

Committee on Sanitary and Phytosanitary Measures

**SUMMARY OF THE MEETING HELD ON
8-9 OCTOBER 1996**

Note by the Secretariat

1. The Committee on Sanitary and Phytosanitary Measures ("the Committee") held its sixth meeting on 8-9 October 1996 under the chairmanship of Ambassador Kari Bergholm (Finland). The agenda proposed in WTO/AIR/435 was adopted with amendments.

Observers

2. The Chairman recalled that, on 25 July 1996, the General Council had adopted a decision with respect to the granting of observer status to international intergovernmental organizations. This decision allowed the WTO Committees to confer observer status on a regular, rather than *ad hoc*, basis. Since consultations were still being held within the WTO on the most appropriate way to implement this decision, the Committee deferred the consideration of this issue until its next regular meeting. The Chairman noted that no further requests for observer status had been received since the last meeting. The Committee welcomed observers from the Office international des épizooties (OIE), Codex Alimentarius Commission (Codex), International Plant Protection Convention (IPPC), World Health Organization (WHO), Food and Agriculture Organization of the United Nations (FAO), United Nations Conference on Trade and Development (UNCTAD), International Trade Centre (ITC), and International Standards Organization (ISO).

Rules of Procedure

3. For the third consecutive time, the representative of India informed the Committee that he maintained reservations regarding the proposed Rules of Procedure (G/SPS/W/48). Several Members expressed regret that, after completing nearly two years of work, the SPS Committee was still unable to reach a consensus on the Rules of Procedures and urged India to reconsider its position before the next regular meeting of the Committee. In the meantime, the Committee would continue to operate under its Working Procedures (G/SPS/1).

Report to the Singapore Ministerial Conference

4. The Chairman informed Members on the informal consultations which had been held in order to prepare the report of the SPS Committee for consideration at the Singapore Ministerial Conference. Participants noted that the text before them accurately reflected the work carried out by the Committee during the course of its meetings, as well as the major concerns raised. The Committee **adopted** the report to the Singapore Ministerial Conference (subsequently issued as G/L/118).

Implementation of the Agreement - Information from Members

Colombia: Creation of the National Information System on Standardization Measures and Conformity Assessment Procedures

5. The representative of Colombia informed the Committee that in June 1996, his Government created a new body, the National Information System on Standardization Measures and Procedures for Monitoring Compliance. The functions of this body, tasked with the implementation of the SPS Agreement, are described in detail in G/SPS/W/73. Its major role will be to centralize SPS-related standards, regulations and conformity assessment procedures, maintain contact with the competent bodies in order to effectively monitor the adoption of proposed SPS measures, and enhance transparency as required by the SPS Agreement. The newly-designed information system was already operational, although Colombia was seeking technical assistance and cooperation with several administrative and information processing difficulties.

Romania: FMD-free country

6. The representative of Romania informed the Committee that, according to the OIE, Romania had fulfilled the requirements to be recognized as free from Foot-and-Mouth Disease (FMD) without vaccination. Given the recent outbreaks of FMD in the Balkans, the National Sanitary Veterinary Agency adopted some protective measures at the border. The full text of the communication from Romania is available in document G/SPS/GN/1.

United States: Food Quality and Protection Act, 1996 (FQPA)

7. The representative of the United States informed the Committee that the recently enacted Food Quality Protection Act explicitly addressed US obligations stemming from the SPS Agreement, while maintaining high standards of protection for US consumers. A detailed description of FQPA is available in G/SPS/GN/4. This law, essentially a broad-based pesticide law, establishes a consistent level of protection for pesticide residues in both raw and processed foods. One of its key features is the explicit requirement that US regulatory authorities take pesticides standards established by the Codex Alimentarius Commission into account when determining their own standards. A notice must be available for public comment explaining deviations, if any, from the international standards.

8. The representative of Argentina regretted that Members had not been given 60-day advance notice and hence the opportunity to comment on this newly-enacted piece of legislation, as provided for in Annex B of the SPS Agreement. The representative of the United States assured the Committee that future measures adopted under this new legislation would be notified, as appropriate, in accordance with the requirements of the SPS Agreement.

Chile: Regional initiatives with MERCOSUR, European Union and selected Asian countries

9. The representative of Chile informed the Committee that a trade agreement between Mercosur and Chile had just entered into force. Chapter 10 of this agreement was dedicated to sanitary and phytosanitary measures and addressed in detail the harmonization procedures between members' regulations, as well as risk analysis procedures, with the appropriate references to the WTO SPS Agreement. Negotiations on a bilateral SPS agreement with the European Union were expected to be concluded shortly. Other bilateral consultations of a highly technical nature with selected Asian countries had been successfully completed. The provisions on transparency and equivalence of the

SPS Agreement were key issues for both parties. Asian trading partners now recognized Chile, or certain Chilean regions, as free from fruit-fly, as well as FMD. In turn, Chile, after conducting a risk analysis exercise, now allowed imports of tropical products from these countries.

Implementation of the Agreement -- Specific trade concerns

10. The representative of the United States indicated that he wished to raise a number of generic issues, providing specific bilateral technical examples to stimulate a constructive dialogue within the Committee. This approach would help the Committee to focus on the practical implementation of the SPS Agreement, and help to create a multilateral consensus on how each of these issues should be addressed. The debate could also help the Committee to consolidate important achievements since the effective implementation of the SPS Agreement should, in the United States' view, be the focus of the Committee's efforts.

Testing requirements for different varieties of apples, cherries and nectarines - Japan

11. The representative of the United States reported that, under a bilateral agreement concluded with Japan in 1995, Japan currently allowed two varieties of US apples into its market. Japan required US suppliers to conduct lengthy and thus expensive tests to demonstrate that combined treatment of methyl bromide and cold storage was effective in killing codling moths on both varieties. These and other tests on three varieties of apples, cherries and nectarines, demonstrated that the effectiveness of this treatment did not vary among different varieties of these fruits. Nevertheless, Japan continued to block the introduction of new varieties of US fruits by requiring such apparently redundant testing to be performed for each and every variety. The United States was unaware of any scientific evidence indicating the need for such repeated varietal testing, which appeared to constitute an unnecessary barrier to trade. The United States had recently formally initiated a consultation process with Japan under Article 5:8 of the Agreement.

12. The delegation of Japan indicated that the formal exchange of communication between the United States and Japan would be followed by a clarification process involving technical experts of both sides. These discussions would continue until a solution was reached on a common understanding of the scientific principles involved.

Ban on imported salmon - Australia

13. The representative of the United States reported that Australia maintained a ban on North American fresh, chilled or frozen ocean salmon on the grounds that imports might transmit diseases and pathogens to Australian fishery stocks. In 1994, following technical consultations and extensive visits by Australian experts to North American fisheries and production sites, Australia published a draft risk assessment paper which indicated that there was little risk from imported North American salmon. However, Australia did not adjust its measures to reflect the results of that assessment, but instead undertook another risk assessment which was completed in May 1996. This second risk assessment again demonstrated the lack of a scientific basis for maintaining the ban. Australia, however, indicated that the final report would be published by the end of 1996. In accordance with the provisions of the SPS Agreement, the expectations of the United States were that the final determination would result in a lifting of the ban. The issue of harmonization with international standards was also relevant in this case, as the salmon prevented from entering the Australian market complied with existing OIE standards.

14. The representative of Australia indicated that, on the basis of requests from the United States and Canada to reconsider the Australian quarantine legislation on uncooked salmon, in late 1994, Australia sent a technical mission comprising experts from government and industry to North America. In accordance with Article 5:7 of the SPS Agreement, the mission's objective was to seek the information necessary to conduct a more objective assessment of risks, so that the sanitary measure could be reviewed. In May 1995, a draft report on risk analysis was published and notified to WTO Members in G/SPS/N/AUS/3. The large number of comments received on this draft had led Australia to conclude that it was necessary to revise its import risk analysis. A revised draft import risk analysis was released on 28 May 1996. Over 60 days were allowed for public comment, and this time, thirty four submissions (including from the United States and Canada) were received. After evaluation of these inputs, the revised draft import risk analysis was updated. The conclusions of this process would be announced by the end of 1996. The United States and Canada had been kept fully informed of the timetable of this process. The representative of Australia further noted that the relevant OIE standard did not meet Australia's acceptable level of protection.

15. The representative of Australia added that the import risk analysis in this case was considered to be one of the most technically complex import risk analysis ever performed in Australia. As many as twenty four diseases of salmonids which were of concern to Australia were identified. Information on each of these diseases was collected, and the risk associated with each was assessed. An economic analysis was also conducted to assess the potential impact of disease imported with salmon upon the relevant domestic industries, including the agriculture and tourism industries based around fishing salmonids.

Restrictions on levels of copper and cadmium in imported squid - Spain

16. The representative of the United States noted that US exporters continued to face measures which discriminated between imported and domestic products. One example was the Spanish regulation on levels of copper and other minerals in imported squid, from which domestic as well as EC products were specifically exempted. This measure was unsupported by science or by any appropriate risk assessment.

17. The representative of the European Communities replied that, a year ago, the Spanish authorities had explained that the scientific justification for imposing such a measure came from a WHO recommendation on maximum weekly intakes of metal. He further clarified that the absence of harmonization of the permitted levels of various metals across the European Communities was currently being discussed in Brussels. The representative of Argentina observed that the problem at hand was not one of harmonization, but of national treatment. In his view, this question had remained unanswered by the European Communities.

Zero-tolerance for salmonella in imported poultry products - Chile, Czech Republic, El Salvador, Slovakia, Honduras

18. The representative of the United States stated that in a number of markets, problems arose from discrimination between the standards for control of *salmonella* that were applied to domestic versus imported poultry products. He noted that the Czech Republic, Slovak Republic, Chile, El Salvador and Honduras applied so-called zero-tolerance standards for salmonella in imported poultry products. It was misleading to refer to such restrictions as zero-tolerance standards since none of these Member appeared to have eradication or surveillance systems in place to establish the non-existence of *salmonella* in their domestic products. The discriminatory treatment resulted in a serious market access barrier.

19. The representative of the Slovak Republic explained that the State Veterinary Administration did not apply zero-tolerance for *salmonella* in imported poultry meat. Paragraph 2 of the Veterinary Certificate for poultry meat (subject to Laws No. 87/1987 and 239/1991 LC (provisions on veterinary treatment) and Decree No. 118/1987 and 258/1994 LC (provisions covering veterinary protection of the state territory) require imported poultry meat

"to be obtained from slaughter poultry originating from holdings in which there was no evidence of salmonella enteritidis or salmonella typhimurium and laboratory examination for these salmonellae performed 14 days before slaughter was negative".

This condition did not stipulate a zero-tolerance requirement for *salmonella* in imported poultry meat, but sets an equivalent *ante* and *post-mortem* treatment of slaughter poultry, as was required for domestically produced poultry meat. The request for *ante-mortem* examination and the ban on imports of poultry meat originating from holdings which tested positive on *salmonella*, was a sound, non-discriminatory sanitary policy, since it sought to prevent the dissemination of the disease within the country. The representative of the Slovak Republic reminded the Committee that since 1990, outbreaks of *salmonella* had increased. Scientific evidence showed that the disease was spread mainly through contaminated poultry products. He reported that the conditions established for the imports of poultry products applied equally to all Members, and to date concerns had not been expressed by any other trading partner.

20. The representative of the Czech Republic stated that his country's veterinary requirements for imports of poultry products complied with the provisions of the SPS Agreement. In establishing those requirements, the level of prevalence of specific diseases and the existence of eradication or control programmes in the country of origin were taken into account. The present regulations required negative results on *salmonella* tests in poultry holdings and slaughterhouses. Discussions were held with experts from the United States but no assurances were received that such requirements would be met in the United States. Some issues still needed clarification; for example, the testing and monitoring of *salmonella* for heat treated products in the United States, including (a) the frequency of testing in poultry holdings and flocks and poultry slaughterhouses; and (b) how feedback was provided to the veterinary inspectors in slaughterhouses regarding the epizootological situation in the field. The relevant Czech regulation required that

"meat must come from animals kept in the holding or flock, in a perimeter of at least 30 km in which: during 12 months prior to export, no case of fowl plague has been reported; and during 3 month prior to export no case of Newcastle disease has been reported".

This requirement by the Czech Republic was less stringent than the conditions imposed by the European Communities or some Scandinavian countries on poultry products, and had already been met by Thailand, China, Brazil and some European countries. The representative of the Czech Republic suggested that bilateral consultations between veterinary experts from both sides was the most effective way to reach an agreement on this issue.

21. The representatives of Honduras and El Salvador indicated that they would inform their authorities of the statement made by the United States, and provide a response at a later date.

22. The representative of Chile observed that bilateral consultations on salmonella had started in 1992. Chile pursued a long term policy objective in SPS-related matters, in order to maintain an adequate level of protection against the pests and diseases which were thought to substantially affect trade. Chile's trade policies, at the same time, always strived to eliminate restrictive measures that were unsupported by science, including in the poultry sector.

23. Further information on the sanitary requirements applying to the poultry sector in Chile was provided in G/SPS/GN/3. The Chilean delegate indicated that the concern expressed by the United States was probably due to a misunderstanding of those sanitary requirements. Countries exporting raw poultry meat to Chile (e.g. Denmark) were required to perform a test to determine the level of *salmonella*. The test result was checked against the level of prevalence of the disease in the exporting country, which is a key input to the risk assessment procedure adopted by Chile. Chile was aware that the United States had difficulties complying with this requirement given the high level of prevalence of *salmonella* domestically. On 6 June 1996, President Clinton acknowledged the importance of this domestic problem and launched a high priority program to reduce the prevalence of *salmonella*. The US Secretary of Agriculture recommended that the hazard analysis critical point (HACCP) approach be systematically applied in poultry slaughterhouses. Given the situation in the United States, the Chilean government was prepared to show a certain flexibility and would be prepared to consider imports of irradiated poultry meat from the United States as a possible alternative.

24. The representative of Japan welcomed the comment made by the United States that it was not their intention to address the technical aspects of specific issues in detail during Committee meetings. The representatives of Canada and Argentina recalled the spirit in which the United States had made their presentation, noting that lessons could be learned from specific examples, and suggesting that Members should contribute with more issues to broaden the discussions. Canada was particularly interested in a further discussion of national treatment, and on what should be considered as a reasonable period of time for the completion of a risk assessment. During the Uruguay Round negotiations, it had not been possible to agree on an appropriate time frame because of the relative complexity of risk assessment. However, it had been agreed that the issue should be further pursued.

25. All Members concerned noted that the discussion of specific issues could promote the correct implementation of the SPS Agreement. In order to facilitate the work of the Committee, Members wishing to raise points under this agenda item were requested to inform other Members concerned, as well as the Secretariat, at the latest 11 days before the meeting date.

Transparency Provisions - Consideration of Specific Notifications Received

26. The representative of Argentina regretted that the regulations notified in G/SPS/N/JPN/1 and G/SPS/N/KOR/29, 30, 31 of Japan and Korea were not available in one of the three WTO working languages. The Chairman recalled that Annex B, paragraph 8 of the SPS Agreement requires developed country Members to "*provide copies of the documents or, in case of voluminous documents, summaries of the documents covered by a specific notification in English, French or Spanish*", if there is a specific request by another Member. The representative of Japan observed that his government normally provided summaries of the documents in English. The representative of Thailand suggested that developing countries, in their notifications, give sufficient details in the description of content, so as to enable relevant comments by recipient Members.

27. The representative of the European Communities signalled his concern that the Czech notification G/SPS/N/CZE/12 indicated "not applicable" for the final date for comment, although this measure could have important trade implications. Furthermore, a question of principle was raised when notifications did not provide an adequate period for comments. The representative of the Czech Republic replied that he would examine the concerns raised regarding that notification, and would pursue the matter bilaterally with the European Communities.

Any Other Matters Related to the Operation of Transparency Provisions

28. The Secretariat drew the Committee's attention to the General Council's decision on the derestriction of WTO documents (WT/L/160/Rev.1). She explained that working documents, summary reports of the meetings, background notes prepared by the Secretariat and any drafts for consideration would still be circulated on a restricted basis. Documents submitted and circulated as "restricted" would be considered for derestriction after 6 months, unless either the Committee or a Member requested an earlier de-restriction. Decisions taken by the Committee, notifications, and other such documents would be circulated on an unrestricted basis. Any Member submitting a working document or statement could request that it be circulated on an unrestricted basis. Other documents would normally be unrestricted unless a Member requested otherwise at the time of submission. A new series of SPS documents had been created, the G/SPS/GN series, which would contain statements, submissions (other than working proposals), factual information from the Secretariat, etc. In reply to questions by the United States and Japan regarding the availability of SPS documents on the Internet, the Secretariat stated that notifications were not available on Internet since the issue could also affect TBT notifications, and the matter was still under consideration. However, all other SPS documents were currently electronically available to Members through the document dissemination service. The necessary passwords could be requested through local missions. Furthermore, an SPS subdirectory had been created on the WTO home page. The Secretariat confirmed that documents submitted by observer organisations would be circulated on a restricted basis upon their request.

29. The representative of the United States raised a number of general issues with respect to transparency. He stated that US data showed that as of mid-September, nearly three quarters of WTO Members had yet to notify any SPS measure under the Agreement. He also noted that there were a number of cases in which Members had adopted new measures without fully applying the transparency provisions of the Agreement. Some specific examples included recent restrictions by Honduras on imports of rough rice, without any advance notice. Honduran officials had been quoted in the press stating that this measure was to protect domestic rice producers from imports during the harvest period. As another example, it was not yet clear whether the Government of Indonesia planned to issue proposed rules and to allow sufficient time for public comment on its new Food Code.

30. The representative of Honduras replied that he would convey the concerns raised to the relevant authorities in Honduras. The representative of Indonesia stated that the joint decree by the Ministers of Health and Agriculture concerned the application of the Codex Alimentarius standards in respect of maximum levels of pesticides residues, in order to protect the health of Indonesian consumers. The Government of Indonesia was considering issuing technical regulations which would be notified to other Members through the TBT and SPS procedures.

Monitoring the Use of International Standards

31. The development of a procedure to monitor the use of international standards, guidelines and recommendations, as specifically mandated in Article 12:4 of the SPS Agreement, was seen by a number of delegations as one of the Committee's primary responsibilities. Although it was agreed that the information needed to monitor harmonization should come from individual Members, very few had responded to the Secretariat's request for specific examples of international standards whose use or non-use had a significant impact on trade (G/SPS/W/58).

32. Several Members expressed their appreciation of the proposal made by the European Communities (G/SPS/W/51), which helped the Committee focus on harmonization. However, the representative of Argentina viewed the initial actions described in paragraphs 12, 13 and 14, as well as the suggested actions described in item 15 (b) and (e), as unrealistic.

33. The delegation of the United States presented their proposal as one practical and efficient method for fulfilling the Committee's mandate in this area (G/SPS/W/76). Rather than attempting to draw up an exhaustive list of all international standards that have a major impact on trade, the United States suggested to gradually build up an inventory based, in whole or in part, on the Members' responses to the Chairman's request. To do this, a permanent agenda item could be established and an annual report prepared on the basis of Members' submissions on the non-use of existing international standards. The purpose of this report would be to identify issues without necessarily trying to resolve them. In addition, a periodical report could be prepared on the issues identified in G/SPS/W/76, Annex A. That report could be submitted to the appropriate international standard-setting organizations for consideration.

34. Many Members welcomed the US paper, noting that it identified the problem at its roots and advocated a constructive and pragmatic approach. They described the US proposal as a move forward from theory to practice in the area of monitoring the use of international standards. Due to the late distribution of the paper, several participants reserved their right to comment on it at the next meeting. The representative of Korea also suggested that further discussions would be needed to clarify who actually developed and operated the monitoring system, as this did not seem to be explicitly indicated in the text of SPS Agreement.

35. The representative of Argentina suggested that the SPS Committee should seek to influence, through actions by governments, decisions taken in the three relevant standard-setting organizations (Codex, OIE and IPPC). The unique characteristics of the WTO, as a contractual, trade-based organization endowed with an enforcement capacity, offered the possibility for the Committee to seek decisions in the respective standard-setting organizations, without interfering with their independence or their objectives. Argentina saw the need for such follow-up activities when, for example, proposed international standards were being blocked by certain countries, or when no standard existed, or when a standard was subject to modification.

36. Supporting Argentina's views, Chile saw the US proposal as providing the opportunity for new standards developed by individual countries to be validated by the relevant standard-setting organizations, on the basis of proven scientific evidence, and subsequently converted into internationally recognized standards. The representative of New Zealand stressed the need for a careful coordination of the Committee's activities with those of the three standard-setting organizations. The idea of a gradual process to develop a pilot project was particularly supported by the European Communities, whereas the representative of Canada suggested that progress reviews be carried out periodically to evaluate the effectiveness of any pilot project.

37. The representative of the United States agreed to continue to develop, in consultation with other Members, more specific proposals for consideration by the Committee at its next meeting. The Chairman requested Members to submit their proposals well in advance of the next meeting, so that delegations could be ready to take a decision on such proposals.

Consistency

38. The Chairman reported on the informal consultations he had held with interested Members with the objective of producing draft guidelines, for consideration by the Committee, to further the practical implementation of the provisions on consistency in decisions on the appropriate level of protection, as required by Article 5:5. Although some progress had been made, further informal consultations were needed. The item was kept on the agenda for the next meeting of the Committee.

Development and Application of Residue Limits

39. With regard to the paper presented by Australia on the development and application of residue limits to food in trade (G/SPS/W/34), the representative of the European Communities stated that they could fully support the widest possible adoption at national level of Codex MRLs and the taking into account of trading partners' Good Agricultural and Veterinary Practices. However, he considered that the text of the Australian paper could be improved with certain clarifications. The remarks of the European Communities are contained in G/SPS/GN/7. The representative of Australia stated that the purpose of the paper was to invite the Committee to look at the development and application of residue limits as an example of a particular class of sanitary and phytosanitary measure, and that it may be appropriate to revisit the issue at some time in the future.

Technical Assistance

40. The representative of Thailand observed that the recently published IPPC Guidelines for Pest Risk Analysis were difficult to understand and therefore to implement. This concern was shared by other ASEAN members. For this reason, the Thai delegation requested the WTO Secretariat to organize a training event in 1997, on the technical and practical aspects of the IPPC Guidelines for Pest Risk Analysis, for ASEAN member countries and Indochina.

41. The representative of the United States supported the concept of reciprocal cooperation and coordination, and informed the Committee on the cooperative activities of the United States. Among these, the United States, in cooperation with international standard-setting organisations, would be involved in a workshop with specific emphasis on pest risk analysis, which was scheduled for Asian/APEC countries in March 1997.

42. The Secretariat reported that a number of regional seminars had been, and would continue to be, carried out in cooperation with the Codex, OIE and IPPC. Some of the seminars were sponsored by the government of the United States, and assistance from other Members would be welcome. The Secretariat also carried out a number of in-house activities, and participated, at the invitation of either national governments or private associations, in different workshops and seminars. With regards to a calendar of specific workshops, as had been previously requested by Argentina, information would have to be provided by Members. A list of meetings relevant to the work of the SPS Committee, based on information provided by the standard-setting organizations, was available at the meeting.

43. The representative of Codex stated that his organisation was currently involved with 18 cooperation projects in various regions of the world, and with a total of 11 workshops in 1996 related to the implementation of the Agreement and its linkage to the Codex standards. The representative of the International Trade Centre (ITC) stated that ITC was carrying out a 3-year technical assistance program on training, training of trainers and development of guidelines and various reference documents. ITC also organised seminars on the SPS and TBT Agreements and would further pursue these activities with Codex in Asia and Africa. The representative of the IPPC indicated that the organization's personnel problems affected training and technical assistance activities, but hoped that the situation would change shortly. The OIE representative noted that OIE's new training strategy would address the registration of veterinary drugs, training in terms of epidemiology based on regional initiatives, and with specific indications concerning surveillance activities and risk assessment. In terms of technical assistance, a number of countries had specifically requested assistance for the development of networks in terms of animal health and epidemiology. OIE was working with other international organisations and several countries on programs for the elimination of Foot-and-Mouth Disease (FMD).

44. In response to a request from Thailand, the Committee agreed that the heading for this agenda item would in future read "technical assistance and cooperation".

Matters of Interest Arising from the Work of Observer Organizations

Revision of IPPC

45. With regard to documents G/SPS/W/65 and G/SPS/W/69, the representative of Uruguay expressed the view that any discussions or negotiations regarding the legal framework of the standard-setting organisations should be undertaken in the scope of the respective organisations, leaving the SPS Committee the freedom to make the pertinent evaluations. Also, internal coordination was necessary within Members to maintain consistency between the different international legal instruments. He suggested that the modification of the IPPC be maintained on the agenda of the Committee until it had been completed. The full statement by Uruguay is available in document G/SPS/W/77.

46. The IPPC Secretariat informed the Committee that technical consultations among regional plant protection organisations had been held in September on the revision of the IPPC. An article related to the functions of regional plant protection organisations was discussed, along with the possible establishment of a Commission on Phytosanitary Measures. Recommendations on definitions of quarantine pests and regulated non-quarantine pests, and on the eventual inclusion of provision on regulated non-quarantine pests in the IPPC, had been submitted. Substantial differences remained on certification of plants, plant products and other related matters, and on the notion of freedom from quarantine pests. It was hoped that a compromise would be reached on the outstanding issues at a technical consultation to be held in January 1997. Several delegates warned that the time schedule for the revision of the IPPC was very tight, and that consultations were conducted by an experts group without any decision power. Any proposed new text would have to be reviewed by the FAO during 1997, failing which, the IPPC could not be amended until 1999.

47. Commenting on the divergence in scope of coverage between the IPPC and the SPS Agreement, the representative of Australia wondered whether diseases which caused blemishes on fruits and reduced their value were within the scope of the SPS Agreement. He, along with a number of other delegates, considered that it was of greatest importance to ensure a clear understanding of the scopes of the two agreements and the relationship between them. Coordination could also be reached on the terminology used by both agreements. In reply to a question regarding the recent consultation in Paris on the IPPC revision, the Secretariat reported that although there were some positive outcomes, the discussions were difficult regarding the notion of "alignment" of scope between the SPS Agreement and the IPPC, and there appeared to be a concern that trade issues were overtaking plant health protection objectives.

48. The representatives of Argentina and Mexico expressed their concerns that in discussion of non-injurious pests and other related matters, the Committee not enter into discussions of environmental issues which should be properly discussed by the Committee on Trade and Environment.

Activities of observer organisations relevant to the Committee

49. The representative of Codex reported that at the 21st session of the Codex Alimentarius Commission, Codex members agreed to revise the notification of acceptance of standards to include information about the use of standards and related texts, and to make consequential revisions to the acceptance procedure guidelines. The Codex Committee on General Principles, at its meeting of 25-28 November 1996 (in Paris), would review the acceptance and notification procedures in the context of the SPS and TBT agreements. The objective was to provide Codex members and the WTO with

timely, science-based and up-to-date standards. Proposals to expand the acceptance procedures to cover all standards, codes and other texts would also be considered, as well as procedural changes to accelerate the elaboration of standards. Codex regional coordinating committees had begun identifying those commodities of importance in international trade where the elaboration of Codex standards would help remove sanitary and technical barriers to trade. In addition, the Codex Secretariat was preparing a comprehensive report on the use of risk analysis in Codex, for submission to the next Codex Alimentarius Commission session in June 1997 (in Geneva). A Joint FAO/WHO expert consultation on risk management and food safety matters was scheduled for 25-28 January 1997, to further progress work on harmonized risk analysis.

50. The representative of the OIE underlined the upcoming activities of the OIE, specifically those related to BSE, FMD, equine diseases, epidemiology and guidelines on OIE's risk assessment responsibilities. The full statement of the representative of OIE is available in document G/SPS/GN/9.

51. The WHO representative informed the Committee that copies of the report of the WHO consultations on BSE with regard to human health were available from the Division of Emerging and other Communicable Diseases Surveillance and Control of WHO.

52. The representative of the IPPC informed the Committee that IPPC's standard-setting program was ongoing, with two further standards, one on expert certification and one on surveillance, being submitted to the FAO Committee on Agriculture, FAO Council and FAO conference next year. Other standards which were in various stages of development addressed pest-free production sites, inspection methodologies, eradication, import regulations, phytosanitary certification, and supplementary standards for pest risk analysis.

Other Business

Bovine Spongiform Encephalopathy (BSE)

53. The representative of the European Communities informed the Committee that in July, the European Commission had adopted decision 96/449/EC (G/SPS/N/EEC/30) on alternative heat treatment methods for processing animal waste, geared towards the inactivation of *Spongiform Encephalopathy* agents. Further measures were being studied by the Communities, which would notify any such measures in due course to the SPS Committee (see G/SPS/GN/8). The representative of Switzerland made a statement on the current situation of BSE in Switzerland, including the new sanitary prescriptions, culling and veterinary measures to be adopted at the border. The full statement is available in document G/SPS/GN/5.

Consultations between the United States and Korea on Korea's import clearance procedures

54. The representative of the United States reported on the status of its ongoing discussions with Korea with respect to Korea's long and burdensome import clearance procedures. The US government expected reforms to shorten import clearance processing in Korea and not be accompanied by the development of other practices not based on science or not in conformity with international practices, which undercut the initial liberalisation effect. The Korean government should also provide WTO Members with a full comment period. In response, the representative of Korea noted that an ambitious program had been launched last year, aimed at streamlining and harmonizing Korea's sanitary measures with the relevant international principles and standards. Regarding the particular issue of inspection and quarantine system, Korea planned to establish the advanced system by the end of 1996. The full statement of the representative of Korea is available in document G/SPS/GN/6.

Calendar of meetings

55. The Committee agreed on the following calendar of regular meetings for 1997, on the understanding that all dates were subject to confirmation and that special meetings could be scheduled as necessary:

19-20 March 1997
1-2 July 1997
14-15 October 1997

Date and Agenda of Next Meeting

56. The following provisional agenda for the meeting of 19-20 March 1997 (tentative date) was agreed:

- A. Adoption of the agenda
- B. Observers
- C. Rules of Procedure
- D. Implementation of the Agreement
 - (i) Information from Members
 - (ii) Specific trade concerns
- E. Transparency provisions
 - (i) Consideration of specific notifications received
 - (ii) Any other matters related to the operation of transparency provisions
- F. Monitoring of use of international standards
- G. Consistency
- H. Technical assistance and cooperation
- I. Matters of interest arising from the work of observer organizations
 - (i) Revision of IPPC
- J. Other business
- K. Election of Chairperson
- L. Date and agenda of next meeting