures.

85. The representative of the IPPC had referred to two existing IPPC standards on regionalization: ISPM 4 on establishment of pest-free areas and ISPM 10 on pest-free areas of production. In addition, a draft standard on areas of low pest prevalence was being circulated for comments in preparation for a Standards Committee meeting in November. If approved, the standard could be adopted in April 2005. Moreover, a technical panel had been established to work on fruit-fly pest-free areas. Its first meeting would be held in September 2004. Unlike the OIE, the IPPC did not have a system for verifying the pest-free status of any country.

86. Chile had presented a revised proposal for a Decision on the Implementation of Article 6, in which Chile had incorporated comments from other Members on their earlier proposal (G/SPS/W/140/Rev.2). Chile had reiterated the need for the SPS Committee to develop guidelines for the implementation of Article 6 and to establish a mechanism for information sharing on this topic. At the same time, the Committee could encourage the OIE and the IPPC to pursue complementary work in their respective areas of expertise. Peru also had presented a proposal calling for the SPS Committee to establish guidelines on the implementation of Article 6, including specific timelines. (G/SPS/W/148).

87. Canada had noted that its proposed decision urged the OIE and the IPPC to develop guidelines on "regionalization" as appropriate and regularly inform the Committee of developments (G/SPS/W/145). At the same time, it called on Members to inform the SPS Committee of their practical experiences related to regionalization.

88. A number of delegations had supported the Canadian proposal. These delegations had noted that regionalization was a technical issue and was best dealt with by the relevant standard-setting organizations. Duplication of work in various bodies should be avoided. They also had suggested that it was not feasible to develop general guidelines with timelines due to differences in specific diseases and pests as well as in regulatory systems of countries. Some delegations had indicated that requests for recognition of a pest or disease status were best dealt with bilaterally on a case-by-case basis. Others had noted that Members could raise their concerns relating to the non-use of international standards in the area of regionalization under the Committee's agenda item on Monitoring the Use of International Standards.

89. On the other hand, many delegations had supported the Chilean proposal. These delegations had stressed that eradicating a pest or a disease from a region, declaring that region "free", and maintaining that status were costly undertakings for an exporting country. Yet even when an exporting country followed the relevant international recommendations, this did not mean that it could obtain "recognition" of this status from its trading partners. Complex administrative procedures and delays had led to extended periods of uncertainty. They suggested that what was needed was not only work at a technical level at the OIE and the IPPC but also guidelines from the SPS Committee on the implementation of Article 6, with a view to facilitating trade. The agenda items of the SPS Committee on "information from Members" and "specific trade concerns" included many items related to regionalization. This also demonstrated the need for further work by the Committee in this area, similar to what had already been done for equivalence, consistency, and transparency.

90. It was apparent at the informal meeting that there was not yet a consensus on what the Committee should do with respect to regionalization. The Chair suggested that all Members reconsider their concerns and objectives in this area, and that the Committee seek to find a consensus through further informal discussions at its next meeting. The Chair also suggested that it would be helpful to the Committee's deliberations if the IPPC could provide a presentation regarding its work with regard to pest-free areas and areas of low pest prevalence.

91. In commenting on the Chairperson's report, the representative of Canada agreed that Committee deliberations would benefit from a briefing by the IPPC representative on IPPC's work on pest-free areas.

92. In response to a question by Honduras, the OIE explained that the concept of compartmentalization adopted at 72nd Regular Session had already begun to be incorporated into the OIE's work. This concept had been included in the Terrestrial Animal Code in new sections on avian influenza and other diseases which were under study. The elaboration of the definition of compartmentalization had developed in parallel with an examination of potential applications of the concept within disease chapters, such as those relating to avian influenza.

93. The representatives of Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Nicaragua, Paraguay, Peru and Uruguay supported the continued discussion of this issue within the Committee and the possibility of issuing guidelines on regionalization. Chile reiterated the concerns that the standard-setting organizations would not be able to address administrative problems in their work on this area. The representative of Peru suggested that the Committee could issue guidelines for the implementation of Article 6 which would not duplicate OIE or IPPC guidelines, but which would outline administrative steps to be taken by countries in the application of the concept of regionalization.

94. The representative of Uruguay considered that the major implementation difficulties were excessive time needed to obtain concrete replies from importers, excessive requests for information, excessive red tape and administrative burden. Since these issues were directly related to the implementation of the Agreement, Uruguay believed that the Committee should address these issues explicitly. In addition, Uruguay requested that the IPPC develop verification methods similar to those developed by OIE which considered practical implementation of these mechanisms.

(b) Information from Observer Organizations

95. The representative of OIE noted that one of OIE's original mandates dealt with facilitating international trade in animals and animal products through the development of health measures intended to make the trade safe. OIE member countries had requested that the OIE move towards trade facilitating concepts such as zoning, compartmentalization, and the development of guidelines on vaccination. Regarding the potential of OIE developing administrative guidelines, while OIE codes did not include administrative guidelines such as timeframes for particular tasks, timeframes were included for technical issues. The OIE offered to work with the Committee in the development of administrative guidelines in this area based on Members' interest.

96. The representative of the IPPC noted that, since the IPPC was an international trade treaty, IPPC member activity generally related to plant health in the context of international trade. Indeed, the new IPPC preambular text included references to international trade. Including time limits in IPPC standards would require the willingness of IPPC member governments and would therefore need to be discussed within the ICPM.

97. The Committee agreed to hold an informal on regionalization immediately prior to the next regular Committee meeting.

IX. TECHNICAL ASSISTANCE AND COOPERATION

(a) Information from the Secretariat

98. The Secretariat described past and future regional and national workshop activities and thanked the Codex, IPPC and OIE for contributing expertise to these technical assistance activities. Since the last meeting, the Secretariat had: conducted a joint WTO/UNESCWA regional workshop in Lebanon for Gulf Countries; provided training for a delegation from the Former Yugoslav Republic of Macedonia; participated in the Inter-African Phytosanitary Council meeting in Dakar; and provided training for a WHO training course on trade and health. The Secretariat would undertake five regional and seven national activities in the second half of the year.

99. Document G/SPS/GEN/486 outlined the operation of the Standards and Development Facility and its work plan for 2004. The Secretariat was working to update the STDF technical assistance database and noted that it significantly under-reported activities undertaken by donor countries. The STDF business plan had been completed and would be circulated to donor countries shortly. The business plan was expected to be adopted formally by the STDF partners on the 9-10 September. Furthermore, the Secretariat was compiling a database on all the technical assistance activities it had undertaken since 1994.

(b) Information from Members

100. The representative of Canada recalled that Members had raised concerns about ISPM 15 in previous Committee meetings. At the sixth Session of the Interim Commission on Phytosanitary Measures (ICPM), participants recognized the difficulties faced by developing countries in implementing ISPM 15. The Commission had agreed to provide a workshop on the issue, subject to

the availability of extra funding. The workshop was tentatively scheduled for next January and, at the request of the Chair of the ICPM, Canada encouraged Members to support this important initiative either financially or through other means. The representative of Uruguay stated that Uruguay was making considerable efforts to implement ISPM 15 and called on Members to lend their support to the workshop.

101. The representative of the United States drew attention to document G/SPS/GEN/181/Add.4 which described the technical assistance activities provided by the United States for the period July 2003 to June 2004. The document highlighted US initiatives in meat safety and regulatory enforcement training in Central American countries, as well as the outreach and assistance programs on the implementation of bioterrorism rules.

102. The representative of Antigua and Barbuda informed the Committee of its participation in a risk analysis training course funded by USAID and stressed the importance of the workshop in its infrastructure development.

103. The Chair reported that a response from Nicaragua to the technical assistance questionnaire could be found in G/SPS/GEN/295/Add.36.

(c) Information from Observers

104. The representative of IICA summarized the "SPS of the Americas" initiative which had supported participation of capital-based experts in the SPS Committee and had increased significantly national implementation of the SPS Agreement in many countries in the Americas (G/SPS/GEN/497). Countries that had been the most effective in enhancing their level of national capacity had taken specific actions without making major investments of money and technology. IICA would continue to inform the Committee on IICA's activities.

105. Many Latin American countries, including Antigua and Barbuda, Bolivia, Chile, Colombia, Ecuador, Panama, Paraguay, Peru and Uruguay expressed their appreciation for IICA's work. Members stressed that this initiative contributed to national coordination of SPS policy implementation efforts and improved the quality of participation from these countries in Committee meetings. Chile expressed hope that IICA's observer status could become permanent, given the work IICA had done to help Members implement the Agreement.

106. The representative of Djibouti suggested that the technical assistance model developed by IICA could be used in technical assistance activities in Africa to enhance the implementation of technical SPS policies. He also suggested that it would be useful to have information from the Secretariat about past, current, and future technical assistance activities in Africa, including impact evaluations.

107. The representative of the OIE summarized information provided in document G/SPS/GEN/500 on OIE's technical assistance activities. He highlighted the collaborative relationships between OIE and many organizations, including the African Union's Inter-African Bureau for Animal Resources, the Arab Organization for Agricultural Development, the Food and Drug Administration of the United States, the Joint FAO/WHO Expert Committee on Food Additives, FAO Africa, the Committee of the Americas for Veterinary Medicines, and the South-east Asian Fisheries Development Center.

108. The representative of the Codex provided a report on the FAO/WHO trust fund for enhanced participation in Codex, which became operational in March 2003. Since the 36th Codex Committee on Food Hygiene, 37 countries had been funded to travel to the venues of various Codex meetings and nearly 90 countries would have been funded by this fund by the end of 2004. Applications for 2005

would be accepted soon. The submission of these applications for the second year would be coupled with the evaluation reports submitted by each beneficiary country. Some logistical difficulties had been identified in the operation of the trust fund. For example, in several cases more than one application had been sent from one country. The Codex representative suggested that countries should coordinate their application effort among the relevant ministries to generate a single request which the Codex contact point would send to the WHO secretariat administering the trust fund. In addition, the Codex had been invited to participate in WTO workshops and technical assistance activities. Many countries had been proposing activities to provide technical background for developing countries' participants in Codex seminars.

109. The representative of the IPPC described the FAO's capacity building program. More than 20 national and regional projects were on-going, and new requests were regularly received. Reports on the activities of the IPPC had been provided at the ICPM in April 2004 and could be downloaded from the website (www.ippc.int). The Phytosanitary Capacity Evaluation tool (PCE) had been developed and further extended by New Zealand, in close co-operation with the IPPC secretariat. The PCE had contributed to the establishment of baseline information for gauging the capacity gaps between the current phytosanitary situations and what would be needed to meet international standard requirements (The PCE had been produced as a CD-ROM, and could also be downloaded from the IPPC website). At the recommendation of the ICPM, the IPPC would conduct regional workshops to ensure that Members could fulfil their IPPC reporting obligations using the PCE. In addition, regional workshops will be held before mid-September in francophone Africa, the far East, the Pacific, the Caribbean and the Near East, and Latin America to discuss and develop comments on draft IPPC standards.

X. MONITORING THE USE OF INTERNATIONAL STANDARDS

(a) New Issues

110. No new issues were reported.

(b) Issues Previously Raised

111. The representative of Canada expressed disappointment that no issues had been raised under the procedure to monitor the use of international standards. Canada recalled that in the June 2003 meeting the Secretariat had suggested a reduction in the deadline for identifying issues from 30 days to 10 days, and suggested that the Committee consider if this would allow Members to better benefit from this procedure. The representative of the United States supported a short time-frame for notification of items for this agenda item and commented that having the same deadlines for submitting all items for the agenda would be useful. He proposed that this issue be discussed in the context of the upcoming Review.

112. The Chair proposed that the Committee consider this suggestion at its next meeting or in the context of the Review.

(c) Sixth annual report (G/SPS/W/146)

113. The Committee adopted the sixth annual report modified as to include reference to discussions at the current meeting.

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

(a) Information from Codex (G/SPS/GEN/496)

114. The representative of Codex drew attention to the Codex Commission's decision to meet annually. The June 2004 meeting would cover adoption of draft standards at Step 8 and the preliminary adoption of draft standards at Step 5. Since the Committee would also consider proposed amendments to the Rules of Procedure of Codex, the representative encouraged the active participation of WTO Members in this meeting.

(b) Information from (G/SPS/GEN/494)

115. The representative of the International Regional Organisation for Plant and Animal Health (OIRSA) highlighted OIRSA's recent capacity building activities including:

- A regional seminar in Guatemala on quality guarantee of food products, supported by the government of Spain;
- A capacity building course in El Salvador and Nicaragua on food safety;
- A Mexican post-graduate degree programme in the field risk of analysis and evaluation of health services in the field;
- A joint FAO-OIRSA project to strengthen capacity of member countries; and

(c) Information from OIE (G/SPS/GEN/501)

116. The representative of the OIE summarized the main points from the 72nd General Session of the OIE, held in June 2004. Two main technical issues had been discussed: emerging and re-emerging zoonoses, and animal identification and traceability. The Animal Production and Food Safety working group encouraged close collaboration between OIE and Codex on food safety issues through OIE participation in Codex Committee meetings, and OIE membership in the working group on food safety. The General Session had adopted a variety of new terrestrial animal health standards and animal welfare standards. Productive meetings had been held to discuss the integration of veterinary para-professionals, such as animal health technicians and livestock officers, into OIE activities, particularly in Africa. Countries had adopted the single list of OIE diseases, replacing the traditional List A and List B diseases, including new criteria for the listing of diseases. The Session had also revised the FMD chapter, modified the BSE chapter, and adopted, "under study", a text on Avian Influenza pending further work on surveillance procedures and risks from poultry meat and eggs. Amendments had been made to Aquatic Animal Code to improve harmonization with the Terrestrial Animal Code. The OIE Committee had discussed and adopted lists of countries, or zones, free from the four diseases.

(d) Information from FAO (G/SPS/GEN/504)

117. The representative of FAO reported on activities of FAO's animal health service, including a wide range of activities related to infectious and parasitic animal diseases, and inter-organizational activities. The FAO and OIE had signed an agreement to combat transboundary diseases, GF-TADs (Global Framework for the Progressive Control of Transboundary Animal Diseases), which would be implemented through ad hoc sub-regional and regional organizations. FAO and OIE, in collaboration with WHO, would also establish a comprehensive system for the analysis of epidemiological data, forecasting and warning, called the GLEWS (Global Early Warning System), for the zoonotic

diseases. The FAO, in close collaboration with the OIE and the WHO, had provided determined and rapid assistance to the countries affected by Avian Influenza and to the countries at risk, and these agencies would continue to study the epidemiology, socio-economic effects and industry recovery requirements of this disease.

(e) Information from IICA (GEN/SPS/GEN/496)

118. The representative of IICA highlighted implementation of the Initiative for the Americas on Sanitary and Phytosanitary Measures, which had focused on the strengthening of institutions, the development of leadership and coordination between public and private sector institutions. The IICA had also developed an instrument which was intended to secure high standards in official agricultural health and food safety services taking into account countries' current requirements. The instrument would enable the public and private sectors to develop a common vision and would facilitate the establishment of a joint strategy to strengthen official services.

(f) Information from WHO

119. The representative of WHO indicated that the second Global Food Safety Forum would take place in October 2004 in Bangkok. More information could be found at <http://www.foodsafetyforum.org/global2>. The Food Safety Emergency Network had been developed to respond to natural, accidental and intentional contamination of food. Two joint FAO/WHO expert meetings had issued calls for data: the joint FAO/IOC/WHO ad hoc expert consultation on biotoxins in molluscan bivalves (<http://www.who.int/foodsafety/chem/meetings/en/call.pdf>) and the JEFCA 64th meeting on food additives and contaminants (<http://www.who.int/ipcs/food/jecfa/en/call64.pdf>). In addition, the report of an FAO/WHO expert meeting on micro-organisms in powdered infant formula in February 2004 was available at <http://www.who.int/foodsafety/publications/micro/feb2004/en>. The Codex drafting group would review the code of hygienic practice for food for infant formula, consider the risk assessment procedures generated by this expert meeting and send their recommendations to the 37th session of the Codex Committee on Food Hygiene.

(g) Information from IPPC

120. The representative of the IPPC reported that the 6th Interim Commission of Phytosanitary Measures (ICPM) had met in April 2004 and adopted: (1) guidelines for phytosanitary import regulatory systems; (2) pest risk analysis (PRA) for regulated non-quarantine pests; and (3) the supplement to the PRA for quarantine pests which dealt with PRA for Living Modified Organisms (LMOs).

121. The ICPM had also agreed on the organization of a workshop on the practical application of ISPM 15 given the difficulties many delegations had in implementing this standard. The ICPM expected a lower level of activity for the next period given uncertainty that funding would be maintained; and acknowledged contributions to the IPPC trust fund to enhance the participation of developing countries in standard setting activities. In addition, the ICPM updated its strategic plan and business plan, including the adoption of a fast-track standard setting process which included the use of technical panels; and adopted a Memorandum of Co-operation between the IPPC and CBD secretariats and undertook preliminary discussions of potential joint work on invasive species and LMOs. Six standards were being sent for consultation, with a deadline for comments 30 September 2004. All of these would be available on the International Phytosanitary Portal, as would templates for comment submissions. Members and other organizations, including the SPS Committee, had been invited to submit suggestions for future standards before 1 October 2004.

(h) Information from the International Trade Centre (ITC)

122. The WTO Secretariat recalled that the joint project between the ITC and the Commonwealth Secretariat concerning the difficulties developing countries faced in standards implementation had been completed and distributed to WTO Members' national SPS enquiry points and TBT enquiry points. The Spanish version of this report and accompanying studies were now available and the French version of these documents would be available soon.

XII. REVIEW OF THE OPERATION OF THE SPS AGREEMENT – CONSIDERATION OF PROCEDURES FOR THE REVIEW

123. The Chair recalled that at the Fourth Session of the Ministerial Conference in 2001, Ministers instructed the Committee to review the operation and implementation of the SPS Agreement at least once every four years, pursuant to the provisions of Article 12.7 of the Agreement. The report of the next Review should be prepared for the Sixth Session of the Ministerial Conference. The Committee considered and adopted the procedures and timeline for the Review of the SPS Agreement (G/SPS/32). In the discussion of the recommended timeline for the Review process, many Members recognized that additional meetings might be necessary in order to complete the Review agenda.

124. The Committee also discussed the background document which the Secretariat had prepared (JOB(04)/71). The document described the Committee's work since 1999 on consistency, equivalence, transparency, monitoring of international standards, technical assistance, special and differential treatment, regionalization, monitoring implementation of the agreement, co-operation with international standard setting organizations, and dispute settlement activities. The Secretariat suggested that after incorporating Members' suggestions and comments this document could be revised and produced as a formal document.

125. The representative of Mexico emphasized the need to limit the list of issues for consideration in the review process from among the full set issues described in JOB(04)/71. The representative of New Zealand supported this view, stressing the need to set realistic ambitions for the Review given the desired deadline for finalizing the Review in time for the Ministerial meeting in fall 2005.

126. The representative of Mexico also requested that the Secretariat develop a list of documents submitted by Members on substantive issues since 1999 as background for the Review. This information would be useful to Members in their development of recommendations. He further recommended that documents related to the Review should be made available in the three official WTO languages more or less at the same time.

XIII. OBSERVERS – REQUESTS FOR OBSERVER STATUS

127. The Committee agreed to invite the organizations with current ad hoc observer status to participate in the next meeting of the Committee (ACP Group, EFTA, IICA, OECD, OIRSA and SELA). The Committee also invited all interested observer organizations to participate in the informal meetings to be held in connection with the next Committee meeting.

128. The Committee took no decision regarding the requests for observer status from the Office International de la Vigne et du Vin (OIV), the Asian and Pacific Coconut Community (APCC), and the Convention on Biodiversity (CBD).

XIV. OTHER BUSINESS

Paraguay - Eradication of foot and mouth disease (G/SPS/GEN/505)

129. The representative of Paraguay provided details of Paraguay's efforts to eradicate FMD since 1992. Most recently, towards the end of 2002 and in mid 2003, two occurrences of foot-and-mouth disease in the country had led to the loss of status as an "FMD free country with vaccination". Since this outbreak, Paraguay had instituted a wide range of control measures and there had been no further outbreaks of the disease, nor detection of FMD virus within the country. In the coming months, a report would be submitted to the OIE, and at the 2005 OIE meeting, Paraguay expected to be able to regain its certification as "free of foot-and-mouth disease with vaccination".

130. The representative of Brazil congratulated Paraguay on efforts in this area. Brazil and Paraguay had worked together to eradicate this disease in the South American region.

Argentina – Determination of an area free from parasites of bees.

131. The representative of Argentina reported on work within Argentina to determine the absence of the bee parasites *Tropilaelaps* and *Aethina tumida* (or small hive beetle). During January and March 2004, SENASA surveyed the sanitary situation of these parasites in the province of Buenos Aires. Out of the 7020 hives inspected, no clinical signs of infestation had been found. Thus, the representative confirmed the absence of these two parasites in this area, which represented 60 per cent of the national production (1.7 million beehives).

Peru – Situation regarding FMD

132. The representative of reported that in the past three years and eight months, no disease focus had been observed. Currently 97 per cent of the national territory was declared free of FMD with vaccination. In one of the areas free with vaccination, the monitoring system had observed eight foci in the Lima department of the type O virus in June 2004. This information had been provided to the OIE on 26 June 2004. The last FMD focus in Peru had been observed in October 2004; virus type O had been last observed in 1997. The government had adopted comprehensive sanitary measures to control and eradicate the FMD virus.

133. In response to a query by the representatives of Antigua and Barbudo about the disposal of infected FMD animals, the representative of Peru indicated that carcasses of animals which had tested positive had been incinerated and the remains had been buried.

Chile – Request for update on EC measures on fish meal

134. The representative of Chile noted that the European Communities was reviewing the restrictive measures on fishmeal in cattle feed. Lifting the ban would require the development of a diagnostic test which would assure all EC member States that detection of contamination of fishmeal with bone- or meat-meal would be possible. Chile had received information that the diagnostic method had been standardized and meetings of the Food Chain and Animal Health Committee in September 2004 would vote on lifting the ban. Due to the high impact this ban had on Chile's feed production systems, the representative requested further information concerning the possible date when the ban would be lifted.

135. The representative of Peru also requested a written explanation from the European Communities.

136. The representative of the European Communities responded that results of the test were pending and that a written reply would be made available after the Food Chain and Animal Health Committee meeting in September 2004.

Colombia – Ocratoxin A in Coffee

137. The representative of Colombia recalled that Colombia had requested written comments from the European Communities on the setting of maximum levels of ocratoxin A in Coffee in June 2003 (G/SPS/GEN/434). The European Communities had recently submitted comments in writing (G/SPS/GEN/490) to Colombia, but Colombia had not had sufficient time to prepare a response. Colombian authorities had had meetings with German and EC officials concerning Germany's measures on ocratoxin in coffee and whether these might be in violation of the MFN principle. The European Communities had indicated that a similar measure might be adopted related for green coffee. The representative expressed concern about the effects of these measures on the marketing of Colombian coffee in Europe.

138. The representatives of Brazil, Cuba, Ecuador and Peru echoed the concerns of Colombia. The representative of Brazil sought clarification concerning why Germany established MRL for ocratoxin A in coffee if no MRL had been established by the European Communities.

139. The representative of the European Communities commented that the answers to Colombia's concern and Brazil's particular question were included in document G/SPS/GEN/490. Consultation of scientific experts had recently been concluded and a document from this meeting was being prepared, including suggested limits for a wide range of food products on the basis of admissible daily intake and the level of consumption in the European Communities. This proposal would probably be notified to the Committee by early September and there would be a sixty day period for comments.

XV. DATE AND AGENDA OF NEXT MEETING

140. The Committee agreed on the following tentative calendar for Committee meetings in 2005.

7-8 March	Informals
9-10 March	SPS Committee meeting
27-28 June	Informals
29-30 June	SPS Committee meeting
24-25 October	Informals
26-27 October	SPS Committee meeting

141. The next regular meeting of the Committee was tentatively scheduled for **27-28 October 2004, with informal meetings scheduled for 25-26 October**. Informal meetings would be held on special and differential treatment, regionalization and on the Review of the Agreement. The Committee agreed on the following provisional agenda for its next meeting:

AGENDA FOR MEETING OF 27-28 OCTOBER 2004

1. Proposed agenda
2. Activities of Members
3. Specific trade concerns

- (a) New issues
 - (b) Issues previously raised
 - Information on resolution of issues in G/SPS/GEN/204/Rev.4
 - (c) Consideration of specific notifications received
 4. Operation of transparency provisions
 5. Implementation of special and differential treatment
 6. Equivalence – Article 4
 - (a) Information from Members on their experiences
 - (b) Information from relevant observer organizations
 7. Pest- and Disease-free areas – Article 6
 8. Technical assistance and cooperation
 9. Monitoring of the use of international standards
 - (a) New issues
 - (b) Issues previously raised
 10. Review of the operation of the SPS Agreement
 11. Transitional review under Paragraph 18 of the Protocol of Accession of the People's Republic of China
 12. Matters of interest arising from the work of observer organizations
 13. Observers - Requests for observer status
 14. Chairperson's annual report to the Council for Trade in Goods
 15. Other business
 16. Date and agenda of next meeting
142. The following deadlines are relevant for the next meeting:
- (i) Submission of issues to be considered during the Review and written comments on the background paper by the Secretariat: **30 July 2004**.
 - (ii) For identifying new issues for consideration under the monitoring procedure: **27 September 2004**.
 - (iii) For submission of questions to China regarding implementation of the SPS Agreement: **27 September 2004**.
 - (iv) For comments on the elaboration of procedures for transparency of S&D (G/SPS/W/132/Rev.3): **27 September 2004**.

- (v) Submission of papers on issues for consideration during the Review and identification of any further issues for consideration during the Review: **12 October 2004**.
 - (vi) For requesting that items be put on the agenda: **14 October 2004**.
 - (vii) For the distribution of the airgram: **15 October 2004**.
 - (viii) Chairperson's proposal of the order in which issues on the Review are to be addressed and circulation of revised background document by Secretariat: **15 October 2004**.
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