

Committee on Sanitary and Phytosanitary Measures

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

Draft Report of the Committee¹

Revision

The Secretariat has revised the draft report on the Review based on the comments and suggestions made at its informal meetings on the Review of 27 and 28 June 2005.

I. INTRODUCTION

1. Article 12.7 of the Agreement on the Application of Sanitary and Phytosanitary Measures ("the Agreement") provides that "the Committee shall review the operation and implementation of this Agreement three years after the date of entry, and thereafter as the need arises". A First Review of the Agreement was completed in March 1999.²

2. At the Fourth Session of the Ministerial Conference, Ministers instructed the Committee to review the operation and implementation of the Agreement at least once every four years. The SPS Committee adopted a procedure and timetable to undertake the Second Review of the Agreement at its meeting of 22-23 June 2004.³ In 2004-2005, the Committee held three informal meetings and three formal meetings, at which it considered issues and proposals identified by Members. These discussions were informed by a number of background papers submitted by Members.

3. In both the First and Second Reviews, the Committee discussions have focused on implementation and operation of the Agreement. In the first Review, the Committee considered issues and proposals related to:

- Equivalence (Article 4);
- Transparency (Article 7 and Annex B);
- International harmonization (Article 3.5 and 12.4);
- Technical assistance (Article 9);
- Special and differential treatment (Article 10);
- Adaptation to regional conditions (Article 6);
- Risk assessment (Articles 5.1, 5.2 and 5.3)

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.

² G/SPS/12.

³ G/SPS/32.

- Dispute resolution (Articles 11 and 12.2).

4. In the Second Review, the Committee also considered all of the above provisions, except risk assessment, as well as the following additional issues:

- Consistency (Article 5.5);
- Specific trade concerns;
- Use of ad hoc consultations;
- Co-operation with the Codex Alimentarius Commission (Codex), World Organization for Animal Health (OIE), and the International Plant Protection Convention (IPPC) (Article 12.3);
- Clarification of definitions of terms;
- Clarification of the relationship between certain Articles;
- Undue delays;
- Good regulatory practice; and
- Control, Inspection and Approval Procedures (Article 8 and Annex C).

5. Appendix A of this document provides a summary of Committee activities since the First Review in 1999. Appendix B provides information about SPS-related dispute settlement activities. Appendix C provides a list of documents submitted by Members since the last review of the Agreement relevant to the various issues raised in the background paper (G/SPS/GEN/510/Rev.1). Relevant Decisions of the Committee have also been included along with documents produced by the Secretariat which summarized submissions on certain issues (e.g. relating to transparency) or which gave rise to submissions from Members (e.g. the technical assistance questionnaires).

II. OVERVIEW

6. At the time of this Review, the SPS Agreement has been in force for 10 years for developed country Members (as of January 1995), 8 years for developing country Members (as of January 1997), and 5 years for least-developed country Members (as of January 2000). The SPS Agreement is thus still relatively new, and some Members are still in the process of adjusting to and implementing the new disciplines established by the Agreement.

7. The SPS Agreement has provided, as designed, a multilateral framework of rules and disciplines to guide the development, adoption and enforcement of sanitary and phytosanitary measures in order to minimize their negative effects on trade. It has also provided a framework for bilateral arrangements and protocols. Committee meetings provide a regular forum for national experts to make contacts, engage in consultations, and to explore solutions to trade problems. A growing number of Members have been participating in Committee meetings, but effective participation, including adequate preparation in anticipation of meetings as well as timely follow-up, is still a problem for many developing country Members, and in particular least-developed country Members.

8. SPS measures and the application of the SPS Agreement are of increasing importance to the movement of goods in agricultural trade. This importance is expected to increase, for all WTO Members. The SPS Agreement is serving its purpose to the benefit of both importing and exporting Members. To date, no Member has proposed changes to the basic provisions of the SPS Agreement, or questioned its science-based requirements, the encouragement of harmonization with international standards, or the obligations for transparency.

9. As of May 2005, **139** (94 per cent) of WTO Members had identified a national notification authority; **130** (87 per cent) had established an SPS enquiry point, and **87** (59 percent) had notified at least one new or revised SPS measure.

10. The number of specific trade concerns raised in the Committee during the years 1995-2004 gives, on the one hand, an indication of the number of problems (204) faced by Members, and on the other hand, evidence of the increasing use of the Committee as a forum to try to resolve these problems (56 problems were reported resolved during the same period).

11. Over 300 disputes have formally been raised under the WTO's dispute settlement system, of which 30 alleged violation of the SPS Agreement. Eleven dispute resolution panels have been established to examine complaints relating to the SPS Agreement, and in six of these cases the Appellate Body has also given a ruling. Two panels were established to examine the United States' and Canada's complaints regarding the EC ban on meat treated with growth-promoting hormones; two panels to examine complaints against Australia's restrictions on imports of fresh, chilled or frozen salmon and salmonids; one to examine Japan's requirement that each variety of certain fruits be tested with regard to the efficacy of fumigation treatment; one regarding Japan's restrictions on apples due to fire blight. In on-going complaints, two panels have been established to examine complaints against Australia's quarantine procedures; and three panels to examine complaints by the United States, Canada and Argentina concerning EC measures affecting the approval and marketing of biotech products (see Appendix B for details). In each of the cases alleging violation of the SPS Agreement, the panel has, in accordance with Article 11.2 of the Agreement, sought advice from scientific and technical experts.

12. Since the entry into force of the SPS Agreement, the three standard-setting organizations referenced in the SPS Agreement have continuously demonstrated their commitment to address the specific concerns identified in Committee meetings and to assist Members with the implementation of the provisions of the Agreement at the national level. Excellent co-operation exists between these organizations at the secretariat level, especially on technical assistance activities.

13. Specific progress has been made in the Committee on a number of issues it has decided to address, including the development of guidelines and recommendations on consistency, equivalence, monitoring and transparency. However, Members recognize that more work can be done by the Committee to ensure an effective implementation of the Agreement. This report focuses on what has been achieved since the last Review, and in particular on issues where Members are proposing further work by the Committee. The recommendations emanating from this Review have been compiled in an attachment to this Report.

III. CONSISTENCY (ARTICLE 5.5)

14. While the First Review did not examine the Committee's early efforts to develop guidelines for consistency, deliberations on this issue began during the Committee's first meeting in March 1995 and progressed through informal and formal meetings. During these discussions, Members raised conceptual issues related to the links between appropriate level of protection, measures and risk assessment.

15. In July 2000, the Committee adopted guidelines to further the practical implementation of Article 5.5.⁴ The Decision marked the culmination of sustained efforts by the Committee to promote the consistent application of the concept of appropriate level of sanitary or phytosanitary protection. The guidelines are designed to assist national regulatory officials in avoiding arbitrary or unjustifiable distinctions in the level of health risk they determine to be appropriate in different situations, if these

⁴ G/SPS/15.

differences result in discrimination or a disguised restriction on trade. The Committee agreed to review the guidelines periodically and revise them as necessary.

16. A first review of the Article 5.5 guidelines was conducted as part of the Second Review process. It was noted that Members had not raised any concerns related to these guidelines since their adoption in July 2000.

17. **Recommendations:**

- *The Committee should undertake another review of the operation of the guidelines to further the practical implementation of Article 5.5 whenever Members identify the need, and in any case not later than December 2008.*
- *Members are encouraged to provide information regarding their experiences in the implementation of Article 5.5 and in the use of the guidelines (G/SPS/15).*

IV. EQUIVALENCE (ARTICLE 4)

18. In the First Review of the Agreement, the Committee recognized the need for further efforts to facilitate the practical application of Article 4, including the recognition of equivalence of measures applied by developing country Members. In response to the conclusions of the First Review, the Committee held a first informal meeting to discuss the issue of equivalence and the implementation of Article 4 in June 2000. The importance of these deliberations was emphasized by the General Council when it requested, during a Special Session on 18 October 2000, that the SPS Committee "... examine the concerns of developing countries regarding the equivalence of SPS measures and to come up with concrete options as to how to deal with them ...". Discussions by the Committee in a series of informal meetings and Special Meetings lead to the adoption of a formal Decision on equivalence.⁵ In adopting this Decision, several Members noted the need to clarify certain provisions of the Decision.

19. In March 2002, subsequent to this Decision and in response to the Decision at the Fourth Ministerial Conference regarding implementation-related issues⁶, the Committee adopted a programme of work to clarify its Decision on Equivalence.⁷ Furthermore, in June 2002, the Committee adopted a format for the notification of equivalence agreements.⁸ To date, no Member has submitted an equivalence notification.

20. In March 2004, the Committee completed its work programme on Equivalence which included clarifications on the Decision on Equivalence related to:

- the facilitation of recognition of equivalence based on historic trade (Paragraph 5);
- the effect of a request for recognition of equivalence on trade (Paragraph 6); and
- the importance of scientific information in evaluating the impact of exporting countries' measures (Paragraph 7).

The Decision, including the agreed clarifications, is contained in G/SPS/19/Rev.2. Equivalence remains a standing agenda item for the Committee.

21. The international standard-setting organizations have developed guidance in this area. The Codex Alimentarius Commission has adopted Principles for the development of equivalence agreements regarding food import and export inspection and certification systems and guidelines on

⁵ G/SPS/19.

⁶ WT/MIN(01)/17, paragraph 3.3.

⁷ G/SPS/20.

⁸ G/SPS/7/Rev.2/Add.1.

the judgement of equivalence of such systems. The OIE has developed guidelines for reaching a judgement of the equivalence of sanitary measures. At the seventh session of the Interim Commission on Phytosanitary Measures (ICPM) in spring 2005, the ICPM **adopted guidelines for the determination and recognition of** equivalence of phytosanitary measures.

22. **Recommendations:**

- *The Committee should maintain equivalence as a standing item of the agenda for its regular meetings.*
- *Members are encouraged to provide information regarding their experiences in the implementation of Article 4 and in the use of the guidance developed by the Committee (G/SPS/19/Rev.2). In particular, Members are encouraged to notify any agreements reached on the recognition of equivalence in accordance with the agreed procedure.*
- *The relevant international organizations are invited to keep the Committee informed of any work they undertake with regard to the recognition of equivalence.*

V. **TRANSPARENCY (ARTICLE 7 AND ANNEX B)**

23. In the 1999 Review, the Committee recalled that it had adopted recommended notification procedures, as well as formats for routine and emergency notifications. The Committee stressed the need for an accurate summary of the notified measure in one of the WTO official languages.

24. In response to a number of concerns about the implementation of the transparency obligations, in November 1999, the Committee agreed on a first revision of recommended notification procedures and notification formats.⁹ In 2002, the Committee adopted its second revision of the recommended procedures for implementing transparency obligations.¹⁰ This revision addressed, *inter alia*, Members' concerns over the timing of notifications; notification of final rules; how to deal with addenda, revisions and corrigenda; extensions to the comment period; what to do when a regulation contained both SPS and TBT measures; relevant standard-setting bodies for the purposes of the Agreement; multiple and single enquiry points; as well as changes to the notification formats.

25. To further facilitate the implementation of the transparency provisions of the SPS Agreement, the Secretariat produced a handbook "How to Apply the Transparency Provisions of the SPS Agreement" in 2000 and updated it in 2003.¹¹ This handbook, which is available in English, French and Spanish, provides guidance on the establishment and operation of notification authorities and enquiry points. The handbook also covers all three areas of transparency: the publication of regulations, notifications, and responding to enquiries.

26. As of May 2005, 4376 notifications had been circulated, not including corrigenda, addenda and revisions. The number of annual notifications in 2004 (617) was 42 per cent higher than the number of annual notifications in 1999 (432). Out of 148 Members, 87 had notified at least one SPS measure since 1995. The regional breakdown of all notifications, including corrigenda, addenda and revisions, submitted before the end of 2004 is represented in Figure 1.

27. Under the SPS Agreement, Members are required to notify both an enquiry point to provide answers to all reasonable questions from interested Members and a national notification authority to implement the notification procedures detailed in the Agreement. In July 1999, 103 out of 134 members (77 per cent) had notified an enquiry point and 97 members (72 per cent) had identified their

⁹ G/SPS/7/Rev.1.

¹⁰ G/SPS/7/Rev.2.

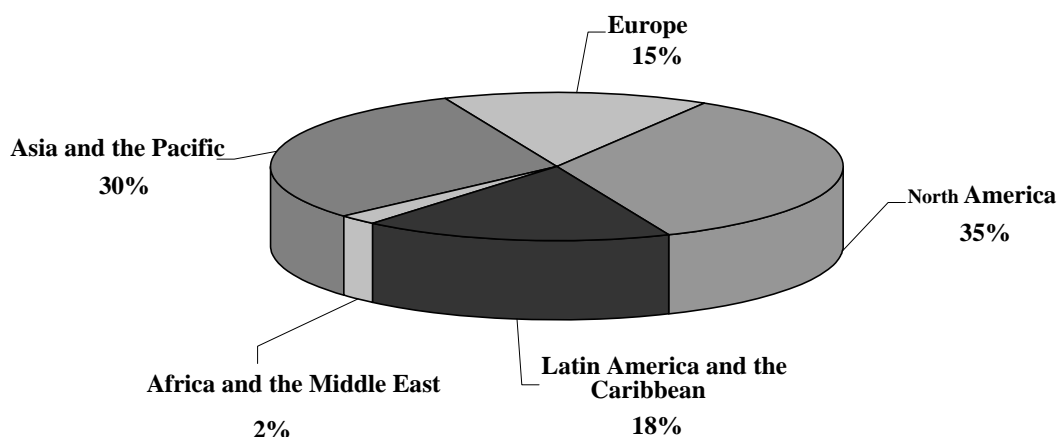
¹¹ The most recent version of the handbook is available on the SPS website.

national notification authority.¹² **As of May 2005, 139 out of 148 Members (94 per cent) had notified an enquiry point, 130 (87 per cent) had identified their national notification authority, and 87 Members (59 per cent) had notified at least one new or revised SPS measure.**¹³

28. The Secretariat facilitates information exchange among Members concerning enquiry points and national notification authorities in a variety of ways. The Secretariat regularly updates a document containing contact information of national enquiry points and of national notification authorities.¹⁴ In addition, the Secretariat maintains links to these documents from the SPS website on the WTO web page.

29. The Committee held a Special Meeting on the Transparency Provisions of the SPS Agreement in November 1999 and another Special Meeting on the Operation of Enquiry Points in October 2003. These events brought together officials from Members' enquiry points and national notification authorities for an in-depth discussion of concerns and suggestions relating in particular to notifications and the functioning of enquiry points and national notification authorities.¹⁵

Figure 1 - Regional Breakdown of Notification 1995-2004



30. Since the 1999 Review the Secretariat has circulated several questionnaires to gather information from Members regarding the management at the national level of their SPS transparency obligations, including the challenges and constraints they face. The Secretariat distributed two questionnaires on enquiry points: the first in 1999 and the second in 2003.¹⁶ More than 80 Members responded to the second questionnaire and key points from these responses were included in the summary of the special meeting on enquiry points.¹⁷ The Secretariat also circulated questionnaires to

¹² G/SPS/GEN/27/Rev.5.

¹³ G/SPS/GEN/27/Rev.13, and see paras. 26 and 27.

¹⁴ The most recent enquiry point contact information is contained in G/SPS/ENQ/18 and Add.1 and the most recent national notification authority contact information is contained in G/SPS/NNA/8 and Add.1.

¹⁵ G/SPS/R/16, G/SPS/GEN/458, G/SPS/R/32.

¹⁶ G/SPS/W/103, G/SPS/W/103/Rev.1.

¹⁷ G/SPS/R/32.

gather information concerning Members' SPS related websites in 1999 and in 2003.¹⁸ To date the Secretariat has received detailed information from 20 Members, including EC member States.¹⁹ The Secretariat has placed the list on the SPS homepage and established appropriate links. Some links lead to official websites; others connect to email addresses of officials with SPS-related responsibilities.

31. To facilitate Members' management of the large volume of SPS-related information, the Secretariat regularly produces summary documents containing relevant SPS-related information, including monthly summaries of notifications²⁰ received by the Secretariat and an annual listing of all SPS documents.²¹ Links to all these documents can be found on the SPS web page. The Secretariat has also initiated the establishment of a searchable database containing notifications and other SPS documents (the "SPS information management system").

32. In the First Review, the Committee noted that access to informal translations (especially in a WTO official language) of texts of notified measures would facilitate their consideration by other Members, particularly if made available to Members through electronic means. In March 2004, the Secretariat established a mechanism to circulate information on the availability of unofficial translations of draft regulations notified by Members.²² This will be done via the circulation of a supplement (in the three official languages of the WTO) to the original notification submitted by a Member. To date, only one Member (the United States) has made available to the Committee nine such informal translations of the full texts of measures notified by other Members.

33. The Committee's discussions of transparency in the context of the Review benefited from submissions by Argentina, Canada, Chile, China, the European Communities, Mexico and New Zealand.²³

34. The Committee discussed expanding current recommended notification procedures to enhance transparency, including a proposal that Members notify all measures that have significant impact on trade, including those based on international standards.²⁴ Proponents of these proposals highlighted the potential trade disruption associated with the implementation of international standards, such as ISPM 15, and observed that notification of measures based on such standards would provide useful information to Members. Neither the OIE nor the IPPC had a mechanism to capture information about the national application of international standards, and while the Codex had a notification mechanism, the mechanism was not used. Using the well-established and active SPS notification system to enhance transparency regarding the use of international standards could be an efficient option.

¹⁸ G/SPS/W/102 and Rev.1, G/SPS/GEN/144/Rev.1 and Addenda.

¹⁹ Argentina, Australia, Cambodia, Canada, Czech Republic, Finland, European Communities, Denmark, France, Italy, Netherlands, Hong Kong-China, Japan, New Zealand, Norway, Peru, Poland, Slovak, Thailand, and Turkey.

²⁰ For example, see documents G/SPS/GEN/465, 471, 485, 488, 493, 507 and 509 for 2004 notification summaries.

²¹ G/SPS/GEN/467.

²² G/SPS/GEN/487.

²³ Argentina (G/SPS/W/167); Canada (G/SPS/W/158); Chile (G/SPS/W/170); China (G/SPS/W/162/Rev.1); European Communities (G/SPS/W/159); Mexico (G/SPS/W/166); and New Zealand (G/SPS/W/150, 157 & 168).

²⁴ See comments by Canada (G/SPS/W/158), the European Communities (G/SPS/W/159) and New Zealand (G/SPS/W/157).

35. Another proposal is to enhance transparency by encouraging Members to provide advance notification of regulatory calendars or programmes.²⁵ **Some Members consider this would contribute to the implementation of paragraph 5(a) of Annex B of the SPS Agreement.**

36. The Committee also discussed concerns about expanding notification responsibilities when Members were not yet adequately fulfilling their existing notification obligations. Members emphasized the importance of seeking mechanisms to improve implementation of the existing transparency obligations.

37. The Committee noted that previous modifications to the recommended notification procedures and the notification format had led to improvements in the quality of the information submitted on these forms. Another possible modification would be to include a box on the notification format that specifically indicated the comment period would be at least 60-days as of the date of circulation of the notification, unless a notifying Member explicitly identified a different period, and indicated whether a 60-day period was not provided because the notified measure was trade liberalizing.

38. The Secretariat informed the Committee of its development of an SPS database to facilitate information management by the Secretariat.²⁶ The intention is to make the database also available to Members, and therefore to ensure that it is structured to also address Members' information needs.

39. **Recommendations:**

- *The Committee should maintain transparency as a standing item of the agenda for its regular meetings.*
- *Members should ensure their full implementation of the transparency provisions of the SPS Agreement, including those relating to the publishing and notifying of draft measure at a sufficiently early stage to allow comments to be made and taken into consideration, publication of measures, and establishment of effective national notification authorities and enquiry points.*
- *Developing country Members should clearly identify specific problems they face in implementing the transparency provisions of the Agreement. Assistance should be provided to least developed and developing country Members in order to enable them to fully implement the transparency provisions and to make use of the benefits associated with transparency.*
- *Recognizing that the recommended procedures established by the Committee (G/SPS/7/Rev.2), while not creating legal obligations, can facilitate Members' implementation of the provisions of the SPS Agreement, the Committee should consider whether further recommendations could be beneficial, inter alia:*
 - *to ensure that an adequate period of time is provided to receive and consider comments from Members;*
 - **to encourage advance notification of regulatory calendars or programmes, where they exist;**
 - *to encourage transparency regarding the use of the relevant international standards.*
- *Members welcome the development of an SPS information management system by the Secretariat.*

²⁵ See proposals by Mexico (G/SPS/W/136 and W/166).

²⁶ See comments by New Zealand (G/SPS/W/150).

VI. MONITORING THE USE OF INTERNATIONAL STANDARDS (ARTICLES 3.5 AND 12.4)

40. In the 1999 Review, the Committee recalled that, as required by Articles 3.5 and 12.4 of the SPS Agreement, it had adopted a preliminary procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations.²⁷ The Committee noted that several concrete examples had been submitted to the Committee as reflected in the annual report on the procedure.²⁸ The Committee recalled that the operation of the monitoring procedure was to be reviewed 18 months after its initial implementation. The procedure has been extended three times: in 1999, in 2001 and in 2003.²⁹ At its October 2004 meeting, the Committee agreed to modify the deadline for identifying issues of international harmonization and the use of international standards, guidelines or recommendations on its agenda from 30 days to 10 days in advance of the Committee's meetings.³⁰

41. The Committee has produced annual reports relating to the process of monitoring international harmonization.³¹ Since the implementation of the procedure, Members have raised eleven issues. The standard-setting bodies have promptly addressed these concerns in their respective competent bodies and regularly reported on their actions to the SPS Committee. In 2001, the Committee organized a workshop to discuss standard setting procedures (see paragraph 51 below).

42. The Committee noted the concerns raised by developing country Members about their limited ability to actively participate in the development of international standards and the lack of a mechanism to take into account the economic and technical capacity of developing country Members to implement such standards. **In this context**, the Committee considered that it was more appropriate for **some of** these concerns to be addressed within the relevant international organizations. The Committee agreed to communicate developing country concerns to these organizations and to request the representatives of these organizations to keep the Committee informed of actions taken to address these concerns.

43. Partly in response to the concerns identified by the SPS Committee, the Codex and the IPPC have established trust funds to enhance the participation of developing countries in standard-setting meetings and activities, training programmes and regional technical consultations on standards and their implementation. **With support from the European Union, the OIE will establish a trust fund before the end of 2005.** These trust funds will be supported through contributions by donor agencies and member countries. The OIE also continues to provide financial support for the participation of Chief Veterinary Officers of its Member countries in OIE standard-setting activities.

44. **Recommendations:**

- *The Committee should continue to monitor the use of international standards at each of its regular meetings.*

VII. TECHNICAL ASSISTANCE (ARTICLE 9)

45. In the First Review, the Committee stressed the need for enhanced technical assistance and cooperation to developing country Members, in particular with regard to human resource development, national capacity building and the transfer of technology and information. It recognized that technical assistance had been provided by the Secretariat, by Members on a bilateral basis, and by

²⁷ G/SPS/11.

²⁸ G/SPS/13.

²⁹ G/SPS/14, G/SPS/17, and G/SPS/25.

³⁰ G/SPS/11/Rev.1.

³¹ G/SPS/13, G/SPS/16, G/SPS/18, G/SPS/21, G/SPS/28 and G/SPS/31.

the international organizations recognized in the Agreement, as well as other international organizations. However, the Committee emphasized the need for further assistance from the relevant standard-setting international organizations and agreed to bring this matter to their attention. The Committee also reiterated the need for Members and the relevant international organizations to provide information on their technical cooperation and assistance programmes on a regular basis. Members agreed to make available such information.

46. In the SPS Committee, technical assistance is discussed as a regular agenda item. Under this agenda item, Members are invited to identify any specific technical assistance needs which they may have, and/or to report on any SPS-related capacity building activities in which they are involved. The WTO Secretariat, as well as observer organizations, report on their assistance activities. The WTO Secretariat also prepared a note on typology of technical assistance.³²

47. The Secretariat has circulated two questionnaires seeking information on technical assistance which has been provided and on technical assistance needs in the context of the SPS Agreement. Most replies to the first questionnaire circulated in July 1999 reported on assistance provided.³³ The second questionnaire, focusing on technical assistance needs, was circulated to WTO Members in July 2001 and has been used as a basis for technical assistance discussions.³⁴ By June 2005, 33 Members had submitted responses to the questionnaire regarding their technical assistance needs.³⁵

48. The Secretariat has developed a number of other tools to assist Members with the understanding and implementation of the Agreement. In particular, a booklet discussing the text of the SPS Agreement was published under the WTO Agreements Series (Volume No. 4). The Secretariat has also issued a handbook on the application of the transparency provisions of the Agreement (see paragraph 25). Finally a CD-ROM explaining and discussing in detail the provisions of the Agreement, and dealing in particular with implementation, transparency, special and differential treatment and dispute settlement issues, has been produced by the Secretariat. The CD-ROM includes text, video and audio material and is complemented by multiple-choice tests to enable users to monitor their individual progress.

49. The Secretariat has sponsored workshops and seminars on risk analysis (see paragraph 50), enquiry point operation (see paragraph 29), standard setting procedures (see paragraph 51) and capacity building (see paragraph 52), to address concerns raised in the questionnaire responses and to promote information exchange.

50. In June 2000, the Committee held a workshop on SPS risk analysis which focused on the complex relationship between risk analysis, the disciplines of the SPS Agreement, the work of the relevant standard-setting organizations and actual policies of WTO Members.³⁶ Many of the presentations from this workshop highlighted the importance of establishing links among government institutions, scientists, international standard-setting organizations, and the general public. In addition, participants stressed that even rudimentary risk analyses based upon rational arguments can provide crucial foundations for policy dialogue among trading partners.

51. In March 2001, the Secretariat organized a workshop entitled "International Standard-Setting Organizations: Process and Participation".³⁷ Representatives from the OIE, the Codex and the IPPC

³² G/SPS/GEN/206.

³³ A summary of the replies to this questionnaire (G/SPS/W/101) are contained in document G/SPS/GEN/143/Rev.1 and Addenda. Replies to the same questionnaire have also been provided separately by Australia (G/SPS/GEN/472); the US (G/SPS/GEN/181 and Add. 1-4); and New Zealand (G/SPS/GEN/352). Information has also been provided by the EC (G/SPS/GEN/244).

³⁴ G/SPS/W/113.

³⁵ These responses are circulated as addenda to G/SPS/GEN/295.

³⁶ G/SPS/GEN/209.

³⁷ G/SPS/GEN/250.

described the processes and procedures used in the development and adoption of international standards, guidelines, and recommendations of relevance to the SPS Agreement. The presentations focused in particular on the degree of involvement of developing countries in their standard-setting procedures.

52. In November 2002, the Secretariat held a seminar on technical assistance and capacity-building related to the SPS Agreement. Representatives of the FAO (including Codex and IPPC), OIE, UNCTAD, UNIDO and the World Bank, as well as of regional organizations (SADC, APEC, IICA) reported on technical assistance activities. Two developing country Members, Mauritius and the Philippines, reported on their technical assistance needs and experiences. The presentations described technical assistance and capacity building activities at both national and regional level and emphasized the need to improve coordination and cooperation among donor agencies.

53. WTO's technical assistance activities in the SPS area contribute towards the strengthening of the capacities of developing countries in meeting standards for market access of food and other agricultural commodities. The activities increase participants' awareness about rights and obligations under the SPS Agreement and its implications at the national level. In the organization of SPS technical assistance activities the levels of familiarity with the Agreement and advancement in its implementation are taken into consideration to meet and respond to individual country/regional needs. The programmes of national/regional activities include presentations on the transparency obligations, dispute settlement, implementation problems, specific trade concerns and technical/scientific issues such as risk analysis and equivalence, as well as the work undertaken by the three standard-setting organizations referenced in the SPS Agreement (Codex, OIE and IPPC).

54. Since 1999, SPS technical assistance activities organized by the Secretariat have included 36 regional (or sub-regional) and 34 national workshops. Table 1 provides information about the number of (sub)regional and national activities per year since 1999. Table 2 shows the number of Secretariat activities per region since 1999.

55. Since the First Review of the SPS Agreement, the international standards setting bodies have consistently provided updates about technical assistance activities **in their respective areas of work.** **The OIE and the IPPC** have developed training programmes, including conferences, seminars and workshops, to enhance national capacities on WTO matters. The IPPC developed a diagnostic tool, the Phytosanitary Capacity Evaluation (PCE), to help countries address their current capacity and identify needs for assistance. The PCE is available on CD-ROM and can be downloaded from the IPPC website.³⁸

56. In the case of the Codex, technical assistance regarding food safety and food control, including conferences, seminars, workshops, tools and training materials, and specific projects at the global, regional and country levels, continues to be provided by the FAO and the WHO.

57. In addition to information from the OIE, IPPC and the Codex, other observers organizations, including FAO, the World Bank, OIRSA, IICA, UNIDO and UNCTAD, provide regular updates concerning their provision of technical assistance. In March 2005, these organizations and others provided information on their SPS-related technical assistance activities at information sessions organized in conjunction with the regular meeting of the SPS Committee.

³⁸ <http://www.ippc.int>.

Table 1: Number of SPS Technical Assistance Activities

Year	SPS TA Activity			Total
	National Seminar	(Sub) Regional Workshop	Other *	
1999	3	2	1	6
2000	6	3	6	15
2001	4	3	1	8
2002	8	11	3	22
2003	7	10	4	21
2004	6	7	4	17
Total	34	36	19	89

Table 2: SPS Technical Assistance Activities per Region (1999-2004)

Region	SPS TA Activity			Total
	National Seminar	(Sub) Regional Workshop	Other	
Africa	7	12	4	23
Arab and Middle East Countries	8	3	1	12
Asia and the Pacific	8	5	8	21
Central and Eastern Europe and Central Asia	4	4		8
Europe	1	1	3	5
Latin America and the Caribbean	6	11	2	19
North America			1	1
Total	34	36	19	89

* Other activities include TA activities not organized by the WTO Secretariat but in which the Secretariat participated.

58. In September 2002, the Standards and Trade Development Facility (STDF) was established following the commitment made by the Heads of the WHO, the FAO, the WTO, the OIE and the World Bank at the Doha Ministerial Conference to explore new technical and financial mechanisms to promote the efficient use of resources in SPS-related activities. The purpose of the STDF, which is administered by the WTO, is to enhance the capacity of developing countries in the standards area through co-operation between the relevant institutions in SPS-related activities, including through the development of joint institutional projects, and provision of STDF-funding to projects in developing countries (G/SPS/GEN/523). The first results from the medium-term projects currently underway are expected in the first half of 2006. The STDF maintains a database which provides information on SPS-related technical assistance and capacity building projects.³⁹

³⁹ Available on-line at <http://stdfdb.wto.org>.

59. **Recommendations:**

- *The Committee should maintain technical assistance as a standing item of the agenda of its regular meetings.*
- *Members requiring technical assistance are encouraged to identify their specific needs in a clear and detailed manner that will permit these needs to be effectively addressed.*
- *Members providing technical assistance are encouraged to keep the Committee informed of specific programmes of assistance.*
- *Members are encouraged to report on the effectiveness of the technical assistance they have received. On the basis of this information, and information on the experiences of Members in the provision of technical assistance, the Committee may wish to consider identifying best practices in the area of SPS-related technical assistance.*
- *Members are invited to share information on their experiences regarding the use of the tools developed by the Secretariat to assist Members with the understanding and implementation of the SPS Agreement.*
- *The Secretariat is requested to keep the Committee informed of its relevant technical assistance activities and of the activities of the Standards and Trade Development Facility.*
- *The observer organizations are invited to keep the Committee informed of their capacity building activities relevant to the SPS Agreement.*

VIII. SPECIAL AND DIFFERENTIAL TREATMENT (ARTICLE 10)

60. In the First Review, the Committee noted that it had no information on the extent to which the special and differential treatment provided for in Articles 10.1 and 10.2 had been provided to developing country Members, nor information on the extent to which developing country Members had made use of any special and differential provided to them. The Committee encouraged Members to further the practical implementation of Articles 10.1 and 10.2.

61. The Committee also recalled the provisions of Article 14, which allowed for delays in the application of certain provisions of the Agreement by least developed and developing country Members. This provision has since lapsed. Reference was also made to Article 10.3, according to which the Committee can grant, upon request, specified time-limited exceptions in whole or in part from obligations under the SPS Agreement to developing countries, taking into account their financial, trade and development needs.

62. Since the First Review, the Committee's discussions related to special and differential treatment have been pursued through three tracks: (i) issues raised in the SPS Committee under the agenda item on special and differential, relating in particular to Article 10; (ii) issues raised in the SPS Committee in the context of other specific topics discussed in the Committee; and (iii) issues referred to the SPS Committee by the General Council. In addition, (iv) there have been relevant actions and decisions taken in bodies other than the SPS Committee.

63. During the course of this Review, the Committee's discussion of the issue of Special and Differential Treatment progressed through a series of informal meetings. In particular, the Committee considered the proposals for implementation of the provisions on technical assistance and special and differential treatment which had been referred by the General Council.⁴⁰

⁴⁰ G/SPS/GEN/543.

(i) *Issues raised in the SPS Committee under the agenda item on special and differential treatment*

64. Special and differential treatment is a standing agenda item for the Committee.

65. One of the specific issues raised in the Committee has been the need to enhance transparency regarding the provision of special and differential treatment. In this regard, Egypt proposed the inclusion of a special and differential treatment box in the SPS notification format.⁴¹ In response, Canada proposed that an importing country should consider any requests for special and differential treatment or technical assistance made in response to their notification of a new measure and notify the SPS Committee of any subsequent action.⁴² In March 2003, the Committee adopted in principle the Canadian proposal and in October 2004 it adopted an elaboration of the steps to implement this procedure.⁴³ This procedure provides for the submission of specific addenda to notifications which indicate when special and differential treatment or technical assistance has been requested in the context of the notification of a new or modified SPS measure, and what response has been given to the request. The Committee agreed to review the proposed notification process one year after its adoption, to evaluate its implementation, and determine whether changes are required and/or its continuance is warranted.

(ii) *Special and differential treatment in other SPS Committee activities*

66. Other guidelines and decisions adopted by the Committee have taken into consideration the specific needs and concerns expressed by developing country Members. These include the recommended procedures for implementing the transparency provisions of the SPS Agreement (G/SPS/7/Rev.2 and Add.1 and 2); the guidelines to further the practical implementation of Article 5.5 (G/SPS/15), and the decision on the implementation of Article 4 of the Agreement regarding recognition of equivalence (G/SPS/19/Rev.2).

(iii) *Special and differential treatment proposals referred to the SPS Committee*

67. In May 2003, the Chairman of the General Council referred five proposals to the SPS Committee.⁴⁴ These proposals relating to Articles 9, 10.1 and 10.4 of the SPS Agreement had originally been put forward in the context of the Doha mandate to review all special and differential treatment provisions, with a view to strengthening them and making them more precise, effective and operational.⁴⁵ In the discussions, proponents of several proposals argued that they would help developing countries comply with importing countries' SPS measures. Noting their growing interest in trading with other developing countries, a number of developing country Members expressed concern that proposals for technical assistance to be provided by developed countries to specific developing country trading partners could discriminate among trading partners. While recognizing the importance of needs-based technical assistance, other delegations also disagreed with language that would require some countries to provide technical assistance. In addition, a number of delegations suggested that special and differential treatment and technical assistance could be provided by some developing countries to other developing countries. Some Members also noted that justified SPS measures should not be withdrawn simply because some Members might have difficulty complying with the requirement.

⁴¹ G/SPS/GEN/358.

⁴² G/SPS/W/127.

⁴³ G/SPS/33.

⁴⁴ Job(03)/100.

⁴⁵ WT/MIN(01)/17, paragraph 12.

68. Although the Committee completed its work programme envisaged for 2003 on these proposals, it did not reach a decision on any of the specific issues raised.⁴⁶ In November 2003, the Chair of the SPS Committee submitted a report to the General Council regarding the work of the Committee on these as well as other special and differential treatment and implementation issues.⁴⁷

69. In August 2004, the General Council decided to again refer the agreement-specific proposals for special and differential treatment to the respective WTO bodies, with the stipulation that these bodies expeditiously complete the consideration of these proposals and report to the General Council, with clear recommendations for a decision, by no later than July 2005. The recommendations by the Committee in this regard are contained in G/SPS/W/175.

(iv) *Other activities related to special and differential treatment in the context of the SPS Agreement*

70. Since the First Review, some Members have called for specific actions to address obligations outlined in Article 10.4 of the Agreement which states that Members "should encourage and facilitate the active participation of developing country Members in the relevant international organizations." In October 2000, the General Council asked the Director-General of the WTO to work with the standard-setting organizations as well as international financial institutions to identify ways to increase the participation of developing countries in international standard-setting activities. He provided three reports regarding his efforts in this area, the last one in the lead up to the Doha Ministerial Conference.⁴⁸ At the Doha Ministerial Conference, Members urged him to continue his efforts to facilitate participation of developing countries in standard setting.

71. The growing consensus that financial support was needed to enhance participation of developing country Members in international organizations led to the creation of several funding initiatives. The Heads of the FAO, the OIE, the WHO, the World Bank and the WTO issued a joint statement during the Doha Ministerial Conference reaffirming their commitment to enhance developing countries' capacity to participate effectively in the development and application of international standards and in taking full advantage of trade opportunities.⁴⁹ (These discussions led to the establishment of the STDF, described in more detail in paragraph 58). **The FAO and the WHO have established Trust Funds to enhance the participation of developing countries in their meetings of the IPPC and Codex, and the OIE will establish its fund before the end of 2005** (see paragraph 43). As for the meetings of the SPS Committee, IICA (Inter-American Institute for Co-operation on Agriculture), **with additional financial** support provided by the United States, has funded the participation of a large number of Latin American, Central American and Caribbean countries in some of the meetings of the SPS Committee.

72. The Decision on Implementation taken at the Doha Ministerial Conference in 2001 included *inter alia* a clarification on Article 10.2.⁵⁰ It specifies that where the appropriate level of protection allows scope for the phased introduction of SPS measures, the "longer time-frame for compliance" referred to in Article 10.2 shall normally mean at least 6 months. Where the phased introduction of a new measure is not possible, but a Member identifies specific problems, the Member applying the new measure shall enter into consultations, upon request, to try to find a mutually satisfactory solution. The Decision also indicated that in the context of paragraph 2 of Annex B of the SPS Agreement, a period of 6 months shall normally be provided between the publication of a measure and its entry into force.

⁴⁶ G/SPS/26.

⁴⁷ G/SPS/30.

⁴⁸ WT/GC/45, WT/GC/46, WT/GC/54.

⁴⁹ WT/MIN(01)/ST/97.

⁵⁰ WT/MIN(01)/17, paragraph 3.1.

73. With respect to the provisions of Article 10.3, as of April 2005, no Member has asked for such an exception.

74. **Recommendations:**

- *The Committee should maintain special and differential treatment as a standing item of the agenda for its regular meetings.*
- *The Committee should continue to consider specific, concrete actions to address the problems faced by developing country Members, and in particular least-developed country Members, in the implementation of the SPS Agreement and in making use of the benefits of the Agreement.*
- *Members are encouraged to provide information regarding the special and differential treatment or technical assistance they have provided in response to specific needs identified by Members in accordance with the procedure adopted by the Committee (G/SPS/33).*

IX. REGIONALIZATION (ARTICLE 6)

75. In the 1999 Review, the Committee noted that the recognition of pest or disease-free areas or areas of low pest or disease prevalence could facilitate trade in agricultural products. In this regard the Committee welcomed the application of these concepts by an increasing number of Members. At the same time, the Committee noted Members faced difficulties in implementing the provisions of Article 6, including excessively lengthy administrative processes for recognition in importing countries, divergences in interpretation and implementation of international guidelines, and complexities involved in risk assessment.

76. The Committee initiated substantive discussion of problems linked with the implementation of the provisions for recognition of pest- and disease-free areas at the June 2003 Committee Meeting. The Committee held informal meetings on the issue in 2003 and 2004.

77. These discussions have focused on two aspects of regionalization: the establishment of pest- or disease-free areas by exporters and the recognition of the pest- or disease-free status by importing countries. Both the IPPC and the OIE have provided guidance for countries seeking to establish, or to be recognized for pest- or disease-free status.

78. The IPPC currently has three standards addressing regionalization: ISPM 4 on requirements for the establishment of pest-free areas; ISPM 10 on the establishment of pest-free places of production and production sites; and ISPM 22 on requirements for the establishment of areas of low pest prevalence. At the seventh Interim Commission on Phytosanitary Measures (ICPM) in April 2005, agreement was reached **to urgently develop a** concept standard on "Guidelines for the recognition of the establishment of pest free areas and areas of low pest prevalence". In addition, the IPPC has a number of supporting standards such as guidelines for surveillance.

79. The OIE Terrestrial Animal Health Code describes the requirements for obtaining disease free status including requirements for surveillance and monitoring based on the concept of geographic zones. At the 73rd General Session of the OIE in May 2005, **member countries of the OIE adopted a revised chapter** of the Terrestrial Animal Health Code on zoning and compartmentalization. This **includes procedures for implementing zoning** and compartmentalization, **which take into account issues raised** by Members in the SPS Committee.

80. Despite the OIE and IPPC guidelines, exporting countries still suffer from delayed recognition of their pest- or disease-free status by importing countries. A number of delegations, including developing countries, have proposed that the Committee develop clear procedures with

timelines for the recognition of pest- or disease-free areas, while others maintain that OIE and IPPC should have the primary responsibility in this regard.

81. During the course of this Review the Committee's discussion of the issue of Regionalization progressed through a series of informal meetings.⁵¹ [Reference to any decision taken by the Committee at its June meeting.]

82. **Recommendations:**

- *The Committee should maintain regionalization as a standing item of the agenda for its regular meetings.*
- *The Committee should develop a proposal for a decision on the effective application of Article 6, taking as the point of departure the various proposals submitted by Members and the discussions in the Committee.*
- *Members are encouraged to provide information on their experiences in the implementation of Article 6.*
- *The observer organizations are invited to keep the Committee informed of their activities relevant to the recognition of pest- or disease-free areas or areas of low pest or disease prevalence.*

X. SPECIFIC TRADE CONCERNS

83. Part of each Committee meeting is devoted to the consideration of specific trade concerns raised by Members. At the March 2000 meeting of the SPS Committee, the Secretariat was requested to prepare a paper summarizing the specific trade concerns that had been brought to the Committee's attention since 1995 and to update this document annually to include new information provided by Members.⁵² The fifth revision includes all issues which have been raised at SPS Committee meetings through the thirty-first regular meeting of the Committee on 27-28 October 2004.

84. Altogether, 204 specific trade concerns were raised in the ten years between 1995 and 2004. Fifty-six specific trade concerns (27 per cent) have been reported resolved in the same period. Figure 2 shows the number of new concerns raised each year. Figure 3a categorizes the trade concerns raised by subject. Overall, 27 per cent of trade concerns relate to food safety concerns, 29 per cent relate to plant health, and 4 per cent concern other issues such as certification requirements or translation. Forty per cent of concerns raised relate to animal health and zoonoses, but this category includes issues such as transmissible spongiform encephalopathy (TSEs) that are also relevant for food safety. Figure 3b shows that TSEs account for 40 per cent of animal health concerns, while issues related to foot-and-mouth disease (FMD) account for 25 per cent. The remaining 35 per cent relate to other animal health concerns such as avian influenza.

⁵¹ Several Members highlighted the importance of continued work in this area within the context of their proposals for the Review. See G/SPS/W/162/Rev.1, G/SPS/W/166, G/SPS/W/167 and G/SPS/W/170.

⁵² G/SPS/GEN/204 and revisions 1 through 5.

Figure 2 – Number of New Specific Trade Concerns Raised

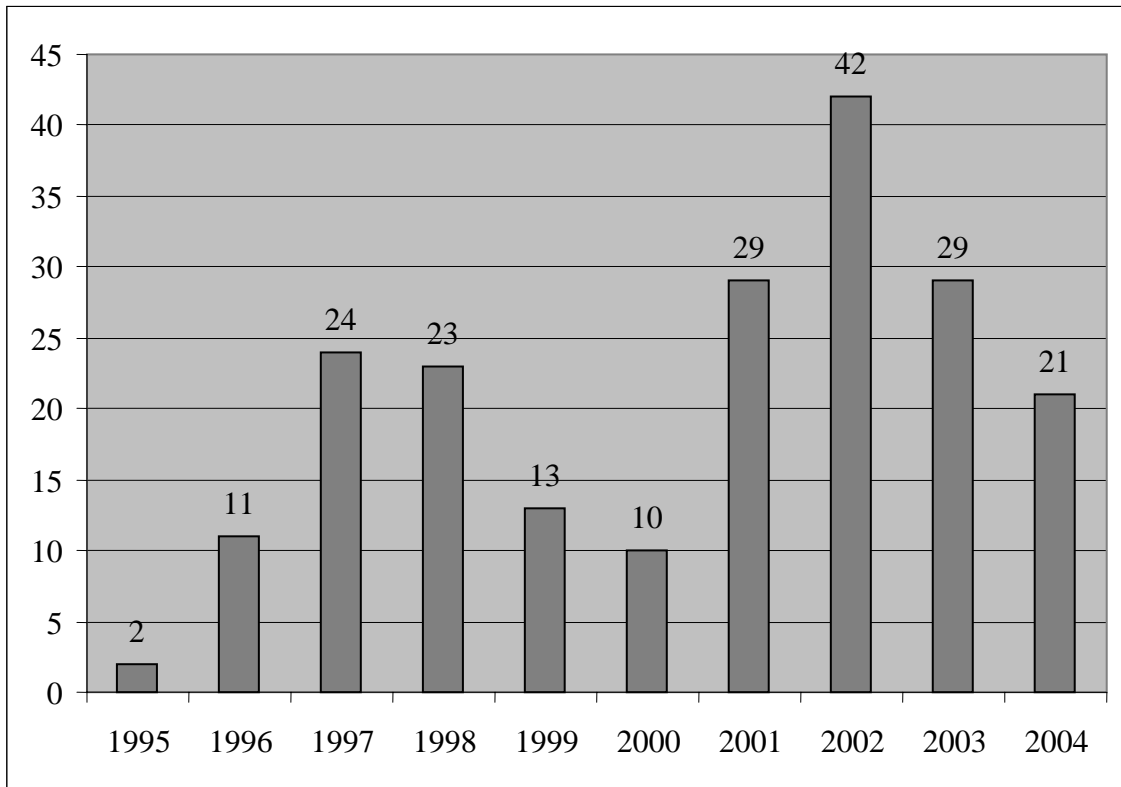


Figure 3A – Trade Concerns by Subject

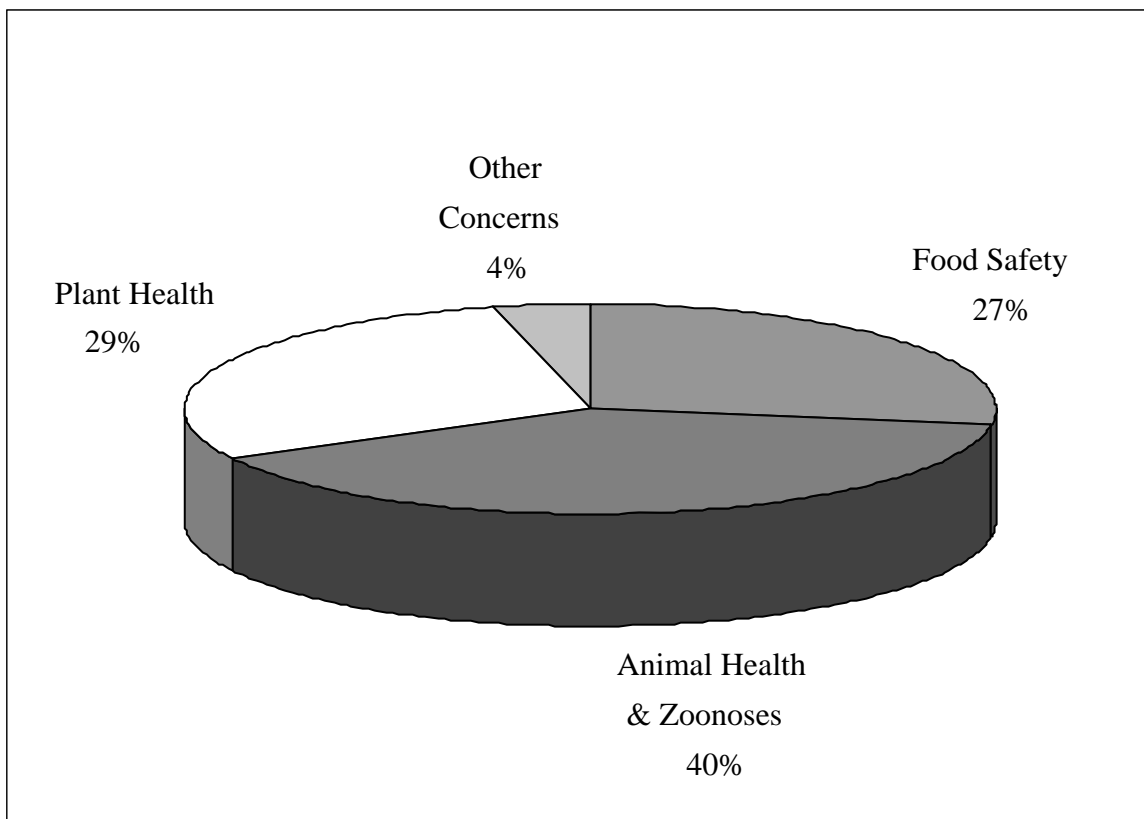


Figure 3B – Trade Concerns Related to Animal Health

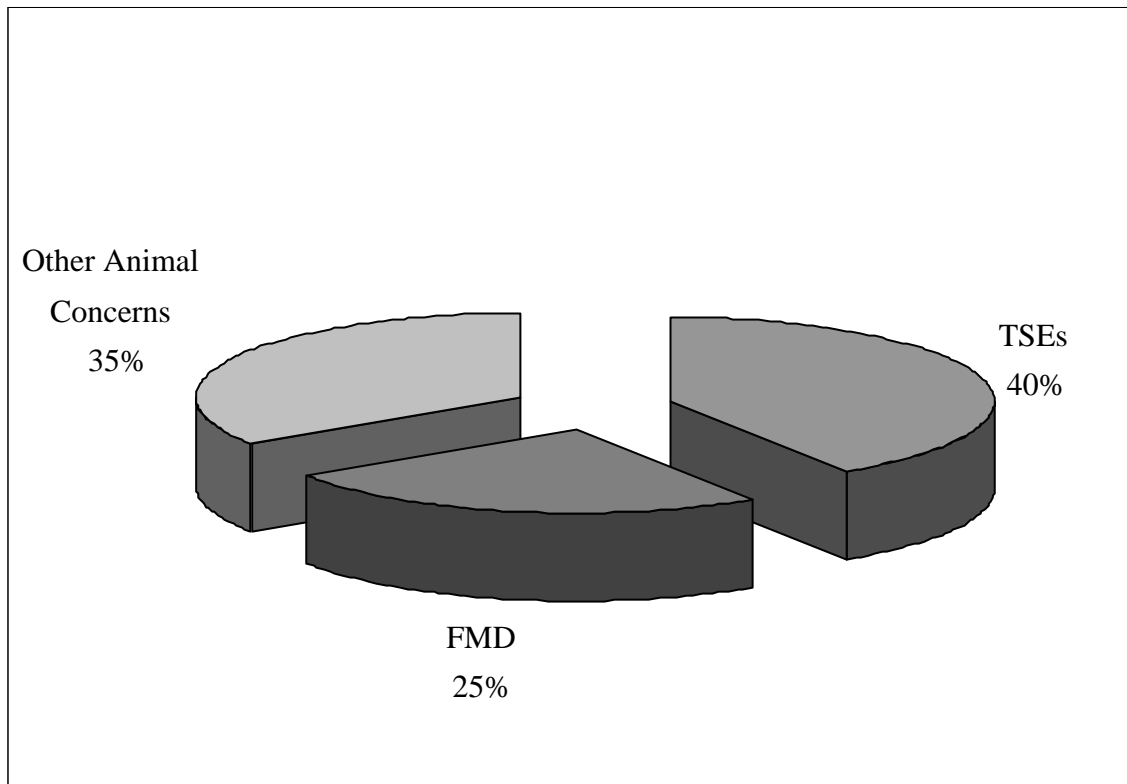
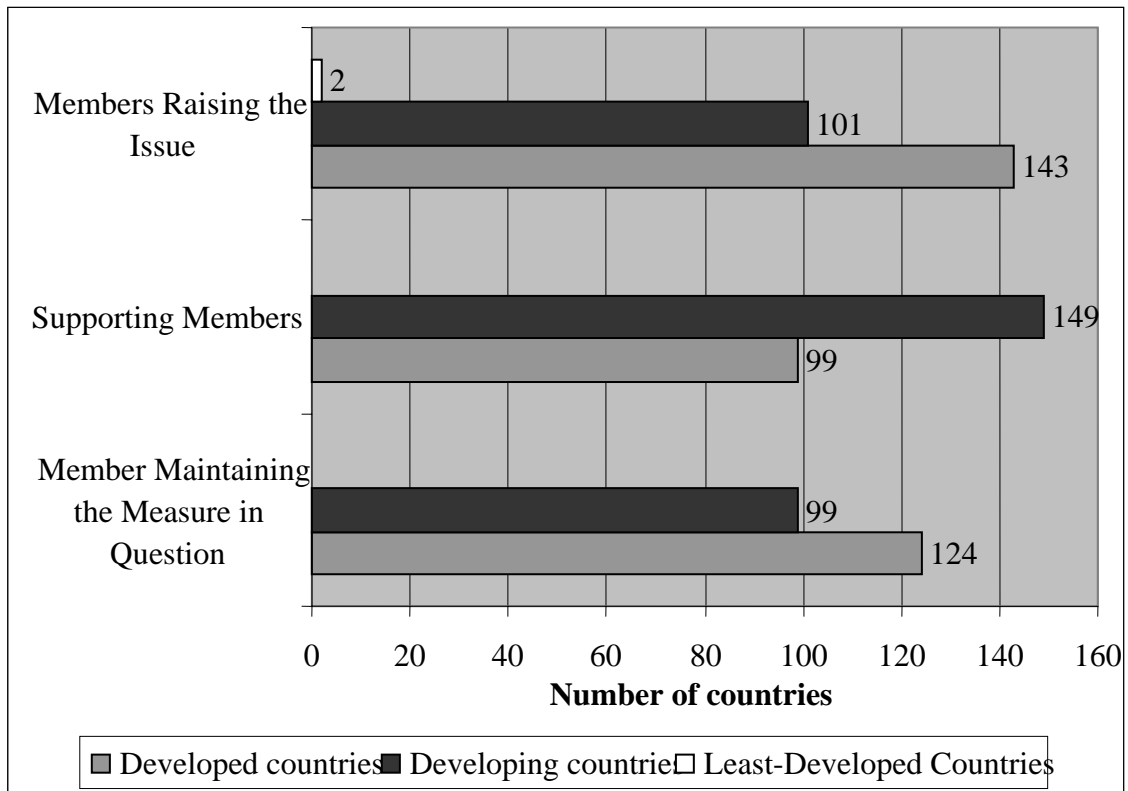


Figure 4 – Participation of Developing Countries



85. Developing countries are participating actively under this agenda item in the SPS Committee meetings. Figure 4 indicates that least-developed country Members have raised two specific trade concerns, whereas other developing country Members have raised 101 trade concerns, compared to 143 raised by developed country Members.⁵³ In 149 cases, a developing country Member has supported another Member raising an issue, compared to 99 for developed country Members. In 124 cases, the measure at issue was maintained by a developed country Member, and in 99 cases it was maintained by a developing country Member. No trade concerns regarding measures maintained by least-developed country Members have been raised.

86. **Recommendations:**

- *The Committee should continue to consider specific trade concerns raised by Members as a standing item of the agenda of its regular meetings.*
- *Members are encouraged to make use of this opportunity to identify specific trade problems and to seek to find mutually satisfactory resolutions of these problems.*
- *Members are encouraged to inform the Committee of all specific trade concerns resolved.*
- *The Secretariat is requested to continue to provide regularly updated information on the specific trade concerns considered by the Committee.*

XI. USE OF AD HOC CONSULTATIONS

87. The Committee recalled that ad hoc consultations among Members, as provided for in Article 12.2 of the Agreement, on specific sanitary and phytosanitary measures, otherwise referred to as the "good offices" of the Chair, had been used on several occasions since 1995.⁵⁴ The Committee recalled that this was a useful route to facilitate agreement between Members and encouraged Members to take advantage of this option where appropriate.

88. **Recommendations:**

- *Members are encouraged to make use of the possibility for ad hoc consultations, including through the good offices of the Chairperson of the SPS Committee, to facilitate the resolution of specific trade concerns*

XII. CO-OPERATION WITH THE CODEX, OIE AND IPPC

89. Representatives from each of these organizations attend the SPS Committee meetings and representatives from the WTO Secretariat attend the meetings of these international organizations as observers. Co-operation between the SPS Committee and the international standard setting organizations is enhanced by coordinating meeting schedules to facilitate Member participation in regularly scheduled meetings. Several of the activities of the international standard setting bodies have been discussed in the sections above on technical assistance and on special and differential treatment. The STDF provides an additional forum for coordination among its partner organizations, including the WTO, IPPC, OIE and Codex (see paragraph 58).

⁵³ The European Communities was counted as one Member. Similarly, when one Member spoke on behalf of ASEAN, it was counted as one Member only. On certain issues, more than one Member has raised the same concern at a Committee meeting. Hence although the total number of specific trade concerns raised since 1995 is 204, the number of Members raising concerns, 246, is higher.

⁵⁴By Argentina, Chile, South Africa and Uruguay with respect to measures relating to citrus canker taken by the European Communities, in March 1998 (G/SPS/GEN/204/Rev.5/Add.1, paras. 113-116); by the United States with respect to restrictions on wheat and oilseeds maintained by Poland, in November 1998 (G/SPS/GEN/204/Rev.5/Add.2, paras. 220-221); and by Canada with respect to import restrictions on bovine semen maintained by India, in March 2001 (G/SPS/GEN/204/Rev.5/Add.2, paras. 179-187).

90. In discussions on the Review, Members noted that by further clarifying the relationship between the Committee and the international standards-setting bodies, the Committee could avoid duplication of effort in the development of its work programme.⁵⁵ At the same time, Members stressed the independence of the work of the Committee and of the international standards-setting bodies.

91. **Recommendations:**

- *The Committee should further clarify the relationship between the Committee and the Codex, OIE and IPPC with a view to facilitating the implementation of the SPS Agreement while avoiding duplication of activities.*
- *Members are invited to provide information regarding their experiences in this regard and to submit specific suggestions for consideration by the Committee.*

XIII. CLARIFICATION OF DEFINITION OF TERMS

92. Some Members identified terms within the Agreement which they considered were not clearly specified and had overlapping meanings.⁵⁶ In particular, it was suggested that clarification of the definition of "measures" and "regulations" in the context of Article 7 and Annex B would permit better and more uniform implementation of the transparency provisions. The Committee noted that, as indicated in the footnote to the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (S/SPS/7/Rev.2), the SPS Agreement uses the terms "measures" and "regulations" interchangeably when referring to any sanitary or phytosanitary measure such as laws, decrees, or ordinances applied to protect human, animal or plant life or health as defined under paragraph 1 of Annex A to the SPS Agreement.

93. **Recommendations:**

- *The Committee should consider clarification of the terms "measures" and "regulations" as contained in the SPS Agreement.*

XIV. EXAMINATION OF THE RELATIONSHIP BETWEEN CERTAIN ARTICLES

94. In the context of the Review, several Members suggested that the Committee could clarify the relationship among various Articles of the Agreement, with priority placed on the examination of the relationship between Articles 2.1 and 5.6 relating to no more trade restrictive than necessary.⁵⁷ It was also suggested that the Committee clarify the relationship between Articles 2.2, 2.3, 3.4 and 5.6 and the implementation of these. It was noted that the work of the Committee would benefit from specific submissions from Members regarding their experiences and concerns.

95. **Recommendations:**

- *The Committee should consider examining the relationship between various Articles of the SPS Agreement, with a focus on those specifically identified by Members, including the relationship between Articles 2.1 and 5.6 relating to no more trade restrictive than necessary.*
- *Members are invited to provide information regarding their experiences in this regard and to submit specific suggestions for consideration by the Committee.*

⁵⁵ See submissions by Canada (G/SPS/W/158) and New Zealand (G/SPS/W/168).

⁵⁶ See submission by China (G/SPS/W/162/Rev.1).

⁵⁷ See submissions by the United States (G/SPS/W/163) and New Zealand (G/SPS/W/168).

XV. UNDUE DELAYS

96. The Committee discussed the need to broadly consider the issue of undue delays in the context of the SPS Agreement, rather than to confine discussion on this topic to a narrow subset of issues.⁵⁸ Many Members supported Uruguay's proposal to encourage discussion of this subject, particularly in the context of the Review.

97. Recommendations:

- *The Committee should consider how to ensure the timely implementation of various provisions of the SPS Agreement in specific circumstances, so as to avoid unnecessary delays, inter alia, in the recognition of equivalence; in the adaptation of measures to the pest or disease status of a trading partner; in the completion of risk assessments related to the granting of market access; in the operation of control, inspection and approval procedures; and in the suspension or adjustment of measures when SPS conditions have changed.*
- *Members are invited to provide information regarding their experiences in this regard and to submit specific suggestions for consideration by the Committee.*

XVI. GOOD REGULATORY PRACTICE

98. Some Members noted that problems related to gaining market access were directly linked to failure to comply in a timely fashion with certain obligations laid down in the SPS Agreement. Mexico proposed that the Committee consider developing guidelines that would promote practical implementation of specific provisions of the SPS Agreement.⁵⁹ This type of guideline on good regulatory practices would enable Members to check, before definitively issuing their respective sanitary and phytosanitary measures, that the substantive obligations laid down by the SPS Agreement had been fulfilled.

99. Recommendations:

- *The Committee should consider how to facilitate Member's practical implementation of specific provisions of the SPS Agreement, including through the possible identification of good regulatory practices.*
- *Members are invited to provide information regarding their experiences in this regard and to submit specific suggestions for consideration by the Committee.*

XVII. ARTICLE 8 AND ANNEX C

100. During the discussions related to the Review, the European Communities suggested that a discussion on issues related to implementation of control measures would be useful to clarify ambiguity regarding who should bear the cost of Members' inspections. The European Communities drew attention to the increasing number of requests for inspection visits and the resource intensive nature of these visits. The European Communities suggested that the Committee should discuss the possibility of developing common practices in this regard.

101. Recommendations:

- *The Committee should consider the most effective way of facilitating the implementation of Article 8 and Annex C of the SPS Agreement, with a focus on those problems identified by*

⁵⁸ See proposals by Uruguay (G/SPS/W/160 & 169).

⁵⁹ See G/SPS/W/166.

Members, including the issue of costs related to inspection visits and conformity assessment. Members are invited to provide information regarding their experiences in this regard and to submit specific suggestions for consideration by the Committee.

XVIII. WORK PROGRAMME

102. As a result of the Second Review of the Operation and Implementation of the Agreement, the Committee agreed to continue to pursue work on equivalence, transparency, monitoring of international standards, technical assistance, special and differential treatment and regionalization. These issues, along with specific trade concerns, will remain as standing agenda items for future Committee meetings.

103. The Committee also agreed to pursue work on new issues raised by Members during the Review including co-operation with the Codex, IPPC and OIE (paragraph 91), clarification of the definition of certain terms (paragraph 93), **examination** of the relationship between Articles 2.1 and 5.6 (paragraph 95), undue delays (paragraph 97), good regulatory practice (paragraph 99), and Article 8 and Annex C (paragraph 101). The work of the Committee on these issues is to be based on information provided by Members regarding their experiences and on specific suggestions submitted by Members for consideration by the Committee. The issues may be considered individually, or where it would be more effective, several related issues may be considered together.

104. The recommendations arising from this Review are compiled in the Attachment.

ATTACHMENT

Compilation of Recommendations contained in the Report

A. CONSISTENCY (ARTICLE 5.5)

1. The Committee should undertake another review of the operation of the guidelines to further the practical implementation of Article 5.5 whenever Members identify the need, and in any case not later than December 2008.

2. Members are encouraged to provide information regarding their experiences in the implementation of Article 5.5 and in the use of the guidelines (G/SPS/15).

B. EQUIVALENCE (ARTICLE 4)

3. The Committee should maintain equivalence as a standing item of the agenda for its regular meetings.

4. Members are encouraged to provide information regarding their experiences in the implementation of Article 4 and in the use of the guidance developed by the Committee (G/SPS/19/Rev.2). In particular, Members are encouraged to notify any agreements reached on the recognition of equivalence in accordance with the agreed procedure.

5. The relevant international organizations are invited to keep the Committee informed of any work they undertake with regard to the recognition of equivalence.

C. TRANSPARENCY (ARTICLE 7 AND ANNEX B)

6. The Committee should maintain transparency as a standing item of the agenda for its regular meetings.

7. Members should ensure their full implementation of the transparency provisions of the SPS Agreement, including those relating to the publishing and notifying of draft measure at a sufficiently early stage to allow comments to be made and taken into consideration, publication of measures, and establishment of effective national notification authorities and enquiry points.

8. Developing country Members should clearly identify specific problems they face in implementing the transparency provisions of the Agreement. Assistance should be provided to least developed and developing country Members in order to enable them to fully implement the transparency provisions and to make use of the benefits associated with transparency.

9. Recognizing that the recommended procedures established by the Committee (G/SPS/7/Rev.2), while not creating legal obligations, can facilitate Members' implementation of the provisions of the SPS Agreement, the Committee should consider whether further recommendations could be beneficial, inter alia:

- (a) to ensure that an adequate period of time is provided to receive and consider comments from Members;
- (b) to encourage advance notification of regulatory calendars or programmes, **where they exist;**

(c) to encourage transparency regarding the use of the relevant international standards.

10. Members welcome the development of an SPS information management system by the Secretariat.

D. MONITORING THE USE OF INTERNATIONAL STANDARDS (ARTICLES 3.5 AND 12.4)

11. The Committee should continue to monitor the use of international standards at each of its regular meetings.

E. TECHNICAL ASSISTANCE (ARTICLE 9)

12. The Committee should maintain technical assistance as a standing item of the agenda of its regular meetings.

13. Members requiring technical assistance are encouraged to identify their specific needs in a clear and detailed manner that will permit these needs to be effectively addressed.

14. Members providing technical assistance are encouraged to keep the Committee informed of specific programmes of assistance.

15. Members are encouraged to report on the effectiveness of the technical assistance they have received. On the basis of this information, and information on the experiences of Members in the provision of technical assistance, the Committee may wish to consider identifying best practices in the area of SPS-related technical assistance.

16. Members are invited to share information on their experiences regarding the use of the tools developed by the Secretariat to assist Members with the understanding and implementation of the SPS Agreement.

17. The Secretariat is requested to keep the Committee informed of its relevant technical assistance activities and of the activities of the Standards and Trade Development Facility.

18. The observer organizations are invited to keep the Committee informed of their capacity building activities relevant to the SPS Agreement.

F. SPECIAL AND DIFFERENTIAL TREATMENT (ARTICLE 10)

19. The Committee should maintain special and differential treatment as a standing item of the agenda for its regular meetings.

20. The Committee should continue to consider specific, concrete actions to address the problems faced by least developed and developing country Members in the implementation of the SPS Agreement and in making use of the benefits of the Agreement.

21. Members are encouraged to provide information regarding the special and differential treatment or technical assistance they have provided in response to specific needs identified by Members in accordance with the procedure adopted by the Committee (G/SPS/33).

G. REGIONALIZATION (ARTICLE 6)

22. The Committee should maintain regionalization as a standing item of the agenda for its regular meetings.

23. The Committee should develop a proposal for a decision on the effective application of Article 6, taking as the point of departure the various proposals submitted by Members and discussions in the Committee.

24. Members are encouraged to provide information on their experiences in the implementation of Article 6.

25. The observer organizations are invited to keep the Committee informed of their activities relevant to the recognition of pest- or disease-free areas or areas of low pest or disease prevalence.

H. SPECIFIC TRADE CONCERNS

26. The Committee should continue to consider specific trade concerns raised by Members as a standing item of the agenda of its regular meetings.

27. Members are encouraged to make use of this opportunity to identify specific trade problems and to seek to find mutually satisfactory resolutions of these problems.

28. Members are encouraged to inform the Committee of all specific trade concerns resolved.

29. The Secretariat is requested to continue to provide regularly updated information on the specific trade concerns considered by the Committee.

I. USE OF AD HOC CONSULTATIONS

30. Members are encouraged to make use of the possibility for ad hoc consultations, including through the good offices of the Chairperson of the SPS Committee, to facilitate the resolution of specific trade concerns.

J. CO-OPERATION WITH THE CODEX, OIE AND IPPC

31. The Committee should further clarify the relationship between the Committee and the Codex, OIE and IPPC with a view to facilitating the implementation of the SPS Agreement while avoiding duplication of activities.

32. Members are invited to provide information regarding their experiences in this regard and to submit specific suggestions for consideration by the Committee.

K. CLARIFICATION OF DEFINITION OF TERMS

33. The Committee should consider clarification of the terms "measures" and "regulations" as contained in the SPS Agreement.

L. EXAMINATION OF THE RELATIONSHIP BETWEEN CERTAIN ARTICLES

34. The Committee should consider examining the relationship between various Articles of the SPS Agreement, with a focus on those specifically identified by Members, including the relationship between Articles 2.1 and 5.6 relating to no more trade restrictive than necessary.

35. Members are invited to provide information regarding their experiences in this regard and to submit specific suggestions for consideration by the Committee.

M. UNDUE DELAYS

36. The Committee should consider how to ensure the timely implementation of various provisions of the SPS Agreement in specific circumstances, so as to avoid unnecessary delays, *inter alia*, in the recognition of equivalence; in the adaptation of measures to the pest or disease status of a trading partner; in the completion of risk assessments related to the granting of market access; in the operation of control, inspection and approval procedures; and in the suspension or adjustment of measures, when SPS conditions have changed.

37. Members are invited to provide information regarding their experiences in this regard and to submit specific suggestions for consideration by the Committee.

N. GOOD REGULATORY PRACTICE

38. The Committee should consider how to facilitate Member's practical implementation of specific provisions of the SPS Agreement, including through the possible identification of good regulatory practices.

39. Members are invited to provide information regarding their experiences in this regard and to submit specific suggestions for consideration by the Committee.

O. ARTICLE 8 AND ANNEX C

40. The Committee should consider the most effective way of facilitating the implementation of Article 8 and Annex C of the SPS Agreement, with a focus on those problems identified by Members, including the issue of costs related to inspection visits and conformity assessment. Members are invited to provide information regarding their experiences in this regard and to submit specific suggestions for consideration by the Committee.

APPENDIX A

Summary of major SPS Committee activities

Subject	Year	Type of Activity	Related documents
Consistency	2000	Committee Decision	G/SPS/15
Equivalence	2004	Committee Decision	G/SPS/19/Rev.1 and Rev.2
Transparency	2002	Revised recommended procedures	G/SPS/7/Rev.2
	2000 2003 (revision)	Handbook: "How to Apply the Transparency Provisions of the SPS Agreement"	http://www.wto.org/english/tratop_e/sps_e/spshand_e.doc http://www.wto.org/english/tratop_e/sps_e/spshand_e.pdf
	2000 2003 (revision)	Questionnaire on SPS-related websites	G/SPS/W/102; G/SPS/GEN/144/Rev.1 and Addenda G/SPS/W/102/Rev.1 http://www.wto.org/english/tratop_e/sps_e/spslinks_e.htm
	2004	New mechanism on unofficial translations	G/SPS/GEN/487
	2005	Enquiry point information - update	G/SPS/ENQ/18 and Add.1
	2005	National notification authority - update	G/SPS/NNA/8 and Add.1
	2004 Monitoring International Standards	1999	Procedure extended
1999		Annual report	G/SPS/13
2000		Annual report	G/SPS/16
2001		Annual report	G/SPS/18
2002		Annual report	G/SPS/21
2003		Annual report	G/SPS/28
2003		Procedure extended	G/SPS/25
2004		Annual report	G/SPS/31
2004		Initiation of Codex trust fund	
2004		Initiation of IPPC trust fund	
2004		Initiation of OIE trust funds	

Subject	Year	Type of Activity	Related documents
	2004	Modification of timeframe for inclusion of items concerning harmonization on SPS Committee agenda	G/SPS/11/Rev.1
	2005	Draft Annual Report	G/SPS/W/174
Technical Assistance	2001	Workshop: "International Standard-setting Organizations: Process and Participation"	G/SPS/GEN/250
	2000	Workshop: "SPS Risk Analysis"	G/SPS/GEN/209
		CD-ROM	
	1999	Special Meeting on Transparency	G/SPS/R/16
	2003	Special Enquiry Point Meeting	G/SPS/GEN/458; G/SPS/R/32
	1999	Questionnaire	G/SPS/W/101; G/SPS/GEN/143/Rev.1 and Addenda
	2001	Questionnaire	G/SPS/W/113; G/SPS/GEN/295 and Addenda.
	2004	Adoption of STDF Business Plan by partner agencies and overview of project activities	G/SPS/GEN/523
2005	Review of standards related issues identified in the integrated framework diagnostic trade integration studies	G/SPS/GEN/545	
Special and Differential Treatment	2003	Adoption in principle of transparency proposal	G/SPS/W/127
	2004	Committee Decision on Procedure to Enhance Transparency of Special and Differential Treatment in favour of Developing Country Members	G/SPS/33
	2005	Proposals and progress on special and differential treatment	G/SPS/GEN/543, G/SPS/W/175
Regionalization	2003-2005	Informal Committee meetings	
Implementation of the Agreement- Specific Trade Concerns	2000-2005	Summary document of specific trade concerns	G/SPS/GEN/204/Rev.5 and Add. 1-3.

APPENDIX B

WTO Disputes Invoking the SPS Agreement

Since 1 January 1995, violations of the SPS Agreement have been alleged in the following invocations of the formal dispute settlement provisions of the WTO. Those which have been referred to a panel are highlighted.

	DS Number	Parties and nature of complaint	Panel Report / Appellate Body Report circulation	Comments
1	WT/DS3	US complaint against Korea's inspection procedures for fresh fruits		Mutually satisfactory solution notified in July 2001 (G/SPS/GEN/265)
2	WT/DS41	US complaint against Korea's inspection procedures for fresh fruits		Mutually satisfactory solution notified in July 2001 (G/SPS/GEN/265)
3	WT/DS5	US complaint against Korea's shelf-life requirements for frozen processed meats and other products		Mutually agreed solution notified in July 1995.
4	WT/DS18	Canada's complaint against Australia's import restrictions on fresh, chilled or frozen salmon Australia - Salmon	WT/DS18/R (1998) WT/DS18/AB/R (1998) WT/DS18/RW (2000)	Mutually agreed solution notified in May 2000.
5	WT/DS21	US complaint against Australia's import restrictions on fresh, chilled or frozen salmon Australia - Salmonids		Mutually agreed settlement notified in November 2000.
6	WT/DS20	Canada's complaint against Korea's restrictions on treatment methods for bottled water		Mutually agreed solution notified in April 1996.
7	WT/DS26	US complaint against EC's prohibition of meat from animals treated with growth-promoting hormones EC – Hormones (US)	WT/DS26/R/USA (1997) WT/DS26/AB/R (1998) WT/DS26/ARB (1990)	Suspension of concessions authorized on 26 July 1999.
8	WT/DS48	Canada's complaint against EC's prohibition of meat from animals treated with growth-promoting hormones EC – Hormones (Canada)	WT/DS48/R/CAN (1997) WT/DS48/AB/R (1998) WT/DS48/ARB (1999)	Same panel handled both complaints. See above.

	DS Number	Parties and nature of complaint	Panel Report / Appellate Body Report circulation	Comments
9	WT/DS76	US complaint against Japan's "varietal testing" requirement for fresh fruits Japan – Agricultural Products II	WT/DS76/R (1998) WT/DS76/AB/R (1999)	Mutually agreed solution notified in September 2001.
10	WT/DS96	EC complaint against India's quantitative restrictions on agricultural and other products		Mutually agreed solution notified in April 1998.
11	WT/DS100	EC complaint against US restrictions on poultry imports		Consultations requested on 18 August 1997; pending.
12	WT/DS133	Swiss complaint against Slovakia's BSE-related restrictions on cattle and meat		Consultations requested on 11 May 1998; pending.
13	WT/DS134	India's complaint against EC restrictions on rice imports		Consultations requested on 25 May 1998; pending.
14	WT/DS135	Canada's complaint against EC (French) measures affecting asbestos EC - Asbestos	WT/DS/135/R (2000) WT/DS/135/AB/R (2001)	SPS Agreement not invoked in the reports.
15	WT/DS137	Canada's complaint against EC restrictions due to pine wood nematodes		Consultations requested on 17 June 1998; pending.
16	WT/DS144	Canada's complaint against US state restrictions on movement of Canadian trucks carrying live animals and grains		Consultations requested on 25 September 1998; pending.
17	WT/DS203	US complaint against Mexico on measures affecting trade in live swine		Consultations requested on 10 July 2000; pending.
18	WT/DS205	Thai complaint against Egypt's GMO-related prohibition on imports of canned tuna with soybean oil		Consultations requested on 22 September 2000; pending.
19	WT/DS237	Ecuador's complaint against Turkey's import requirements for fresh fruit, especially bananas Turkey – Fresh Fruit Import Procedures		Mutually agreed solution notified in November 2002.

	DS Number	Parties and nature of complaint	Panel Report / Appellate Body Report circulation	Comments
20	WT/DS245	US complaint against Japan's restrictions on apples due to fire blight Japan - Apples	WT/DS245/R (2003) WT/DS245/AB/R (2003) WT/DS245/RW (2005)	Article 21.5 (pending) and Article 22.6 (suspended) panels established in July 2004.
21	WT/DS256	Hungarian complaint against Turkey's restrictions on imports of pet food (BSE)		Consultations requested on 3 May 2002; pending.
22	WT/DS270	Philippine complaint against Australia's restrictions on fresh fruits and vegetables, including bananas Australia - Fresh Fruit and Vegetables		Panel established August 2003.
23	WT/DS271	Philippine complaint against Australia's restrictions on pineapple		Consultations requested on 18 October 2002; pending.
24	WT/DS279	EC complaint against India's Export and Import Policy		Consultations requested on 23 December 2002; pending.
25	WT/DS284	Nicaragua complaint against Mexico's phytosanitary restrictions on black beans		Mutually agreed solution notified in March 2004.
26	WT/DS287	EC complaint against Australian quarantine regime Australia – Quarantine Regime		Panel established November 2003.
27	WT/DS291	US complaint against EC on GMO approvals EC – Approval and Marketing of Biotech Products		Panel established August 2003. Same panel to handle three complaints.
28	WT/DS292	Canadian complaint against EC on GMO approvals EC – Approval and Marketing of Biotech Products		See above.
29	WT/DS293	Argentina complaint against EC on GMO approvals EC – Approval and Marketing of Biotech Products		See above.
30	WT/DS297	Hungary's complaint against Croatia's restrictions on live animals and meat products (TSEs).		Consultations requested on 9 July 2003; pending.

APPENDIX C

List of SPS Committee documents from Members and other relevant documents, 1999-2004

A. Comments/proposals regarding Consistency (Article 5.5)

Year	Member	Title/Subject	Symbol
2000	Egypt	Comments on the proposed guidelines to further the practical implementation of Article 5.5	G/SPS/W/106
	<i>SPS Committee</i>	<i>Guidelines to further the practical implementation of Article 5.5</i>	<i>G/SPS/15</i>

B1. Comments/proposals regarding the Decision on Equivalence (Article 4)

Year	Member	Title/Subject	Symbol
2000	United States	Experiences of the United States regarding the practical implementation of Article 4	G/SPS/GEN/212
2001	Argentina	Equivalence of control systems	G/SPS/GEN/268
	<i>SPS Committee</i>	<i>Decision on the implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures</i>	<i>G/SPS/19</i>
2002	Argentina	Equivalence (paragraph 5 of the Decision - Guidelines for "accelerating" the procedure)	G/SPS/W/116
	Argentina	Interpretation of paragraph 7 of the Decision on Equivalence	G/SPS/W/117
	Argentina	Clarification of paragraph 5 of the Decision on Equivalence	G/SPS/W/123
	Australia	Interpretation of paragraphs 5, 6 and 7 of Decision G/SPS/19 on the implementation of Article 4 of the SPS Agreement	G/SPS/GEN/331
	New Zealand	Equivalence (background information and New Zealand's views on associated issues)	G/SPS/GEN/326
2003	Argentina	Paragraph 5 of the Decision on Equivalence: Guidance for accelerated procedures for the recognition of equivalence of products historically traded	G/SPS/W/123/Add.1
	Argentina	Guideline for accelerated procedures for the recognition of equivalence of SPS measures (paragraph 5 of the Decision)	G/SPSW/123/Add.2
	Argentina	Comments on the proposed clarification of paragraph 7 of the Decision on Equivalence	G/SPS/W/130

Year	Member	Title/Subject	Symbol
	European Communities	Comments on Argentina's proposal (G/SPS/W/123/Add.1)	JOB(03)/110
	Chinese Taipei	Comments on Argentina's proposal (G/SPS/W/123/Add.1)	JOB(03)/114
2004	<i>SPS Committee</i>	<i>Revision: Decision on the implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures</i>	<i>G/SPS/19/Rev.1</i>
	<i>SPS Committee</i>	<i>Revision: Decision on the implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures</i>	<i>G/SPS/19/Rev.2</i>

B2. Information on Members' experiences related to Equivalence (Article 4)

Year	Member	Title/Subject	Symbol
2001	Australia	An example of equivalence	G/SPS/GEN/243
	Fiji	Experience on equivalence	G/SPS/GEN/238
	Japan	Experience of equivalence in the area of sanitary and phytosanitary measures	G/SPS/GEN/261
	New Zealand	Experiences in recognizing equivalence of phytosanitary measures	G/SPS/GEN/232
	Thailand	Experience with recognition of equivalence	G/SPS/GEN/242
2002	European Communities	A practical example of implementation of the principle of equivalence	G/SPS/GEN/304
	<i>SPS Committee</i>	<i>Notification of determination of the recognition of equivalence of sanitary or phytosanitary measures</i>	<i>G/SPS/7/Rev.2/Add.1</i>

C1. Comments/proposals regarding Transparency (Article 7 and Annex B)

Year	Member	Title/Subject	Symbol
1999	United States	Transparency issues after 5 years of implementation of the SPS Agreement	G/SPS/GEN/147
	United States	Voluntary transparency –Thoughts from the US SPS enquiry point/notification authority	G/SPS/GEN/152
	<i>SPS Committee</i>	<i>Recommended notification procedures</i>	<i>G/SPS/7/Rev.1</i>
2001	New Zealand	Enhancing transparency – Proposed changes to the recommended notification procedures (G/SPS/7/Rev.1)	G/SPS/W/112

Year	Member	Title/Subject	Symbol
2002	European Communities	Comments on transparency and in particular on G/SPS/W/112 (New Zealand's proposal for review of the notification procedure)	G/SPS/W/118
	New Zealand	Enhancing transparency: Proposed changes to the recommended notification procedures (G/SPS/7/Rev.1)	G/SPS/W/112/Rev.1
2003	China	Proposal for amending the recommended transparency procedures relating to the comment period of SPS notifications	G/SPS/W/131 & Corr.1
	China	Report of the analysis on SPS notifications in 2002	G/SPS/GEN/378
	Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and the European Communities	Transparency – Joint communication	G/SPS/GEN/426 & Corr.1
	China	SPS and developing countries – Transparency: (Article 10.1) "Pre-notification"	G/SPS/W/143
	Mauritania	Proposal on the operation of enquiry points for sanitary and phytosanitary measures	G/SPS/GEN/457
	Mexico	Transparency (Proposed procedures to ensure compliance)	G/SPS/W/136
2004	China	Report of the analysis on SPS notifications in 2003	G/SPS/GEN/498
	Secretariat	Unofficial translations	G/SPS/GEN/487

C2. Information/Proposals submitted in the Context of the Special Meetings on Transparency Provisions, 1999 and 2003

Year	Member	Title/Subject	Symbol
1999	Chile	Case studies – Enquiry point-national notification authorities	G/SPS/GEN/154
	European Communities	Case studies – Enquiry point-national notification authorities	G/SPS/GEN/149
	Malawi	Case studies – Enquiry point-national notification authorities	G/SPS/GEN/150
	Thailand	Case studies – Enquiry point-national notification authorities	G/SPS/GEN/155

Year	Member	Title/Subject	Symbol
	Zambia	Case studies – Enquiry point-national notification authorities	G/SPS/GEN/156
2000	New Zealand	The New Zealand experience: Operation of the SPS notification authority and SPS enquiry point	G/SPS/GEN/161
	<i>Secretariat</i>	<i>Summary of the special meeting of the SPS Committee on the transparency provisions of the SPS Agreement – 9 November 1999</i>	<i>G/SPS/R/16</i>
2002	Malawi	Establishment of national WTO TBT/SPS Enquiry Point – Project proposal	G/SPS/GEN/349
	<i>SPS Committee</i>	<i>Recommended notification procedures</i>	<i>G/SPS/7/Rev.2</i>
2003	Argentina	Special meeting on the strengthening of national notification authorities (Argentina's experience)	G/SPS/GEN/425 & Corr.1
	Australia	Special meeting of the SPS Committee on enquiry points (Australia's experience)	G/SPS/GEN/429
	European Communities	The EC notification authority and enquiry point for the WTO SPS Agreement (Operational procedures and recent experience)	G/SPS/GEN/456 & Corr.1
	European Communities	Comments from the EC notification authority and enquiry point to the issues proposed for consideration by the Secretariat and to Members reactions	G/SPS/GEN/455
	Mexico	Special meeting on the strengthening of national notification authorities (Mexico's improvements to its national enquiry point)	G/SPS/GEN/451
	Pakistan	Special meeting of the SPS Committee on the operation of enquiry points- Communication by Pakistan's Department of Plant Protection	G/SPS/GEN/436
	Panama	Special meeting on the strengthening of national enquiry points and notification authorities (Panama's notification procedures)	G/SPS/GEN/438
	Senegal	Special meeting of the SPS Committee on the operation of enquiry points (Senegal's experience)	G/SPS/GEN/441
	Thailand	Thailand's implementation of the transparency provisions under the SPS Agreement	G/SPS/GEN/450
	<i>Secretariat</i>	<i>Special meeting of the SPS Committee on the operation of enquiry points held on 31 October 2003 - Presentations by participants</i>	<i>G/SPS/GEN/458 & Corr.1</i>

Year	Member	Title/Subject	Symbol
2004	<i>Secretariat</i>	<i>Committee on Sanitary and Phytosanitary Measures - Special meeting of the SPS Committee on the operation of enquiry points Held on 31 October 2003</i>	<i>G/SPS/R/32</i>

D. Comments/proposals regarding monitoring the use of international standards (Article 3.5 and 12.4)

Year	Member	Title/Subject	Symbol
1999	Thailand	Procedure to monitor the process of international harmonization (Infectious Bursal Disease)	G/SPS/W/99
	United States	Procedure to monitor the process of international harmonization (Definitions of quarantine pests)	G/SPS/W/97
	<i>SPS Committee</i>	<i>Annual report</i>	<i>G/SPS/13</i>
2000	<i>SPS Committee</i>	<i>Annual report</i>	<i>G/SPS/16</i>
2001	South Africa	Monitoring/revision of an international standard (African Horse Sickness)	G/SPS/GEN/289
	<i>SPS Committee</i>	<i>Annual report</i>	<i>G/SPS/18</i>
2002	United States	Procedure to monitor the process of international harmonization (Avian Influenza)	G/SPS/GEN/343
	<i>SPS Committee</i>	<i>Annual report</i>	<i>G/SPS/21</i>
2003	<i>SPS Committee</i>	<i>Annual report</i>	<i>G/SPS/28</i>
2004	<i>SPS Committee</i>	<i>Annual report</i>	<i>G/SPS/31</i>
2004	<i>SPS Committee</i>	<i>Revision of procedure</i>	<i>G/SPS/11/Rev.1</i>
2005	Mauritius	Implementation of international standards	G/SPS/GEN/547
	China	Monitoring the use of international standards: ISPM 15	G/SPS/GEN/551
	OIE	New or revised standards being proposed for adoption at the 73 rd OIE General Session (May 2005)	G/SPS/GEN/552
	New Zealand	Monitoring of international harmonization: Regionalization	G/SPS/W/151
	<i>SPS Committee</i>	<i>Draft Seventh Annual Report</i>	<i>G/SPS/W/174</i>

E1. Information regarding Members' provision of technical assistance and training activities (Article 9)

Year	Member	Title/Subject	Symbol
1999	Australia	Quarantine and other sanitary and phytosanitary capacity building and training activities undertaken by Australia	G/SPS/GEN/124
	<i>Secretariat</i>	<i>Questionnaire on technical assistance</i>	<i>G/SPS/W/101</i>
	<i>Secretariat</i>	<i>Summary of the replies to the questionnaire on technical assistance</i>	<i>G/SPS/GEN/143</i>
2000	United States	Technical assistance to developing countries provided by the United States	G/SPS/GEN/181
	<i>Secretariat</i>	<i>Summary of the replies to the questionnaire on technical assistance – Revision and addenda</i>	<i>G/SPS/GEN/143/Rev.1, Add.1 & Add.2</i>
2001	European Communities	Technical assistance to developing countries	G/SPS/GEN/244
	United States	Technical assistance to developing countries provided by the United States	G/SPS/GEN/181/Add.1
2002	New Zealand	Technical assistance provided to developing country Members by New Zealand since 1 January 2002	G/SPS/GEN/352
	United States	Technical assistance to developing countries provided by the United States	G/SPS/GEN/181/Add.2
2003	Mexico	Sanitary and phytosanitary measures- Technical co-operation programmes	G/SPS/GEN/382
	<i>Secretariat</i>	<i>Summary of the replies to the questionnaire on technical assistance</i>	<i>G/SPS/GEN/143/Add.3</i>
	United States	Technical assistance to developing countries provided by the United States	G/SPS/GEN/181/Add.3
2004	Australia	Technical assistance to developing countries provided by Australia	G/SPS/GEN/472
	United States	Technical assistance to developing countries provided by the United States	G/SPS/GEN/181/Add.4
2005	New Zealand	Technical assistance provided to developing country Members by New Zealand since 1995	G/SPS/GEN/352/Rev.1
	United States	Technical assistance to developing countries provided by the United States	G/SPS/GEN/181/Add.5

E2. Information regarding Members' technical assistance and training activities needs (Article 9)

Year	Member	Title/Subject	Symbol
2000	Jordan	Technical assistance	G/SPS/GEN/199
	Jordan	Request for technical assistance	G/SPS/GEN/208
	Zambia	Request for technical assistance	G/SPS/GEN/174
2001	Chile	Technical assistance	G/SPS/GEN/287
	Gabon	Technical assistance	G/SPS/GEN/257
	<i>Secretariat</i>	<i>Questionnaire on technical assistance</i>	<i>G/SPS/W/113</i>
2002	<i>Secretariat</i>	<i>Responses to the questionnaire</i>	<i>G/SPS/GEN/295</i>
	Belarus	Response to the questionnaire	G/SPS/GEN/295/Add.7
	China	Response to the questionnaire	G/SPS/GEN/295/Add.24
	Colombia	Response to the questionnaire	G/SPS/GEN/295/Add.10
	Costa Rica	Response to the questionnaire	G/SPS/GEN/295/Add.18
	Costa Rica	Response to the questionnaire	G/SPS/GEN/295/Add.29
	Cuba	Response to the questionnaire	G/SPS/GEN/295/Add.13
	Cyprus	Response to the questionnaire	G/SPS/GEN/295/Add.11
	Egypt	Response to the questionnaire	G/SPS/GEN/295/Add.1
	Gambia	Response to the questionnaire	G/SPS/GEN/295/Add.23
	Georgia	Response to the questionnaire	G/SPS/GEN/295/Add.3
	Guatemala	Response to the questionnaire	G/SPS/GEN/295/Add.22
	Honduras	Response to the questionnaire	G/SPS/GEN/295/Add.26
	Indonesia	Response to the questionnaire	G/SPS/GEN/295/Add.6
	Kenya	Response to the questionnaire	G/SPS/GEN/295/Add.21
	Maldives	Response to the questionnaire	G/SPS/GEN/295/Add.15
	Mauritius	Response to the questionnaire	G/SPS/GEN/295/Add.27
	Morocco	Response to the questionnaire	G/SPS/GEN/295/Add.17
	Panama	Response to the questionnaire	G/SPS/GEN/295/Add.16
	Panama	Response to the questionnaire	G/SPS/GEN/295/Add.25
	Philippines	Response to the questionnaire	G/SPS/GEN/295/Add.14
	Saudi Arabia	Response to the questionnaire	G/SPS/GEN/295/Add.8
Senegal	Response to the questionnaire	G/SPS/GEN/295/Add.20 & Rev.1	
South Africa	Response to the questionnaire	G/SPS/GEN/295/Add.19 & Rev.1	

Year	Member	Title/Subject	Symbol
	Sri Lanka	Response to the questionnaire	G/SPS/GEN/295/Add.2, Rev.1 & Rev.2
	Thailand	Response to the questionnaire	G/SPS/GEN/295/Add.9
	Trinidad and Tobago	Response to the questionnaire	G/SPS/GEN/295/Add.4 & Rev.1
	Tunisia	Response to the questionnaire	G/SPS/GEN/295/Add.12
	Uganda	Response to the questionnaire	G/SPS/GEN/295/Add.5
	Yugoslavia	Response to the questionnaire	G/SPS/GEN/295/Add.28
2003	Barbados	Response to the questionnaire	G/SPS/GEN/295/Add.30
	Cameroon	Response to the questionnaire	G/SPS/GEN/401
	Cyprus	Response to the questionnaire	G/SPS/GEN/295/Add.32
	Dominican Republic	Response to the questionnaire	G/SPS/GEN/295/Add.33 & Corr.1
	Paraguay	Response to the questionnaire	G/SPS/GEN/295/Add.34
	Peru	Response to the questionnaire	G/SPS/GEN/295/Add.31
2004	Antigua and Barbuda	Response to the questionnaire	G/SPS/GEN/295/Add.35
	Nicaragua	Response to the questionnaire	G/SPS/GEN/295/Add.36 and Corr.1

F. Comments/proposals regarding special and differential treatment (Article 10)

Year	Member	Title/Subject	Symbol
1999	Egypt	SPS Agreement and developing countries	G/SPS/GEN/128
	Guatemala	Development and adaptation of sanitary and phytosanitary systems in developing countries for the purpose of complying with commitments under the SPS Agreement	G/SPS/GEN/157
2000	Cameroon	Summary of Cameroon's statements on SPS Agreement and developing countries and technical assistance and cooperation	G/SPS/GEN/192
	India	Implementation of the provisions for special and differential treatment	G/SPS/GEN/197
	Thailand	Implementation of the provisions for special and differential treatment (availability of translations)	G/SPS/GEN/190
2001	Brazil	Agreement on the Application of SPS Measures (implementation proposal under paragraph 21)	G/SPS/W/108

Year	Member	Title/Subject	Symbol
2002	Canada	Enhancing transparency of special and differential treatment within the SPS Agreement	G/SPS/W/127
	<i>Secretariat</i>	<i>Proposals on special and differential treatment referred to the SPS Committee</i>	<i>JOB(03)/100</i>
	Egypt	Comments on the Canadian proposal (Transparency)	G/SPS/GEN/358
2003	Japan	Comments on the special and differential proposals set out in JOB(03)/100	JOB(03)/194
	United States	Elaboration of the proposal to enhance transparency of special and differential treatment in favour of developing country Members	G/SPS/W/141
	<i>Secretariat</i>	<i>Elaboration of the proposal to enhance transparency of special and differential treatment</i>	<i>G/SPS/W/132 & Rev.1</i>
2004	Papua New Guinea	SPS and developing countries: Special and differential treatment, technical assistance, transparency	G/SPS/GEN/469
	<i>Secretariat</i>	<i>Elaboration of the proposal to enhance transparency of special and differential treatment</i>	<i>G/SPS/W/132/ Rev. 2 & Rev. 3</i>
	<i>SPS Committee</i>	<i>Committee Decision on Procedure to Enhance Transparency of Special and Differential Treatment in favour of Developing Country Members</i>	<i>G/SPS/33</i>
2005	<i>Secretariat</i>	<i>Proposals and Progress on Special and Differential Treatment – Background Note</i>	<i>G/SPS/GEN/543</i>
	<i>Secretariat</i>	<i>Draft report on proposals for special and differential treatment</i>	<i>G/SPS/W/175</i>

G1. Comments/proposals regarding Regionalization (Article 6)

Year	Member	Title/Subject	Symbol
1999	South Africa	Article 6.2, 6.3 and Annex A3(B): Recognition of the concept of pest- or disease-free areas as an international standard, guideline or recommendation	G/SPS/GEN/139
2003	Argentina	Implementation of the regionalization principle (Experiences with recognition of plant pest-free areas)	G/SPS/GEN/433
	Chile	Comments on Article 6 of the SPS Agreement (Recognition procedures)	G/SPS/W/129
	European Communities	Review of the SPS Agreement – Update on adaptation to regional conditions	G/SPS/GEN/461

Year	Member	Title/Subject	Symbol
	Mexico	Comments on Article 6 of the SPS Agreement (Procedures related to the recognition of disease-free areas)	G/SPS/GEN/388
2004	Canada	Decision on the implementation of Article 6 of the SPS Agreement (Proposal)	G/SPS/W/145
	Chile	Draft decision on the implementation of Article 6 of the SPS Agreement	G/SPS/W/140, Rev.1 & Rev.2
	Peru	Regionalization	G/SPS/W/148
	Chile	Additional comments on Article 6 of the SPS Agreement (Proposed guidelines for the recognition procedure)	G/SPS/GEN/381
	European Communities	Draft decision on the implementation of Article 6 of the SPS Agreement – Comments on the proposal of Chile (W/140/Rev.1)	G/SPS/W/144
	United States	Regionalization (Experiences and observations)	G/SPS/GEN/477
	New Zealand	Monitoring of international harmonization: Regionalization	G/SPS/W/151
	Chile	Clarifications – Regionalization and the need for guidelines to improve its implementation	G/SPS/W/164
	Chile	Responses to questions from the Chairman of the WTO SPS Committee concerning regionalization	G/SPS/W/165
2004	IPPC	Regionalization and the International Plant Protection Convention	G/SPS/GEN/529
2005	Chile	Proposal by Chile to further the discussion concerning the implementation of Article 6 on regionalization	G/SPS/W/171
	Australia	Monitoring of international harmonization: regionalization	G/SPS/W/172
	OIE	Recognition of member Countries Health Status	G/SPS/GEN/542
2005	OIE	New or revised standards being proposed for adoption at the 73 rd OIE General Session (May 2005)	G/SPS/GEN/552

G2. Information regarding Members' experiences related to Regionalization (Article 6)

Year	Member	Title/Subject	Symbol
1999	Costa Rica	Declaration of Costa Rica as a country free of classical swine fever	G/SPS/GEN/110
	Costa Rica	Declaration that Costa Rica is a country free of Newcastle disease, velogenic, viscerotropic form	G/SPS/GEN/119
2000	Indonesia	Declaration of disease-free status	G/SPS/GEN/162
2001	Argentina	Foot-and-mouth disease measures affecting exports of Argentine products	G/SPS/GEN/269 & Rev.1
	Canada	Canadian BSE policy and related information	G/SPS/GEN/245
	Paraguay	Country free from foot-and-mouth disease	G/SPS/GEN/254
2002	Argentina	Evolution of the national foot-and- mouth disease eradication plan in Argentina	G/SPS/GEN/315
	Argentina	Evolution of the national foot-and-mouth disease eradication plan in Argentina	G/SPS/GEN/323
	Paraguay	Statement made at the meeting of 7-8 November 2002 (Newcastle disease)	G/SPS/GEN/359
	Paraguay	Foot-and-mouth disease	G/SPS/GEN/360
	Paraguay	Situation in Paraguay regarding the programme to keep the country free of Newcastle disease	G/SPS/GEN/361
2003	Argentina	Evolution of the foot-and-mouth disease eradication plan in Argentina	G/SPS/GEN/377
	Chile	Chile: Free of avian influenza	G/SPS/GEN/383
	Paraguay	Foot-and-mouth disease (Paraguay's sanitary policy regime)	G/SPS/GEN/413
	Paraguay	Health information concerning foot-and-mouth disease	G/SPS/GEN/454
	Peru	Peru: Country free from "citrus black spot", "sweet orange scab" and "citrus canker"	G/SPS/GEN/386
	Peru	Peru initiates a process for the declaration and recognition of areas free from and of low prevalence of fruit flies <i>Ceratitis capitata</i> and <i>Anastrepha spp</i>	G/SPS/GEN/417
	Peru	Peru close to eradicating foot-and-mouth disease	G/SPS/GEN/418
	Peru	Fruit fly-free areas and areas of low prevalence of fruit flies	G/SPS/GEN/445

Year	Member	Title/Subject	Symbol
	Peru	Monitoring and control of poultry diseases	G/SPS/GEN/446
	Chinese Taipei	Eradication of foot-and-mouth disease in Chinese Taipei	G/SPS/GEN/402 & Corr.1
	Chinese Taipei	Approval of foot-and-mouth disease -free with vaccination status	G/SPS/GEN/419
2004	United States	Regionalization	G/SPS/GEN/477
	Colombia	Report on the situation and control of foot-and-mouth disease	G/SPS/GEN/492
	Mexico	Regionalization: Information for the recognition of fruit fly-free areas	G/SPS/GEN/440
	Paraguay	Foot-and-mouth disease eradication programme	G/SPS/GEN/505
	Costa Rica	Establishment of areas free from <i>Ceratitidis Capitata</i>	G/SPS/GEN/527
2005	Brazil	Pest Free Area of MINAS GERAIS State - <i>Micosphaerella fijiensis</i>	G/SPS/GEN/561
	Brazil	Pest Free Area of Ceará State - <i>Anastrepha grandis</i>	G/SPS/GEN/562

H. Comments/proposals regarding Monitoring Implementation of the Agreement (Articles 12.1 and 12.2) – Specific trade concerns

Year	Member	Title/Subject	Symbol
1999	European Communities	Implementation of the SPS Agreement – Trade Concerns	G/SPS/GEN/132
2001	United States	Specific Trade Concerns (G/SPS/GEN/204/Rev.1)	G/SPS/GEN/265

I. Comments/proposals regarding the Second Review of the Agreement

Year	Member	Title/Subject	Symbol
2004	<i>Secretariat</i>	<i>Proposed process for the review of the operation and the implementation of the Agreement</i>	<i>G/SPS/W/147</i>
	<i>Secretariat</i>	<i>Review of the operation and implementation of the SPS Agreement – Submissions by Members of issues to be considered during the review</i>	<i>G/SPS/W/149</i>
	<i>SPS Committee</i>	<i>Process for the review of the operation and implementation of the Agreement – Decision by the Committee</i>	<i>G/SPS/32</i>

Year	Member	Title/Subject	Symbol
	New Zealand	Second review of the operation and implementation of the SPS Agreement	G/SPS/W/150
	New Zealand	The second review of the operation and implementation of the SPS Agreement – Further elaboration of issues for consideration	G/SPS/W/157
	Canada	Issues for consideration as part of the second Review of the operation and implementation of the SPS Agreement – Further elaboration of issues for consideration	G/SPS/W/158
	European Communities	Review of the operation and implementation of the SPS Agreement	G/SPS/W/159
	Uruguay	Undue delays (Review)	G/SPS/W/160
	Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu	Second review of the operation and implementation of the SPS Agreement – Monitoring the use of international standards	G/SPS/W/161
	China	Second review of the operation and implementation of the SPS Agreement	G/SPS/W/162 and Rev.1
	United States	Review of the SPS Agreement – Proposal for consideration	G/SPS/W/163
	Mexico	Second review of the operation and implementation of the SPS Agreement	G/SPS/W/166
	Argentina	Review of the operation and implementation of the SPS Agreement	G/SPS/W/167
	New Zealand	Second review– Prioritization of issues for the future work of the SPS Committee	G/SPS/W/168
	Uruguay	Undue delays	G/SPS/W/169
	Chile	Second review of the operation and implementation of the SPS Agreement	G/SPS/W/170
2005	<i>Secretariat</i>	<i>Review of the Operation and Implementation of the SPS Agreement – Background document and Revision</i>	<i>G/SPS/GEN/510 and Rev.1</i>
	<i>Secretariat</i>	<i>Draft report</i>	<i>G/SPS/W/173</i>

J. Other relevant documents

Year	Member	Title/Subject	Symbol
2000	European Communities	Communication from the Commission on the precautionary principle	G/SPS/GEN/168
	European Communities	White paper on food safety	G/SPS/GEN/169

Year	Member	Title/Subject	Symbol
	United States	The role of the centers for epidemiology and animal health as an OIE collaborating center for animal disease surveillance systems and risk analysis	G/SPS/GEN/182
	United States	National regulatory measures related to trade in agricultural and food products modified by modern biotechnology	G/SPS/GEN/186
2001	Canada	The treatment of precaution in the SPS Agreement	G/SPS/GEN/246
	European Communities	European Council resolution on the precautionary principle	G/SPS/GEN/225
	Kuwait	Arab Scientific Veterinary Association	G/SPS/GEN/279
	Namibia	SADC consultative forum on SPS/food safety issues- declarations of the Windhoek Workshop on SPS/Food Safety – 20-22 November 2000	G/SPS/GEN/272
	New Zealand	Biosecurity risk analysis policy statement	G/SPS/GEN/233
	New Zealand	Biosecurity awareness programme	G/SPS/GEN/280
	New Zealand	Development of a biosecurity strategy for New Zealand	G/SPS/GEN/284
	New Zealand	New Zealand pest risk assessment standard for plant biosecurity	G/SPS/GEN/285
2002	Argentina	Response from the European Commission to comments submitted by WTO Members under G/SPS/N/EEC/149 and 150	G/SPS/GEN/354
	European Communities	Statement by the European Communities concerning notifications G/SPS/N/EEC/149 and G/SPS/N/EEC/150 and notifications G/TBT/N/EEC/6 and G/TBT/N/EEC/7	G/SPS/GEN/297
	European Communities	Response from the EC to comments submitted by WTO Members under either or both G/TBT/N/EEC/6 and G/SPS/N/EEC/149	G/SPS/GEN/337
	European Communities	Response from the EC to comments submitted by WTO Members under either or both G/TBT/N/EEC/7 and G/SPS/N/EEC/150	G/SPS/GEN/338 & Corr.1
	Korea	Standards & Procedures for authorization of domestic-foreign official laboratories and for recognition of inspection certificates or certificates of laboratory test results	G/SPS/GEN/318

Year	Member	Title/Subject	Symbol
	Chinese Taipei	Relevant laws, decrees, regulations and administrative rulings of general application relating to SPS	G/SPS/GEN/339& Corr.1
	United States	Information on the process for development of United States SPS measures and explanation for the volume of recent United States SPS notifications	G/SPS/GEN/311
2003	European Communities	Response to the comments from Argentina (G/SPS/GEN/354)	G/SPS/GEN/405
	Mexico	Communication from Mexico – Mexican official standards	G/SPS/GEN/387
	Venezuela	Executive report by Venezuela	G/SPS/GEN/442
2004	European Communities	Establishment of the trade control and expert system (TRACES)	G/SPS/GEN/489
	Mexico	Communication from Mexico – Mexican official standards	G/SPS/GEN/491
	Peru	Compliance with phytosanitary regulations for the importation into Peru of plants, plant products and other regulated articles	G/SPS/GEN/484
2005	European Communities	Implementation of ISPM 15 from 1 March 2005:	G/SPS/GEN/556
	European Communities	Questions and answers on the procedure to obtain import tolerances and the inclusion of active substances for plant protection uses in the European Communities List.	G/SPS/GEN/557

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