



Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 5-6 AND 13 NOVEMBER 2020

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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 and obligations under the WTO.

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1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its 78th regular meeting on 5-6 and 13 November 2020. The proposed agenda for the meeting was adopted with amendments ([JOB/SPS/11](#)). In light of the COVID-19 pandemic, in-person attendance at the meeting was restricted and delegates were invited to participate via a virtual platform.

1.2. Members were able to submit agenda items and statements through eAgenda. For its meeting of June 2020, the Committee had used, on an *ad hoc* basis, combined written and oral procedures. For this meeting, the Committee reverted to its usual procedure as used prior to its June 2020 meeting, with the additional use of eAgenda to support oral exchanges.

2 INFORMATION SHARING

2.1 Information from Members on relevant activities

2.1.1 Japan - Update on the situation surrounding Japanese food after the TEPCO Fukushima Daiichi nuclear power station accident ([G/SPS/GEN/1233/Rev.2](#))

2.1. Japan thanked Morocco and Egypt for lifting the import measures they had imposed on Japanese food products following the Fukushima Daiichi nuclear power station accident. Japan reported that 36 out of the 54 countries and regions that had introduced import restrictive measures following the accident had since then lifted them. Japan urged Members still maintaining measures to remove them based on scientific principles. Japan provided an update on the most recent data and status of its food safety control measures, as well as on water management at the nuclear power station and its transparency efforts, as detailed in [G/SPS/GEN/1233/Rev.2](#).

2.2. Korea expressed its appreciation for the updates provided by Japan, but reiterated concerns about the possible release of contaminated water into the sea. Korea referred to reports indicating that Japan considered a release into the sea of contaminated water currently stored in tanks as the most viable option. Korea called for a transparent and inclusive process to decide on the disposal method of contaminated water. Japan responded that the water stored in tanks at the powerplants was treated water purified by the Advanced Liquid Processing System and other related facilities. Reiterating observations contained in [G/SPS/GEN/1819](#), Japan added that it had not yet decided how and when water would be discharged into the environment.

2.1.2 Colombia, Costa Rica, Ecuador, Guatemala and Paraguay - Request for the suspension of the processes and entry into force of reduction of MRLs for plant protection products in light of the COVID-19 pandemic ([G/SPS/GEN/1778/Rev.4](#))

2.3. Colombia informed the Committee that 39 Members were now calling upon the European Union to suspend the processes and entry into force of reduction of MRLs for plant protection products in light of the COVID-19 pandemic. Colombia stressed the great challenges posed by the COVID-19 pandemic for developing countries, which had hit Latin America particularly hard both in human and economic terms. Colombia referred to a GDP shrinkage of 8.1% at a regional level in 2020. With this background, Colombia read the request contained in document [G/SPS/GEN/1778/Rev.4](#), urging the European Union and any Member reviewing or modifying MRLs to consider the concerns raised and base MRLs on international standards, guidelines, and recommendations.

2.4. Costa Rica voiced its disappointment with the responses provided thus far by the European Union. While sharing the EU objective to protect the environment and human health, Costa Rica urged the European Union to rethink its regulatory approach given the potential negative impacts on its trading partners. Costa Rica stressed that agricultural producers, specifically micro small and medium size enterprises (MSMEs), would be particularly affected by the measures. While supporting the idea of a global transition towards sustainable agri-food systems, Costa Rica took the view that achieving sustainability should be based on multilateral cooperation, considering adjustment costs for producers and exporters in developing countries.

2.5. Ecuador noted that exports of agricultural and agri-food products were fundamental for the Ecuadorian economy and that import restrictions were amplifying the effects of the COVID-19 pandemic. While recognizing the protection of life or health of people and animals and

the preservation of plants as legitimate objectives, Ecuador requested the European Union to consider the conditions of developing countries.

2.6. Paraguay observed that the request was now supported by 39 Members from Latin America, the Caribbean, and Africa, all of them being developing or least developed countries strongly affected by the COVID-19 pandemic. Paraguay highlighted that SPS measures, such as the reduction of MRLs for plant protection products, represented a challenge for developing countries and hindered economic recovery efforts. Paraguay noted the EU statement in [G/SPS/GEN/1814](#) that exceptions were highly unlikely for measures taken to protect the life and health of consumers. Yet, Paraguay noted that exceptions were routinely granted for EU producers. Considering this, Paraguay questioned how the European Union could refuse to suspend MRL reduction processes and requested the European Union to reconsider its approach.

2.7. In the same vein, Guatemala indicated that Members' current efforts were dedicated to controlling the COVID-19 pandemic, noting that Latin America was just emerging from the first wave. Given this situation, producers and health authorities were not in a position to take the necessary steps to adapt to new MRLs, as modified by the European Union. Guatemala hoped that the European Union would provide a clear and flexible response to the request for a 12-month suspension of its MRL reduction processes.

2.8. Several other Members expressed their support for the request in document [G/SPS/GEN/1778/Rev.4](#), urging the European Union to suspend provisionally its processes for MRL reduction. Panama hoped that the European Union would deal with the concerns in an appropriate manner. Referring to the figures that Colombia had mentioned, Argentina emphasized the devastating effects of the COVID-19 pandemic on Members' economies. Although it understood the need to protect public health, Peru underscored the need to focus resources on economic recovery and feared that unnecessary deviations from Codex MRLs would significantly impact trade. To Indonesia, the broad support showed for this agenda item illustrated the magnitude of the impact of new MRLs. In this context, Indonesia recalled the objective of the SPS Agreement to minimize negative effects on trade. Egypt referred to its previous statements in this and other Committees, in which it had highlighted the challenges faced by Egyptian exporters in light of new MRLs and the very short transitional period for exporters to adapt. Egypt specifically pointed to the challenges faced by small farmers in developing countries, as exacerbated by the COVID-19 pandemic. To Egypt, the current crisis called for increased cooperation, rather than additional trade restrictions. Like other Members, El Salvador emphasized the challenges posed by the COVID-19 pandemic and current efforts focused on dealing with this health situation and economic recovery.

2.9. The European Union assured the Members raising concerns that it would assess carefully the revised document submitted as [G/SPS/GEN/1778/Rev.4](#). The European Union read the statement circulated as [G/SPS/GEN/1814/Rev.1](#). In its intervention, the European Union expressed its willingness to find suitable and innovative approaches to help partners fight the consequences of the COVID-19 pandemic but considered the protection of public health to be a priority, which could not be compromised.

2.10. Colombia and Costa Rica clarified that document [G/SPS/GEN/1778/Rev.4](#) had been revised only to include new Members supporting the request. Colombia indicated that Members were not asking for cooperation or for the European Union to lower its health standards. Rather, Members were submitting an emergency request, asking for additional time in accordance with Ministerial Decision [WT/MIN\(01\)/17](#). Colombia considered that Members had presented genuine concerns and regretted that the European Union appeared to provide merely information. Colombia urged the European Union to engage in a dialogue with Members on this issue. Costa Rica supported a global transition to sustainable agri-food systems, but could not agree that all current agri-food systems were not sustainable. Costa Rica considered that there were different levels of sustainability and that it had a sustainable agriculture system. To Costa Rica, forcing a change was not a good option; rather, a global transition could only be achieved with a multilateral approach. Costa Rica requested the European Union to engage in a dialogue with Members.

2.1.3 United States - "Global Economic Impact of Missing and Low Pesticide Maximum Residue Levels, Vol. 1" report by the United States International Trade Commission (G/SPS/GEN/1842)

2.11. The United States presented the US International Trade Commission's (USITC) report, requested by the Office of the United States Trade Representative (USTR). The report examined current and emerging challenges to global agricultural production from existing and evolving pest and disease pressures in different climates and regions, compared national and international policies for establishing pesticide MRLs, and explored the effect of these policies on international agricultural trade. The United States considered the report as an important contribution to the Committee's ongoing discussions on MRLs. The US statement is contained in document [G/SPS/GEN/1842](#).

2.12. Paraguay, Costa Rica, Brazil, Peru, Colombia, Guatemala, and Ecuador thanked the United States for the report. Paraguay stated that the USITC report contributed to the debates on the impact of MRL policies. Through case studies, the report provided information on costs and effects of MRLs for producers worldwide. In Paraguay's view, chapters 3 and 5 showed the practical consequences of these policies and highlighted the importance of pursuing discussions to find real solutions to these problems. Costa Rica urged Members to take into account the conclusions of the report and its detailed case studies. In particular, Costa Rica referred to Members implementing or considering regulations aimed at reducing or eliminating MRLs of critical substances for production in tropical countries. Brazil stated that missing and low MRLs were pressing issues for farmers and traders worldwide. Brazil called Members' attention to the document, which it considered a good input for the Committee's discussions. Peru had also provided case studies for the report. Peru noted that the adoption of SPS measures should take into account potential trade effects. In Colombia's view, the report provided an additional independent analysis for developing countries to continue on-going consultations on this issue. Guatemala believed the report would be a reference document and would allow for a better understanding of the topic and related challenges. Ecuador stated that any decision on MRLs should take into account scientific considerations and their global impact.

2.13. The European Union thanked the United States for the report and for the intense cooperation with the European Union. The European Union regretted that the report did not examine methods of production that used less pesticides. Despite having submitted contributions and held physical meetings with investigators, the European Union noted factual inaccuracies and misleading statements in the description of the EU system for setting MRLs. The European Union provided its statement in document [G/SPS/GEN/1855](#).

2.1.4 Canada, Colombia, Costa Rica, Ecuador, Guatemala, Paraguay and the United States - Seminar on Farmers' perspective on SPS challenges for sustainable food production and trade

2.14. Canada thanked the co-organizers of the seminar and noted with interest the findings of the USITC report. Producers' perspectives and SPS concerns for food production and trade shared in the seminar were insightful and similar to those experienced by Canadian producers. All producers agreed on the need to base regulations for plant protection products and products of biotechnology on science and risk, and on the use of Codex international standards for further harmonization. The importance of better communication with consumers and of an inclusive decision-making approach had also been highlighted in the seminar. Canada noted it had repeatedly referred to the importance of mitigating trade risks associated with missing and low MRLs and reducing the uncertainty for the trade of safe and nutritious food. Canada strongly encouraged Members to establish transparent and predictable science- and risk-based measures that take into account Codex standards, guidelines, and recommendations.

2.15. On behalf of the co-organizers, Colombia informed the Committee that the objective of the seminar had been to discuss farmers' SPS challenges in producing and trading food safely and sustainably. Food security, climate change, COVID-19 impacts, changes on MRLs, sustainable food production and trade, scientific evidence, the role of Codex, small-scale farmers, the role of policy makers, and what could be done to overcome related challenges were some of the topics discussed. In this seminar, moderated by the Permanent Representative of Costa Rica to the WTO, FAO had presented on challenges and opportunities facing agriculture in the XXI century. The United States had introduced the Global Economic Impact of Missing and Low Pesticide Maximum Residue Levels Report by the USITC, and had highlighted key findings of the report. Farmers from Costa Rica, Italy, Kenya, and Viet Nam had presented on some of the SPS-related challenges they faced and called

for more involvement of scientists and producers, trust, science-based evidence, increased access to production tools and technologies, and greater harmonization of MRLs. The Minister of Agriculture of Paraguay closed the seminar. In closing, the organizers stated that they would continue to work with other interested parties on these issues and invited Members to engage meaningfully.

2.16. Brazil congratulated the organizers of the seminar; it had been valuable for SPS delegates to witness the impact of the Committee's work on farmers worldwide and to hear the voices of producers in this forum.

2.17. The Philippines noted that regulatory frameworks should remain risk-based and aligned with international standards and reminded delegates that measures taken to achieve the appropriate level of protection (ALOP) should take into account technical and economic feasibility to avoid unnecessary trade restrictions. Farmers and industry should be empowered by expanding their toolbox to achieve food security and agricultural productivity.

2.18. Argentina highlighted the relevance of further deepening the analysis of these issues in the Committee. The joint participation of numerous agents, with technical and practical perspectives, confirmed the importance of these debates in real life. An SPS@25 event, celebrating the 25 years of the SPS Agreement, had taken place in the margins of the Committee meeting. Argentina stated that the principles agreed by Members 25 years ago, including the importance of basing SPS measures on risk assessments, were still in force and should not be re-interpreted in light of other criteria outside of the commitments adopted by Members.

2.19. Guatemala thanked Colombia for the summary provided on behalf of the organizers. The main objective of the seminar had been to find a space of dialogue and recognize the existence of challenges in the reality of production chains at the global level. Guatemala underscored the success of the event, with over 270 participants, and hoped to continue having these spaces of dialogue with the participation of more Members and trading partners.

[2.1.5 United States - Requirement for Additional Traceability Records for Certain Foods \(G/SPS/N/USA/3203\)](#)

2.20. The United States informed the Committee about its proposed regulation "Requirements for Additional Traceability Records for Certain Foods", which would enable faster removal of the affected products from the marketplace in the case of a foodborne illness outbreak or contamination event, reducing incidences of foodborne illnesses. The US statement is contained in [G/SPS/GEN/1860](#).

[2.1.6 Peru - Strengthening of sanitary control for fishery and aquaculture products through the risk-based audit process model](#)

2.21. Peru explained that the National Fisheries Health Service (SANIPES) had strengthened the sanitary control for fishery and aquaculture products through a risk-based audit process model. This methodology allowed to establish a pre-classification of the plants processing hydrobiological products, ensuring the fulfilment of sanitary requirements and increasing trust. IT solutions to share, register and analyse information would assist the audit process model. With this preventive approach, SANIPES could promote effective international cooperation among stakeholders in matters relating to trade facilitation and the fulfilment of export procedures for hydrobiological products. Further information was available on the SANIPES website. Peru provided its statement in document [G/SPS/GEN/1857](#).

[2.1.7 Belize - Enhancing the diagnostic capacity of Belize's Veterinary Services \(G/SPS/GEN/1838\)](#)

2.22. Belize informed Members that, thanks to an STDF funded project (STDF/PG/495), the Polymerase Chain Reaction Laboratory of the Veterinary Services had obtained ISO/IEC 17025:2017 accreditation for seven methods used in the detection of shrimp diseases. Belize provided its statement in document [G/SPS/GEN/1838](#).

2.1.8 European Union - Update on the African swine fever situation

2.23. The European Union thanked the Members that had supported its proposal for a thematic session on African swine fever (ASF) to be held in March 2021. The European Union shared information on recent ASF cases affecting feral pigs in Germany, which had been immediately notified to the OIE and trading partners. Intensive surveillance was ongoing in all high-risk areas, and regionalization and movement restrictions had been put in place. The European Union stressed that it aimed at guaranteeing a swift, efficient, and coherent response to ASF outbreaks in line with OIE standards and guidelines, and that its measures ensured that pigs, pork, and pork products from areas not under trade restrictive measures could be placed safely on the EU market and exported. The European Union highlighted its transparent approach and the effective management of its regionalization policy.

2.1.9 United States - USDA FSIS Final Rule on Egg Products Inspection Regulations

2.24. The United States provided information regarding its final rule modernizing the inspection requirements for egg products ([G/SPS/N/USA/2985/Add.1](#)), requiring, *inter alia*, federally inspected establishments to develop and implement Hazard Analysis and Critical Control Points systems and Sanitation Standard Operating Procedures. The US statement is contained in [G/SPS/GEN/1861](#).

2.1.10 Belize - STDF Pilot Project on Voluntary Third-Party Assurance Programme ([G/SPS/GEN/1839](#))

2.25. Belize provided the statement submitted in [G/SPS/GEN/1839](#), reporting on the STDF project STDF/PG/682 "Piloting the use of Third-Party Assurance (TPA) Programme in Central America (Belize and Honduras) to Improve Food Safety Outcomes for Public Health".

2.1.11 Ukraine - Update on import legislation on approved forms of certificates

2.26. Ukraine updated the Committee on its Ministerial Order on the approval of forms of certificates, notified in [G/SPS/N/UKR/138](#). Ukraine drew Members' attention to the legislative update by means of implementation of the State Control Law, in force since April 2018. Ukraine indicated that import requirements for foodstuffs, feedstuffs, animal by-products, live animals, and genetic materials had been developed and used as a basis for approved forms of certificates. Ukraine further indicated that templates of approved certificates were available on the Official Journal and online. Likewise, the list of legislation on import of food and animal by-products had also been developed and was available online. Ukraine added that previously agreed bilateral forms of certificates remained valid, but that those not complying with current import requirements were being analysed. In that regard, Ukraine indicated that it would contact trading partners to initiate the reconsideration process, taking into account trade priorities. Ukraine concluded that actions were underway aiming at transparently facilitating trade and looked forward to engaging with trading partners.

2.2 Information from Codex, IPPC and OIE on relevant activities

2.2.1 Codex ([G/SPS/GEN/1844](#))

2.27. The Chairperson drew the Committee's attention to the report on Codex activities provided in document [G/SPS/GEN/1844](#).

2.2.2 IPPC ([G/SPS/GEN/1827](#))

2.28. IPPC presented its report on relevant activities contained in document [G/SPS/GEN/1827](#). In particular, IPPC informed the Committee about the work of: (i) the Strategic Planning Group, which had advanced discussions on the development agendas in the IPPC Strategic Framework 2020-2030; (ii) the Standards Committee on standards, phytosanitary treatments, and recommendations, referring in particular to four draft International Standards for Phytosanitary Measures (ISPMs) dealing with Re-export, Audit in the phytosanitary context, Amendments to the Glossary of Phytosanitary Terms, and Commodity-based standards; (iii) the IPPC Secretariat on "design thinking" regarding new digital activities; and (iv) the FAO/IPPC Technical Working Group for the Global Action for Fall Armyworm (FAW) control on guidelines to implement phytosanitary measures where FAW is absent or of limited distribution.

2.2.3 OIE ([G/SPS/GEN/1830](#))

2.29. The OIE highlighted the main points of its report contained in document [G/SPS/GEN/1830](#). The OIE had been working with a network of experts and collaborated with WHO and FAO as well as with Members to enhance the capacity of countries to respond to the COVID-19 pandemic. The OIE gave an update on the Observatory on the implementation of OIE standards and the redesigning World Animal Health Information System (WAHIS) platform for the global dissemination of information on animal disease events. The OIE also informed the Committee of new guidelines on compartmentalization for ASF, the possible endorsement in 2021 of a first national control programme for dog-mediated rabies, and its work on updating standards on avian influenza. Finally, the OIE referred to information in document [G/SPS/GEN/1830](#) on the importance of surveillance for new zoonotic swine influenza viruses, the initiative to control zoonotic tuberculosis, and two new OIE publications on animal health issues and trade.

3 SPECIFIC TRADE CONCERNS

3.1 New issues

3.1. Before the adoption of the agenda, Mexico withdrew a specific trade concern regarding Honduras' import restrictions on animal feed that had been included in the draft annotated agenda circulated as [JOB/SPS/11](#).

3.1.1 China's actions related to COVID-19 that affect trade in food and agricultural products - Concerns of Canada and the United States

3.2. The United States provided the statement circulated in [G/SPS/GEN/1863](#). The United States urged China to withdraw COVID-19-related restrictions imposed since June 2020, including exporter statements requirements, the suspension of imports from facilities with worker cases of COVID-19, testing requirements, and port-of-entry rejections in case of positive nucleic acid test results.

3.3. Canada emphasized the need for cooperation to meet the challenges that COVID-19 posed to health and economies, avoid unnecessary barriers to trade, and contribute to food security. Canada also emphasized the importance of basing COVID-19 related measures on sound scientific principles and a risk assessment. Canada sought further information from China regarding the scientific basis for its recent measures relating to COVID-19, notified in [G/SPS/N/CHN/1173](#). Canada noted that, according to available scientific evidence, food, food packaging or food handling were not transmission routes. Canada referred in this regard to the International Commission on Microbiological Specifications for Foods opinion on SARS-CoV-2 of 3 September 2020 as well as to the FAO/WHO document "COVID-19 and Food Safety: Guidance for Food Businesses". Canada requested that, if China had scientific evidence suggesting transmission of COVID-19 through food, food packaging, or food handling, China share this evidence. Canada encouraged China to maintain ongoing dialogue towards reinstating suspended meat establishments.

3.4. Australia, Brazil, Paraguay, the United Kingdom, and Mexico supported the concern. Paraguay expressed its systemic interest in this concern and urged Members to base SPS measures on scientific evidence. In the same vein, Brazil underscored the relevance of the provisions of the SPS Agreement and the principle that SPS measures be based on scientific principles. Having observed that no other country, nor the OIE had so far found scientific evidence for a restrictive approach to agricultural trade because of COVID-19 transmission, Brazil requested China to share the scientific evidence on which its measures are based. Looking at the guidance from the FAO and WHO, the United Kingdom considered that there was no evidence to date that COVID-19 could be transmitted via food or food packaging. In addition, the OIE did not recommend that COVID-19 related sanitary measures be applied unless justified by a risk analysis. The United Kingdom also pointed to its own risk assessment published by the Food Standard Agency, which had concluded that the probability that UK consumers would receive infectious exposures of COVID-19 via the consumption of food, or the handling of food contact materials or packaging was very low. Finally, Australia suggested that a positive detection of SARS-CoV-2 on an inanimate surface did not mean a COVID-19 infection, and that contamination could occur at various stages along the supply chain. Australia encouraged China to work with global regulators to establish science-based measures and to share any scientific evidence it might have showing that COVID-19 can be transmitted through handling of food and food packaging.

3.5. Addressing first the scientific basis for its measures, China pointed to research proving that the virus can survive under low-temperature conditions. To China, since many countries had experienced COVID-19 clusters in food businesses, this showed that the SARS-CoV-2 virus could contaminate food or food packaging. China also pointed to WHO guidance indicating that the COVID-19 virus could be transmitted through respiratory droplets and by fomites as well as by touching a contaminated surface and then touching one's mouth, nose, or eyes. China could therefore not rule out the risk of spread via contaminated food or packaging. Reminding Members that the virus had been detected on the packaging and containers of imported white shrimp and chicken wings, China indicated that it had adopted provisional measures consistent with Article 5.7 of the SPS Agreement. China further indicated that, after expiration of the restricted period or re-testing and evaluation, China had restored export qualifications of temporarily restricted enterprises, thereby ensuring that the measures would have the least impact on trade.

3.6. China highlighted that it considered its measures to be consistent with the FAO/WHO guidance in the document "COVID-19 and Food Safety: Guidance for Food Businesses". To China, this guidance indicated that Members should not only focus on the known food safety risks, but also guard against the potential risks caused by SARS-CoV-2 contaminated food or food packaging to protect the health of consumers. Finally, China indicated that its measures to fight against the COVID-19 pandemic treated domestic and foreign enterprises equally. Reiterating that the objective of its COVID-19 related measures was to protect people's lives to the maximum extent, China agreed that cooperation needed to be strengthened among Members in the face of the pandemic.

3.1.2 Philippines' ban on poultry imports due to COVID-19 - Concerns of Brazil

3.7. Brazil informed the Committee that the Philippines had suspended the importation of poultry from Brazil, as notified in [G/SPS/N/PHL/467](#), arguing the detection of SARS-CoV-2 in a surface sampling conducted in chicken meat imported from Brazil to China. Despite the information provided by Brazil, the Philippines ban had been lifted only partially. Brazil considered that the restrictions lacked clear scientific justification and were inconsistent with Articles 2.2-2.3 and 5.1-5.2 of the SPS Agreement.

3.8. The Philippines noted that COVID-19 posed unprecedented challenges to public health and food systems and that, while the risk might be low, international guidelines did not dismiss human infection through contaminated surfaces. On the basis of available scientific information, the Philippines' Food Safety Act mandated to err on the side of caution to safeguard human lives and health. The Philippines thanked Brazil for the initial information provided in bilateral discussions and requested Brazil to provide missing documents for the completion of the risk assessment. The Philippines remained open to bilateral discussions with Brazil to resolve this concern.

3.1.3 Mexico's import restrictions on pork - Concerns of Brazil

3.9. Brazil reported that, in April 2019 and after 16 years of negotiations, its authorities had been informed of the negative result of the risk analysis regarding market access of Brazilian pork to Mexico. Despite the subsequent exchange of information and the recognition by the OIE of the state of Santa Catarina as free from foot-and-mouth disease (FMD) without vaccination, Mexico questioned the efficiency of risk mitigation strategies applied in that area. Brazil considered that this position was inconsistent with Article 6 and Annex C of the SPS Agreement. In July 2019, Brazil had proposed an international sanitary certificate model for pork meat for industrial processing and was now awaiting a response. Brazil reiterated that pork meat exported to Mexico came from a zone free from classical swine fever (CSF) and FMD, according to the OIE, and that pork imports were to be processed by Mexico's food industry.

3.10. Mexico reported that it was reviewing the technical information provided by Brazil in September about the measures being implemented on FMD risk products and, as informed on 9 October, would respond to Brazil in writing. Given its status as FMD-free country without vaccination, Mexico insisted on the importance of sanitary guarantees regarding FMD and other vesicular diseases, in accordance with the SPS Agreement and relevant international standards. Mexico encouraged a continued technical dialogue to deal with this concern.

3.1.4 Korea's lack of progress on pending applications for authorization of beef imports - Concerns of the European Union

3.11. The European Union was concerned that bans on imports of beef from the European Union imposed by Korea in 2001, following cases of BSE, were still in place. The European Union had provided Korea with all necessary information on BSE-related control measures to guarantee safe trade. While acknowledging the re-opening in 2019 of the Korean beef market for two EU member States, which in the EU view demonstrated the trust of Korea in the EU food safety and animal health policy, the European Union regretted that the assessment of most EU applications had not been finalized, despite the satisfactory completion of all the technical and scientific work. The European Union stated that Korea was not complying with Article 8 and Annex C of the SPS Agreement and was discriminating against the European Union compared to other Members with a similar BSE risk status as the European Union. The European Union urged Korea to grant market access for beef from remaining interested EU member States.

3.12. The Russian Federation shared the concern. The Russian competent authority (Rosselkhoznadzor) had provided Korea with relevant information regarding the recognition by the OIE of the Russian Federation as free from FMD without vaccination. In October 2019, Korea had provided information about the initiation of a risk assessment process for beef imports from three regions but had not yet authorized beef imports from the Russian Federation. It called upon Korea to adhere to Article 8 and Annex C of SPS Agreement and approve pending applications of access of Russian beef to the Korean market.

3.13. Korea stated that its import approval procedures for EU beef were based on a risk analysis and fully compliant with the SPS Agreement and international standards. Korea had already authorized imports of beef from the Netherlands and Denmark and import approval procedures were underway for EU beef. Korea indicated that it would continue bilateral consultations on this issue.

3.1.5 Delays in Malaysia's approval procedures for meat and dairy imports - Concerns of the Russian Federation

3.14. The Russian Federation expressed its concern with the lack of transparency and the delays of Malaysia's approval procedures for import of meat and dairy products. The Russian Federation had not received responses regarding the access of Russian products of animal origin to Malaysia, the invitation to inspect Russian establishments interested in exporting poultry meat, ready-to-eat dairy, and meat products into Malaysia, and the organization of bilateral meetings to discuss mutual market access. The Russian Federation considered this to be inconsistent with Article 8 and Annex C of the SPS Agreement and called upon Malaysia to implement transparency and prompt approval procedures and to provide the requested responses.

3.15. Malaysia was carrying out the necessary processes in response to three letters received from Rosselkhoznadzor. The Department of Veterinary Services would inform the Russia Federation on the outcome of the risk analysis following the questionnaire on importation of poultry and domestic fowl. The sample of the Veterinary Health Certification for milk and milk products was being processed and the risk analysis following the questionnaire on importation of beef was still on-going.

3.16. Malaysia argued that most of the requests had not reached the Food Safety and Quality Division of the Ministry of Health, but that responses had been provided to the Trade Representation of the Russian Federation in Malaysia and by email to Rosselkhoznadzor. The delay in responding was due to the involvement of various agencies. Malaysia advised to address further communications to the Ministry of Agriculture and Food Industries, International Division. The Food Safety and Quality Division was still awaiting Russia's response to Malaysia's request on fish and fishery products. Malaysia would be in touch bilaterally with the Russian Federation to discuss this issue further.

3.1.6 Honduras' import restrictions on pasteurized dairy products - Concerns of Mexico

3.17. Mexico expressed concerns on undue delays by the Honduran National Agriculture and Food Health and Safety Service regarding exports of pasteurized dairy products. According to Mexico, despite on-going dialogue since 2016 with the National Health, Food Safety and Agrifood Quality Service, the progress of the risk analysis for exporting establishments had been unnecessary slow, inconsistently with Article 8 and Annex C of the SPS Agreement. Mexico had also brought up the issue

at the Committee on Sanitary and Phytosanitary Measures established under the Free Trade Agreement between Mexico and Central America, without any progress. Mexico requested Honduras to respond to the requests concerning the planning of the necessary audits.

3.18. Honduras reported that the competent sanitary authority was reviewing the relevant administrative procedures, which would be communicated to Mexico in the coming days. Honduras expressed its willingness to maintain the technical bilateral collaboration to resolve this issue.

3.1.7 Non-publication of US final rule on importation of sheep, goats and certain other ruminants - Concerns of the European Union

3.19. The European Union raised a concern regarding the delay in the publication of the final rule "Importation of Sheep, Goats, and Certain Other Ruminants" by the United States, which was a necessary step in the approval procedures for exports of small ruminant meat. The relevant proposed rule had been published in the US Federal Register on 18 July 2016 and all technical and administrative work necessary to the publication of the final rule had been completed by August 2017. According to the European Union, the long delays were inconsistent with Article 8 and Annex C of the SPS Agreement. The European Union urged the United States to lift remaining restrictions related to transmissible spongiform encephalopathies (TSE) for all EU member States, and not to delay further the publication of the final rule. The European Union remained open to continue working constructively with the United States and all trading partners.

3.20. The United States informed the European Union that the US Department of Agriculture (USDA) was working through its administrative procedures to process the EU request. The United States noted the bilateral technical engagement and looked forward to continued cooperation with the European Union.

3.1.8 HPAI-related restrictions by China, the European Union and Kazakhstan - Concerns of Ukraine

3.21. Ukraine updated the Committee on its latest case of avian influenza (H5N8), which had occurred in January 2020 and had been reported to the OIE and trading partners. In response to the highly pathogenic avian influenza (HPAI) outbreak, a stamping policy out had been applied in the affected areas and zoning and surveillance had been carried out in accordance with the OIE Terrestrial Code. A rapid and effective disease control programme had been implemented to eradicate the virus and control the outbreak. Ukraine had also introduced a system of urgent notifications of quarantine restrictions, including the list of localities and establishments subject to such restrictions. Ukraine regretted that China, the European Union, and Kazakhstan continued to apply restrictions despite Ukraine having been recognized as free from HPAI since May 2020 and in disregard of international standards and their regionalization obligations. Ukraine urged Members to lift their restrictions without delay and indicated that it stood ready to work closely with Members to resolve this concern.

3.22. China expressed appreciation for Ukraine's implementation of its transparency obligations and noted the update on Ukraine's avian influenza-free status provided in the previous Committee meeting. However, China requested Ukraine to provide a link to the national self-declaration on OIE's official website so that China could initiate an evaluation.

3.23. The European Union recognized that Ukraine had recently been declared free from HPAI, and affirmed its willingness to follow international guidelines and recommendations on recognizing animal disease-free regions with respect to trade, provided control and epidemiological data allowed so. Noting that the topic had been previously discussed bilaterally and that Ukraine should also respect a regionalization-based approach for other diseases of importance to the European Union, the European Union remained open to continue working with Ukraine to finding a solution to this concern.

3.24. Kazakhstan responded that it had imposed temporary restrictions as of January 2020. Kazakhstan indicated that information provided by Ukraine had been transmitted to the relevant Kazakh authorities to conduct a scientific assessment and that it would consider lifting the temporary measures based on the result of this assessment.

3.1.9 Panama's import restrictions on animal and plant products - Concerns of Colombia and Costa Rica

3.25. Costa Rica underscored that raising STCs should not be a mere formality and urged Members to maintain the dialogue and the search of solutions in the Committee.

3.26. Costa Rica expressed its concern on the increasing number of import restrictions imposed by Panama and the negative effects on bilateral and regional agricultural trade, which were exacerbated by the COVID-19 pandemic. Tomato, strawberry, banana, plantain and pineapple were some of the affected products. In Costa Rica's view, Panama was systemically opting for the most restrictive option and was not taking any measure to resume trade. Costa Rica additionally reported that, in June 2020, Panama had decided not to renew authorizations for exports from establishments of products of animal origin before physically inspecting the plants. This affected exports of dairy, pork, beef, processed poultry meat, sausages, and food for fish from Costa Rica and other trading partners. In Costa Rica's view, Panama's measures appeared to be inconsistent with Articles 2-3 and 5-8 of the SPS Agreement as well as with Articles I:1 and XI:1 of the GATT 1994.

3.27. Costa Rica reiterated that there had been no change in its sanitary status that could affect the risk of products of animal origin and that the inability to conduct the physical inspection due to the pandemic had resulted in the sudden closure of trade of these products into Panama. Costa Rica regretted the lack of explanations provided by Panamanian authorities in bilateral meetings, where Panama had argued the non-compliance of the forms and times for applications for the renewal of plants and the need to narrow the trade balance with Costa Rica. Costa Rica additionally referred to Panama's intention to withdraw tariff quotas for liquid milk and evaporated milk, as communicated in [G/SECRET/45](#). Costa Rica urged Panama to lift import bans and implement measures facilitating agricultural trade while waiting for the situation to return to normal.

3.28. Colombia asked the Panamanian authorities to organize an in-person or online visit so that dairy products, processed meat products, and foods ready for human consumption could again be exported to Panama. Colombia circulated document [G/SPS/GEN/1852](#) on this issue.

3.29. Panama was in contact with Costa Rican authorities to start the procedures for the export of products of animal origin. According to Panama, Costa Rica was requesting the immediate opening of the market to processed products from establishments last inspected *in situ* in 2013 without allowing for a zoosanitary evaluation. In order to facilitate trade, Panama had extended the accreditation periods of processing plants in the past without conducting *in situ* evaluations; the last extensions had expired on 30 June 2020 and no request had been received in due course. Concerning phytosanitary measures, Panama underscored its right to protect itself from quarantine pests such as *Tuta absoluta*, the migratory locust and Fusarium tropical race 4, for which Panama was receiving funding from the International Regional Organization for Agricultural Health (OIRSA).

3.30. Panama would also report to capital Colombia's concern which, in its view, referred to the need for new inspections due to the expiry of the accreditation of certain processing plants. Panama remained open to dialogue to establish safe trade flows.

3.1.10 Chinese Taipei's phytosanitary risk assessment procedure on imports of fresh vegetables and fruits - Concerns of Ukraine

3.31. Ukraine expressed concerns regarding the lack of progress in Chinese Taipei's pest risk assessments (PRAs) concerning imports of onions and apples from Ukraine. Ukraine noted the bilateral exchanges held with Chinese Taipei. Ukraine had provided the requested priority ranking of products and asked Chinese Taipei to provide an update on the development of the PRAs and their results, including indicative timeframes for completing such assessments. In Ukraine's view, the lack of responses on the substance constituted undue delays and an unjustified barrier to trade, making export of certain of fresh vegetables and fruits to Chinese Taipei impossible. Ukraine requested Chinese Taipei to remedy the current situation.

3.32. Chinese Taipei thanked Ukraine for bringing this concern to the Committee. Chinese Taipei stated that, for resource allocation purposes, it had asked Ukraine to identify a priority for market access and that Ukraine had confirmed onions as its priority only at the end of 2019. Chinese Taipei

highlighted the time needed for PRAs, including reviewing documents provided by the exporting country and relevant scientific literature. Chinese Taipei expressed its willingness to continue discussions with Ukraine bilaterally and looked forward to completing the PRA process.

3.1.11 India's import requirements for pulses - Concerns of Canada

3.33. Canada expressed concerns about the impact of India's trade restrictive measures on pulses, including mandatory fumigation requirements and new measures on weed seeds. Canada considered its science-based systems approach to pest management to be an effective and equivalent alternative to fumigation. While Canada had raised the recognition of its systems approach with India on numerous occasions and at various levels, a solution was yet to be found. Turning to India's new measures on weed seeds, Canada noted that India had added 26 new weed seeds species to its List of Quarantine Weed Seeds in October 2019. In Canada's view, these actions were inconsistent with the principles of transparency, predictability, and scientific basis for international rules-based trade. Specifically, Canada questioned India's technical justification as it did not appear to follow IPPC guidance. Canada hoped for an early and final resolution to these issues.

3.34. The Russian Federation supported this concern and called upon India to lift its ban and accept the use of alternative fumigants based on hydrogen phosphide (phosphine), in accordance with prevailing international practice.

3.35. India responded that it had been engaging with Canada on this issue since 2018 and that it was currently in the process of examining information provided by Canada. In that regard, India pointed to: (i) information provided following a visit to Canada to review its systems approach and a related request for information by India; and (ii) information provided in the context of Canada's request for a review of the list of quarantine seeds regulated under India's Plant Quarantine Order of 2003. India also indicated that it was still awaiting a response from Canada in relation to India's review of the PRA for pulses imported from Canada following the interception of quarantine pests in consignments of pulses in October 2019. India reaffirmed its commitment to finding a mutually acceptable solution with Canada on this matter.

3.1.12 Ecuador's import restrictions on grapes and onions - Concerns of Peru

3.36. Peru raised its concern regarding Ecuador's import restrictions on grapes and onions due to maximum levels of pesticides. Peru recognized the legitimate objective of health protection but considered Ecuador's actions to be more trade restrictive than necessary. Peru further indicated that it had provided and requested additional information on several occasions, but that no response had been received from Ecuador. In Peru's view, there was evidence of non-compliance with Article 8 and Annex C of the SPS Agreement. Peru regretted that, despite having complied with all the requirements requested by Ecuador to re-establish market access, restrictions remained in force without any technical justification. Emphasizing the significant loss to Peruvian exporters, Peru urged Ecuador to grant market access to grapes and onions from Peru.

3.37. Ecuador thanked Peru and stated that it would provide comments as soon as possible.

3.1.13 Request for information on the EU Farm to Fork Strategy - Concerns of Colombia

3.38. Colombia referred to the statement it had submitted in eAgenda, containing the questions Colombia had asked the European Union on its Farm to Fork Strategy in the Committee on Agriculture², and which the European Union had requested be asked in this Committee.

3.39. Paraguay, Indonesia, Ecuador, Peru, and Guatemala supported the concern raised by Colombia. Referring to the EU communication contained in document [G/SPS/GEN/1797](#), Paraguay noted the objective of the Farm to Fork Strategy to promote a global transition towards sustainable food systems and observed that the European Union had committed to collaborate with its trading partners. Paraguay expressed disappointment that the European Union had only provided evasive responses until now. Indonesia expressed interest in the Farm to Fork Strategy, particularly MRLs for plant products given the potential implications for international trade, seeking further explanations on this issue. Ecuador expressed interest in Colombia's questions to the European

² AG-IMS ID 93127.

Union. Ecuador recognized the importance of sustainability concerns and the protection of the environment. In Ecuador's view, pest resistance in one part of the globe was not an isolated event and the effect of pesticides was a matter of concern to all Members. Peru indicated it was monitoring the progress of the Farm to Fork Strategy and highlighted the need to apply risk analysis for regulations developed in the context of this Strategy in line with the SPS Agreement. Keeping in mind that these issues had been previously raised in another Committee, Guatemala invited the European Union to provide responses in this Committee to Colombia's questions.

3.40. The European Union submitted document [G/SPS/GEN/1868](#) in response to this STC. Any regulatory decisions to lower MRLs for pesticides would be made on a case-by-case basis considering the best available scientific evidence. The European Union announced its intention to propose measures in the following month with respect to two specific active substances – namely, clothianidin and thiamethoxam, both belonging to the group of neonicotinoids – in respect of which it was planning to lower MRLs. The European Union assured that relevant science would be made available to all interested parties. In addition, the European Union emphasized that the Farm to Fork Strategy was not laying down any legislation and that the Strategy itself had thus no STC implications.

3.41. Colombia thanked the European Union for the answers provided. Colombia clarified that, although not an STC *per se*, Colombia had submitted this request for information in the form of an STC in line with past practice.

3.1.14 EU proposal requiring residue testing of casings - Concerns of Australia

3.42. Australia looked forward to receiving formal answers from the European Union to comments provided in response to notification [G/SPS/N/EU/401](#) regarding changes to export certificates for animal products and to an EU letter regarding requirements for the import of casings into the European Union. Australia considered that a separate residues plan for casings could not be justified as a risk management measure and that it would set a precedent for similar trade-limiting actions on other processed animal products. In Australia's view, the European Union had not provided the relevant scientific evidence and the measures were arbitrary and unjustified. Australia noted the lack of provisions for countries with EU approved residues monitoring plans for the species of animal from which the casings may be derived, the lack of justification for imposing the requirements on countries with controls over establishments preventing the use of antimicrobials in the production of casings, and the lack of relevance of the list of compounds proposed for testing to the concerns.

3.43. Ukraine expressed interest in staying informed on bilateral developments on this issue.

3.44. The European Union clarified that the establishments authorized to export casings to the European Union were listed in the Trade Control and Expert System (TRACES) at the request of the national authorities of 39 third countries. Regulation (EU) 2016/429 established that the entry of products of animal origin into the European Union was subject to listing of the third countries, territories, or zones of origin; the current requirements on production and entry into the European Union of casings would change as of 21 April 2021. Regulation (EU) 2017/625 required that products of animal origin enter the European Union only from listed third countries.

3.45. The European Union stated that the main risks of residues from pharmacologically active substances were linked to treatment of casings to avoid spoilage by bacteria. In order to mitigate the risk posed by the presence of antimicrobial residues in casings, the Commission required guarantees on the residues status of casings as a condition for importation, focusing on those antimicrobial substances which were prohibited from use in food-producing animals in the European Union. Batches of casings would have to be accompanied by a specific import certificate including attestations on animal health, public health and residues. EU stakeholders and trading partners had been informed of the new requirements through an SPS notification and by letter and a specific information session had also been organized.

3.1.15 India's requirement for certificate for Non-GM origin and GM-free status - Concerns of the United States

3.46. The United States expressed concerns about India's new measures requiring "non-GM (genetically modified) origin and GM-free certificates for certain agricultural imports, notified in [G/TBT/N/IND/168](#), but not to the SPS Committee. India had not identified any specific food safety risk associated with the products at issue and the United States requested that India reconsider and delay implementation of its temporary measure. The United States provided its statement in [G/SPS/GEN/1865](#).

3.47. Paraguay expressed interest in this topic and asked India to provide information on the scope of the measure (commodities or also processed products), the basis and scientific evidence for the differentiated treatment of genetically modified organisms (GMOs) and non-GMOs, the ALOP India sought with this distinction, and the reasons for notifying the measure as TBT rather than SPS.

3.48. Japan was concerned that India's proposed measures would create unnecessary trade barriers and negatively impact agricultural trade. Japan sought further clarification on the scientific justification and the rationale for certain requirements, and asked India to reconsider the implementation of the proposed measures.

3.49. Uruguay noted the international consensus that GM products approved by exporting countries based on Codex recommendations were equivalent to their conventional counterparts. India's measure thus seemed to lack technical justification. Given the objective to ensure safety of imported food, in Uruguay's view the measure should also be notified and discussed in the SPS Committee.

3.50. Brazil expressed concerns regarding India's requirements and noted that India had not published any regulatory impact assessment or risk analysis, nor had India explained the link between the regulation and its pursued objectives. Brazil questioned the transparency of the regulatory process undertaken by Indian authorities and believed that the measures should also have been notified to the SPS Committee. According to Brazil, GM exemption guarantees for the most affected Brazilian exports (apples, cowpea beans, tobacco, and corn) would add unnecessary costs and regulatory burden to food value chains, without scientific justification and with no additional benefits to food safety.

3.51. Canada was concerned that India's non-GM import certification requirement would impact the ability of countries producing GM products to export to India and would unnecessarily restrict international trade. It was Canada's understanding that the measure had been taken pursuant to the 2017 Food and Safety and Standards (Import) Regulations to ensure food safety and should thus be notified to the SPS Committee. Canada had submitted written comments through the TBT enquiry point. Canada stated that GM products had been marketed safely for a long time as countries had developed effective regulatory frameworks to assess risks prior to their commercialization. In Canada, the National Competent Authority does not issue any import certification for these products as it assesses the safety of GM products prior to their release on the market. Canada requested India to explain the reasons for the non-GM certification requirement and to delay the implementation of the measure.

3.52. Australia shared the concern and concurred that the measure should have been notified to the SPS Committee. While recognizing India's right to take measures to protect public health, Australia reiterated the importance of complying with WTO obligations, in particular that measures be applied in a non-discriminatory manner, only to the extent necessary and that they not be more restrictive than necessary, especially during the COVID-19 pandemic. Australia had submitted written comments on India's notification in the TBT Committee and looked forward to India's response.

3.53. Argentina also shared the concern and noted that the measure lacked scientific evidence to discriminate between GM products and their conventional counterparts. Argentina considered that India's measure was disproportionate and created unnecessary barriers to international trade. Argentina hoped that the comments submitted through the TBT enquiry point would be taken into account.

3.54. New Zealand requested clarification regarding the specific intent and objective of the proposed measures, under which provisions of the SPS Agreement the measure was proposed, and the less trade restrictive alternatives considered for countries that had not approved the release of any genetically modified crops into the environment. New Zealand believed that the proposed requirements would impose further unjustified restrictions and costs on existing trade and looked forward to sharing its concerns in greater detail.

3.55. Chile had also raised the concerns in the TBT Committee and was awaiting responses to the comments provided on India's notification [G/TBT/N/IND/168](#). Chile asked India to provide the relevant scientific evidence.

3.56. India informed the Committee that the Food Safety and Standards Authority of India (FSSAI) would review the comments received on the notification to the TBT Committee and that it would convey the concerns to its domestic agencies. FSSAI was also discussing the issue with the USDA's representatives in Delhi.

3.1.16 EU restriction on highly refined products imported from China - Concerns of China

3.57. China expressed concerns regarding the different types of controls that chondroitin sulphate exported from China was subject to at different EU border control posts. China explained that, on the basis of risk and of Implementing Regulation (EU) 2019/626, chondroitin sulphate exported as food was permitted. However, only chondroitin sulphate considered as feed material was covered in the Annex to Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China, which stipulated that only imports of products of animal origin from China covered in Annex should be authorized. China requested the European Union to amend the Annex to Decision 2002/994/EC to include chondroitin sulphate in the list of food of animal origin authorized into the European Union from China, and to clarify whether the import of chondroitin sulphate derived from animals from China was authorized and provide reasons.

3.58. The European Union thanked China for the enquiry and indicated the full applicability of Decision 2002/994/EC and subsequent modifications (the latest being Decision 2015/1068), which laid down the list of food and feed products authorized to be imported from China into the European Union. The European Union was not aware of any discrepancy in the interpretation of this Decision among EU border control posts, but it would investigate this matter and revert to China in due time. The European Union reminded the availability of EU technical experts to provide clarifications.

3.1.17 EU restrictions on exports of chocolate and cocoa products due to the application of the Commission Regulation (EU) N° 488/2014 of 12 May 2014 Amending Regulation (EC) N° 1881/2006 as regards maximum levels of cadmium in foodstuff - Concerns of Peru

3.59. Peru raised its concern regarding Regulation (EU) 488/2014 and provided the statement circulated in [G/SPS/GEN/1870](#). In Peru's view, the EU Regulation negatively impacted trade of cocoa beans and cocoa powder. Peru also reminded of the Joint FAO/WHO Expert Committee on Food Additives' (JECFA) opinion of 2013 and noted the economic damage resulting from the request by EU importers of analysis of cadmium in cocoa beans, despite the Regulation referring to chocolate and cocoa products.

3.60. Peru stated that exports of cocoa beans to the European Union had decreased and, as a consequence, the price of beans had dropped. Peru complained that EU importers required analysis of cadmium for all exported batches, performed both in Peru and upon arrival, with applied levels between 0.7 ppm and 1.0 ppm depending on the destination. Exports of cocoa powder to the European Union had also dropped. In Peru's view, Regulation (EU) 488/2014 was inconsistent with the objective of protecting the final consumer and created unnecessary barriers to exports of this product. Peru asked the European Union to explain what actions had been or were to be taken to avoid importers misusing the standard. The commercial consequences were also visible from the reductions of exports of traditional cocoa to the EU market and an increase of exports to the Asian market at a reduced price.

3.61. Peru also noted the development of the industrialization process for cocoa exports undertaken over the previous five years and regretted that the EU Regulation increased costs and reduced the industry's profitability. Peru stated that the implementation of Regulation (EU) 488/2014 would make it impossible to achieve results on the cooperation projects funded by the European Union, which required avoiding negative impacts in the price of cocoa. Peru requested the European Union to revoke Regulation (EU) 488/2014 which, in its view, was inconsistent with Articles 2 and 5 of the SPS Agreement and generated unnecessary barriers to trade.

3.62. Indonesia supported the concern and appreciated the information provided by Peru, which suggested that the existing international standard of cadmium levels was sufficient to protect human health. Indonesia urged the European Union to harmonize maximum levels of cadmium with international standards, guidelines, or recommendations.

3.63. Colombia thanked Peru for its intervention and expressed concern regarding the entry into force of Regulation (EU) 488/2014, which had disrupted trade of chocolate and cocoa products since 2019. The Regulation applied only to certain categories of cocoa products and Colombia requested the European Union to increase surveillance and control of economic operators in the application of the Regulation.

3.64. The European Union thanked Peru and the other Members for raising the issue and reassured them that it fully appreciated the economic consequences related to this public health issue. The EU measure was necessary to protect the health of consumers and was based on a risk assessment that took into account the tolerably weekly intake (TWI) established by the European Food Safety Authority (EFSA) and EU consumption patterns. It was shown that consumption of chocolate was significantly higher than in other parts of the world and that some vulnerable groups, specifically children, exceeded the TWI.

3.65. The European Union noted the 4-year transitional period granted for chocolate and chocolate products since the entry into force of the Regulation on 1 January 2015 to take into account concerns of producing countries. The EU maximum limit for chocolate over 50% total dry cocoa solids was in line with the recently agreed Codex levels and stricter limits had only been introduced to the extent necessary to protect human health. Maximum levels had been set for final products, not for cocoa beans, to avoid unnecessary trade restrictions. The European Union was providing targeted technical assistance and was implementing a specific development programme under the Development-Smart Innovation through Research in Agriculture Initiative to promote sustainable cocoa production in Colombia, Ecuador, and Peru. The European Union remained open to continue bilateral discussions.

3.1.18 Proposed new EU rules on composite products - Concerns of Australia

3.66. Australia expressed concerns about the potential negative impact that the EU proposed changes relating to shelf-stable composite products under Regulation (EU) 2019/625, notified in [G/SPS/N/EU/401](#), might have on trade in shelf-stable composite products. Products previously excluded from the original EU Regulation of 2007 would now be captured in the proposed requirements for food manufacturers of shelf-stable composite products to attest the sourcing of animal origin ingredients (dairy, fishery, or egg origin) from EU approved establishments either in EU member States or in authorized third countries. Australia considered that these requirements were not justified and would not lead to significant improvements in safety or a higher quality of products, and asked the European Union to explain how the proposed regulatory requirements were in line with the SPS Agreement and Codex international standards.

3.67. Australia requested the European Union to recognize equivalence of third countries already implementing a sufficient level of sanitary regulation for low-risk shelf-stable composite products, as established in Article 4 of the SPS Agreement. It also requested the European Union to indicate how the proposed changes corresponded with the level of risk posed by the presence of low levels of animal origin ingredients contained within shelf-stable composite products, as required under Article 5 of the SPS Agreement. Australia looked forward to receiving the EU views on the precedent that this regulation would set for international trade in shelf-stable foods, and requested the European Union to reconsider the implementation of this regulation as currently drafted, including product coverage and thresholds.

3.68. Japan shared Australia's concern on the new EU rules on composite products. In Japan's view, the EU requirement to attach an official certificate or a private attestation stating that ingredients of animal origin came from an EU approved establishment, even for low-risk processed products with small amounts of animal origin ingredients, would impose a disproportionate burden to business operators. In the case of Japan, this would hinder exports of numerous shelf-stable seasonings, including miso. It was Japan's understanding that the rule was still under revision, including the amendment of Annex II of Decision 2007/275/EC, which contained the list of foods exempted from the official control at EU border control points. Japan requested the European Union to address the concerns of its trading partners and establish non-restrictive rules based on risk.

3.69. The Russian Federation echoed the concern that the draft Implementing Regulation notified in [G/SPS/N/EU/401](#) would significantly affect trade. The Russian Federation noted that several of the proposed requirements were not in line with the OIE Terrestrial Code and lacked information on their scientific principles and justification. The Russian Federation regretted that the European Union had not notified to the WTO the legal acts referred to in the draft Implementing Regulation. The Russian Federation believed that changes in the requirements were inconsistent with Article 2.2 of the SPS Agreement, were more trade restrictive than necessary, and could result in trade barriers for composite products. The Russian Federation asked the European Union to provide feedback on the comments and questions sent by Rosselkhoznadzor to the EU Commission's Directorate-General for Health and Food Safety.

3.70. Chinese Taipei thanked Australia for raising the concern and stated that the EU requirements established in Regulation (EU) 2019/625 lacked a scientific basis, since they did not differentiate or consider the proportion of usage of ingredients of animal origin in the final composite product, even in situations in which the ingredients were denatured or highly processed. Chinese Taipei urged the European Union to provide the relevant scientific evidence and risk assessment supporting its requirements, and recommended the adoption of SPS measures not more trade-restrictive than required to achieve its ALOP, in order to minimize the negative impact on trade and comply with WTO commitments.

3.71. New Zealand supported the establishment of SPS import measures based on risk in accordance with the SPS Agreement, and stated that low-risk foods should not, in the absence of a risk analysis, be subject to official health certification.

3.72. The United States thanked Australia for raising this concern on the proposed EU model certificates on composite products, which it considered to be overly burdensome and have the potential of affecting supply chains and market access. The United States requested that the European Union allow, at a minimum, a 9-month transition period, provide a list of composite products that will be exempted from certificate requirements, and consider a robust risk management system for certification and verification. The US statement is contained in document [G/SPS/GEN/1859](#).

3.73. The European Union reminded that the risk-based import conditions for composite products modified in 2019 were due to apply on 21 April 2021, and specified that some practical implementing measures were still under preparation. The European Union regretted that several of the concerns expressed referred to EU requirements in force since 2004 that remained unchanged. One innovation was the three-tier approach to categorising composite products depending on their level of risk. The import conditions were now based on the risk posed by the composite products categorised in non-shelf-stable, shelf-stable containing processed meat, and shelf-stable containing processed products of animal origin other than processed meat.

3.74. The European Union stated that a longer list of composite products, extended from the existing list and subject to stakeholder consultation, would be exempted from controls due to their lower risk. Additionally, the certification requirements would also change. Additional information on new requirements had been presented in documents [G/SPS/GEN/1763](#) and [G/SPS/GEN/1786](#), via SPS notification, by letter, and through a specific information session. The European Union remained available to provide further details on the practical aspects of import conditions.

3.1.19 China's recognition of equivalence for third parties introduced as part of Phase 1 of the Economic and Trade Agreement between the United States and China - Concerns of Australia

3.75. Australia appreciated China's assurance that Phase One of the Economic and Trade Agreement between the United States and China (Phase One Agreement) regarding technical SPS measures would be implemented in a WTO consistent manner, in alignment with international standard-setting practices, and following a science- and risk-based approach. As such, Australia requested that all Members receive the same treatment granted to the United States with respect to streamlining of regulatory processes and equitable application of import conditions.

3.76. Australia had longstanding concerns regarding the significant delays in obtaining Chinese government approval for export establishments for Australian agricultural commodities. Australia sought China's commitment to apply to other countries the same assessment timeframes outlined in the Phase One Agreement for relevant commodities. Australia also requested the prompt amendment of relevant Chinese regulations, where required, for the equitable application of other agreed changes to Chinese import requirements. Given China's commitments under the Phase One Agreement, it was Australia's understanding that highly processed products containing poultry material would be eligible for import into China regardless of a country's avian influenza status, on the basis of Chapter 10.4 of the OIE Terrestrial Code. Australia requested China to extend to all trading partners the same opportunities provided to the United States under these commitments.

3.77. China thanked Australia and underscored that the Phase One Agreement was in full compliance with the WTO Agreements. China noted that food safety incidents on Australian meat products had occurred since 2019, affecting consumer's confidence and China's assessment of Australia's recommended registered companies. China expected Australia to strengthen effectively the supervision and ensure the safety of meat products in accordance with the requirements of the bilateral agreement. Similar situations had been faced regarding exports of aquatic products to China and the management of food exporting companies. China invited Australia to communicate bilaterally with the relevant Chinese authorities to promote the resolution of related issues.

3.2 Issues previously raised

3.2.1 EU MRLs for buprofezin, chlorothalonil, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ioxynil, iprodione, molinate, picoxystrobin and tepraloxydim (STC 448) - Concerns of Colombia, Costa Rica, the Dominican Republic, Ecuador, Paraguay and the United States

3.78. Paraguay and Colombia requested the European Union to provide written answers to the questions contained in document [G/SPS/GEN/1847](#), raised together with Colombia and Guatemala. Paraguay clarified that this STC included the substances mancozeb, chlorpyrifos, and chlorpyrifos-methyl.

3.79. Ecuador expressed concerns on the reduction of MRLs for plant protection products that were crucial to manage pests and resistances in tropical climates. For instance, the reduction of the MRL for chlorothalonil ([G/SPS/N/EU/394](#)) or for chlorpyrifos and chlorpyrifos-methyl ([G/SPS/N/EU/360](#)) could have severe economic consequences. Ecuador stated there were currently no alternative phytosanitary products with a similar environmental or toxicological profile as chlorothalonil. The European Union had also questioned the environmental and sanitary effects of alternatives such as mancozeb, metiram, folpet, or propineb. Ecuador requested the European Union to renew the approval and maintain the MRL for mancozeb, used to control black sigatoka. Ecuador urged the European Union to take into account available scientific information, such as information provided by Codex, and to provide at least 36 months for producers in developing countries to adapt when the reduction of MRLs was essential.

3.80. Australia shared the concerns and was awaiting the EU responses to the comments submitted on the proposed MRL reduction for chlorothalonil and propiconazole, notified in [G/SPS/N/EU/394](#). Its grain industry was particularly concerned, and Australia had requested the European Union to consider an MRL of 0.05 mg/kg in pulses, instead of the proposed 0.01 mg/kg, to facilitate uninterrupted trade between Australia and the European Union.

3.81. The Dominican Republic reiterated its concerns and supported the previous interventions. The Dominican Republic was concerned by the proposed changes for diflubenzuron, chlorothalonil, and iprodione, as producers would not have enough time to find reliable alternative control measures. The EU measures would mainly affect exports of bananas, mangoes and avocados. In the Dominican Republic's view, the measures lacked robust scientific justification and would create unnecessary barriers to trade. As such, it requested the European Union to reconsider the implementation of the measures.

3.82. El Salvador shared the previously expressed concerns on the negative impact of the measure of exports of agricultural products from developing countries to the European Union. El Salvador was particularly concerned by the MRLs for buprofezin and chlorothalonil and reiterated its concern for the various EU regulations on MRLs. El Salvador urged the European Union to base its regulations on technical evidence and not to generate unjustified barriers to trade.

3.83. Uruguay expressed its concern on the EU approach to reduce MRLs for an increasing number of active substances without a complete risk assessment. Six months was an insufficient transition period to adapt the production and ensure compliance with the modified MRLs. Uruguay called upon the European Union to take into consideration the concerns, respond to the questions raised by several Members under this item and reconsider its regulatory approach to avoid unnecessary barriers to trade.

3.84. Chile reiterated its support to this concern on buprofezin, chlorothalonil, and mancozeb, highlighting its potential negative and unnecessary impact on trade and major implications for its domestic producers. Chile's statement is contained in document [G/SPS/GEN/1849](#).

3.85. Brazil shared this concern and recalled its previous comments in the SPS and TBT Committees regarding Implementing Regulation (EU) 017/360. In its view, the EU measures were based on a hazard-based approach and on the precautionary principle, and the evaluations carried out by the European Medicines Agency and EFSA were not conclusive regarding the genotoxic quality of substances such as buprofezin. Brazil reiterated that the non-renewal of a registration was only a step before the reduction of MRLs, which was an SPS measure aimed at the protection of human, animal or plant life or health that did not necessarily comply with other obligations in the SPS Agreement. The transitional periods established by several EU regulations did not allow a reasonable interval for producers to adapt their products and methods of production. Brazil called upon the European Union to provide answers to the questions raised.

3.86. Honduras supported the concern and asked the European Union to ensure that its measures did not restrict trade more than necessary and to follow Codex international standards.

3.87. Costa Rica regretted the lack of answers from the European Union regarding Costa Rica's concerns about the impact on its production systems of the reduction of MRLs to the level of detection which, in practical terms, meant the exclusion of those substances from some pest-control programmes. In previous meetings, Costa Rica had specifically highlighted concerns on chlorothalonil, imazalil, buprofezin, and mancozeb, reiterating the lack of scientific evidence and the divergence with findings of other international institutions. Costa Rica noted the crucial function of the reduced number of substances available in the market to ensure rotation in tropical conditions and avoid cross-resistance.

3.88. While noting the potential good news for imazalil, Costa Rica regretted the uncertainty and the economic implications for production of providing data on its safe use in banana. The EU decision not to renew mancozeb meant a new challenge. Costa Rica reminded that numerous Members had supported this concern in documents [G/C/W/767](#) and [G/SPS/GEN/1778](#) and its revisions. Costa Rica urged the European Union to reconsider its regulatory approach and establish an effective dialogue with affected Members to consider measures with a limited impact on food security, in particular in face of the consequences of the COVID-19 pandemic on the most vulnerable populations.

3.89. Guatemala hoped to receive a clear answer from the European Union to the questions in [G/SPS/GEN/1847](#), raised together with Colombia and Paraguay. The concerns also addressed the substances chlorpyrifos, chlorpyrifos-methyl and mancozeb, used for pest control. This would affect the agricultural sector, given the lack of effective alternatives in the market. Guatemala asked the European Union to clarify how the measure would not hinder trade from tropical countries and

reiterated the importance of basing measures on risk analyses to avoid unnecessary trade restrictions. Guatemala asked the European Union to share the results of the analysis.

3.90. Argentina reiterated its concern on the hazard-based approach without a risk determination used by the European Union regarding regulations on pesticides. Argentina shared the EU concern to strengthen human health protection, and highlighted the importance of ensuring SPS risk-based measures. Argentina was especially concerned that the increasing number of substances banned by the EU Commission, as indicated in [G/SPS/GEN/1778/Rev.4](#) and [G/TBT/GEN/296/Rev.4](#), could seriously affect several Members, namely developing countries, highly dependent on agricultural exports. Argentina urged the European Union to use a risk-based approach in the analysis of regulatory changes and determine the different aspects that can affect human health and the environment on the basis of conclusive scientific studies.

3.91. Canada thanked the Members raising the concern and reiterated the need to base decision-making processes on risk assessment techniques developed by international organizations. Canada requested the European Union to notify the Committee of any anticipated change in its MRLs, to take Members' comments into account, to allow for transition periods for producers to adapt to new requirements and avoid discrimination between domestic producers and foreign exporters.

3.92. The Philippines expressed interest in this matter and stated that it would continue to monitor developments in this regard.

3.93. Indonesia supported this STC for chlorothalonil, chlorpyrifos, and mancozeb. Indonesia reminded that high levels of SPS protection should be justified scientifically. Lowering the level on MRLs negatively affected international trade and Indonesia urged the European Union to harmonize MRLs for some active substances with international standards, guidelines, and recommendations.

3.94. Reiterating its support, Peru was concerned by the increasing number of MRLs deviating from Codex international standards, which resulted in negative economic effects on its agricultural exports and restricted trade more than necessary.

3.95. Panama echoed interventions by previous delegations and reiterated the support to this STC.

3.96. Nicaragua shared the concern on the EU policy to modify pesticide MRLs, namely for imazalil, buprofezin, glufosinate, diflufenzuron, chlorothalonil, and picoxystrobin, used to control pests and weeds common in tropical areas. The legitimate objective to reach the appropriate level of consumer protection should be achieved based on the relevant scientific information, joint collaboration, and through the relevant international organizations. Nicaragua joined other delegations in requesting the European Union to engage in a constructive dialogue with its trading partners on the implementation of such measures.

3.97. The United States expressed concerns over the EU implementation of unnecessarily restrictive pesticide policies, which were adversely impacting global agricultural production and trade. The United States raised a number of new questions for the EU and called on the European Union to join with its trading partners in identifying mutually beneficial solutions. The United States submitted its statement in document [G/SPS/GEN/1858](#).

3.98. The European Union thanked Members sponsoring the concern and reminded that most questions had been previously answered. Written responses were subsequently provided in document [G/SPS/GEN/1872](#). The European Union stated that MRLs should be set at the lowest achievable level consistent with good agricultural practices to protect consumers. On scientific evidence, the European Union noted that decisions to approve or to revoke approval of active substances and on MRLs were taken based on rigorous risk assessments by EU member States and EFSA. Information for decisions was available on EFSA's website and on the rationale of each EU decision. The European Union fully supported the activities of the relevant ISSBs, including Codex, and their public, animal and plant health measures were based on those relevant international standards as much as possible. Regulation (EC) 396/2005 stipulated that pesticide MRLs set by Codex should be considered when setting EU MRLs, taking into account the corresponding GAP, and the European Union was aligned with more than 70% of Codex limits established between 2012 and 2019.

3.99. Referring to transparency and the approach of dual notification for relevant measures, the European Union noted that comments on TBT measures should be addressed to the TBT enquiry point even when these were notified, for information only, under the SPS Agreement. The European Union had taken into account and responded in writing to comments on the revocation of authorization of specific substances on MRLs from Members on measures notified under the TBT and/or SPS Agreements. The European Union specifically referred to notification [G/SPS/N/EU/394](#) on chlorothalonil, lowering all MRLs to the relevant limit of quantification, in view of the concerns identified by EFSA, applicable as of August 2021. On chlorpyrifos and chlorpyrifos-methyl, the European Union stated having sufficient scientific evidence that both substances posed serious concerns to human health. The regulations concerning their non-approval, notified to the TBT Committee, had been adopted and published on 10 January 2020. They required EU member States to withdraw authorizations from plant protection products containing chlorpyrifos and chlorpyrifos-methyl by 16 February 2020, with a short period of grace until 16 April 2020. The European Union had notified to the Committee the Commission proposal to lower MRLs for chlorpyrifos and chlorpyrifos-methyl to the level of quantification, with a three-month deferral period for the application of the lower MRLs. Finally, the draft Implementing Regulation concerning the non-renewal of the approval of mancozeb, in accordance with 1107/2009, had been notified to the TBT Committee on 17 April 2020. During the evaluation of the substance, concerns were identified by EFSA. Mancozeb did not meet the approval criteria as outlined in Article 4 of Regulation (EC) 1107/2009 and could not be currently approved. EU member States must withdraw existing authorizations of plant protection products containing mancozeb at the latest by six months after the date of entry into force of the Implementing Regulation. It was likely that separate actions would take place regarding the MRLs, which would follow the corresponding SPS procedures.

3.100. Paraguay pointed out that most of the EU answers had not provided the full information requested over the last two years. Paraguay regretted that no additional information, relative to previous interventions, had been provided in response to the new elements raised by Paraguay and other delegations.

3.2.2 EU legislation on endocrine disruptors (STC 382) - Concerns of the Dominican Republic and Paraguay

3.101. Paraguay reiterated its concern regarding the EU legislation on endocrine disruptors. Paraguay referred to its communication in document [G/SPS/GEN/1846](#), containing a series of questions submitted to the European Union, mainly on scientific criteria for the determination of endocrine disrupting properties for plant protection products.

3.102. Noting that this issue had been on the agenda of the Committee for over two years, the Dominican Republic reiterated its concern about the approach adopted by the European Union based on hazard instead of an assessment of risk. The Dominican Republic noted that the European Union had not demonstrated the existence of a risk or how its measures would reduce this risk. The Dominican Republic expressed concerns about the impacts of the EU approach on its exports, in particular in light of the COVID-19 pandemic. The Dominican Republic urged the European Union to avoid imposing unnecessarily trade restrictive measures. In that context, the Dominican Republic highlighted the socioeconomic consequences of the measures for farmers, who were particularly vulnerable.

3.103. Supporting the concern, Brazil stated that technology, innovation, and research on plant protection products were important drivers for the development of a resilient, stable, and sustainable agriculture in tropical regions. Brazil urged the European Union to keep in mind the importance of conducting assessments appropriate to the circumstances and the need to obtain the information necessary for an objective assessment of risk that does not create measures more trade restrictive than required. In addition, Brazil asked the European Union to clarify how it will apply the cut-off criteria set out in Regulation (EU) 528/2012 and Annex II to Regulation (EC) 1107/2009 for the establishment of effective and science-based import tolerances, as well as on the definition of transition periods.

3.104. Chinese Taipei thanked Paraguay and the Dominican Republic for raising this issue and recalled its suggestion at the previous Committee meeting to have additional research on endocrine disruptors. Chinese Taipei had just received a response from the European Union, which its experts were reviewing. In the interim, Chinese Taipei noted that EFSA and the European Chemicals Agency had prepared guidance for the identification of endocrine disruptors, but that the criteria of endocrine

disrupting activity remained unclear. Chinese Taipei recommended that EFSA provide clear criteria on endocrine disrupting activity induced by plant protection products and requested a list of plant protection products exhibiting endocrine disrupting activity classified in terms of their effects. Chinese Taipei also requested the European Union to submit further scientific evidence regarding the effects of endocrine disrupting compounds.

3.105. As set out in its statement in document [G/SPS/GEN/1849](#), Chile took issue with the potential unnecessary restrictions on the use of pesticides and with the European Union's hazard-based approach. Reiterating its concern regarding the EU approach to regulating pesticides and MRLs, Guatemala requested the European Union to reconsider its approach and base its measures on a risk evaluation. Costa Rica equally deplored that the European Union adopted a hazard-based approach, instead of relying on a risk assessment and scientific evidence in accordance with the SPS Agreement.

3.106. Canada continued to ask the European Union to amend its hazard-based regulation and consider both hazards and risks for all active substances in its regulatory decision-making. The European Union had referred to its process for establishing import tolerances for active substances triggering cut-off criteria and Canada sought information on how the European Union would base the setting of an import tolerance for an active substance falling under the cut-off criteria on an assessment of risk and how it would take into account risk assessment techniques developed by relevant international organizations. While waiting for a clear and predictable process, Canada requested that import tolerances for active substances not re-authorized in the European Union be maintained at existing levels to allow trade to continue. In addition, Canada encouraged the European Union to notify proposed regulations stemming from its Farm to Fork Strategy, underlining the importance of providing significant advance notice between adoption and entry into force of regulations to enable the industry to adapt. Canada also expressed hope that any regulatory changes would be commensurate with the level of risk and be established in a coherent and transparent way.

3.107. Uruguay, Peru, Honduras, and Colombia also took the floor supporting the concern. Uruguay reiterated its systemic concerns with the EU hazard-based approach instead of a risk-based approach built on conclusive scientific evidence. Uruguay considered such an approach to contribute little, if anything, to protecting public health. Uruguay expressed support for the work of Codex to develop harmonized risk-based approaches to protect health while facilitating trade. Noting the serious consequences for developing countries, Uruguay encouraged the European Union to listen to the concerns expressed by Members and reconsider its approach. In the same vein, Peru deplored that the European Union maintained a hazard-based approach instead of basing its regulations on a risk assessment, leading to measures that are more restrictive than necessary. Honduras joined other Members requesting the European Union to establish criteria based on an assessment of risk and harmonization with Codex MRLs.

3.108. The European Union thanked Members who showed interest in the ongoing work on endocrine disruptors. The European Union recalled that scientific criteria to identify endocrine disruptors, based on the WHO definition of endocrine disruptors, had been put in place in the European Union and that criteria to identify pesticides had been applicable since November 2018. The European Union specified that the criteria also apply to on-going procedures for the approval or renewal of approval of active substances. The European Union indicated that it had answered questions and regularly informed Members of relevant developments, and that no new information was available with respect to what has previously been communicated. The European Union indicated that it would respond to Paraguay's questions in writing after the meeting; the responses were subsequently circulated as document [G/SPS/GEN/1871](#).

3.2.3 New EU MRLs for lambda-cyhalothrin (STC 459) - Concerns of China

3.109. China reiterated its concern regarding the EU amendment of MRLs for lambda-cyhalothrin in tea from 1 mg/kg to 0.01 mg/kg which, in its view, was inconsistent with Articles 5.1 and 5.4 of the SPS Agreement. China recommended that the European Union implement the original limit since there was no health risk to consumers. In case of a new limit, China recommended that the European Union consider the tea planting and tea production periods and provide a transition period of at least one year for Chinese tea producers to adjust.

3.110. Paraguay thanked China and referred to its previous intervention on this topic, contained in the report of the previous meeting (document [G/SPS/R/97/Rev.1](#)), where Paraguay had expressed concern that the EU MRLs for lambda-cyhalothrin had been lowered to 0.01 mg/kg despite Codex levels and had invited the European Union to follow international standards.

3.111. The European Union reminded the Committee that it had amended its legislation in 2018 and that the amendment of MRLs for lambda-cyhalothrin was based on two risk assessments carried out by EFSA, as published on its website in 2015 and 2017, respectively. The European Union stated that EFSA had performed risk assessments for the MRLs of the products on which trials and information had been submitted by EU member States, non-EU countries, or stakeholders at the time and that available Codex MRLs had also been assessed. The European Union further stated that EFSA's reasoned opinion indicated that the trials provided on tea were insufficient to derive an MRL and further information on the Good Agricultural Practices on which an old import tolerance had been granted had not been provided. For herbal infusions, no data had been submitted to EFSA. For products for which no information was available (including products in the lines "others" in the different groups of products listed in Annex I to Regulation (EC) 396/2005), MRLs were set at the limit of determination, i.e. 0.01 mg/kg for lambda-cyhalothrin.

3.112. The European Union indicated that, under Regulation (EC) 396/2005, there was an opportunity to grant transitional measures to keep products on the market that were compliant with the legislation and placed on the market before the application date, but this was without prejudice to the obligation to ensure a high level of consumer protection. In other words, no transitional period could be granted for MRLs of pesticides for which a health risk was identified, as was the case for lambda-cyhalothrin for kale and rice grain. The European Union concluded that it would continue to apply previous MRLs to products which were produced or imported into the European Union before the application date of the proposal, except for MRLs for kale and rice grain.

3.2.4 New EU definition of the fungicide folpet (STC 447) - Concerns of China

3.113. China reiterated its concern on the EU residue definition for the fungicide folpet and invited the European Union to align its measures with the Codex residue definition.

3.114. The European Union responded that it was aware of the concerns raised by China in the Committee and bilaterally and that the EU residue definition was still under consideration as part of the on-going renewal procedure of the active substance. The European Union assured China that it would report on any developments in due course in the Committee and bilaterally.

3.2.5 General import restrictions due to BSE (STC 193) - Concerns of the European Union

3.115. The European Union reiterated its concerns regarding unjustified and long delays in approving imports of beef from the European Union in light of BSE concerns of certain Members. The European Union took the view that these delays in approval procedures were inconsistent with Article 8 and Annex C of the SPS Agreement. The European Union urged Members, in particular China, Chinese Taipei, and the United States, to comply with their obligations under the SPS Agreement and international standards and to lift remaining BSE-related restrictions for all EU member States. Concluding on a positive note, the European Union welcomed the progress made by Japan in approving imports from several EU member States, hoping that remaining applications would be finalized shortly.

3.116. China responded that it had always attached great importance to and followed the standards of the OIE. China affirmed its willingness to carry out further technical exchanges with relevant EU member States. Chinese Taipei responded that its competent authority referenced international standards and regulations conducted by different countries to deal with systematic inspection of certain products, including beef. Chinese Taipei indicated that requirements for beef included systematic inspection, food safety questionnaires review, risk assessment, on-site inspection and risk communication, and that the time needed for this approval process depended on the completeness of the information provided by the applicant countries and the time taken by the applicant countries to provide supplementary documents. Chinese Taipei further indicated that, in recent years, it had approved imports of beef from the Netherlands and Sweden through this approval process and assured that it was willing to cooperate with EU member States on this issue.

3.2.6 China's import restrictions due to African swine fever (STC 392) - Concerns of the European Union

3.117. The European Union again raised concerns over China's ASF-related country-wide bans on pork products. The European Union recalled that the issue had first been raised in July 2015, without a positive response from China to date, despite China having the same sanitary profile than the European Union. The European Union emphasized its regionalization measures and requested China to allow trade from disease-free areas. While appreciating the dialogue between several countries and China, the European Union urged China to identify its procedures, counterparts, and information requirements to engage in meaningful exchanges.

3.118. China stressed that ASF is a severe infectious disease and that it had suffered severe losses because of the outbreak of ASF, including economic and management costs in conducting eradication measures. China observed that ASF continued to occur in several EU member States and assured that it stood ready to cooperate with the European Union at a technical level.

3.2.7 Korea's import restrictions due to African swine fever (STC 393) - Concerns of the European Union

3.119. The European Union reiterated its concern over Korea's ASF-related ban on pork and pork products from several EU member States since February 2014, which did not take into account EU regionalization measures. The European Union indicated that, since the ban, Korea had continued to receive detailed information on all outbreaks in full transparency and had received all necessary evidence demonstrating that the free areas in the affected EU member States were likely to remain free. The European Union urged Korea to finalize the risk assessment and adopt trade measures consistent with Articles 2-3, 6, and 8 of the SPS Agreement. In addition, the European Union noted that Korea had reported ASF outbreaks in its own territory and had not stopped production and sale of pigs and pig products in its whole country, while placing country-wide bans on EU member States. The European Union remained open to working with Korea but urged Korea to lift these country-wide bans without delay and recognize the EU harmonized measures.

3.120. The Russian Federation shared EU concern. The Russian Federation had requested market access for pig products on numerous occasions since 2014 and had provided all relevant information regarding ASF control measures and regionalization. According to the OIE Terrestrial Code, imports of pig products from a country with cases of ASF were possible under certain conditions. Korea's position, however, had remained unchanged and Korea appeared to require a significant improvement of the ASF situation in the Russian Federation. The Russian Federation called upon Korea to comply with its obligations under Articles 3 and 6 of the SPS Agreement.

3.121. Emphasizing that ASF was highly contagious and difficult to control, Korea indicated that its import restrictions from countries with ASF outbreaks were a provisional precautionary measure consistent with the SPS Agreement. Korea noted that exporting countries had the burden of proof to demonstrate to importing countries that regions were free of ASF. Korea informed the Committee of bilateral discussions regarding the recognition of ASF regionalization and risk assessments carried out for countries where the ASF situation had stabilized.

3.2.8 Ukraine's restrictions on swine products (STC 463) - Concerns of Brazil

3.122. Brazil reiterated its concern about Ukraine's continued embargo on Brazilian pork and other swine products. Brazil explained that it had a zone free from CSF concentrating over 95% of swine production and 100% of exports of pigs and pig products and that this free zone had been recognized by the OIE in 2015. Brazil had notified an occurrence of CSF to the OIE in 2018, which had happened 500 kilometres away from the border of its disease-free zone. Other outbreaks had occurred but in three states not part of the disease-free zone. None of these outbreaks had altered the international recognition granted to the disease-free zone. Brazil explained that it was continuously providing all technical clarifications requested by Ukraine and had held a bilateral meeting in March 2020.

3.123. Brazil underscored that the CSF outbreak had been notified to the OIE in due observance of OIE Guidelines, within 24 hours of receiving confirmation via laboratory analysis. Brazil added that it followed strict surveillance and risk-mitigation procedures to prevent the introduction of the disease into the disease-free zone. Brazil remarked that Ukraine was the only Member to impose

restrictions on importation and transit of Brazilian swine products. This was in non-compliance with Resolution No. 29 of 25 May 2018 containing the model health certificate that had been bilaterally agreed, and Decree No. 71 of the Cabinet of Ministers of Ukraine of 2004, which specified that Brazil should be divided into regions with respect to trade restrictions imposed due to incidence of CSF. Brazil, therefore, called upon Ukraine to recognize the principles of regionalization and reconsider its restrictive measures.

3.124. Ukraine responded that it was in close contact with Brazil and assured that it was aiming at resolving this matter based on international standards. Ukraine added that an audit was due to take place in Brazil but that it had not yet received an official request to initiate this process.

3.2.9 Korea's import restrictions on poultry due to highly pathogenic avian influenza (STC 456) - Concerns of the European Union

3.125. The European Union reiterated its concern about Korea's country-wide bans on poultry imports from certain EU member States due to HPAI. The European Union had provided information on the sanitary control systems in place on numerous occasions to demonstrate that avian influenza was reliably controlled, and disease-free areas were likely to remain free, but Korea was imposing lengthy review procedures. Korea had not offered, thus far, any productive dialogue to implement the regionalization concept. The European Union underscored that Korea implemented regionalization domestically when confronted with HPAI outbreaks on its territory but continued to impose country-wide bans on EU member States. The European Union requested Korea to define the information requirements and structure for a productive regulatory dialogue. While committed to continue working with Korea, the European Union urged Korea to lift the country-wide bans and recognize the its harmonized regionalization measures.

3.126. The Russian Federation supported the EU trade concern. The Russian Federation stated that, according to Korea, market access for Russian poultry would only be granted when the entire territory of the Russian Federation was recognized as HPAI-free. Yet, the Russian Federation emphasized, the OIE Terrestrial Code allowed the imports of poultry products from HPAI infected countries under certain conditions. The Russian Federation thus called upon Korea to respect Articles 3 and 6 of the SPS Agreement.

3.127. Korea stated that it had imposed an import ban on HPAI-affected countries according to the import health requirements for poultry and poultry meat agreed upon with an exporting country. Korea emphasized that, based on OIE standards, if HPAI-free status was recovered in an exporting country, it would quickly evaluate the status and lift the import ban. Korea informed that bilateral consultations with EU member States were due to take place to move forward on the procedures, which, in Korea's views, should be based on the principle of reciprocity.

3.2.10 China's import restrictions due to highly pathogenic avian influenza (STC 406) - Concerns of the European Union

3.128. The European Union raised its continued concern with China's imposition, since 2015, of country-wide bans on several EU member States on account of HPAI. The European Union had repeatedly urged China to recognize the principle of regionalization, lift country-wide import restrictions, and take more targeted measures. The European Union regretted that there was not much progress to report. The European Union lamented that China continued to disregard the concept of regionalization and the OIE Terrestrial Code, while expressing its continued interest to working constructively with China on this issue.

3.129. China noted that importation of poultry products from 14 EU member States had been banned due to HPAI outbreaks. China indicated that it would actively advance the risk assessment process, following the relevant OIE rules and the SPS Agreement, for EU member States where the epidemic had been effectively controlled. Meanwhile, China welcomed the continued technical discussions with the European Union and its members States to resolve the issue.

3.2.11 South Africa's import restrictions on poultry due to highly pathogenic avian influenza (STC 431) - Concerns of the European Union

3.130. The European Union reiterated its concern with South Africa's approach to regulating HPAI. The European Union regretted that South Africa maintained country-wide bans on poultry products from six EU member States, even though those States had been free from HPAI for many months. The European Union had been in discussions with South Africa to explain its control measures and regionalization system and South Africa had also carried out inspections in several EU member States. The European Union called for South Africa to respect its obligations and allow trade of all safe poultry products from the disease-free EU member States and disease-free zones.

3.131. South Africa reminded the Committee of its concerns voiced in previous Committee meetings about the application of the concept of regionalization in the European Union with respect to HPAI. In that regard, South Africa considered the EU measures to be inconsistent with the OIE Terrestrial Code. South Africa also addressed the issue of opening markets following an outbreak. South Africa referred to audits on implemented controls by Members and reserved the right to open its markets based on the measures applied, conduct a physical inspection, or continue trade suspensions. While these issues had been discussed in numerous meetings, South Africa remained committed to engage with the European Union.

3.2.12 The Philippines' trade restrictions on imports of meat (STC 466) - Concerns of the European Union

3.132. The European Union reported again that the Philippines did not adhere to agreed OIE international standards. The Philippines did not apply the regionalization principles to the European Union and maintained a policy of imposing scientifically unjustified country-wide bans on imports of meat and meat products from EU member States on grounds of ASF or HPAI. Nine EU member States were subject to country-wide import bans imposed by the Philippines on pork meat or poultry meat and relevant products. Bans on imports of pork and poultry from the entire territory of an EU member State lacked scientific justification and were against the principle of regionalization/zoning. The European Union thus considered that these measures were inconsistent with Articles 2.2 and 6 of the SPS Agreement. The European Union was transparent on the regionalization measures put in place and provided all the necessary evidence to the Philippines demonstrating that trade was safe and could continue. The European Union remained ready to engage further with the Philippines with the objective to minimize the disruption of trade. The European Union reiterated its call on the Philippines to respect its international obligations and allow trade of pork and poultry from disease-free member States and disease-free zones.

3.133. The Philippines emphasized the provisional nature of its measures restricting imports of meat from countries with ASF or HPAI outbreaks, based on available pertinent information consistent with Article 5.7 of the SPS Agreement. In reviewing its measure pursuant to Articles 5 and 6 of the SPS Agreement, the Philippines viewed as imperative the consideration of prevalence of the diseases and the effectiveness of controls to be supported by convincing evidence of disease contraction or elimination. The Philippines indicated that it continued to monitor the disease situation and sought to obtain additional information necessary for the review of the provisional import bans. It further indicated that it had lifted the provisional import bans imposed on pork and poultry meat from Belgium and Poland, following information from OIE official reports and documentary evidence provided by veterinary services authorities. The Philippines welcomed the continued discussion with the European Union on this matter.

3.2.13 Saudi Arabia's temporary suspension of Brazilian poultry exporting establishments (STC 486) - Concerns of Brazil

3.134. Brazil reiterated its concern regarding the temporary suspension by Saudi Arabia of imports from two major Brazilian poultry-producing plants since February 2019, without providing clear technical reasons. Brazil noted Saudi Arabia's reference to media reports on an investigation conducted in Brazil regarding an alleged fraud scheme in the production of animal feed. Brazil indicated that neither of the plants affected by the suspension of imports was involved in this investigation and all necessary technical information had been provided to Saudi Arabia.

3.135. Saudi Arabia responded that it had received certain documents from Brazil, which it was reviewing. Saudi Arabia stressed the importance of international cooperation between Members and reaffirmed its commitment to facilitate bilateral discussions with Brazil to resolve this matter.

3.2.14 Indonesia's approval procedures for animal and plant products (STC 441) - Concerns of the European Union

3.136. The European Union shared its concern about the lack of transparency of and undue delays in Indonesia's approval procedures for imports of plant and animal products. The European Union regretted the limited feedback received from Indonesia following a request for information on its market access approval procedures for agri-food products from EU member States pending export applications. Specifically, the European Union expressed concerns about the lack of progress on export applications for beef, dairy, poultry, pork, and plant products, which in some instances had been submitted more than six years ago. The European Union reported additional difficulties with its export of dairy products from already approved member States, highlighting delays in the renewal of import licenses. The European Union requested Indonesia to be transparent about its approval procedures and finalize pending market access applications without undue delay.

3.137. Indonesia thanked the European Union for its statement and for the continued bilateral dialogue. Indonesia indicated that all necessary information and updates had been provided both in multilateral and bilateral forums. Indonesia indicated that approval processes on plant products for Austria, Bulgaria, Denmark, France, Germany, Italy, the Netherlands, Poland, Portugal, and Spain had been completed. On animal products, approval processes for Austria, France, Ireland, Belgium, Italy, Spain, Estonia, Finland, Germany, Poland, Latvia, and Lithuania were being completed, with information provided to countries in a transparent and timely manner. Regarding dairy products, Indonesia indicated the dates to submit applications for 2021. Indonesia expressed its willingness to continue a bilateral dialogue with the European Union.

3.2.15 India's new requirements for animal feed in the Food Safety and Standards Act, 2006 (dated 27 January 2020) (STC 479) - Concerns of the United States

3.138. The United States indicated that it remained concerned with India's new directive on animal feed, which it expected to have a significant impact on trade in feed ingredients and possibly on meat and dairy products from livestock. Having commented on the requirements imposed by the directive, including on India's notification obligations, as detailed in its statement contained in document [G/SPS/GEN/1866](#), the United States requested India to suspend implementation and provide necessary information.

3.2.16 China's administrative measures for registration of overseas manufacturers of imported food (26 November 2019) (STC 485) - Concerns of the United States

3.139. The United States reiterated its concern regarding China's draft "Administrative Measures for Registration of Overseas Producers of Imported Foods". In particular, the United States underscored that the draft measures appeared to apply to all food, including low-risk products and products with health or safety certificates, and to require foreign authorities to confirm continuous compliance with China's laws, regulations, and standards. The US statement is contained in document [G/SPS/GEN/1862](#).

3.140. Japan and Thailand supported the concern. Japan worried that China's proposed measures would create unnecessary barriers to trade and have negative impacts on trade. Japan requested China to notify its measures, provide relevant information, and address Members' concerns. Thailand expressed concerns on the draft measure for registration of overseas producers of imported food. While recognizing the importance of the measure for ensuring food safety for consumers in China, Thailand requested China to: (i) notify the draft measure and provide time for comments given the measure's potential significant effect on international trade; (ii) list products affected and apply the measure only to high-risk food products; and (iii) indicate the expected date of entry into force and provide for a reasonable time period for Members to comply.

3.141. China thanked the United States and other Members. Reiterating that the revision was at a drafting stage, China reassured Members that, once finalized, it would notify the draft for Members' comments.

3.2.17 US non-recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle (STC 471) - Concerns of the European Union

3.142. The European Union reiterated its concern concerning the United States' failure to recognize the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle. The European Union indicated that all the information demonstrating the absence of these pests in 21 EU member States and regarding the pest-free area status of the remaining EU member States had been provided. On this basis, the United States had satisfactorily finalized its scientific assessment. The European Union urged the United States to complete the last administrative step of publishing its Final Federal Notice without delay, in compliance with its commitment under the SPS Agreement on approval procedures.

3.143. The United States assured the European Union that it was working through its administrative procedures to process this request. The United States noted the bilateral technical engagement on the matter and looked forward to continued cooperation.

3.2.18 India's fumigation requirements for grain and other products (STC 472) - Concerns of the Russian Federation

3.144. The Russian Federation reiterated its concern regarding India's mandatory requirement to use methyl bromide for cereal fumigation. The Russian Federation reported that, since 2017, it had repeatedly shared analysis for the justification and feasibility of the use of phosphine against grain crop pests, as well as comparative effectiveness analysis for fumigation conducted with methyl bromide and phosphine. At the June 2020 Committee meeting, India had affirmed that it would conduct a comparative analysis of the effectiveness of phosphine and methyl bromide and had later assured that it would share relevant information, but the Russian Federation was still awaiting a response. Noting that the use of methyl bromide was limited by the Montreal Protocol on Substances that Deplete the Ozone Layer, the Russian Federation urged India to lift its ban in accordance with prevailing international practice.

3.145. Canada thanked the Russian Federation and recalled its earlier support for this STC. Canada expressed concerns about India's mandatory fumigation requirements and the impact these requirements had on the trade of pulses. In this regard, Canada referred to its intervention in relation to the new STC it had raised regarding India's import requirements for pulses.

3.146. At the request of India, the Chairperson referred to India's statement uploaded on eAgenda, whereby India indicated that its regulatory authorities were processing the Russian Federation's request and that it remained available to consult bilaterally on this matter.

3.2.19 Thailand's phytosanitary restrictions on imports of fresh citrus fruits due to sweet orange scab (STC 470) - Concerns of Japan

3.147. Japan reiterated its concern regarding Thailand's phytosanitary restrictions on imports of fresh citrus fruits due to sweet orange scab and regretted that Thailand had not taken into account the proposal of equivalence of the alternative set of phytosanitary measures, including visual inspections of all fruits, proposed by Japan. Additionally, Japan requested Thailand to provide a PRA report in case of non-acceptance of the equivalence of measures, and pointed out that the USDA APHIS document used by Thailand as the basis for the requested treatments could be used as a reference, but not as a PRA report for citrus fruits from Japan.

3.148. Thailand highlighted the need to apply effective mitigating measures to ensure safe trade and protect its territory from the introduction of the sweet orange scab, considered a quarantine pest in Thailand. Thailand believed that its risk management measures were not more restrictive than necessary and requested Japan to comply with the established requirements. Thailand expressed its willingness to engage with Japan bilaterally.

3.2.20 US import restrictions on apples and pears (STC 439) - Concerns of the European Union

3.149. The European Union regretted that the United States continued to refuse imports of apples and pears from the European Union under a systems approach. The European Union recalled that

the United States had concluded, several years ago, that imports of apples and pears could take place under a systems approach. Yet, the final administrative step of publishing the relevant rule had been blocked, without justification for the delay. The European Union took the view that the pre-clearance programme, which the United States continued to apply, was not economically viable for EU apples and pears growers and that the US market was *de facto* closed. The European Union urged the United States to allow imports of apples and pears under the agreed systems approach without any further delay.

3.150. The United States responded that it continued to work on this request, noting that the European Union was able to export apples and pears under the existing pre-clearance programme. The United States expressed its appreciation for the bilateral engagement on this issue.

3.3 Information on resolution of issues ([G/SPS/GEN/204/Rev.20](#))

3.151. The Secretariat informed Members that it had contacted 44 Members to seek information regarding the status (resolved, partially resolved or not reported as resolved) of STCs that had not been discussed since October 2017: 35 STCs of these STCs had been reported as resolved and 42 STCs as partially resolved. The result of this exercise was contained in document [RD/SPS/114](#), which also included the results of similar exercises undertaken in 2013 and 2017.

4 OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

4.1 Equivalence

4.1. No Member provided any information under this agenda item.

4.2 Pest- and disease-free areas (regionalization)

4.2.1 Information from Members

4.2.1.1 Colombia - Self-declaration of a zone free of Aujeszky's disease in 15 departments

4.2. Colombia referred to [G/SPS/GEN/1856](#), notifying the self-declaration of a zone free of Aujeszky's disease in Colombia in line with OIE guidelines. Colombia specified that this area accounts for 95% of the country's industrialized swine production and is home to the main genetic centers and slaughterhouses for the export of pigs.

4.2.1.2 Mexico - Declarations of areas free from large avocado seed weevils, small avocado seed weevils and avocado seed moths ([G/SPS/GEN/1824](#), [G/SPS/GEN/1825](#))

4.3. Mexico reported on documents [G/SPS/GEN/1824](#) and [G/SPS/GEN/1825](#) regarding the declaration of several areas located in the states of Guerrero, Michoacán de Ocampo, and Mexico as areas free from the large avocado seed weevil (*Heilipus lauri*), the small avocado seed weevil (*Conotrachelus aguacatae* and *C. perseae*), and the avocado seed moth (*Stenoma catenifer*). Mexico indicated that phytosanitary measures had been taken to maintain and protect these areas.

4.3 Operation of transparency provisions

4.4. The Secretariat recalled the background of eAgenda and introduced the report on the use of the SPS eAgenda contained in [G/SPS/GEN/1818](#). Based on Members' feedback after the June 2020 Committee meeting, in the informal consultations held on 16 September 2020, and in the TBT Committee, several updates had been implemented, as demonstrated in the refresher session organized by the Secretariat on 12 October. The main updates were the following, as communicated to Members on 13 October: the possibility to raise jointly an intervention (other than an STC) that another Member had put on the agenda; the creation of a drop-down list of issues previously raised under the item "Monitoring of the use of international standards"; the possibility of downloading statements uploaded on eAgenda; the option to save STCs as drafts before raising or supporting; the inclusion of a direct link to the specific STCs referenced in the email alerts; the inclusion of hyperlinks to the corresponding STCs in the SPS IMS and to the relevant documents in DocsOnline in the recapitulative Excel files for previously raised STCs; the addition of airgrams and annotated

draft agendas for all previous meetings; and the activation of the count number of STCs per Member under "My STCs". The Secretariat remained available to provide specific training upon request.

4.5. The United States thanked the Secretariat, acknowledging that its suggestions had been taken into account. eAgenda had become a tool that complemented the valuable verbal engagement and the dynamics in the Committee.

4.6. Colombia thanked the Secretariat for eAgenda, acknowledging the crucial role of the platform in the current year. The tool complemented the dialogue maintained in the meetings and made it easier to follow topics of interest.

4.7. The Chairperson recalled that, as proposed at the informal SPS consultations on 16 September, the annual report on the overview of the implementation of the transparency provisions of the SPS Agreement ([G/SPS/GEN/804](#) and revisions) would now be issued in March of every year along with the annual report on notifications and STCs ([G/SPS/GEN/204](#) and revisions). The issuance of both reports at the same time, in March, would allow coverage of the same reporting period and facilitate analyses and comparisons.

4.4 Control, inspection and approval procedures

4.8. The Chairperson recalled that this new agenda item had been included based on the recommendations in the Fifth Review of the Operation and Implementation of the SPS Agreement. Members were invited to share any experiences and raise any questions or concerns regarding the implementation of Annex C of the SPS Agreement.

4.4.1 Information from Members

4.4.1.1 Canada - Experiences and approaches to inspection ([G/SPS/GEN/1835](#))

4.9. Canada highlighted specific information available regarding inspection initiatives, namely the Standard Inspection Procedure (SIP), outlining a common inspection approach that would apply a consistent method of inspection for all regulated commodities, and the Operational Procedure: Meat Compliance Verification System (CVS), providing guidance to inspection staff on how to conduct inspections in all licensed meat processing, storage, and slaughter establishments. Canada's statement was submitted in document [G/SPS/GEN/1835](#).

4.4.2 Working Group on Approval Procedures ([G/SPS/W/328/Rev.1](#))

4.4.2.1 Report on the first meeting of the Working Group

4.10. Canada and Paraguay took the floor in their capacity as co-stewards for the Working Group on Approval Procedures. Canada and Paraguay were pleased to report that the Working Group on Approval Procedures had held its first meeting on 4 November 2020 to share initial thoughts about the Group and process going forward. This meeting was led by Canada and Paraguay, as co-stewards and twenty-two Members had registered as participants in advance of the meeting: Argentina, Belize, Brazil, Canada, Colombia, Costa Rica, the European Union, Japan, Mexico, New Zealand, Norway, Paraguay, Philippines, the Russian Federation, Singapore, South Africa, Switzerland, Chinese Taipei, Ukraine, the United Kingdom, the United States, and Uruguay. The OECD had also registered as a participant. This first Working Group meeting was, however, open to all Members and Observers and Ecuador signed-up to join the Working Group after the meeting.³

4.11. Paraguay further reported that, at the Working Group meeting, the co-stewards had walked through the approach for the Working Group set out in [G/SPS/W/328/Rev.1](#), highlighting that: (i) the Working Group would primarily work electronically and may meet virtually intersessionally, as required; (ii) the Working Group was expected to conduct three rounds of deliberations and to conclude its work in November 2021, subject to an agreement to extend the Working Group; and (iii) in the context of the first round of deliberations, participants would submit written proposals by 14 December 2020. A document consolidating inputs received by that date would then be circulated

³ Chile confirmed its participation to the Working Group shortly after the Committee meeting, bringing the number of participants to 25, as the time of this Summary Report.

for comments and revised for discussions at the Working Group's subsequent meeting in March 2021.

4.12. As Paraguay indicated, the co-stewards had also clarified at the Working Group meeting that the Group would explore: (i) key challenges of approval procedures that impact international trade that the Committee should seek to address; (ii) principles of approval procedures that facilitate international trade while meeting the importing Member's ALOP and the Committee's role in highlighting these principles; (iii) tools available and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures; and (iv) other topics raised by participants over the course of the work. Paraguay noted that participants who had taken the floor at the Working Group meeting had recognized the importance of the work to be conducted. Regarding specific topics, it had been suggested that the Working Group should work on the topics of "undue delays" and "transparency".

4.13. Paraguay then recalled that Working Group participants had been invited to: (i) share with the Secretariat and the co-stewards any objections they might have to using Zoom for future meetings, by Friday, 6 November 2020; (ii) identify one focal point contact to the Secretariat by Friday, 6 November 2020; and (iii) submit written proposals to the co-stewards, through the Secretariat, by 14 December 2020. Regarding the platform to be used, Paraguay noted that one Member had express reservations regarding the use of Zoom and that the co-stewards were considering using Cisco WebEx Meetings instead. Paraguay thus invited Working Group participants to let the Secretariat and co-stewards know if they had any objections to using Cisco WebEx Meetings by 20 November 2020. Paraguay also reminded Working Group participants who had not done so yet to identify one focal point by Member to facilitate the work of the Working Group.

4.14. To conclude, Paraguay reminded the Committee that any interested Members or Observers wishing to join the Working Group had been invited to sign up via the Secretariat by 4 November 2020. This had been identified by the co-stewards as the last opportunity to join to enable the Working Group participants to embark on the substantive work of the Working Group on Approval Procedures within the proposed timelines.

4.5 Special and differential treatment

4.15. No Member provided any information under this agenda item.

4.6 Monitoring the use of international standards

4.6.1 New issues

4.6.1.1 United States - Codex Alimentarius Guidelines for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants (CAC/GL 45-2003)

4.16. The United States submitted its statement in document [G/SPS/GEN/1864](#), which highlighted the gaps between the regulatory procedures maintained by some Members for approval of genetically engineered (GE) food products and the Codex Guideline CAC/GL 45-2003. The United States regretted that some Members' requirements to conduct animal studies delayed the approval of, use of, and trade in useful and demonstrably safe products. The United States encouraged Members to eliminate those requirements, focus data requirements on the information necessary for conducting safety assessments, and consider Codex guidelines.

4.17. Argentina considered that Members should eliminate their requirements to routinely perform animal studies, which affected innovation and normal trade flows. Argentina reaffirmed the importance of following international, science-based guidelines.

4.18. Canada thanked the United States and reiterated the importance to base measures on international standards. Highlighting some of the conclusions of CAC/GL 45-2003, Canada underlined the importance of Members taking timely science- and risk-based regulatory decisions, taking into account the Codex food safety advice.

4.19. Paraguay expressed interest in sponsoring this item, highlighting the unnecessary costs and requirements resulting from differences between Codex and approval procedures established by

some Members. Paraguay urged Members to contribute to international harmonization in order to facilitate trade.

4.6.1.2 Turkey - Newcastle disease restrictions not consistent with the OIE international standard

4.20. Turkey expressed its concern regarding the import restrictions imposed by some countries for heat-treated poultry meat from Turkey with regard to Newcastle disease. Turkey stated that paragraph 2 of Article 10.9.15 of the OIE Terrestrial Code indicated that heat-treated poultry meat was not an import risk. According to Turkey, some Members still imposed trade barriers for the heat-treated poultry meat products. Turkey referred to Article 3 of the SPS Agreement on harmonization and requested Members to follow the recommendations in Article 10.9.20 of the OIE Terrestrial Code.

4.6.1.3 Peru - Restrictions on exports of chocolate and cocoa products due to the lack of an international standard

4.21. Peru referred to the development and discussion of maximum levels of cadmium in chocolate and cocoa products within the Codex Committee on Contaminants in Foods (CCCF), as well as the importance of having an international standard for a sector that is of great social and economic significance to Peru. The lack of a Codex standard had led countries to adopt standards that were more trade restrictive than necessary.

4.22. Peru invited Members to coordinate with their respective health authorities, in order to achieve consensus by honouring the agreement to apply a criterion of proportionality when establishing, at the next CCCF meeting, maximum levels of cadmium for the following categories: (i) cocoa powder ready for consumption containing or declaring 100% total cocoa solids; and (ii) chocolate containing between 30% and 50% of total dry cocoa solids. Peru requested the secretariat of the Codex Alimentarius Commission (CAC) to ensure the development of science- and data-based standards. Peru also asked Members having already established maximum levels of cadmium for chocolate and cocoa products to review their standards on the basis of the findings presented within the CCCF and to inform their trade operators that these standards do not apply to cocoa beans.

4.23. Colombia indicated that this topic was of high interest for Colombia, given the implications in trade of chocolate and cocoa products. Colombia invited Members to take into account the considerations raised by Peru.

4.6.2 Issues previously raised

4.6.2.1 European Union - ASF restrictions not consistent with the OIE international standard

4.24. The European Union drew Members' attention to inconsistencies in the application of OIE international standards related to ASF. The European Union noted that several Members did not follow the OIE Terrestrial Code recommendations that had been developed and adopted with their support. The European Union had demonstrated in its single market that the disease could be managed effectively to ensure that legitimate trade was not the cause of any outbreak. The European Union was transparent on its disease control measures and provided information through many channels. ASF was a disease affecting many EU and non-EU countries.

4.25. The European Union welcomed the decision to organize a thematic session on ASF in March 2021. The objective would be to build confidence among Members to apply trade conditions consistent with the SPS Agreement and international standards. The European Union invited Members to work together to prepare the thematic session and work on the removal of country-wide and scientifically unjustified trade bans.

4.6.2.2 European Union - HPAI restrictions not consistent with the OIE international standard

4.26. The European Union praised those Members that trusted the EU effective and transparent system of control and eradication of animal diseases such as AI. The European Union regretted that

some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified, and there was no justification to wait one year or more to restore the disease-free status, instead of the three months defined by the OIE Terrestrial Code. The European Union reiterated its call to all Members to respect their regionalization obligations; allow trade of all safe products from non-affected zones; lift all bans after regaining freedom three months after eradication and re-instate trade conditions applicable to disease-free countries without delay; refrain from imposing trade restrictions in case of HPAI in wild birds; and refrain from imposing trade restrictions in case of detected LPAI. The European Union appealed to Members to respect the recommendations of ISSBs that had been developed and adopted with their support.

4.6.3 New Zealand – Procedure to monitor the process of international harmonization

4.27. New Zealand presented the proposal submitted in [G/SPS/GEN/1851](#). New Zealand's proposal was in response to renewed discussion on the ISSBs on use and impact of their standards. The IPPC had reported on the activities of the Implementation Review and Support Systems (IRSS), including a general survey on the IPPC and use of its standards. The OIE had initiated an Observatory project with the aim of assessing the implementation of standards, and what the impediments were to their implementation. Codex was exploring the issue in relation to its parent bodies (FAO/WHO), as significant funds were used to develop standards. New Zealand believed there was merit in promoting some discussion on what further role the Committee could play in assisting the ISSBs in monitoring the use of their international standards, as laid out in Articles 3.5 and 12.4 of the SPS Agreement. New Zealand suggested that the Secretariat invite Members and the ISSBs to propose ideas and suggestions on how the Committee could proactively explore this topic.

4.7 Follow-up to the Fifth Review of the Operation and Implementation of the SPS Agreement ([G/SPS/64](#) and [G/SPS/64/Add.1](#))

4.28. The Chairperson recalled that the Report of the Fifth Review of the Operation and Implementation of the SPS Agreement had been adopted on an *ad referendum* basis at the June 2020 Committee meeting and had been circulated as [G/SPS/64](#) and [G/SPS/64/Add.1](#).

4.7.1 Report on the Thematic Session on Voluntary Third-Party Assurance as part of National SPS Control Systems

4.29. The Chairperson reminded delegates that the draft Report on the Thematic Session on Voluntary Third-Party Assurance (vTPA) as part of National SPS Control Systems, held on 3 November 2020, had been circulated for Members to provide comments. The final report is included in Annex A.⁴

4.30. Belize, as the Member who had suggested a Thematic Session on vTPA programmes, thanked the Secretariat for its assistance in organizing the Thematic Session and commended the speakers for a very informative event. Belize considered that it had been a good opportunity to learn about different approaches taken by Members. Emphasis had been put on risk-based approaches, resulting in reduced inspections in most cases, and vTPA programmes were being used in a manner complementary to the work of inspection authorities. Belize looked forward to engaging further with certain Members along the implementation of STDF funded project STDF/PG/682. Belize added that the information shared by the Global Food Safety Initiative (GFSI) on their benchmarking activities, along with the use of the Global Markets Programme, would be of interest to MSMEs. Finally, Belize noted that the STDF had highlighted the benefits of public/private partnership and had captured key issues faced by developing countries.

4.7.2 Report on the informal meeting

4.31. The Chairman drew the Committee's attention to the draft Report of the informal meeting of 4 November 2020, which had been shared with Members to provide comments. The final report is included in Annex B.

⁴ The dedicated webpage for the Thematic Session can be accessed here: www.wto.org/english/tratop_e/sps_e/sps_thematic_session_31120_e.htm.

4.8 Chairperson's Annual Report to CTG

4.32. The Chairperson reminded delegates that he would submit a factual annual report on the activities of the Committee for consideration by the Council for Trade in Goods (CTG) at its meeting on 25-26 November 2020. The Chairperson also noted that the draft report had been made available to Members for comments. The final report was circulated as [G/L/1376](#).

4.33. The United States enquired whether comments had been received and changes made since the draft had been circulated and whether the revised draft report would be shared with Members. The Chairperson responded that no comments had been received thus far and confirmed that the Secretariat would recirculate the draft report before submission to the CTG.

5 CROSS-CUTTING ISSUES

5.1 Report on the SPS@25 Event

5.1. The Chairperson reminded that a draft report of the SPS@25 Event of 2 November 2020 had been circulated for Members to provide comments. The final report is included in Annex C.⁵

5.2 COVID-19 and SPS issues

5.2. The Chairperson reminded delegates that discussions on COVID-19 related issues had been held during the Committee informal meeting of 3 November 2020 and that a draft report had been circulated for Members to provide comments. The final report is included in Annex B.

5.3 Canada and the United States - SPS Declaration for the 12th WTO Ministerial Conference ([G/SPS/GEN/1758/Rev.4](#))

5.3. Canada presented the SPS Declaration for the 12th WTO Ministerial Conference. Canada noted that the global agricultural landscape had evolved since the adoption of the SPS Agreement, resulting in new opportunities and emerging pressures relating to international trade in food, animals, and plants. Canada further noted that the objective of the Declaration was to initiate a work programme to consider how to enhance the implementation of the SPS Agreement in light of these opportunities and pressures. The Declaration did not indicate a need to launch negotiations of SPS obligations. Canada expressed enthusiasm regarding Members' willingness to engage and was pleased that new co-sponsors had joined the Declaration. Canada reminded Members that an informal meeting would be held on 23 November to allow co-sponsors to present the Declaration and give Members an opportunity to discuss in an informal manner. Canada invited Members to continue to reflect on this important initiative.

5.4. The United States noted that the Declaration provided the Committee with an opportunity to direct its own work and set a productive agenda for the future. The United States acknowledged three new co-sponsors: Burkina Faso, Costa Rica, and Guatemala. The United States looked forward to engaging with Members during the informal session of 23 November, hoping that the Declaration could be a product of the entire Committee.

5.5. Mexico expressed interest in joining as a co-sponsor. South Africa thanked the proponents of the Declaration, indicating that it had provided comments and looked forward to seeing how these had been considered in the revised draft Declaration. In South Africa's view, the Declaration should emphasize the use of relevant science to inform SPS measures to achieve the ALOP. South Africa guarded against the inclusion of new technological aspects, which some regulatory systems are not ready to regulate. South Africa added that the Declaration should emphasize the need to strengthen the effectiveness of the participation of developing Members through S&D provisions. Finally, Brazil thanked all the Members who had engaged with the co-sponsors and reiterated the importance of the Declaration for the future of the SPS Agreement and SPS systems.

5.6. The Chairperson recalled that the informal session would take place on 23 November.

⁵ The dedicated webpage for the SPS@25 Event can be accessed here: www.wto.org/english/tratop_e/sps_e/sps_at25_e.htm.

6 TECHNICAL ASSISTANCE AND COOPERATION

6.1 Information from the Secretariat

6.1.1 WTO SPS activities ([G/SPS/GEN/997/Rev.10/Add.1](#) and [G/SPS/GEN/997/Rev.10/Add.2](#))

6.1. The Secretariat presented an overview of technical assistance efforts since November 2019, reflected in documents [G/SPS/GEN/997/Rev.10/Add.1](#) and [G/SPS/GEN/997/Rev.10/Add.2](#). Technical assistance included in-person and virtual activities, in the form of national SPS seminars, Advanced and Regional Trade Policy Courses, and dedicated trainings on the ePing alert system and eAgenda. The Secretariat announced a new interactive eLearning SPS course⁶ and directed Members to the SPS gateway of the WTO website, under [Events, workshops and training](#), for further information on technical assistance activities.

6.1.2 STDF ([G/SPS/GEN/1843](#))

6.2. The STDF secretariat reported on its recent activities detailed in [G/SPS/GEN/1843](#). The STDF secretariat highlighted STDF work on SPS-related Public Private Partnerships and vTPA programmes, and SPS e-certification. It also informed Members that, at its last meeting, the STDF Working Group, chaired by Julie Emond from Canada, had approved Project Grants (PGs) and Project Preparation Grants (PPGs), raising the number of ongoing projects to 51. The STDF secretariat indicated the deadline for new PG and PPG applications (1 January 2021), adding that the next meeting would be chaired by Tom Heilandt, the Codex secretary.

6.2 Information from Members

6.2.1 Japan - Technical assistance to developing countries ([G/SPS/GEN/1160/Add.8](#))

6.3. Japan reported on its technical assistance activities to developing countries from April 2018 to March 2019. These activities, aimed at facilitating the implementation of SPS measures in developing countries based on science, amounted to a total value of approximately 598 million Japanese yen. Japan's statement is contained in document [G/SPS/GEN/1160/Add.8](#).

6.2.2 Belize - Virtual training on pest risk analysis ([G/SPS/GEN/1840](#))

6.4. Belize reported on the participation of several officers of the Belize Agricultural Health Authority in a virtual training on pest risk analysis, organized by OIRSA. Belize's statement is contained in document [G/SPS/GEN/1840](#).

6.2.3 Canada - Technical assistance to developing countries ([G/SPS/GEN/1834](#))

6.5. Canada reported on 27 SPS-related technical assistance projects in 2019, addressing information, training, and "soft" infrastructure development. Canada had committed approximately CDN \$ 1.49 million to these projects. Canada's statement is contained in document [G/SPS/GEN/1834](#).

6.2.4 Chinese Taipei – SPS-related technical assistance provided in 2018-2021

6.6. Chinese Taipei shared information regarding SPS-related technical assistance in 2018-2021 in the Caribbean region, Central America, and West Asia. Projects pertained to banana revitalization in St. Vincent and the Grenadines, forest pest management in Honduras, and date palm cultivation in Saudi Arabia. They aimed at helping Members prevent and control regulated pests of economic fruits or forest as well as enhance their ability to export agricultural products in the international market. Chinese Taipei reported a total value of approximately USD 5 million for these activities.

⁶ The eLearning SPS course is available from the WTO eLearning website at: <http://wtolearning.csod.com> and the trailer is available at: <https://youtu.be/Fp2O-9pb-6g>.

7 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

7.1. No Member provided information under this agenda item.

8 OBSERVERS

8.1 Information from observer organizations

8.1.1 ECOWAS ([G/SPS/GEN/1826](#))

8.1. ECOWAS provided a summary of its SPS activities, implemented in collaboration with its partners, as detailed in document [G/SPS/GEN/1826](#). Key activities included: (i) meetings on national plant protection organizations (NPPOs) regional harmonization and common position on matters to be tabled for discussion at CPM15; (ii) a training workshop for plant quarantine inspectors in two countries to be scaled up in all ECOWAS Members; and (iii) participation to CAC's 43rd session.

8.1.2 IGAD ([G/SPS/GEN/1831](#))

8.2. The Chairperson drew the Committee's attention to the report of activities provided by IGAD in document [G/SPS/GEN/1831](#).

8.1.3 IICA ([G/SPS/GEN/1832](#))

8.3. IICA reported on its activities, which are detailed in [G/SPS/GEN/1832](#). IICA, in collaboration with USDA, hosted an Interregional Virtual Colloquium for Countries of the Codex Coordinating Committees for Africa (CCAFRICA) and for the Latin America and Caribbean (CCLAC), to develop regional participation strategies prior to CAC43. IICA had also hosted the four virtual sessions of the 5th edition of its Strategy Session, organized in partnership and sponsored by the USDA, aiming at improving coordination on the OIE Terrestrial Code chapters. Additionally, IICA, together with the USDA, were currently implementing a long-term project in the Americas, aimed at promoting harmonization in the adoption and implementation of MRLs and in the registration requirements for chemical pesticides and bio-pesticides. IICA had elaborated a Virtual Course and an Electronic Manual on "Preventive Measures in the Agriculture Sector to Guarantee a Continuous Food Supply for the Population During COVID-19" Finally, IICA, in conjunction with FDA, continued to strengthen the capacities in relation to FSMA regulations on the safety of fresh agricultural products..

8.1.4 CAHFSA ([G/SPS/GEN/1833](#))

8.4. The Chairperson drew the Committee's attention to the report of activities provided by CAHFSA in document [G/SPS/GEN/1833](#).

8.1.5 OIRSA ([G/SPS/GEN/1836](#))

8.5. The Chairperson drew the Committee's attention to the report of activities provided by OIRSA in document [G/SPS/GEN/1836](#).

8.1.6 ITC ([G/SPS/GEN/1837](#))

8.6. The Chairperson drew the Committee's attention to the report of activities provided by ITC in document [G/SPS/GEN/1837](#).

8.1.7 SADC ([G/SPS/GEN/1845](#))

8.7. The Chairperson drew the Committee's attention to the report of activities provided by SADC in document [G/SPS/GEN/1845](#).

8.2 Requests for observer status

8.2.1 New requests

8.2.1.1 Request from the United Nations Industrial Development Organization (UNIDO) (G/SPS/GEN/121/Add.18, G/SPS/GEN/1841, G/SPS/GEN/1867)

8.8. The Secretariat had received a new request from UNIDO, as contained in document [G/SPS/GEN/121/Add.18](#).

8.9. Senegal, Belize, and Morocco supported UNIDO's request. Senegal highlighted that UNIDO's mission covered several different fields, including food security and safety and that UNIDO's contributions helped countries to meet challenges in the health arena, by setting up initiatives for capacity building. Belize submitted document [G/SPS/GEN/1841](#) to underscore the diversity of UNIDO's interventions in SPS-related matters, its contributions to increase the competitiveness of small and medium size enterprises (SMEs), and its value for the successful execution of two STDF projects in West Africa and Central America. Having benefited from its technical expertise in the area of food safety and SPS measures, Morocco noted that observer status would allow UNIDO to interact with regard to discussions among Members and to contribute with appropriate proposals with regard to local, regional, and international partners. Morocco submitted document [G/SPS/GEN/1867](#).

8.10. The Chairperson indicated that he had been informed that it would not be possible to reach consensus status on UNIDO's request.

8.2.1.2 Request from the Arab Organization for Agricultural Development (AOAD) (G/SPS/GEN/121/Add.19)

8.11. The Secretariat had received a new request from the Arab Organization for Agricultural Development (AOAD) in document [G/SPS/GEN/121/Add.19](#). No objections were received and the Committee agreed to grant *ad hoc* observer status to AOAD.

8.12. The Committee decided to invite organizations with *ad hoc* observer status in the Committee to participate in all of the Committee meetings in 2021 - with the exception of closed meeting - unless any Member raised an objection in advance of a meeting.

8.2.2 Pending requests

8.13. The Chairperson noted that there was still no consensus on the six outstanding requests for observer status from the Convention on Biological Diversity (CBD); CABI International; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Organisation Internationale de la Vigne et du Vin (OIV); the Asian and Pacific Coconut Community (APCC); and the International Cocoa Organization (ICCO).

9 OTHER BUSINESS

9.1. No Member took the floor under this agenda item.

10 DATE AND AGENDA OF NEXT MEETING (G/SPS/GEN/1823)

10.1. The Chairperson drew Members' attention to the proposed dates for the upcoming Committee meetings in 2021, as detailed in [G/SPS/GEN/1823](#). He recalled that the next regular meeting of the Committee had been tentatively scheduled for 25-26 March 2021 and highlighted that the dates for the July meeting might change, depending on the final dates of the 12th WTO Ministerial Conference.

10.2. The Secretariat informed the Committee that it would prepare a relatively brief summary report that would be complemented by Members' ability to download complete statements via eAgenda. Many Members also circulated their interventions as GEN documents.

- 10.3. The Secretariat reminded Members of the following deadlines, circulated by email:
- a. eAgenda closing for the upload of statements: **Friday, 13 November 2020 (midnight Geneva time)**;
 - b. For submitting comments on the revised version of the Chairperson's annual report to the CTG: **Wednesday, 18 November 2020**;
 - c. For submitting comments on the Chairperson's draft report on the informal meeting, the SPS@25 Event, and the Thematic Session on Voluntary Third-Party Assurance: **Wednesday, 18 November 2020**;
 - d. For submitting comments on the proposal (G/SPS/W/322) or suggesting speakers for the Thematic Session on African Swine Fever, to be held on 23 March 2021: **Friday, 4 December 2020**;
 - e. For submitting comments on the draft programme for the Workshop on Risk Assessment, Risk Management and Risk Communication (G/SPS/GEN/1769): **Friday, 4 December 2020**;
 - f. For identifying new issues for consideration under the monitoring procedure and for requesting that items be put on the agenda: **Wednesday, 3 March 2021**; and
 - g. For the distribution of the Airgram: **Friday, 5 March 2021**.
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ANNEX A

SPS COMMITTEE THEMATIC SESSION ON VOLUNTARY THIRD-PARTY ASSURANCE AS PART OF NATIONAL SPS CONTROL SYSTEMS

3 NOVEMBER 2020

CHAIRPERSON'S SUMMARY

1.1. A thematic session on voluntary third-party assurance programmes as part of national SPS control systems was held on 3 November 2020. This session had originally been planned for March 2020; but had to be postponed due to the COVID-19 pandemic. The programme was circulated in document [G/SPS/GEN/1754/Rev.3](#), based on the proposal submitted by Belize in document [G/SPS/W/320](#).

1.2. The main objectives of the thematic session were to receive updates from the international standard-setting bodies on their work in the area; facilitate an exchange of information among Members on their use of voluntary third-party assurance as part of national SPS control systems; obtain the perspectives and experiences of the private sector; and learn about capacity building initiatives in this area.

1.3. In Session 1, Codex referred to the ongoing work of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) on the development of guidelines for the use of third-party assurance schemes by competent authorities. The adoption of these guidelines was expected in 2021. Their objective would be to promote a harmonized and robust approach, to enhance the regulatory arrangements and the delivery of official controls within National Food Control Systems while also allowing flexibility to reflect diverse needs and capabilities. Codex explained that the guidelines would include principles; roles and responsibilities; criteria for assessing vTPA programmes and their data; and examples of regulatory approaches that use vTPAs. The guidelines were not meant to mandate the use of vTPAs, nor to officially recognize inspection or certification bodies, or to apply private standards. The speaker also shared the UK perspective on the integration of vTPA to its food safety system.

1.4. The IPPC explained that the Convention provided for the possibility that national plant protection organizations (NPPOs) could authorize other entities to perform specific sanitary actions on their behalf, with the exception of the issuance of phytosanitary certificates. The IPPC underlined that the responsibility of phytosanitary action remained with NPPOs. The IPPC also noted existing standards that referred to authorizations, and to a draft standard on the authorization of entities to perform phytosanitary actions, the application and implementation of which would be voluntary. Finally, IPPC shared the results of a [study](#) titled "Authorizing entities to perform phytosanitary actions: an overview of the current use of authorization by national plant protection organizations".

1.5. In Session 2, Members presented their experiences with vTPA programmes. A speaker from Belize described its participation in the STDF pilot programme to test how the vTPA approach set down in the draft Codex guidelines worked in practice. Egypt explained its transition towards a modernized food import control approach. Canada highlighted that the use of data collected through its vTPA programme informed its risk-based planning and prioritization, within its regulatory framework, and its role in helping achieve food safety regulatory objectives, without replacing regulatory enforcement authorities. Germany noted the relevance of public private partnerships to allow a more efficient use of public resources and a better targeting of official controls, which could lead to direct cooperation between authorities and third parties or to the consideration of third-party audits in planning official controls. Finally, the United States explained how it included third-party audits in its regulatory programme in two ways: through an accredited third-party certification programme and through supply chain controls.

1.6. In response to questions on the impact of COVID-19 on their use or planned use of vTPAs, speakers reported that this had tested the resilience of their systems, and that it had led them to allow remote testing and to adopt a more flexible approach. To another question, they answered

that they expected a growth in the relationship between third parties and regulatory agencies, without replacing official controls.

1.7. In the second part of Session 2, the Committee heard from GFSI on their efforts to harmonize requirements for accredited private certification programmes with a mutual recognition approach. GFSI's response to COVID-19 had been to extend the validity of issued certificates, in order to avoid the disruption of supply chains; and the performance of hybrid in-person and remote assessments.

1.8. Session 3 covered capacity building efforts. The STDF explained that its projects in the area aimed to pilot the vTPA approach in a developing country context, and to generate lessons and experiences that could be relevant to other stakeholders. The STDF also presented the results of a STDF/UNIDO/IICA Survey on the use of vTPA programmes. Respondents reported a more efficient allocation of inspection time and resources, and an overall improvement in food hygiene and safety. They also expressed concerns regarding the additional financial costs for food business operators (FBOs), the confidentiality of private audit reports, the reliability of private assurance systems and the duplication of existing laws and regulations. The STDF concluded that due to the diversity of existing situations in different jurisdictions, there wasn't one single approach that offered a solution for all Members. Honduras, a beneficiary of an STDF vTPA pilot project, expected to improve food safety management systems of its FBOs to facilitate access to high-value markets.

1.9. UNIDO explained its holistic approach, including in the implementation of the STDF pilot programme, to build capacity on vTPA among all stakeholders and take into account countries' individual food safety, quality infrastructure (QI) and conformity assessment setup. TradeMark East Africa presented its work on third-party assurance schemes and in particular the development of safe SPS corridors. COMESA presented the evolving vTPA landscape in its region, and the regional capacity building initiatives, through joint public private partnerships.

1.10. South Africa provided information on the South African Dairy Standards Agency, a self-regulatory initiative established by the dairy industry, and explained its dairy monitoring programme in collaboration with health authorities. Finally, GFSI presented its Global Markets Programme, a free voluntary tool which provided guidance toward certification.

1.11. In concluding, I remarked that the thematic session had proven to be informative and interesting, and trusted it would help increase Members' understanding on the topic.

1.12. Presentations from all sessions of the thematic session will be made available on the [SPS Gateway](#).

ANNEX B

INFORMAL MEETING – 4 NOVEMBER 2020

REPORT BY THE CHAIRPERSON

1. FOLLOW-UP TO THE FIFTH REVIEW

1. At the informal meeting on 4 November 2020, the Committee discussed how to take forward some of the recommendations in the Fifth Review Report.

Creation of a SPS Committee Working Group on Approval Procedures ([G/SPS/W/328/Rev.1](#))

2. Further to the recommendation in the Fifth Review Report ([G/SPS/64](#), para. 3.12) in relation to the creation of a Working Group (WG) on Approval Procedures, I first provided an update on the written expressions of interest received from the following delegations to participate in the Working Group from Argentina, Belize, Brazil, Canada, Colombia, Costa Rica, the European Union, Japan, Mexico, New Zealand, Norway, Paraguay, the Philippines, the Russian Federation, Singapore, South Africa, Switzerland, Chinese Taipei, Ukraine, the United Kingdom, the United States and Uruguay. The OECD had also expressed interest in joining the Working Group. In addition, I indicated that Canada and Paraguay had volunteered to act as co-stewards to lead the Working Group.

3. I reminded the Committee that the first meeting of the Working Group would take place in the afternoon and that further discussions could take place in that meeting. I then invited the co-stewards to address the Committee.

4. Canada clarified the role of "Observers" for the Working Group, explaining that this was only a reference to the Observer organizations of the SPS Committee, and not as a secondary option of participating in the Working Group for Members. The purpose of the first Working Group meeting was to share initial thoughts about the group itself and the process going forward. Canada invited interested Members or Observer organizations, who had not yet signed up to participate in the Working Group, to attend the first meeting of the Working Group. The last opportunity to sign up would be immediately following the Working Group meeting. Finally, Canada drew attention to document [G/SPS/W/328/Rev.1](#), which outlined the details and process of the Working Group.

5. In response, Chile thanked the co-stewards for their work and indicated its support for document [G/SPS/W/328/Rev.1](#), further suggesting that the Working Group could consider including the topic of undue delay as a possible area of work.

Exchange of experiences or continued discussions on various topics

6. We then discussed the recommendations that encourage Members to continue to exchange experiences or have continued discussions. I highlighted that these recommendations were found in various sections of the Fifth Review Report, such as: appropriate level of protection, risk assessment and science (para. 2.15); equivalence (para. 4.11); fall armyworm (para. 5.16); national SPS coordination mechanisms (para. 6.7); MRLs for plant protection products (para. 8.6); and regionalization (para. 9.15). I sought your views on the best way to move forward with these recommendations. I recalled that in the September consultations, one Member had observed that the proposed work plan for the MC-12 SPS Declaration, also currently being discussed by the Committee, was consistent with these recommendations and could provide a pathway to continue exploring these topics.

7. One Member, while acknowledging that it had been flexible in its decision to join the consensus to adopt the Fifth Review Report, recalled its previously expressed concerns regarding certain proposals, drawing attention to its statement in the June 2020 informal Committee meeting. In particular, the Member highlighted its concerns with the fall armyworm proposal and further acknowledged the clarification that had been provided by one of the proponents, as circulated in document [G/SPS/GEN/1820](#). The Member also reminded the Committee of its concerns regarding the term "scientific uncertainty" in the third recommendation on appropriate level of protection, risk

assessment and science (paragraph 2.15 of [G/SPS/64](#)). The Member further recalled that it had previously queried the legal basis of the term, while noting that the term had still been included in the adopted recommendations.

Preparation of a collection of resources for Members in implementing their national coordination mechanisms

8. Next, we discussed the recommendation in the Fifth Review Report (G/SPS/64, para. 6.7) on the preparation of a collection of useful resources for Members in implementing their national coordination mechanisms. I recalled that Members had requested that the Secretariat prepare such a compilation of resources, starting with those mentioned at the 2019 Workshop on Transparency and Coordination, and including additional resources as suggested by Members. The Secretariat presented a first draft of the document circulated as [G/SPS/GEN/1850](#). The Secretariat also highlighted that the document was a work in progress and that inputs from Members would be welcomed.

9. In response, one Member indicated that the document was very helpful for coordination across various agencies, and further suggested including a reference to the annotated agendas for SPS Committee meetings in Section 3 of the document, as this was a useful tool which enabled discussions and follow-up at the national level.

10. I indicated that Members might need more time to review the document and invited comments and inputs on additional resources by the deadline of **Friday, 4 December 2020**.

11. In relation to the tools indicated in Section 3 of the document, the Secretariat drew attention to the ePing system and its recent enhancements. The Secretariat explained that ePing had an international and national discussion forum to facilitate exchanges on SPS and TBT notifications at both levels. In addition, government officials working on SPS and TBT matters could request administrative rights to manage ePing at the domestic level and access additional features. In response to a recommendation from the TBT Eighth Triennial Review, the Secretariat had recently introduced some enhancements to ePing to facilitate the sharing of comments on notifications and the responses, usually exchanged bilaterally. In response to a question from one Member, the Secretariat clarified that this feature was different than the new administrative chat function, currently under development and being piloted in a few regions before being rolled out more broadly. The Secretariat showed a short video tutorial on the sharing of comments feature, accessible at: <https://www.youtube.com/watch?v=it5PN-vazuA&feature=youtu.be>, and further indicated that any questions on ePing could be sent to ePing@wto.org.

2. SPS DECLARATION FOR THE 12TH WTO MINISTERIAL CONFERENCE (G/SPS/GEN/1758/Rev.4)

12. At the informal meeting on 4 November 2020, the Committee discussed the SPS Declaration for the 12th Ministerial Conference (GEN/1758/Rev.4). The proponents first acknowledged new co-sponsors of the document: Burkina Faso, Costa Rica and Guatemala – noting that the overall list of co-sponsors spanned all regions and levels of development. In response to a Member's suggestion in the September consultations to broaden the discussion and to organize a meeting to discuss the details of the Declaration, the United States indicated that a Chair-facilitated session was being planned for November, the details of which would shortly be announced. All Members were invited to engage prior to and during that event to share their views in order to ensure a participatory and multilaterally endorsed Declaration. In response, I indicated that this meeting was being organized for 23 November at 3:00 p.m. via Interprefy.

13. Brazil noted the evolution of the SPS regime for world trade in agricultural products and the numerous challenges faced, while underscoring that the principles enshrined in the Declaration provided a way forward. Canada observed that the Declaration sought to underline the benefits of the SPS Agreement for all Members. It reaffirmed the importance of adhering to the obligations and also recognized a number of new opportunities and challenges that had emerged since the adoption of the Agreement. In this regard, the work programme sought to enhance the implementation of the SPS Agreement in light of those pressures.

14. Senegal further endorsed the Declaration indicating that it enabled Members to take stock of progress made in international trade, but also helped to underscore some of the market access challenges faced in terms of regulatory and risk assessment-related issues.

15. One Member underscored the importance of the multilateral rules-based system and indicated its interest in participating in further discussions, including at the upcoming meeting. However, it also recalled its previously raised reservations at the informal consultations in September regarding the text of the Declaration. Another Member emphasized the importance of reconfirming the principles of the SPS Agreement at the Ministerial level, noting that SPS measures should be based on science and only applied to the extent necessary. However, this Member had some concerns on the text, particularly due to the detailed nature of the proposed work programme, as compared to other previously adopted Declarations. The Member indicated its willingness to work on a draft that would be agreeable to all WTO Members.

16. One Member thanked the proponents for taking on board the suggestion to organize the information sharing session to discuss the Declaration, and also echoed the concerns regarding the broad mandate of the work programme. Nevertheless, the Member looked forward to engaging in discussions in the scheduled meeting.

3. BRAZIL'S DRAFT WORKING PROCEDURES ON STRENGTHENING THE CONSULTATIVE FUNCTION OF THE SPS COMMITTEE (G/SPS/W/319/REV.2)

17. At the informal meeting on 4 November, Brazil informed Members that it was in the process of revising its proposal and invited Members to continue discussions and provide inputs.

18. One Member welcomed the document and supported the recommendations made to strengthening consultations. The Member proposed several suggestions in relation to paragraphs 7, 8, and 9, noting that while useful, these paragraphs could instead be presented under a separate title dealing with the other functions of the Committee. In addition, paragraph 10 was viewed as a recommendation relating to the principle of transparency and complementary to already existing documents, such as document W/290. The Member further emphasized that it would be useful to maintain the current process for STCs, and suggested that both detailed and summarized meeting reports could be useful.

4. UPCOMING THEMATIC SESSIONS/WORKSHOP

19. Members discussed the scheduling of the proposed thematic sessions on African swine fever (ASF) in document W/322, and default pesticide MRLs. I recalled that, based on the discussions in the September consultations, the Committee had agreed to hold the thematic session on ASF in March 2021. For default pesticide MRLs, I proposed two options: (i) to hold this session in November 2021; or (ii) to hold this session in between Committee meetings (i.e. not back-to-back with a Committee meeting). I further explained that given the packed schedule for the July 2021 Committee meeting - which also included the two-day Workshop on Risk - it was not feasible to hold the thematic session during that week.

20. One Member supported the proposal of organizing the MRL thematic session in between Committee meetings, while another considered whether holding the event back-to-back with a Committee meeting would raise the profile of the event. This Member also proposed that the thematic session be held after the Workshop on Risk Assessment, Risk Management and Risk Communication, to allow the session on default MRLs to benefit from the discussions during the workshop. Overall, Members indicated their willingness to rely on the Secretariat to take into account the suggestions concerning a possible date and time for the event.

21. China indicated that it was in the process of drafting a programme for the thematic session on default MRLs which would be shortly circulated. China also noted that there was no definition of uniform limits and underscored the need for in-depth discussion on the topic with the active participation of pesticide experts.

22. The European Union provided an overview of the topics to be covered in the thematic session on African swine fever, noting that it allowed the Committee to explore solutions to address this increasing global trade issue. Members would have the opportunity to share their best practices in disease control and also in safe trade. Several Members expressed support for the event. One Member highlighted the importance of focusing not only on disease control, but also on SPS measures to facilitate trade. Another Member proposed that the session could provide an opportunity to discuss the OIE guidelines on compartmentalization for ASF, which would be published soon.

23. In relation to the Workshop on Risk Assessment, Risk Management and Risk Communication, which would be held in July 2021, Members were invited to share comments on the draft programme in document GEN/1769.

5. COVID-19

24. As requested by Members in the September consultations, the WTO Secretariat, the three standard-setting bodies and the World Health Organisation (WHO) provided updates on COVID-19 and SPS issues in their respective areas. The WTO Secretariat provided an update on the 72 SPS notifications and other communications related to COVID-19 submitted by Members, 66% of which concerned trade facilitating measures. Most of the seven temporary restrictions imposed had already been lifted.

25. Codex informed the Committee that its Executive Committee had decided to examine the impact of the pandemic on Codex work. Codex highlighted that so far there was no scientific evidence that COVID-19 was a food safety issue and, as such, Codex subsidiary bodies did not foresee the development of specific food safety standards. The dedicated COVID-19 Codex webpage contained Codex texts relevant to the pandemic, including hygienic practices, as well as regular updates on the work of the relevant Codex Committees.

26. The IPPC Secretariat reported that the possibility of adopting ISPMs virtually was being explored. The Online Commenting System was being used to review draft standards, discuss plant health issues and share best practices for dealing with COVID-19 issues. Budget for capacity development was being reallocated towards building a more robust eLearning and other virtual training and problem analysis activities. The International Year of Plant Health activities had been extended until June 2021. The IPPC invited Members to continue implementing effective phytosanitary measures to ensure a safe supply of fresh food and protect plants from pests. The IPPC had been urging Members to make use of electronic phytosanitary certificates (ePhyto Solution). While some countries were requiring "COVID-19 free" certificates, this was outside IPPC's mandate and not a phytosanitary issue. Members should follow relevant WHO guidance. The IPPC invited countries to harmonize measures through the use of ISPMs, to share knowledge and best practices, and to continue to take technically justified measures to protect plant health.

27. The OIE presented its activities in the COVID-19 pandemic, which included participation in the IHR Emergency Committee, the preparation of a survey for member countries, and the elaboration of guidelines for working with free-ranging wild mammals. The future OIE work programmes included the preparation of an OIE Wildlife Health Management Framework and an OIE Policy Paper to prepare for, prevent and build resilience against health crises. Concerning COVID-19 and animals, the OIE presented the available scientific evidence on SARS-CoV-2 from an animal health perspective. The OIE summarized the recommendations of the OIE *ad hoc* Group, which included facilitating safe international movement of live animals and animal products and not introducing unjustified or unnecessary COVID-19-related sanitary measures.

28. The WHO reported on the fifth meeting of the IHR Emergency Committee and on the recommendations, for WHO and for State Parties, that were relevant for SPS Committee, namely on research and on health measures in relation to international traffic. The WHO was reviewing its travel guidance to propose a risk-based framework for countries considering implementing travel restrictions. The IHR Review Committee had been convened to review the functioning of the IHR during the COVID-19 pandemic and propose recommendations to the Director-General, including for necessary amendments to the Regulations.

29. Some Members' provided updates. The European Union reported that they had extended up to February 2021 the trade facilitating measures to accept scanned sanitary certificates. The European Union highlighted that the OIE did not recommend any sanitary measures on international movement of live animals or animal products without a justifying risk analysis and regretted the restrictions on trade in agri-food products imposed by some Members and the unnecessary additional requirements. Specifically, the European Union referred to notification [G/SPS/N/CHN/1173](#) on cold-chain foods, noting that China's measures were taken under Article 5.7 of the SPS Agreement. The European Union invited China to share its scientific risk assessment, indicate why the measures were considered to be proportionate and when the emergency measures would be terminated. The European Union's full statement is available in document [G/SPS/GEN/1854](#).

30. Colombia thanked the Secretariat for the information and the Members for all the notifications on technical barriers and on trade facilitation, and enquired how to find out about modifications on drafts and regulations of agri-products. Indonesia underlined the importance of following scientific evidence and refraining from restricting trade. Indonesia had been accepting electronic or scanned phytosanitary certificates to accelerate the inspection process. Senegal highlighted the impact of COVID on food products and transportation systems, noting that it was not in a position to develop its export activities at this stage. Senegal called for cooperation among Members and for a coordinated response. Senegal also highlighted the need for guaranteeing good hygienic practices and reported on an increase in the inspection rate in processing plants.

31. China stated that SARS-CoV-2 had been detected on imported containers of wild shrimps and chicken wings. China had adopted provisional measures in line with the SPS Agreement. Studies proved the possibility of transmission of COVID from food to people. The measures were provisional and based on scientific evidence, in line with the SPS Agreement. China hoped the international community could step up the international cooperation to combat this disease.

ANNEX C

SPS @25 EVENT

2 NOVEMBER 2020

CHAIR SUMMARY

1. An SPS@25 half-day informal event was held on 2 November 2020 to celebrate the 25th anniversary of the SPS Agreement. The programme was circulated in document [G/SPS/GEN/1848](#).
2. DDG Alan Wolff provided opening remarks, highlighting the results of recent research on the human health implications and the economic relevance of SPS measures. He also underlined the importance of the SPS Agreement as setting the internationally-recognized framework for SPS measures in trade, and the crucial role of the SPS Committee in contributing to resolve trade concerns. DDG Wolff encouraged Members to continue to hold open and productive discussions to find constructive solutions to SPS challenges.
3. The first session of the SPS@25 event, "Everything you always wanted to know about the SPS Agreement but were afraid to ask", looked back at the negotiations of the SPS Agreement and the evolution of the SPS Committee over time. Key negotiators and the former Secretary of the SPS Committee shared their memories of how the SPS Agreement came together. They highlighted that keeping technical aspects at the forefront of the discussions allowed them to move forward, overcoming political obstacles. The issues that took longest to agree upon in the negotiations, as they recalled, were risk assessment (where international standards were yet to be developed), the concept of the appropriate level of protection, regionalization and the phrase "not maintained without sufficient scientific evidence" in Article 2.2. They also spoke about the importance of the Agreement for developing countries. Finally, the speakers highlighted how the personal relationships and trust between negotiators led to constructive engagement and to a text that is still the basis for smooth, safe trade in food and agricultural products today.
4. In the second session, "The Crystal Ball", speakers explored trade-related SPS challenges of the future, and the potential role of the SPS Committee. They spoke about the new areas where food safety regulations will have to be applied, such as novel, innovative food, including cultured meat; personal food; and the blurring of the food/medicine divide. In relation to plant health, new pests were emerging due to factors such as climate change, which required new pest management strategies. These in turn led to a need for new approaches to risk assessments and controls for residues in foods. The speakers pointed to the role of the "Three Sisters" in providing a forum for discussions on topics such as climate change. They also referred to the increasing importance of digitally-driven technology in trade and agriculture. They noted that COVID-related restrictions had led to a wider use of electronic certificates. Increased use of information technology provided more opportunities to gather and share data, which could provide a basis to target inspections to high-risk products. Both speakers agreed that interaction between SPS agencies and the private sector were likely to change, towards increasingly shared responsibilities. Finally, they concluded that in an ever-changing world, regulations needed to be flexible and systems needed to be resilient in order to constantly adapt to new situations.
5. On the occasion of the 25th anniversary of the SPS Committee, all former Chairpersons had been invited to send a short video about their time as Chairs. The WTO Secretariat produced a set of videos with the Chairs' contributions, which was streamed during the event and shared on WTO's social media accounts.
6. In concluding, I expressed my hope that this exchange would enrich our SPS discussions.