RESTRICTED

G/SPS/R/110

13 September 2023

(23-6098) Page: 1/57

Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 12-14 JULY 2023

NOTE BY THE SECRETARIAT[1]

[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.

1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the Committee) held its 86th regular meeting on 12-14 July 2023. The meeting was held in hybrid form, with some delegates attending in-person and others joining via a virtual platform.

1.2. The proposed agenda for the meeting (JOB/SPS/29) was adopted with amendments.

1.3. The Secretariat reminded Members that they were able to submit agenda items, support STCs, and upload statements through eAgenda. Members could support items through eAgenda until they were discussed in the meeting, and upload statements until Friday, 14 July 2023. Only oral interventions by Members who took the floor during the meeting were reflected in this report. In addition, longer statements could be shared through eAgenda or circulated as GEN documents. The Secretariat invited Members to inform the Secretariat of email addresses to be added or removed from the delegates' distribution list and eAgenda. The Secretariat also drew Members' attention to an STDF Side Event on Facilitating safe trade: Why does gender matter for SPS compliance? taking place on 13 July 2023.

2 ELECTION OF THE CHAIRPERSON

2.1. The Chairperson reminded Members that, according to the Rules of Procedure, the term of office of the Chairperson of the SPS Committee ended with the conclusion of the first meeting of each year. On 5 June 2023, the Council for Trade in Goods (CTG) had adopted the slate of names for the appointment of chairpersons of its subsidiary bodies in accordance with the Guidelines for Appointment of Officers to WTO bodies (contained in document WT/L/31). Mr Tayutic Mena of Costa Rica had been nominated as the new Chairperson of the SPS Committee. The Committee endorsed this decision by acclamation. The outgoing Chairperson, Mr Tang-Kai Wang of Chinese Taipei, thanked delegates for their support and assistance during his Chairmanship.

2.2. The newly elected Chairperson thanked Mr Tang-Kai Wang for his work during his Presidency and continuing work on the MC12 Declaration Work Programme and expressed his commitment to continuing to maintain and improve the high working standards of the Committee.

3 INFORMATION SHARING

3.1 Information from Members on relevant activities

3.1.1 Japan - Update on the import measures on Japanese food regarding radionuclides (G/SPS/GEN/1233/Rev.6)

3.1. Japan drew Members' attention to document G/SPS/GEN/1233/Rev.6. Japan emphasized that the health risk of food produced in Japan was negligible and that no reports of non-compliance in food imported from Japan had been received for around a decade. In its view, the assessment by the Joint FAO/IAEA Centre of Nuclear Techniques in Food and Agriculture of Japan's status regarding radionuclides acknowledged the effective control of the food supply chain and the safety of public food supply. As such, noting that the majority of Members had lifted measures imposed following the Fukushima nuclear accident, Japan called on those Members that continued to maintain measures to lift them. Japan considered such measures to be maintained without scientific evidence and to be inconsistent with the SPS Agreement. Japan reiterated that it would implement the discharge of the ALPS treated water (water treated by the Advanced Liquid Processing System), in accordance with international practice, and strictly comply with regulatory standards regarding safety, under the review of the IAEA. Therefore, the discharge of water could not justify imposing import measures on Japanese food. Japan further noted that it had provided relevant scientific updates to the IAEA, and reminded Members of its updates to the Committee, annual reports, one-stop website for information sharing, and bilateral consultations. Japan asked relevant Members to conduct risk assessments, and risk communication efforts with their citizens.

3.2. Korea indicated that the protection of health and safety of people was its top priority, noting that radionuclides were human carcinogens and that contaminants continued to be detected in food products from Japan. Korea reiterated its concerns that contaminated water should be safe from a scientific point of view and disposed of in a manner consistent with international laws and standards.

3.3. China noted that it had closely followed the relevant measures taken by Japanese authorities regarding the problem of radioactive contamination of food products and continued to assess those measures with a view to protecting Chinese consumers. China also indicated that, in its view, the assessment report issued by the IAEA did not fully reflect the views of all experts, and legitimate concerns regarding the discharge of contaminated water remained.

3.4. Japan thanked Members for their comments and reminded Members that Japan had measures in place to detect and monitor non-compliance cases, and that its framework prevented food exceeding Japanese maximum levels from entering the food chain or being exported. Japan also reiterated that its water discharge plans were compliant with international safety standards, and that the IAEA conducted a comprehensive report that concluded that Japan's approach to the discharge of the treated water into the sea, and associated activities, were consistent with relevant international safety standards.

3.1.2 European Union – European Commission proposal on plants obtained by certain new genomic techniques and their food and feed (G/SPS/GEN/2142)

3.5. The European Union informed Members about an EU proposal for a regulation on plants obtained by certain new genomic techniques and their food and feed, which was part of a package of proposals to ensure resilient and sustainable use of EU natural resources. The proposal set out rules for the deliberate release into the environment for any other purpose than placing on the market of plants obtained by targeted mutagenesis and cisgenesis and for the placing on the market of food and feed containing, consisting of, or produced from such plants, and of products, other than food or feed, containing or consisting of such plants. The European Union submitted its statement with additional information in document G/SPS/GEN/2142.

3.6. The United States expressed interest in the proposal, which it considered to be of global significance, and in how the proposal would move through the EU legislative process.

3.1.3 European Union – EU Council recommendation on stepping up EU actions to combat antimicrobial resistance in a One Health approach (G/SPS/GEN/2143)

3.7. The European Union provided information on a recently adopted recommendation on stepping up EU actions to combat antimicrobial resistance (AMR) in a One Health approach, complementing the 2017 EU One Health Action Plan against AMR. The recommendation employed a One Health approach to AMR based on the link between the health of humans, animals, and the environment. One of the main objectives of the recommendation was to foster a prudent use of antimicrobials through a series of voluntary measures, with the aim of reducing the risk that microorganisms would become resistant to medical intervention. The European Union submitted its statement with additional information in document G/SPS/GEN/2143.

3.1.4 Ukraine – Report on SPS activities in Ukraine

3.8. Ukraine updated Members on SPS capacity and infrastructure building activities and thanked Members for their support on a number of recent projects. Ukraine noted that it had continued to carry out SPS-related activities despite loss of critical infrastructure, environmental disasters, and sustained conflict, where their SPS authorities continued to ensure compliance. Ukraine also brought Members' attention to their national quality control system and efforts to introduce electronic sanitary certificates. In addition, Ukraine highlighted specific barriers to export related to the prolonged conflict.

3.9. The European Union, the United States, Canada, the United Kingdom, New Zealand, Moldova, Australia, Japan, and Switzerland expressed their appreciation for Ukraine's efforts to fulfil its WTO SPS obligations, maintain food safety standards, and deliver food to international markets. They condemned the Russian Federation's military action in Ukraine, noting that it constituted a violation of international law. Several Members stated that the invasion was exacerbating the current food security crisis, had inflated prices, and increased global hunger since Ukraine was unable to export and inspect grain. Members called on the Russian Federation to renew the Black Sea Grain Initiative and cease military operations in Ukraine.

3.10. The Russian Federation indicated that it continued to participate in global efforts to prevent food insecurity and hunger in developing countries and least developed countries (LDCs). In the Russian Federation's view, allegations that it contributed to the global food crisis were ridiculous given other systemic factors. The Russian Federation noted the Black Sea Grain Initiative had been prolonged under the condition of achieving tangible normalization of agricultural exports, but there had been no progress. Finally, the Russian Federation took the view that the Committee should refrain from discussing issues not within the scope of the WTO. Referring to attempts to politicise the Committee, the Russian Federation requested the Chairperson to moderate the discussions in accordance with the agenda and working procedures of the Committee.

3.2 Information from Codex, IPPC and WOAH on relevant activities

3.2.1 Codex (G/SPS/GEN/2138)

3.11. Codex highlighted key elements of information from its summary in document G/SPS/GEN/2138. Codex brought Members' attention to the finalization of maximum levels for food additives in food, upcoming work on risk management guidance relating to toxins in seafood, guidelines on recognition and maintenance of equivalence of national food control systems, principles and guidelines on the use of remote audits and inspection in regulatory frameworks, and upcoming work to update the principles for traceability/product tracing as a tool within a food inspection and certification system.

3.2.2 IPPC (G/SPS/GEN/2137)

3.12. The IPPC presented its report on relevant activities in document G/SPS/GEN/2137 which covered activities from March to June 2023. The IPPC brought Members' attention to the recently completed 17th session of the Commission on Phytosanitary Measures (CPM-17), where four international standards had been adopted, two new focus groups on global research coordination and laboratory diagnostic networking had been established, and sustainable funding for electronic sanitary certificates had been discussed. The IPPC also referred to its adjustments to its dispute settlement procedures, future AMR work and associated survey, coordination activities related to Banana *Fusarium*, two planned questionnaires related to all IPPC standards and e-commerce, and the approval of 10 draft ISPMs.

3.2.3 WOAH (G/SPS/GEN/2133)

3.13. WOAH provided a brief summary of document G/SPS/GEN/2133, which included an overview of its 90th General Session. Some of the topics discussed were avian influenza, new and revised standards for the Terrestrial Animal Health Code and Aquatic Animal Health Code, updated manuals, revisions to the chapter on bovine spongiform encephalopathy, adopted standards on recommendations for dog vaccination for rabies, recommendations for diseases related to horses, and a horizontal review of the structure of chapters dealing with mollusc diseases. WOAH also provided updates on new official health statuses, an adopted resolution dealing with strategic changes and global control of avian influenza, and a revised approach to global reporting on the animal health situation.

4 SPECIFIC TRADE CONCERNS

4.1. Before the adoption of the agenda, Brazil withdrew STC ID 521, Chinese Taipei's import restrictions on poultry and beef; India removed STC ID 525, The Russian Federation's classification of tea as "fruits and vegetables"; and the Russian Federation withdrew STC ID 527, Delays in Thailand's approval procedures for animal products.

4.1 New issues

4.1.1 Canada's restrictions on Brazilian pork from internationally recognized FMD free zones without vaccination (ID 568) – Concerns of Brazil

4.2. Brazil expressed its concern that Canada did not recognize new areas free from foot and mouth disease (FMD) without vaccination, which had been recognized by WOAH in May 2021. Canada had recognized Santa Catarina as FMD free without vaccination for pork based on its procedure to

recognize FMD free zones. In Brazil's view, the lack of recognition of its updated status for new zones was contrary to Articles 3, 5, and 6 of the SPS Agreement as well as the principle of harmonization and the concept of appropriate level of protection. Acknowledging ongoing bilateral efforts, Brazil asked Canada to review its decision of carrying out a new evaluation only when the entire Brazilian territory would be free of FMD without vaccination.

4.3. Canada noted that, while it had granted access for pork from Santa Catarina, it would need to complete a similar evaluation to extend access to other states, which was a complex and resource intensive process. Canada noted that its process for review of disease status was consistent with its WTO obligations and suggested that Brazil begin another review once FMD free status was obtained for the entire country.

4.4. Brazil clarified that, while at the time that Santa Catarina was evaluated, it was the only state that had been recognized by WOAH as FMD free, this status had now been expanded to six other states by WOAH. Brazil had circulated additional information under document G/SPS/GEN/1932.

4.2 Issues previously raised

4.2.1 EU MRLs for alpha-cypermethrin, buprofezin, chlorothalonil, chlorpyrifos, chlorpyrifos-methyl, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ioxynil, iprodione, mancozeb, molinate, picoxystrobin, tepraloxydim and tricyclazole (ID 448 – See also related STCs ID 453, 454, 457, 474, 475, 517) – Concerns of Paraguay, Colombia, Costa Rica and the United States

4.5. Paraguay expressed concerns regarding the answers provided by the European Union in document G/SPS/GEN/2139 to the questions that had been submitted by Paraguay and other Members in document G/SPS/GEN/2076. These answers did not include information at an EU member States level. Regarding document G/SPS/GEN/2140, Paraguay reiterated its request for more information on the emergency authorization granted by the Czech Republic after the ruling of the Court of Justice of the European Union (CJEU) on emergency authorizations for substances other than treated seeds and products other than neonicotinoids. Paraguay sought clarification on the actions implemented by the European Union in order to obtain additional information needed for an objective risk assessment and to review the measure in a reasonable period of time in accordance with Article 5.7 of the SPS Agreement.

4.6. Paraguay also referred to STCs ID 382 and ID 534. Paraguay considered that the European Union was giving a differentiated treatment to the EU member States as it was not granting import tolerances for third countries, even in cases which the European Food Safety Authority (EFSA) had demonstrated that the substance was safe for consumers. Paraguay read out its statement included in document G/SPS/GEN/2140.

4.7. Colombia regretted the lack of progress regarding the revision and changes in EU Maximum Residue Levels (MRLs), such as for tricyclazole in rice. Colombia urged the European Union to consider the potential impact of its measures on trade and sought clarification about the differences between annexes II and III of Regulation (EC) No 396/2005, as well as its practical implications. Colombia questioned the alignment of the granting of import tolerances with the obligations in the SPS Agreement. Colombia further indicated that, in some instances, emergency authorizations had been granted to crops treated with banned substances. Colombia drew the European Union's attention to the questions contained in document G/SPS/GEN/2076.

4.8. Costa Rica reiterated its concern relating to the impact that the reduction of MRLs to the level of detection could have on its production system. No alternatives were available for the relevant substances, which were necessary for production in tropical climates. Costa Rica highlighted the lack of conclusive scientific evidence and the divergence from the conclusions reached in other international fora, namely Codex. Costa Rica asked the European Union to reconsider its regulatory approach and incorporate measures that reduced impact on global food security.

4.9. The United States recalled Members' obligation to apply the least restrictive measures that accomplished the appropriate level of protection and invited the European Union to consider the concerns raised by many Members. The United States was of the view that the continued use of emergency authorizations for active substances no longer approved demonstrated the importance

of certain crop protection tools and the lack of effective and economical alternatives, and that the implemented transition periods were insufficient. Imported products appeared to be treated differently than domestic products. It was also important to use a risk-based process and have access to the full range of tools and technologies available for agricultural production. The United States submitted its statement in document G/SPS/GEN/2144.

4.10. Recognizing the European Union's right to take SPS measures, the Dominican Republic recalled that SPS measures needed to be based on science and not maintained without scientific evidence. The Dominican Republic underscored the importance of imazalil in post-harvest treatments for crops, such as banana, mango, and avocado. These represented about 20% of its total annual food exports and were mainly destined to the EU market. Noting the lack of substitutes, the Dominican Republic lamented that the reduction of the MRL for imazalil would negatively affect the agricultural sector and urged the European Union to find alternative solutions without unnecessarily impairing trade, establish MRLs for the affected molecules based on solid and conclusive scientific evidence, or remove the measures. The Dominican Republic stated that the reduction of MRLs to the level of quantification violated Articles 2 and 5 of the SPS Agreement.

4.11. Noting the challenges facing tropical countries, Guatemala reiterated its concern regarding EU import tolerances, which affected exports of developing countries. Guatemala regretted that the European Union disregarded other Members' climate-related factors. In Guatemala's view, import tolerances were not an alternative to the reduction of MRLs to the level of detection since most developing countries did not have the capacity to present complete data on the substances. Acknowledging the EU answers provided in document G/SPS/GEN/2139, Guatemala expressed its interest in further exchanges of information on this issue and asked the European Union to provide detailed answers to the questions contained in document G/SPS/GEN/2140.

4.12. Canada expressed concerns with the trade implications of the EU approach to the regulation of active substances in plant protection products and its impact on setting import tolerances and on the transition periods provided for MRLs. Canada reiterated the need for risk-based decision making and requested the European Union to harmonize MRLs with Codex limits or to maintain MRLs for substances that did not pose unacceptable dietary risks, where there was no evidence of health risks to consumers and where a full risk assessment could not be completed.

4.13. Brazil highlighted concerns related to the EU MRL regulatory policies that were excessively restrictive and not consistent with Article 5.6 of the SPS Agreement. Brazil noted that the emergency authorizations granted to EU member States were of great concern and invited the European Union to consider trade facilitative approaches in line with the SPS Agreement, with longer transitional periods and early and effective engagement in the process.

4.14. Ecuador invited the European Union to adhere to Codex standards and not to base its measures on inconclusive risk assessments. Noting its tropical weather conditions, Ecuador detailed the long and costly process to find alternative substances. According to Ecuador, trading partners needed at least five years to adapt agricultural practices. Ecuador regretted that the reduction of MRLs for nine substances established in Regulation (EU) 2021/155 (G/SPS/N/EU/394/Add.1) affected market access and contradicted good agricultural practices. Ecuador highlighted that this measure affected its production of banana as there were not substitutes for the regulated substances and the similar alternatives were also questioned by the European Union. Regarding the non-renewal of the authorization for mancozeb, Ecuador reported that this substance was used according to Codex guidelines and asked the European Union to consider the recent studies showing that mancozeb was safe for consumers and environment. Regarding the STC ID 474, Ecuador explained the relevance of those substances in its production of banana, exports of which represented 2,7% of its total GDP. As EU producers had access to emergency authorizations and on the basis of the SPS Agreement, Ecuador urged the European Union to grant similar conditions to producers from third countries. Ecuador requested answers to the questions in document G/SPS/GEN/2076.

4.15. Uruguay reiterated its concerns regarding the EU approach to MRL reduction for an increasing number of substances (mancozeb, imazalil, iprodione, and buprofezin) to limits lower than those of Codex without a scientific risk assessment. Acknowledging the information provided by the European Union, Uruguay expressed its interest in obtaining answers to its questions submitted in document G/SPS/GEN/2140. Uruguay concurred with other Members that emergency authorizations granted by EU member States to domestic producers could conflict with EU health protection policies

and trading conditions with third countries. Uruguay sought clarification on how the CJEU ruling would affect considerations for emergency authorizations. Highlighting that pesticide regulations should be non-discriminatory and based on scientific principles and risk assessments, Uruguay pointed out that sufficient transition periods should be granted for producers to adapt to modified MRLs. Uruguay requested the European Union to reconsider its regulatory approach to avoid adverse effects on Members and hoped that the EU openness to participate in a dialogue would lead to a solution.

4.16. Chile indicated that the non-renewal of mancozeb affected national production of stone fruits and apples. Noting the lack of substitutes for this product, Chile requested the European Union to reconsider its measures to maintain international trade flows.

4.17. Argentina reiterated its concern regarding the technical and structural aspects that affected Members from all regions. Recalling the importance of science-based SPS measures, Argentina urged the European Union to apply a risk-based approach to its regulatory changes, aligned with the relevant international organizations, such as Codex. Highlighting the importance of having measures based on conclusive scientific studies, Argentina invited the European Union to review its regulatory approach considering the local circumstances of production, the lack of substitutes, and the agreements reached by the international standardization bodies.

4.18. Reiterating its support to the concern, El Salvador insisted that measures should be based on conclusive scientific evidence to avoid unnecessary trade restrictions which mainly affected small producers from developing countries. El Salvador required the European Union to provide appropriate transition periods.

4.19. Panama reiterated its concern regarding the non-renewal of the substances, particularly mancozeb, also raised in the TBT Committee and the CTG. Referring to its statements submitted in previous Committee meetings, Panama urged the European Union to reconsider its regulatory approach to maintain international trade flows.

4.20. The European Union referred to the numerous answers already provided during past communications, which included the replies circulated in document G/SPS/GEN/1989/Rev.1. The European Union highlighted its presentation on the EU risk assessment process and its bilateral engagement, which participants considered to be useful. Highlighting its trusted, transparent, and predictable food safety approach, the European Union emphasized that its policies had never impeded imports of agricultural commodities. Members had a shared interest in ensuring pesticide residues were not present at levels presenting an unacceptable risk to human health and set at the lowest achievable level, consistent with good agricultural practices. The European Union indicated that decisions on the approval of active substances and on MRLs had been based on risk assessments carried out by EFSA and EU member States. In full transparency, the relevant scientific data was available on the EFSA website and in the rationale of each EU decision.

4.21. The European Union clarified that the purpose of emergency authorizations was to deal with serious dangers for plant health in emergency situations where there were no better alternatives. The European Union stated that the CJEU ruling forbade the granting of emergency authorizations for outdoor uses of thiamethoxam or clothianidin and for the sowing of seeds that had already been coated with either of these substances. The Commission was considering the implications of the ruling for the granting of other emergency authorizations. Recalling that it had already answered many of the questions raised in the Committee, the European Union informed the Committee it would reply to questions asked by Members in the most recent informal meeting and would provide additional information as requested. The European Union noted that its written statement would be uploaded in eAgenda. The European Union also circulated written responses to questions raised by Members in document G/SPS/GEN/2139.

4.2.2 EU legislation on endocrine disruptors (ID 382) – Concerns of Paraguay

4.22. Paraguay provided its statement under STC ID 448, and referred to document G/SPS/GEN/2140 and its statement uploaded in eAgenda.

4.23. Uruguay reiterated its commercial and systemic concerns regarding the EU adoption and implementation of a hazard-based approach for products with potential endocrine-disrupting

properties. Uruguay underscored the need to base such determinations on conclusive scientific evidence to avoid removing from the market safe active substances without contributing to the stated objective of public health. Uruguay continued to support multilateral work undertaken at Codex to develop a harmonized, risk-based approach that ensured health protection while facilitating international trade. Uruguay called on the European Union to address Members' concerns and reconsider its regulatory approach to avoid discrimination and unjustified trade restrictions.

4.24. Brazil reaffirmed that the criteria for determining endocrine-disrupting substances had to be established in accordance with Article 5 of the SPS Agreement, in line with available scientific evidence to avoid unnecessary trade restrictions. Brazil highlighted the importance of conducting risk assessments appropriate to the circumstances and the need to obtain additional information necessary for an objective assessment of risk.

4.25. Highlighting that scientific evidence should be the basis for the risk assessment, Guatemala expressed its concern regarding the negative impact of the EU measure on international trade. Guatemala took the view that the EU approach for endocrine disruptors on the establishment of new MRLs of key substances were, in effect, a zero import tolerance that affected developing countries. Guatemala urged the European Union to recognize the importance of harmonization of measures at a global level and the work in Codex.

4.26. Costa Rica referred to its intervention in the previous Committee meeting.

4.27. Chile reiterated its concern about the EU approach to pesticide regulation, which was generating a loss of safe phytosanitary resources. In Chile's view, the hazard-based cut-off criteria in Regulation (EC) No 1107/2009 deviated from the internationally agreed principles of risk analysis and unnecessarily lowered MRLs for commonly used substances.

4.28. Ecuador underlined the importance of having measures based on a scientific risk assessment to avoid unnecessary obstacles to trade. Highlighting Article 5 of the SPS Agreement, Ecuador illustrated its disagreement with the European Union indicating that, in its view, substances had been banned based on alleged endocrine-disrupting effects.

4.29. The European Union noted that no new information had become available since the previous SPS Committee meeting and reiterated its commitment to transparency and keeping Members informed of further developments. They also informed Members that their full statement which would be uploaded to eAgenda (G/SPS/GEN/1448).

4.2.3 EU import tolerances for certain pesticides to achieve environmental outcomes in third countries (ID 534) – Concerns of Australia, India and the United States

4.30. Australia questioned the design of the EU regulation on the neonicotinoid insecticides clothianidin and thiamethoxam and lack of response from the European Union to reconsider its approach despite the widespread concerns expressed by third countries within the SPS Committee and other forums. Australia was of the view that only food safety risks should drive decisions regarding import MRLs and that MRLs were not an appropriate nor an efficient tool to pursue environmental outcomes. Australia considered that using food MRLs as a proxy to pursue environmental standards outside EU borders was incompatible with international standards and guidelines and threatened Members' ability to apply their own environmental policies, in contradiction with WTO rules. Australia called on the European Union to find a less restrictive alternative that would meet its objective while preserving trade and third countries' sovereignty. Australia also requested the European Union to provide robust scientific evidence in support of the link between the lowering of MRLs to the limit of determination and pollinator health.

4.31. India shared the concerns regarding the extraterritorial application of domestic laws and reiterated its request that the European Union delay the implementation of the regulation's amendments and engage with Members to find a viable solution.

4.32. The United States recalled that Members' actions to pursue shared sustainability goals should be consistent with WTO rules, and echoed concerns regarding the extraterritorial application of EU environmental domestic policies. The United States reinforced the need for diverse approaches in different regions and noted the unclear link between the stated objective of protecting global

pollinator health and the EU requirement that imported food and agricultural products meet the reduced MRLs for clothianidin and thiamethoxam. In the US view, pesticide MRLs were not the appropriate tool to address environmental health objectives and the EU measure restricted trade more than necessary, given a shared scientific understanding that pollinator health was affected by complex interactions among multiple factors. The United States submitted its statement in document G/SPS/GEN/2146.

4.33. Japan appreciated the EU responses on this issue but regretted that the measures had been adopted without taking due account of Members' concerns. Japan was of the view that the adopted measures were a deviation from current MRL setting principles and the trend towards harmonization of MRLs. Japan also noted that, given the effect on Members, the adopted policy should be thoroughly discussed in the relevant international fora. Japan sought clarification on the kind of scientific evidence to be provided in the application for import tolerances and on the criteria to measure the unacceptable risk to pollinators. Japan asked if a standard value established for a specific crop as a result of the application for an import tolerance by a Member would also apply to products imported into the European Union from other Members.

4.34. Paraguay provided its statement under STC ID 448. Paraguay also referred to document G/SPS/GEN/2140.

4.35. Brazil emphasized that trade liberalization and environmental protection were complementary when countries respected both the WTO trade principles and environmental agreements. However, measures with environmental purposes were outside the scope of the SPS Agreement. Brazil emphasized that Members should not adopt SPS measures with extraterritorial effects, according to the definition established in the SPS Agreement, and invited the European Union to respect the SPS Agreement when establishing MRLs.

4.36. Costa Rica referred to its intervention in the previous Committee meeting.

4.37. New Zealand referred to its statements in previous Committee meetings on this issue and reiterated its concerns related to the EU approach to reviewing and setting MRLs and proposed mechanisms of implementation. New Zealand was of the view that imposing unilateral import measures might not achieve the intended goal, and would create unjustified barriers. New Zealand encouraged all WTO Members to address global environmental issues multilaterally.

4.38. Uruguay regretted that Regulation (EU) 2023/334 modifying MLRs for clothianidin and thiamethoxam had been approved without substantive changes, despite Members' comments. Uruguay referred to the definition of MRLs in food and feed contained in Regulation (EC) No 396/2005 and noted that MRLs were a tool to ensure food safety. As such, Codex was the relevant international organization adopting MRLs based on health issues, not environmental aspects. Uruguay questioned the relevance of and the legal basis for the reduction of MRLs to the level of determination due to global environmental concerns or issues other than human health. Regarding the environmental concerns, in its view, the establishment of MRLs by each Member should be underpinned by a risk assessment, taking into consideration its production and regulatory system. Uruguay reported that the products under the scope of the EU measure were already regulated by its competent authority to ensure their safe use according to good agricultural practices. Uruguay expressed its willingness to cooperate with other Members to find mechanisms towards the protection of pollinators, ensuring the preservation of the environment and the protection of human health, without compromising food security nor restricting trade. Highlighting that SPS measures should be in line with the SPS Agreement, Uruguay reiterated its interest in following further considerations of the use of emergency authorizations.

4.39. Guatemala stressed that each Member had the right to choose its measures to address global concerns regarding protection of pollinators. Guatemala stated that clothianidin and thiamethoxam were used according to good agricultural practices and international certification in order to ensure food safety. Guatemala urged the European Union to base its measure on science and critical risk assessments and requested cooperation to find a solution to this concern.

4.40. Colombia stated that the EU measure should be evaluated based on Members' obligations under the SPS Agreement and considering Codex work on MLRs. Recalling Members' obligations to base measures on science and adopt the least trade restrictive measures, Colombia complained that

the reduction of MRLs would negatively affect exports to the European Union and the livelihoods of rural producers. Colombia invited the European Union to consider comments provided by Members, conduct comprehensive risk assessments before establishing new MRLs, and provide sufficient transition periods.

4.41. Chile shared the concern on the EU approach to the adoption of MRLs for clothianidin and thiamethoxam in Regulation (EU) 2023/334. Noting that MRLs were not an appropriate tool to achieve environmental objectives, Chile noted that setting MRLs for agricultural products on the basis of extraterritorial environmental considerations constituted an unnecessary restriction to trade.

4.42. Argentina questioned the unilateral and extraterritorial nature of the EU approach and related trade measures, which seemed to be inconsistent with WTO rules and principles of international law. Argentina also referred to its intervention in the previous Committee meeting.

4.43. Canada was concerned that the European Union was integrating considerations of global environmental impacts in its MRL and import tolerance setting processes, which were not effective to address non SPS-objectives and conflicted with international trade rules. Canada requested the European Union to stop implementing measures based on perceived environmental concerns for the global pollinator population, and noted the EU measures did not take into account domestic standards or the unique environmental and market realities of Members. Canada expressed its willingness to cooperate with Members in other multilateral fora more appropriate to address global environmental challenges.

4.44. Israel thanked the European Union for its previous update and expressed its hope that the European Union would allow new technologies in the future. Israel noted that while the European Union had a transparent system, when it came to MRLs of pesticides with no health issues, notifications of non-compliance were problematic. Israel stated that due to the dual internal and external systems for non-compliance, Members were not made aware of any increased testing regimes or bans implemented by the European Union in its internal system. Israel requested that the European Union change its internal system to allow for transparency similar to its external system.

4.45. Ecuador shared its concern regarding the EU extraterritorial objectives, which seemed to deviate from Members' obligations in the SPS Agreement. Taking the view that the European Union had established the lowest MRLs for tropical fruits, coffee and cacao without having a conclusive risk assessment, Ecuador provided information about the negative effects of this measure on its exports of these products. Regarding the MRLs for neonicotinoids, Ecuador enquired about the international standard on which the European Union had based its measure. Ecuador invited the European Union to notify the measure to the SPS Committee and continue the dialogue to avoid unnecessary trade barriers.

4.46. Senegal supported Members that had raised this concern and noted that import tolerance measures had disrupted international trade. Senegal drew Members' attention to work done by other institutions on protecting pollinators, such as FAO, and suggested that environmental issues be dealt with in a different forum.

4.47. The European Union provided its response under STC ID 549.

4.2.4 EU regulation No 396/2005 setting pesticide MRLs in food and feed of plant and animal origin (ID 549) – Concerns of India

4.48. India drew Members' attention to its statement uploaded in eAgenda.

4.49. The European Union noted that the continued discussion of these measures reflected the importance of the Committee in the transformation to sustainable food systems. The European Union took into consideration environmental aspects when setting MRLs for substances no longer approved in its territory due to global environmental concerns and reviewed active substances on a case-by-case basis. The European Union affirmed that, based on current knowledge, reducing the use of neonicotinoids was an effective action to tackle the decline of pollinators. Comments received in response to documents G/TBT/N/EU/908 and G/SPS/GEN/2054 had been reviewed and shared with EU member States. Regulation (EU) 2023/334 had been adopted in February 2023 and

the application date had been deferred to 36 months after entry into force, until early 2026. The European Union also recalled that Members had been regularly updated on any progress since the circulation of G/SPS/GEN/1868.

4.50. The European Union clarified that the Regulation would not prohibit the use of neonicotinoids by third countries, but products destined to the EU market would have to comply with the MRLs. The European Union considered that it was acting in compliance with its WTO obligations since there was not an equally effective and less trade restrictive alternative to protect pollinators. Acknowledging the difficulties third countries might face, import tolerances could be granted for active substances not authorized in the European Union. The European Union would look into new issues raised by different Members and remained available for further discussion.

4.2.5 EU Commission proposal for reduction of the current MRL for "nicotine" for imported tea from India (G/SPS/N/EU/581) (ID 550) – Concerns of India

4.51. Reiterating its concern regarding the EU proposed reduction of the MRL for nicotine for imported tea, India noted that the nicotine present in tea plants was not derived from exogenous sources and that its content varied throughout the seasons and among different cultivars and tea-growing regions. India further indicated that nicotine was not a pesticide and that it was not addictive given its natural, slow absorption and the low level in tea. India requested the European Union to withdraw its MRL revision and to ensure compliance with the principles of the SPS Agreement.

4.52. Noting that it would upload its full statement in eAgenda, the European Union explained that it had received new information regarding the consumption data used to identify the unacceptable risk to consumers, which may not accurately reflect the exposure of the population and lead to overestimation of risk. As a result, the existing MRL for nicotine in teas of 0.6 mg/kg had been reassessed and it had been concluded that the current MRL for nicotine in teas was safe for consumers. The Commission had prepared a new regulation, which allowed for a transitional arrangement for teas produced before the lowered MRLs had become applicable and normal marketing, processing and consumption of products. The European Union recalled that it would continue to monitor the levels of nicotine in teas and would further review the temporary MRLs based on monitoring data.

4.2.6 EU classification of 'anthraquinone' as a pesticide and the MRL for imported tea (ID 518) – Concerns of India

4.53. India reiterated its concern regarding the classification of anthraquinone as a pesticide and the setting of the EU MRL at 0.02 mg/kg for tea. Anthraquinone was not registered in India and there was neither a standard as per the Food Safety and Standards Act 2011, nor a Codex MRL for anthraquinone in tea. Noting studies indicating that natural deposits of anthraquinone could lead to residues higher than the EU MRLs in certain areas as well as the seasonal variation, India was concerned that the 0.02 mg/kg limit would affect India's tea exports to the European Union. India requested the European Union to remove the classification of anthraquinone as a pesticide and avoid unnecessary trade disruptions.

4.54. The European Union noted there had been no new elements related to the active substance since it had first been discussed, and reiterated that authorizations for plant protection products containing this substance had been withdrawn in 2009 pursuant to Commission Decision 2008/986/EC. MRLs had been set at the level of quantification for teas at 0.02 mg/kg by EFSA in 2012, and there were no Codex MRLs or EU import tolerances in place. The European Union further expanded by clarifying that MRLs applied regardless of the source, which included residues resulting from the atmospheric deposits, and that anthraquinone had been classified by the European Chemicals Agency as category 1B carcinogen. The European Union reiterated its openness to provide technical assistance to Members interested in laboratory methods.

4.2.7 EU restrictions on exports of chocolate and cocoa products due to the application of the Commission Regulation (EU) No 488/2014 of 12 May 2014 amending Regulation (EC) No 1881/2006 as regards maximum levels of cadmium in foodstuff (ID 503) – Concerns of Peru

4.55. Peru reiterated its concerns regarding Regulation (EU) No 488/2014 establishing maximum levels (MLs) for cadmium in chocolate and other cocoa products that, in practice, had an impact on trade in cocoa beans and cocoa powder. Peru was of the view that the EU regulation violated Articles 2 and 3 of the SPS Agreement. Considering that the European Union had not taken into account several opinions of the joint FAO/WHO Expert Committee on Food Additives (JECFA) and the Codex Committee on Contaminants in Food, Peru stated that the EU levels were more trade restrictive than necessary to protect human health. Peru called upon the European Union to review its legislation, consider excluding chocolate and other cocoa products from the implementation of the regulation, and continue providing support to Peru to mitigate the presence of cadmium in the production of cocoa. Peru provided its statement in document G/SPS/GEN/2150.

4.56. Noting the lack of new elements since the March 2023 Committee meeting, the European Union emphasized the significant efforts undertaken during the preparation of the relevant regulation to alleviate the difficulties of its trading partners in complying with the legal requirements. In particular, the European Union had granted an exceptionally long transitional period for cocoa and chocolate products by deferring implementation to January 2019 and had established MLs for finished products, which did not apply to cocoa beans or other intermediary cocoa products. According to the European Union, the EU risk-based measure was necessary to protect the health of consumers and took into account the tolerable weekly intake established by EFSA and EU consumption patterns. Reinforcing its right to establish measures to address public health concerns in line with the SPS Agreement, the European Union further noted that the MLs for chocolate over 50% total dry cocoa solids were in line with Codex levels and that stricter limits had been introduced only to the extent necessary to protect human health. The European Union referred to targeted projects supporting cocoa products sectors in Colombia, Ecuador, and Peru, and reiterated its commitment to work constructively with Members to address outstanding issues without prejudice to consumer safety.

4.2.8 EU restrictions on spice imports and other food products due to European Commission Implementing Regulation (EU) 2021/2246 of 15 December 2021 (ID 533) – Concerns of India

4.57. Reiterating its concern regarding EU restrictions on spice imports and other food products, India indicated that the MRLs of 0.02 mg/kg for chilli and ginger and 0.1 mg/kg for other spices, fixed for ethylene oxide (EtO) and its metabolite 2-chloroethanol or ethylene chlorhydrin (ECH) together, lacked sufficient scientific basis and were more stringent than the limits in other countries. Given the possibility of the natural occurrence of EtO, establishing an MRL for EtO at the level of quantification constituted a trade barrier. India regretted that the notification had not provided the possibility for comments and complained that the lack of adequate transitional period had affected trade. India added that, although Regulation (EU) 2021/2246 had been amended twice subsequently, its trade concern had remained unaddressed.

4.58. The European Union noted that EtO was classified as a category 1B carcinogen and a reproductive toxicant in accordance with Regulation (EC) No 1272/2008 and was not approved as an active substance for use in plant protection products. The European Union was aware that EtO was widely used in non-EU countries to treat certain foodstuffs before export. The European Union reiterated that EtO was not allowed in food or feed in the EU, and that no safe level of exposure for consumers could be defined. In accordance with Article 12 of the EU Regulation, the Commission would review the lists set out in the annexes to that regulation and adjust the control measures applying to listed food and feed on a regular basis, not exceeding a period of six months. The European Union added that, to allow for a better evaluation of the data from official controls performed by EU member States and to establish more targeted measures, it had implemented Regulation (EU) 2023/174. It was no longer necessary to provide that each consignment be accompanied by an official certificate stating that all results of sampling and analysis showed compliance with Regulation (EC) No 396/2005. The European Union also noted that although the Indian authorities had been informed in a timely manner and had been asked to take follow-up actions, non-compliant consignments of a wide range of commodities had continued. The European Union remained available for technical bilateral discussions.

4.2.9 EU review of legislation on veterinary medicinal products (ID 446) – Concerns of the United States

4.59. The United States reiterated its concerns regarding the implementation of Article 118 of Regulation (EU) 2019/6. The United States considered that the European Union should allow flexibility to trading partners to use official controls and techniques deemed necessary to achieve the same public health objectives. The United States requested the European Union to share its scientific evidence and sought clarification on the EU process for amending and updating its list of antimicrobials as well as on considerations for equivalent regulatory systems. The United States expressed its appreciation for a second virtual meeting to keep Members apprised of the draft regulations and reiterated its request that the EU Commission provide a new timeline for implementation of its measures and take action through bilateral consultations to ensure that trade disruptions were mitigated. The United States submitted its statement in document G/SPS/GEN/2145.

4.60. Japan regretted that the European Union had not provided the necessary information, including sufficient transition periods, for stakeholders to comply with the new regulations. Japan asked the European Union to provide details on the requirements to be included in the list of approved third countries, provide at least a three-year transition period before the implementation of the delegated act to third countries, clarify timelines for implementation, exempt the use of Fosfomycin in fisheries products, and avoid discrimination in the implementation of the delegated act.

4.61. Referring to a previous bilateral meeting, Paraguay sought clarification on the questionnaire requested by the European Union. In Paraguay's view, the European Union had not taken into account the recommendations made by Members, which would make the compilation of information difficult and therefore affect the list of authorized third countries. Regarding the certificates, Paraguay stated it was not clear if there were going to be new EU regulations or if the European Union was going to modify existing regulations. Paraguay asked the European Union to clarify this issue and to consider the concerns regarding the questionnaire.

4.62. Brazil echoed the previous statements and reiterated its concern with Regulation (EU) 2019/6 on veterinary medicinal products. In Brazil's view, the legislation and its implementation imposed a heavy burden on producers in third countries, by limiting the use of currently available veterinary drugs and introducing sanitary requirements that were more trade restrictive than necessary for protecting human, animal, and plant life and health. Brazil urged the European Union to take into consideration the ongoing global effort undertaken by WHO, WOAH, and FAO in setting international standards and guidelines for AMR.

4.63. Australia thanked the European Union for the briefing session with third countries but reiterated its concerns regarding the proposed 24-month transition time for the implementation acts to be adopted. According to Australia, it would not provide third countries with sufficient time to implement the new rules, especially for animals, like dairy cows, whose production cycle is more than two years. Australia continued to request that the proposed certification requirements not be retroactively applied to animals or products derived from animals. Australia also requested clarification on the steps taken by the European Union to minimize additional certification costs and questioned the need for consignment-based certification if countries had already met the requirements to be listed and approved to export animal products to the European Union with appropriate controls.

4.64. Argentina echoed other Members' concerns regarding the EU legislation on veterinary medicinal products and the potential trade restrictions its implementation could generate. Argentina reiterated the need for science-based measures to avoid unnecessary trade barriers and facilitate trade of safe products and recommended the use of the AMR guidelines of Codex and WOAH.

4.65. Referring to its statements in previous Committee meetings and its full statement in eAgenda, Canada echoed the concerns expressed by other Members. Canada encouraged the European Union to continue with its information sessions and to engage with third countries in the process of developing new legislation that had the potential to impact international trade to mitigate

unnecessary barriers to trade. Canada was committed to providing comments on the implementing legislation upon notification.

4.66. Referring to its previous statements in the Committee, Uruguay indicated it had taken note of the Delegated Regulation (EU) 2023/905 on the requirements to be met by animals and products of animal origin intended for human consumption. Uruguay reported on a bilateral technical meeting with the European Union and asked for more information on the development of the implementing act on criteria and procedures regarding the list of authorized third countries according to the Article 5 of the Delegated Regulation. Uruguay also requested information on the procedures for the review of the list of restricted antimicrobials according to Regulation (EU) 2019/6 on veterinary medicines. Uruguay reiterated that measures should be applied in a transparent manner and in coordination with third countries in order to avoid the establishment of requirements that are not science-based and restrict trade more than necessary. Uruguay invited the European Union to continue technical information exchange and requested an adequate period of time to provide comments on new regulations.

4.67. The European Union recalled that Regulation (EU) 2019/66 on veterinary medicines had entered into force in January 2019 and had begun applying in January 2022. The Regulation laid down a wide range of concrete measures to fight AMR and promote the responsible use of antimicrobials, following the approach of the EU One Health Action Plan against AMR. The European Union stressed that it imposed much stricter rules on domestic operators. A dedicated webpage had been made available to provide stakeholders with the status of each of the delegated or implementing acts and provided a detailed state of play regarding the preparation of the draft legal acts. The European Union added that Implementing Regulation (EU) 2022/1255 designated a list of antimicrobials or groups of antimicrobials reserved for treatment of certain infections in humans. It had entered into force in February 2023 and would be under continued review, with future updates to be notified to the Committee. Delegated Regulation (EU) 2023/905 detailed rules for the application of the ban of the use of antimicrobials for growth promotion and yield increase, as well as the use of certain antimicrobials reserved for treatment of infections in humans, for animals and products of animal origin exported from third countries to the Union. Two additional legal acts still needed to be in place to fully implement these requirements regarding export certificates and listing of third countries authorized to export. The European Union assured Members that meetings would be organized with third countries and that it was committed to working on a framework that delivered on the objective of addressing AMR while minimizing impacts on trade.

4.2.10 India's Draft Food Safety and Standards (Import) Amendment Regulation (ID 553) – Concerns of the European Union

4.68. Referring to its statements in previous Committee meetings regarding India's import requirements related to the registration of foreign food manufacturing facilities, the European Union thanked India for responding to its questions regarding the Order of October 2022 of the Food Safety and Standards Authority of India (FSSAI) and postponing the entry into force of the new requirements to February 2023. However, several food manufacturing facilities had not been registered in the online system, with no written reply from India to inquiries. The European Union expressed concerns regarding the listing or delisting of facilities and different authorities regulating imports of the same products. Among others, the European Union requested India to clarify the modalities related to audits and inspections of facilities, border checks and health certificates, provide written and updated guidance to the exporting countries and companies on how they should register facilities, and avoid duplication of certificates. The European Union also reiterated its request for this measure to be notified to both the SPS and TBT Committees.

4.69. Japan noted that the final date for comments on India's TBT notification had been set to mid-January 2023, with an entry into force on 1 February 2023. This would not have allowed for sufficient time to consider any comments put forward before implementation. Japan indicated it had submitted lists of food manufacturing facilities, but India had not yet registered some of the facilities on the list. Japan requested India to suspend the implementation of its order to allow time for adaptation while allowing imports of designated food products without registration of the facilities, specify the HS codes for the designated food categories subject to the order, clarify the details on how to apply for the registration of foreign food manufacturing facilities, and respond to Japan's questions within a reasonable time.

4.70. The United States expressed its support for the concerns of other Members regarding the measure, notified as G/TBT/N/IND/180, and the implementing measure for facility registration, notified as G/TBT/N/IND/237. The United States was concerned that these measures placed undue burdens on foreign competent authorities to maintain lists, rather than accepting information directly from facilities. The United States noted that a list of HS codes of products or types of facilities subject to registration had not been provided and that the scope of the regulation remained unclear. In addition, the United States requested India to provide scientific evidence used to determine the risks associated with the facilities and information on the auditing process. The United States urged India to consider different approaches for registration.

4.71. Referring to its full statement in eAgenda, Canada was of the view that the criteria used to determine the level of risk for imported food products and the circumstances that would instigate an audit remained unclear. Thanking FSSAI for the registration of Canada's food manufacturing facilities and publication of a list of establishments and for taking into consideration Canada's comments, Canada invited India to respond to its questions submitted earlier in 2023 and notify this measure to the SPS Committee.

4.72. Referring to its full statement in eAgenda, India explained that its 2021 Food Safety and Standards Amendment Regulations provided the legal framework for the registration and inspection of foreign food manufacturing facilities. The registration and inspection of such facilities were to be based on the risk of food categories as specified by FSSAI and was intended to ensure traceability of an overseas facility manufacturing high-risk foods to verify implementation of the appropriate measures at the source facility. FSSAI had addressed comments by notifying the need for the competent authorities of the exporting countries to provide information to register food manufacturing facilities falling under certain categories of food products, as well as information on manufacturers willing to export such products to India. India emphasized that the practice of listing and registration of foreign establishments, also prevalent in other Members, reduced inspection and clearance times and ensured the quality and safety of food products. India further indicated that the safety measures taken to ensure food safety for the listed products had already been notified in the SPS and TBT Committees. Since this was a certificate with no additional safety measures related to the products, it had not been notified to the SPS Committee.

4.73. Responding to discrete enquiries, India clarified that per its 2017 Food Safety and Standards Regulation, inspections of foreign food manufacturing facilities were not mandatory for all facilities and were to be conducted as deemed necessary where there were no requirements of audits of facilities in exporting countries. India further noted that registration of facilities was a more feasible method of verification at the preliminary stages, there was an integrated health certificate available with a suitable transition period for compliance, and more than 2400 facilities had been registered.

4.2.11 India's Order related to requirement of health certificate accompanied with imported food consignment of milk, pork, fish and related products (ID 554) – Concerns of the European Union

4.74. The European Union raised its concerns regarding India's health certificates for imported milk, pork, fish, and related products, which had been notified to the TBT Committee. The European Union thanked India for a recent information session and the postponement of the entry into force of the health certificates until further notice. The European Union requested India to avoid the duplication of SPS measures and take into consideration comments provided, namely, on the differences between the Indian import conditions and international standards and to ensure that consignments with the correct model certificate were not blocked. The European Union also requested India to notify any modalities relating to the application of the health certificates to the SPS Committee well in advance.

4.75. Japan noted that, as per India's TBT notification, the date of entry into force of FSSAI's Order containing new health certificates had been initially set as 1 November 2022. While appreciating India's decision to extend the order's implementation date, Japan stressed the need for India to set a sufficient transition period for exporting Members to adapt their systems to the new health certificates. Japan further noted that, if one of the objectives of FSSAI's Order was to ensure food safety, India needed to notify it under the SPS Agreement.

4.76. Referring to its full statement in eAgenda, Norway thanked India for postponing the entry into force of the three health certificates. Norway emphasized the importance for competent authorities of having sufficient time to adapt to new measures and, in this context, requested India to notify further new health certificates to the SPS Committee. Norway also requested India to avoid duplication of SPS measures. Norway expressed concerns about the effect of potential new requirements on its export of fish and seafood to India and asked India to allow trading partners to revise existing certificates for fish and seafood to incorporate the consolidated import requirements.

4.77. While appreciating that FSSAI's Order for pork, dairy, and seafood products, notified as G/TBT/N/IND/233, had been put on hold, the United States remained concerned regarding the health certificates, especially given a recent Department of Animal Husbandry and Dairying (DAHD) memorandum on "Veterinary Health Certificate for Import of Milk and Milk Products into India" made available on the web. The United States requested that India postpone implementation of any new certificates and take all Member comments into account prior to finalizing this and other measures.

4.78. New Zealand thanked India for the extension to the new certification requirement and reiterated that DAHD and FSSAI should ensure all certification requirements and processes were well coordinated prior to notifying this requirement again. New Zealand also supported the provision of sufficient time to provide comments on any updated requirements as well as to implement these new requirements. New Zealand further requested clarity on time frames and procedures for new certificates.

4.79. Canada welcomed India's recent decision to delay the implementation of the new certificate requirements until further notice but reiterated its concerns with a number of new FSSAI requirements. Canada requested India to streamline its certification requirements, base them on international standards, and notify them to the SPS Committee.

4.80. India indicated that the export certificate requirement for categories of food products was mandatory as per domestic regulation. The requirement of a health certificate was a pre-import requirement in the form of an assurance provided by the competent authorities of exporting countries that the food products complied with safety requirements. India further informed that, following notification in the TBT Committee, it had received comments and concerns regarding the number of certificates and extension for implementation. Considering these comments, India had deferred the requirement until further order.

4.2.12 China's actions related to COVID-19 that affect trade in food and agricultural products (ID 487) – Concerns of Australia and Japan

4.81. Australia noted China's removal of the requirements to test imported products and packaging for COVID-19 genetic material and sought clarification on when China would remove outstanding COVID-19 related suspensions. Australia sought clarification regarding three Australian meat establishments that remained suspended. Australia requested these suspensions be lifted, similar to other Members who had had their meat establishments reinstated, and timely feedback on Australia's corrective actions.

4.82. Japan raised concerns on continued suspensions, despite China's lifting of some measures earlier in 2023. Japan indicated that the two facilities whose imports had been suspended due to online audits in 2020 had immediately undertaken corrective actions but import suspensions had continued for two and a half years without scientific or risk-based justification. Given that the measures had been lifted, Japan urged China to reinstate these facilities and requested clarification on China's food safety concerns to justify the continued import suspensions.

4.83. China thanks Members for their concerns and noted that after the adjustment of requirements related to COVID-19, China had successfully resumed imports from more than 100 enterprises, including in India, the United Kingdom, Chinese Taipei, Poland, the Netherlands, and other Members. China indicated that it would lift suspensions once enterprises that remained suspended took corrective actions.

4.2.13 China's administrative measures for registration of overseas manufacturers of imported food (26 November 2019) (ID 485) – Concerns of Australia, Japan, the United States and the European Union

4.84. Australia welcomed the recent information session in Geneva and amendments to the China Imported Food Enterprise Registration (CIFER) system and hoped these changes would deliver the desired outcome. In Australia's view, changes that allowed for suspended establishments to retain their registration and for the ability to change details such as their address and legal representatives would result in a more efficient system. Australia also acknowledged the difficulties China had in the implementation of its CIFER system and appreciated cooperation with the General Administration of Customs China (GACC) to mitigate the risk of trade disruption throughout the process of establishment registration extensions. However, Australia remained concerned about timeframes, lack of clear and timely advice from the GACC, and delays in registration of new and existing food businesses. Australia encouraged China to allow for reasonable timeframes for application submission and adjustment in the CIFER system, notify competent authorities of updates to the system, provide clear and timely advice on any changes to HS codes, provide appropriate guidance to all affected entities on meeting requirements, ensure continuity of trade until CIFER system issues were resolved, and allow for modifications of applications submitted in the CIFER system.

4.85. Japan thanked China for its bilateral engagement and information on documents submitted by 30 June, but remained concerned that regulations lacked transparency and imposed a significant burden on foreign authorities and manufacturers. Japan requested China to establish a standard processing period for applications made through the CIFER system and clarify the processing period, notify changes in the operation of its regulations or the CIFER system with a reasonable transition period if changes were introduced, correct defects in the CIFER system as soon as possible, respond to unanswered questions within a reasonable time, provide explanations when an application was rejected through the CIFER system, and ensure consistency.

4.86. The United States reiterated its concern regarding China's lack of response to requests for scientific justification and sought clarification on how the measures established in Decrees 248 and 249 would address food safety and public health concerns. The United States urged China to provide the risk assessments that informed the development of these decrees. The United States stressed the large administrative burden on competent authorities and requested that all facilities should be able to self-register. The United States noted that the new requirements that came into effect after 30 June 203 had caused confusion due to lack of guidance and highlighted the importance of meaningful outreach ahead of implementation of these decrees. The United States submitted its statement in document G/SPS/GEN/2147.

4.87. The European Union reiterated its concern regarding the process of implementation of China's Decree 248, which it considered to be burdensome and not transparent. The European Union noted applicants faced many issues during the registration process and was concerned with the upcoming deadline of June 2023 for existing registrations. The European Union recalled a joint letter to China which had called for a pragmatic approach to implementation of Decree 248 and called for an extension of the deadline. While the 30 June deadline did not cause major trade disruptions, the European Union requested China to simplify and facilitate the process to apply for new registrations and to amend existing ones.

4.88. Korea expressed appreciation for China's information sessions and bilateral meetings but remained concerned measures under Decree 248 created burdens to exporting countries by including medium-risk food products as provided in the Decree. In accordance with Article 5 of the SPS Agreement, Korea requested that China provide the scientific justification or rationale behind selecting the product categories. While respecting China's efforts to protect the health of its people, Korea stressed the need for harmonization with the international standards.

4.89. Referring to its interventions in previous Committee meetings, Chinese Taipei stressed that transparency remained an issue. The lack of sufficient information on registration requirements, operational guidance, and updates on the stages of the procedures complicated the implementation of the measures. While China had referred to technical guidelines, regulatory interpretations and supporting documents, Chinese Taipei requested that this information be placed on a publicly accessible website. Chinese Taipei also noted the burdens imposed on competent authorities and requested that China consider eliminating the requirements for medium-risk products. Chinese Taipei further stressed that the ambiguity of HS codes, categorization, and scope of products

subject to these measures was another issue. Chinese Taipei urged China to establish an enquiry point to address questions surrounding the measures, provide a longer grace period for implementation, temporarily allowing entry of products from registered facilities.

4.90. Referring to its statement in eAgenda, Norway remained concerned that the mentioned regulations were more trade restrictive than necessary to ensure the safety of imported food products. Norway noted that there were many challenges for its seafood industry when it came to the vast amount of documentation required to register establishments and change conference company information in the CIFER system. Norway indicated that the numerous changes to the CIFER system after its implementation, lack of guidance, and significant technical errors had caused further problems in registering companies and requested that these issues be solved with aim to reduce disruptions to trade.

4.91. The United Kingdom thanked China for the constructive dialogue and pragmatism regarding the CIFER system. The United Kingdom noted it had completed registration for all establishments for high-risk products ahead of the June deadline, though it was a significant undertaking for all competent authorities. The United Kingdom remained concerned that the classification and application of associated measures for medium and low-risk products was disproportionate to the risks posed. The United Kingdom requested China to consider removing the need for a checklist for modification and extension applications for medium-risk commodities in light of the UK rigorous controls and processes.

4.92. China indicated that the revision of the draft Administrative Measures for Registration of Overseas Manufacturers of Imported Foods had entered into force on 1 January 2022, and with the cooperation of the food safety authorities of Members, more than 80,000 overseas manufacturers from 165 economies had been registered in the CIFER system and the implementation of the provision had gradually passed into a stable period. China noted that guidelines, documentation, and videos had provided to support implementation, as well as regulatory briefings and training with more than 100 Members. China also noted that enterprises who had not registered by the deadline would not have their trade disrupted. China emphasized its efforts to strengthen communication with Members, and noted some questions raised had already been solved through bilateral channels. China brought Members' attention to an information session on 19 June 2023 where it had reiterated the legitimacy and transparency of the regulation, explained the regulation based on science and risk assessments, shared implementation information, and introduced the registration system. China welcomed further questions from Members.

4.2.14 China's delay in approving requests for new listing and reinstatement of export establishments (ID 516) – Concerns of Australia and Canada

4.93. Recalling that SPS control, inspection, and approval activities should be timely and no less favourable than those undertaken for domestic circumstances, Australia requested China to provide timeframes and pathways for the assessment and approval of establishment registrations and their products, the updating of administrative listings, and the removal of restrictions and suspensions on establishments and products. Australia welcomed China's recent amendments to the CIFER system and the publication of and additions to registration lists, as well as the recent update to the grain and plant products and horticulture listings. Australia pointed out China's non-adherence to the SPS Agreement, referring to a lack of response from China on the assessment and removal of suspensions for a number of Australian meat establishments and registration for Australian germplasm collection centres. Australia also expressed concerns with China's process to update eligible product lists for non-viable seafood. Australia welcomed bilateral engagement with China to resolve these issues.

4.94. Referring to its statements at previous Committee meetings, Canada stated that it continued to experience undue delays in China's approval procedures for the importation of food products and foreign establishments. Canada was awaiting updated information on lists of Canadian establishments eligible to export and approval of new market access requests for several products. Referring to recent changes to the CIFER system, Canada appreciated China's efforts to facilitate the registration and renewal process and discuss functionality issues with trading partners. Canada requested China to provide flexibilities to ensure that the CIFER system did not become a trade barrier. Canada also called on China to provide timelines and results of approvals for all Canadian food establishments, approve all new market access requests and update establishment registration lists to allow Canadian exports to China.

4.95. The United Kingdom informed the Committee that two UK pork establishments remained subject to suspensions by China. The United Kingdom underlined that, as a number of Members had highlighted in the context of STC ID 487, the grounds for suspensions had been removed from China's import requirements. In the United Kingdom's view, China's technical requirements and requests had been met and it was unclear why the suspensions were still in place. The United Kingdom requested China to review this matter as a priority and hoped to build on its productive bilateral dialogue with China to deliver a timely and constructive solution to this matter.

4.96. The United States indicated its interest and availability to continue working bilaterally with China to respond to US concerns regarding China's unaddressed requests for the reinstatement of various export establishments.

4.97. China responded that it handled market access and risk assessment for meat and aquatic products and enterprise registration in accordance with its domestic laws and regulations. At present, the new listing and reinstatement of exporting establishments from Australia and Canada were progressing normally. China informed the Committee that a total of 145 renewal applications from Australian dairy enterprises had been approved normally, and among the 15 applications from new registered dairy enterprises, eight had been rejected and seven were still undergoing approval procedures. China also noted that all registration applications from Canadian dairy enterprises had been processed normally.

4.2.15 Russian Federation – Procedures for authorizing units eligible for export of fish and fish products to Eurasian Customs Union (ID 508) – Concerns of India

4.98. India indicated that its seafood exporters could not export to the Russian Federation due to the non-listing of Indian processing units by the Federal Service for Veterinary and Phytosanitary Supervision (FSVPS). India informed the Committee that 96 establishments were listed on the FSVPS' website and that the request for the listing of 44 fishery establishments were still pending and urged the Russian Federation to list the units urgently. India reiterated its request to the Russian Federation to share the risk assessment in support of the inspections.

4.99. The Russian Federation indicated that, in accordance with Eurasian Economic Commission Council Decision No. 94, the authorization of exports of fish and fish products from foreign enterprises to Eurasian Economic Union territory was preceded by inspection of these enterprises. In letters sent to India in May 2023, the Russian Federation had provided an explanation regarding the issue of attestation of Indian fish processing plants and aquaculture feed plants. The Russian Federation also noted that most of the registered Indian fish enterprises had never supplied products to its territory, and asked India to update the current lists. The Russian Federation expressed its readiness to include new Indian enterprises in the Register of Enterprises of third countries after the implementation of existing requirements and agreements.

4.2.16 Japan's approval procedures to import plant products (ID 567) – Concerns of the European Union

4.100. The European Union thanked Japan for the recent bilateral engagement and the explanation provided on the revised Standard Procedure for Lifting a Ban on Importation of Plants into Japan (G/SPS/N/JPN/1201). The European Union expressed concerns regarding Japan's lengthy and burdensome approval procedures for plant products and noted the difficulties faced by EU plant producers to gain market access. The European Union also expressed concerns about Japan's choice of a single plant product per country for assessment while suspending any other plant product application from that country. The European Union looked forward to continuing cooperation with Japan on these issues to find solutions in line with the SPS Agreement and the EU-Japan Economic Partnership Agreement.

4.101. Japan regretted that the European Union raised the issue as an STC given ongoing bilateral discussions. Japan indicated that approval procedures took time due to delays in submission of scientific information from the requesting country. Japan further indicated it had received a large number of requests for market access from many countries and regions, and risk assessments were conducted on a per item basis to ensure fairness and efficiency. Japan noted that procedures for lifting the import ban of plant products had been made publicly available and had been revised taking

into account relevant international standards. Japan expressed its willingness to continue discussing this matter with the European Union.

4.2.17 India's undue delay in importing twelve species of fresh mushrooms (ID 566) - Concerns of Korea

4.102. Korea raised concerns that seven years had passed since an agreement had been reached on the import requirements for 12 fresh mushrooms, yet India had not allowed imports of these products. Korea regretted the lack of explanations regarding the delay in import approval and complained that India had proposed to re-initiate a pest risk assessment for three types of Korean mushrooms, instead of publishing a notice of the import approval for 12 types of Korean mushrooms, for which the risk assessment was completed. Korea urged India to allow the import of the 12 fresh mushrooms without undue delay in accordance with Article 8 of and Annex C to the SPS Agreement.

4.103. India considered that Korea's concern was a market access issue, not an SPS issue, and that the SPS Committee was not the right forum to raise this matter.

4.2.18 India's approval procedures to import plants, animals and their products (ID 565) – Concerns of the European Union

4.104. The European Union regretted that India's approval procedures were unclear and slow, and that the standard and anticipated processing periods had not been communicated. The European Union noted that India had not provided information on the stage of the assessment procedure for the approval of new exports, nor the specific non-conformities for existing exports, and this prevented the implementation of corrective actions. The European Union recalled that there were a number of pending applications, and some of them had been pending for almost 10 years. The European Union urged India to comply with its WTO SPS obligations by ensuring transparency of its import legislation and approval procedures and provide requested clarifications to allow the finalization of the pending market applications without undue delay.

4.105. India responded that it understood the importance of timely and transparent processing of approval procedures as well as the need for clear communication regarding non-conformities. India emphasized that it diligently examined market access applications, ensuring compliance with relevant international guidelines. India added that non-compliances were promptly communicated and invited the European Union to provide specific cases of pending approvals. India took the view that the EU concern pertained specifically to market access, and the SPS Committee was not the appropriate forum to address this matter. India remained committed to further bilateral dialogue and cooperation to resolve any outstanding issues.

4.2.19 Indonesia's approval procedures for animal and plant products (ID 441) – Concerns of the European Union

4.106. The European Union expressed concerns with the undue delays of Indonesia's approval procedures for imports of plant products and animal products. Noting some progress on certain EU member State applications, the European Union regretted that many applications had remained pending for years, without new market access being granted. The European Union indicated that Indonesia had registered progress at the level of establishments and continued to be concerned with the lack of progress relating to applications from EU member States. The European Union noted that animal health experts from the Indonesian Ministry of Agriculture had visited its territory in March 2023 and agreed to regular technical exchanges. The European Union urged Indonesia to comply with its WTO SPS obligations, by ensuring transparency of its approval procedures and finalizing the long-standing EU market access applications without undue delay.

4.107. Indonesia updated the Committee on the progress of approval procedures for animal products in several EU member States and urged the remaining countries to complete relevant processes. Indonesia also shared updates on the progress of approval procedures for plant products for a number of EU member States. Indonesia had received many applications from EU establishments and had tried to accelerate each step of the approval procedure assessment. Indonesia considered that it provided transparent updates on developments in accordance with

Articles 7 and 8 of the SPS Agreement and noted that progress on approval procedures was communicated through each EU member States' competent authorities and embassies.

4.2.20 Panama's undue delays in the renewal of authorizations for plants of fishery and livestock enterprises (ID 509) – Concerns of the Peru and European Union

4.108. Peru reiterated its concerns that Panama's requests for additional information and undue delays violated Article 8 of and Annex C to the SPS Agreement and regretted the lack of information regarding the anticipated processing period and timeline for the renewal of authorizations of Peruvian enterprises. Peru also noted the lack of responses to the communications submitted, including a request for a meeting of the Peru-Panama Free Trade Agreement Administrative Commission. Peru noted that Panama had not indicated the sanitary reasons for not renewing the authorizations or granting new authorizations to Peruvian enterprises, in violation of Articles 2.2 and 5.1 of the SPS Agreement. Peru asked Panama to renew the authorizations of Peruvian export plants and avoid further delays. Peru provided its statement in document G/SPS/GEN/2151.

4.109. The European Union indicated that Panamanian authorities blocked requests from EU member States to obtain market access for agricultural and livestock products and to update the lists of plants authorized to export. Although an agreement had been reached to avoid delisting EU establishments that had been historically trading with Panama, there had been no progress on the approval of new products or new exporting plants. The European Union invited Panama to establish transparent, predictable, and swift procedures in line with agreed international standards, to remove these unnecessary additional barriers to trade and to ensure the application of SPS measures in a non-discriminatory and predictable manner.

4.110. Costa Rica considered that Panama's regulatory practices for authorizing establishments seemed to be aimed at restricting trade and affected a wide range of Costa Rican agricultural products. Costa Rica complained that this was a long-standing practice for which Panama did not provide justification under the SPS Agreement. Costa Rica called on Panama to address these concerns, which it noted, warned of an improper application of SPS measures and non-compliance with the SPS Agreement.

4.111. Chile expressed concerns regarding a number of Chilean establishments of fishing and aquaculture products, beef and dairy products whose export authorizations to Panama had expired since 30 June 2023, with no possibilities to export from that date. Despite Chile's repeated requests and advance consultations, no solution or alternatives had been found to avoid what Chile considered an unjustified interruption to trade. Chile provided further details on the number of affected establishments and requested that Panama renew the authorizations of affected establishments and re-establish the possibility for new authorizations as soon as possible.

4.112. Panama expressed its willingness to hold a meeting of the Peru-Panama Free Trade Agreement Administrative Commission and continue the bilateral dialogue with Peru. Panama regretted that the European Union raised this concern since the European Union had acknowledged that some establishments had been approved following bilateral discussions. Panama also stated that on 30 May 2023, it held a technical meeting with representatives of EU member States within the framework of the EU-Central America Association Agreement, during which Panama reported that it was working on the authorization of approximately 70 plants and would discuss pending issues at the next meeting in December 2023. Panama reiterated its respect for commitments under the SPS Agreement and would continue to work with trading partners in search of mutually satisfactory solutions.

4.2.21 Korea's lack of progress on pending applications for authorization of beef imports (ID 490) – Concerns of the European Union

4.113. The European Union reiterated its concerns regarding delays in market access for bovine products. While welcoming the reopening of Korea's markets for bovine products from two EU member States in 2019, the European Union emphasized that identical food safety and animal health control conditions prevailed in all EU member States and that the time needed for the remaining approval procedures should be reduced. Recalling that several EU member States had market access applications pending, some of which for more than 15 years, the European Union

viewed Korea's assessment procedure as overly lengthy and burdensome, and hoped that Korea would solve this issue.

4.114. Korea indicated that it allowed imports without discrimination based on risk and sanitary assessments in line with the SPS Agreement, WOAH, and Codex standards. Korea recalled that beef imports from the Netherlands and Denmark had been approved and the procedure to recognize regionalization for African swine fever (ASF) and AI in the European Union had been finalized in September 2022. Korea stated that in accordance with domestic law, deliberation by the Korean national assembly was inevitable for beef imports originating from countries with bovine spongiform encephalopathy (BSE). Korea was ready to enhance cooperation with the European Union to achieve progress in the import approval process for EU beef.

4.2.22 Bolivia's import restrictions on agricultural and fisheries products (ID 530) – Concerns of Peru

4.115. Peru stated that Bolivia's measures blocked market access for Peruvian exports of whole trout. Despite the approval of the health certificate in 2017, Bolivia had not yet complied with the corresponding commitments to allow imports. Peru also complained that Bolivia had not notified its national legislation. Peru was still awaiting a response to the requests for the technical justification and the risk assessment carried out for the inclusion of fresh chilled or frozen (eviscerated) fish in health risk category 1 of Annex 1 to Administrative Resolution SENASAG No. 078/2022. Peru asked Bolivia to lift its restrictions. Peru provided its statement in document G/SPS/GEN/2152.

4.116. Bolivia took note of Peru's comments and indicated that it would report to capital. Bolivia stated that its health requirements for imports of trout were in line with the guidelines established by Codex and FAO to ensure safety. Referring to Andean Community Resolution No. 2067, Bolivia noted its concerns regarding aquatic animal health. Affirming its measures did not establish arbitrary discriminations, Bolivia indicated that the technical problems faced had been addressed in bilateral meetings and that, if needed, they would continue to be addressed by the sanitary authorities. Bolivia reiterated its willingness to maintain an open and transparent dialogue with Peru.

4.2.23 EU delays in authorizing imports of Samgyetang (Korean ginseng chicken soup) (ID 526) - Concerns of Korea

4.117. Korea reiterated concerns with the import authorization procedure of Korean chicken soup Samgyetang to the European Union, which had been stalled for 27 years. Korea asked the European Union to provide information on the remaining steps and swiftly proceed with the remaining import approval procedures. Korea would enhance cooperation with the European Union to achieve progress on the EU's approval process for Samgyetang.

4.118. The European Union indicated that it would inform Korea as soon as the procedure for granting market access for Samgyetang soup was finalized.

4.2.24 EU increased sampling frequency for inspection of farmed shrimps and newly listed fishery establishments not permitted to export aquaculture products (ID 552) - Concerns of India

4.119. India reiterated its concerns about the increased level of sampling and testing on imports for farmed shrimps despite India's remarkable reduction in antibiotic rejections in farmed shrimps exported to the European Union. India requested that the European Union provide equivalence in sampling with other supplying countries, to list all the delisted units and to permit newly listed units to export farmed shrimps to the European Union.

4.120. Acknowledging significant progress since the previous audit, the European Union noted that a high level of non-compliant results for prohibited antimicrobials was still detected in the Indian-initiated pre-harvest testing programme in hatcheries and in the mandatory pre-export testing programme. (94 consignments had been tested as non-compliant and destroyed in India since January 2020). An audit had also concluded that follow-up investigations and measures to dissuade illegal use had scope for improvement and that the testing regimes operating in India remained necessary. The final report of the audit was published along with India's action plan to

address four recommendations. The European Union reported that it had requested India to provide further evidence of the proposed actions to address these recommendations. The European Union noted that the pre-listing of aquaculture establishments would be reviewed in due course, and looked forward to continued discussion with India.

4.2.25 General import restrictions due to BSE (ID 193) - Concerns of the European Union

4.121. The European Union reiterated its concerns that some Members continued to maintain import bans and delays in their approval procedures to lift BSE restrictions. In its view, the delays by some Members including Australia, Brazil, China, Korea, Malaysia, Mexico, South Africa, Chinese Taipei, and the United States, were at odds with Article 8 and Annex C of the SPS Agreement. The European Union welcomed China's lifting of certain BSE-based restrictions from Poland and Belgium and invited China to lift the restrictions on beef from the remaining member States. The European Union also noted that the procedure for the recognition of equivalence with the United States had been ongoing for several years and regretted that exports had only resumed for four EU member States. The European Union requested that the United States swiftly conclude the procedure for the 10 remaining EU member States. The European Union urged all Members to comply with their obligations under the SPS Agreement, apply international standards, lift remaining BSE-related restrictions, engage with the European Union to finalize the assessment of pending market access requests, and conclude administrative steps to lift the ban without further delay.

4.122. Switzerland supported this concern. Although Switzerland had been recognized by WOAH as having negligible BSE risk for more than a decade, it continued to be on China's list of countries from which imports of animals and their products were prohibited. Switzerland urged trading partners to lift remaining import restrictions due to BSE and allow imports of beef products from Switzerland.

4.123. The United States considered that the current concerns were related to its equivalence administrative process and not animal health. To resume exporting bovine meat products for human consumption, EU member States needed to obtain an equivalence determination by the US Department of Agriculture Food Safety and Inspection Service (FSIS). Several EU member States had successfully navigated that process as indicated by the European Union. FSIS was working through its equivalence process, had engaged with several EU member States at a technical level, and remained available for additional technical engagements.

4.124. China responded that it was highly cautious about BSE, and the ban imposed on EU member States was in accordance with its regulations. Recently 19 EU member States had reported BSE outbreaks. Among them, 14 countries had applied to China to lift the ban on BSE after the epidemic had been effectively controlled. China had lifted the ban on eight countries and was stepping up the risk assessment of related documents provided by six other countries. China would inform the relevant countries of the results of the assessment in a timely manner.

4.2.26 China's suspension of beef imports due to bovine spongiform encephalopathy (BSE) restrictions (ID 561) - Concerns of Canada

4.125. Canada raised concerns regarding China's suspension of Canadian beef imports based on a single case of atypical BSE, which Canada stated did not affect its WOAH BSE negligible risk status. Canada informed the Committee that it had continuously tried to engage with and responded to all requests from China but was still waiting for trade to be restored for a year and a half. Canada indicated that China had previously allowed beef exports from trading partners that had reported atypical BSE cases to resume quickly and in other instances, no import prohibitions were introduced following the detection of atypical BSE in other Members supplying beef to China. Canada also noted that no scientific justification had been provided for the atypical BSE-related trade prohibition on Canadian beef and urged China to work collaboratively to resolve this issue. Canada indicated that its full intervention would be uploaded to eAgenda.

4.126. China responded that Canada had voluntarily suspended beef exports to China in December 2021, after Canada reported an atypical case of BSE; this was in accordance with a bilateral agreement, and Canada had provided the relevant documents requested by China. China was stepping up the risk assessment of relevant documents received and would provide information on

results in a timely manner. China would conduct technical consultations with Canada regarding the reinstatement of beef exports after confirming that the BSE risk was under effective control.

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

4.127. The European Union regretted that South Africa maintained country-wide bans on poultry products from 15 EU member States following historic HPAI outbreaks. The European Union indicated that the measures remained in place even though WOAH stamping out requirements were strictly applied, several EU member States had been free from HPAI for many months, and many tons of poultry meat and by-products crossed intra-EU borders every day with no records of HPAI outbreaks. The European Union considered the measures to be at odds with Article 6 of the SPS Agreement and called on South Africa to apply the regionalization principle and allow trade from disease-free areas.

4.128. Argentina indicated that, following an HPAI outbreak in February 2023, it had repeatedly asked South African authorities to analyse a regionalization proposal to resume trade in poultry products in accordance with WOAH guidelines. Argentina also referred to two unsuccessful requests to South African authorities to hold technical meetings. Argentina called on South Africa to resume technical exchanges and apply the principle of regionalization, noting that the disease was present in both countries.

4.129. The United States expressed its concerns that South Africa had not lifted restrictions on poultry exports from US states declared HPAI-free in a manner consistent with WOAH as well as existing bilateral animal health agreements. The United States requested that South Africa lift restrictions on US states that were HPAI-free based on WOAH guidance, to ensure that the export of safe poultry meat could resume as soon as possible.

4.130. South Africa continued to impose bans on poultry and unprocessed poultry products following confirmation of HPAI outbreaks. South Africa had been engaging with the European Union in relation to regionalization and was open to discussion with Argentina and the United States to understand their practices regarding regionalization.

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

4.131. The European Union thanked Korea for the recognition of the EU regionalization measures and welcomed the exports of poultry and poultry products that were taking place. Nonetheless, the European Union complained that Korea requested burdensome information upon notification of an outbreak as well as before the removal of restrictions in an affected area. The European Union welcomed the constructive exchanges with Korea and expressed its willingness to find a solution.

4.132. Korea responded that it had recognized regionalization of HPAI in the European Union in September 2022 and most follow-up procedures had been completed. Korea confirmed that imports of poultry and poultry meat products were underway. Korea expected a prompt resolution of the issues regarding exchanges of information between quarantine agencies and would continue to strengthen its partnership with the European Union.

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

4.133. The European Union informed the Committee that China continued to maintain country-wide bans on several EU member States on account of HPAI. The European Union had repeatedly requested China to lift these import restrictions in accordance with the SPS Agreement and relevant WOAH standards to allow trade from unaffected areas. The European Union welcomed the technical exchanges with China and looked forward to the next discussion, progress and resolution of this concern.

4.134. The United States indicated its interest and availability to work bilaterally with China to address its concerns.

4.135. China responded that HPAI continued to occur in the European Union, with cross-species transmissions in mink farms. China had suspended imports of live poultry and related products from EU member States with HPAI outbreaks in accordance with relevant regulations and international rules. Acknowledging positive results on prevention and control in EU member States, China had begun its assessment to lift restrictions in some countries and launched technical exchanges with the European Union with regard to zoning. China noted that it would continue to resolve the issue and carry out technical exchanges with the European Union.

4.2.30 China's import restrictions on heat-treated pet food containing poultry ingredients due to highly pathogenic avian influenza (ID 562) - Concerns of Canada

4.136. Canada reiterated concerns with China's arbitrary and discriminatory treatment of Canadian pet food exports. Canada took the view that China's measures were at odds with the SPS Agreement and the WTO. Canada questioned the scientific basis for China's prohibition on Canadian heat-treated pet food containing poultry ingredients and urged China to remove the HPAI prohibitions as per WOAH guidelines and allow exports to resume without further delays. Canada called on China to work collaboratively with trading partners to avoid unnecessary barriers to trade. Canada noted that its full statement would be uploaded in eAgenda.

4.137. Referring to its relevant laws and regulations, China clarified that Canadian poultry-derived commercial aseptic processed canned pet food was not affected by HPAI and could be exported to China. China considered that dried pet food still had a risk of transmitting HPAI and noted that it was consulting with Canada bilaterally on this issue. China stated that it would step up technical exchanges with Canada and resolve relevant issues through amending the protocol.

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

4.138. The European Union expressed concerns regarding China's ASF-related country-wide import bans on pork products, including from EU member States that had long eradicated the disease in livestock and wildlife. Since 2015, when the concern had first been raised, China had expanded the trade bans, despite China having the same sanitary status. The European Union called on China to respect the SPS Agreement and WOAH standards and allow trade from disease-free areas. Noting recent technical exchanges on zoning, the European Union looked forward to the next discussion.

4.139. China indicated that in accordance with WOAH guidelines, it had conducted assessments to lift ASF bans on countries that regained free status and was also exploring technical exchanges and cooperation related to zoning management in EU member States. China had initiated the assessment to lift the ASF ban for Belgium and had begun bilateral consultations on zoning management cooperation with Germany.

4.2.32 Korea's import restrictions due to African swine fever (ID 393) – Concerns of the European Union

4.140. The European Union thanked Korea for recognizing the EU regionalization measures applied for ASF and for amending its import conditions of pork and its products from the European Union from disease-free areas from affected EU member States. A number of establishments had concluded the relevant administrative procedures and were eligible to export. The European Union remained concerned with delays in the finalization of the procedure for some other EU member States and considered Korea's request for information burdensome, disproportionate, and duplicative, resulting in unnecessary delays. The European Union welcomed the constructive exchanges and looked forward to solving the pending issues.

4.141. Korea informed the Committee that it had recognized regionalization of ASF in the European Union in September 2022 and most follow-up procedures had been completed. Korea expected that issues related to the approval of pork meat establishments of some EU member States would be finalized soon and noted that it would cooperate with the European Union on ASF regionalization.

4.2.33 Peru's non-application of regionalization for African swine fever (ID 544) – Concerns of the European Union

4.142. The European Union expressed concerns regarding Peru's country-wide import bans imposed on EU pork products from EU member States that reported outbreaks of ASF. The European Union urged Peru to respect its international obligations and allow trade from disease-free areas, review its procedures, and engage in solution-oriented exchanges.

4.143. Noting its respect for the regionalization principle of the SPS Agreement, Peru indicated it had duly provided information on the legislation applicable to a country that was experiencing or had experienced outbreaks of diseases not recognized in its territory. Peru reiterated its willingness to continue the ongoing bilateral work with the European Union.

4.2.34 Mexico's import restrictions due to African swine fever (ID 563) – Concerns of the European Union

4.144. The European Union reiterated its concerns regarding country-wide import suspensions imposed by Mexico on pork products from EU member States that had reported ASF outbreaks. The European Union regretted the lack of progress despite repeated requests for Mexico to respect its obligations, apply regionalization to pork meat imported from the European Union, and allow trade from disease-free areas, most recently raised at an EU-Mexico SPS subcommittee meeting in October 2022. The European Union requested bilateral technical discussions to solve these concerns.

4.145. Mexico indicated that it was considering the EU request for regionalization for the territories of Germany, Italy, and Poland and it was aware of the EU official ASF status according to WOAH. Noting that responses had been provided to EU communications, Mexico recalled that the issue was being discussed at a bilateral Free Trade Agreement Committee meeting. Mexico informed the Committee that the National Health, Food Safety and Agri-food Quality Service was planning a visit to the EU Commission to establish an agenda to work towards the resolution of this issue.

4.2.35 The Philippines' trade restrictions on imports of meat (ID 466) – Concerns of the European Union

4.146. The European Union reiterated concerns that the Philippines maintained country-wide bans on imports of meat and meat products from EU member States on grounds of ASF and HPAI. The European Union indicated that several EU member States remained subject to country-wide import bans on pork meat or poultry meat and considered that these measures were inconsistent with Articles 2.2 and 6 of the SPS Agreement. The European Union had provided the necessary evidence demonstrating the effectiveness of disease control measures. The European Union called on the Philippines to respect its international obligations and allow trade from disease-free zones.

4.147. The Philippines responded that it was working with various EU member States bilaterally in relation to HPAI regionalization and had received HPAI regionalization requests from six EU member States, namely, Belgium, France, Germany, Hungary, Netherlands, and Poland. The Philippines indicated that it had reached an agreement with Poland and had been in contact with relevant authorities in the other five EU member States on the documents needed to evaluate their requests.

4.2.36 Nigeria's import restrictions on meat, pork, poultry, milk and dairy products, genetic material and live cattle (ID 523) - Concerns of Brazil

4.148. Brazil regretted the lack of responses from Nigeria regarding proposals for sanitary certifications for certain products and the lack of information regarding requirements for exporting dry bovine skin. Brazil was of the view that Nigeria's requirements were in violation of Articles 2, 5, 7, and 8, as well as Annexes B and C to the SPS Agreement, and sought clarification on Nigeria's statement in a previous Committee meeting. Brazil asked Nigeria to provide answers regarding the pending proposals as well as information on sanitary requirements for the export of dry bovine skin. Brazil remained open to bilateral discussions with Nigeria.

4.149. Having noted that Nigeria was not present, the Chairperson suggested that Brazil contact Nigeria directly and provide an update at the next meeting.

4.2.37 Qatar's new import rules for dairy products (ID 529) – Concerns of the European Union

4.150. Acknowledging the constructive engagement, the European Union remained concerned about the import restrictions imposed by Qatar, which affected several dairy products. One of the main concerns was the short shelf-life imposed for several dairy products, which the European Union stated was not based on science nor international standards, and not in line with the SPS Agreement. The European Union argued that, in practice, this made it impossible for EU exporters to continue to ship some dairy products to Qatar and favoured Qatari producers. The European Union reiterated its request that Qatar withdraw its trade restrictions, adopt a permanent solution in line with WTO rules, and notify at a draft stage to the Committee.

4.151. Qatar responded that the relevant measures were not discriminatory since they applied equally to domestic and imported products. Referring to constructive discussions with the European Union, Qatar looked forward to exploring how trade relations could be enhanced. Qatar remained available to continue the constructive discussion with Members.

4.2.38 Thailand's sanitary requirements on wet blue leather imports (ID 539) – Concerns of Brazil

4.152. Reiterating concerns regarding the export of wet blue leather to Thailand, Brazil indicated that it was trying to avoid unnecessary sanitary requirements while maintaining compliance with Thai domestic legislation and the SPS Agreement. Brazil stated that wet blue leather was not like raw, dried, or salted leather since the transformation of collagen into rot-proof fibres prevented the development and survival of etiologic agents of diseases affecting animals or humans. Brazil was of the view that Thailand's requirement for a sanitary certification for this kind of product violated Articles 2 and 5 of the SPS Agreement. Brazil suggested that Thailand rely on Article 8.8.27 of the WOAH Terrestrial Code to remove its requirement. Brazil also pointed out that Thailand could accept wet blue leather without sanitary certification by making resource to Section 4(3) of the Animal Epidemics Act B.E. 2558 (2015). Brazil had engaged bilaterally with Thailand in June 2023 but was not able to resolve the matter. Brazil requested that Thailand remove the sanitary requirement imposed on wet blue leather to comply with the SPS Agreement and follow international guidelines. Brazil also sought specific clarifications for Thailand's requirement including the related sanitary problems and scientific basis.

4.153. Equally referring to the technical meeting of June 2023, Thailand indicated it had clarified that wet blue leather was classified as a "carcass" in the Animal Epidemics Act B.E. 2558 (2015), and imports of wet blue leather in Thailand would require an export health certificate. Thailand had also indicated that its procedure was based on the SPS Agreement and Article 8.8.27 of the WOAH Terrestrial Code, and that it was closely monitoring the review of Chapter 8.8 on Infection with Foot and Mouth Disease Virus. Thailand had agreed to a technical consultation with Brazil to look into revising the import requirements. Noting that the health certificate was required for all animal products and carcasses in accordance with its regulation, Thailand had suggested that Brazil consider reducing its internal processes to ease the burden on Brazilian exporters. Thailand indicated its interest in exploring the possibility to resolve the issue and welcomed further discussion.

4.2.39 Korea's requirement of a health certificate with a declaration of aquatic disease status (ID 557) – Concerns of India

4.154. India informed the Committee of the initiation of phase II of its National Surveillance Programme on Aquatic Animal Diseases in March 2023 and of the capacity building on biosecurity protocols and implementation of biosecurity at the field level to prevent cross-contamination, as well as of the checks and controls in place through the Aquatic Quarantine Facility. India found that the certification requirement was cumbersome and burdensome especially for pathogens not reported in India and urged Korea to limit the certification requirements to those considered necessary.

4.155. Referring to its aquatic animal diseases control programme, Korea required certificates from exporting countries for diseases subject to active surveillance in Korea in accordance with Article 5.1.2.2 of the WOAH Aquatic Animal Health Code. If India considered a pre-export laboratory test for each consignment for pathogens not reported in India to be burdensome, Korea suggested

that India issue certificates through targeted surveillance in accordance with Article 1.4.13 of the WOAH Aquatic Animal Health Code.

4.2.40 China's proposed new health certificate format for shrimp imports (ID 506) - Concerns of India

4.156. India reiterated concerns with the new health certificate format proposed by China for shrimp imports, which required every consignment to be tested for WOAH-listed pathogens, including White Spot Syndrome Virus (WSSV) and Infectious Hypodermal and Hematopoietic Necrosis Virus (IHHNV), and for which the commencement had not been notified in advance. India informed the Committee of the initiation of phase II of the National Surveillance Programme on Aquatic Animal Diseases in March 2023 and of the capacity building on biosecurity protocols and implementation of biosecurity at the field level to prevent cross-contamination, as well as of the checks and controls in place through the Aquatic Quarantine Facility. India requested China to revoke the temporary suspension of 14 establishments due to the detection of WSSV and IHHNV. India noted that WSSV was also present in China, and asked China to share the scientific objective of the proposed certificate.

4.157. China noted that in accordance with its laws and regulations, aquatic products exported to China needed to be accompanied by a veterinary certificate. China stated that exporting Members should provide information on the establishments involved in the whole process of farming, processing, packing, storage, transportation, transhipment, and export of the products. China suggested that India provide the veterinary certificate as required and took note of updated information in India's statement which would be further considered.

4.2.41 India's requirement for certificate for non-GM origin and GM-free status (ID 501) – Concerns of the European Union and the United States

4.158. The European Union considered India's requirement to go beyond what was necessary to achieve its stated objective and to put an additional burden on and substantial costs for EU exporters. The European Union requested explanations as to why India considered it necessary to impose such a burden on trading partners with a high prevalence of non-GM food and have a robust regulatory regime covering the use of GM products. The European Union asked India to waive its requirement for food items.

4.159. The United States noted that India had not provided the scientific justification for its non-GM certificate requirement for the 24 crops listed in its order. To the United States, India appeared to ignore decades of risk assessments demonstrating that approved foods and feeds derived from modern biotechnology were safe for consumption. The United States requested India to revoke its measure and engage to find alternatives that would address India's legitimate SPS concerns and facilitate safe trade. The United States submitted its statement in document G/SPS/GEN/2148.

4.160. Uruguay considered that there was no technical justification for the certification requirement and noted the international consensus that GM products approved on the basis of Codex risk assessment recommendations were considered to be equivalent to their conventional counterparts. Uruguay referred to questions raised in SPS, TBT, and CTG meetings on the link between notifications G/TBT/N/IND/240 and G/SPS/N/IND/290. Uruguay noted that its questions had been uploaded to eAgenda.

4.161. Japan reiterated the concern that India's measure was not based on scientific principles nor a proper risk assessment, was more trade restrictive than necessary, and could have a negative impact on agricultural trade. Under Japan's domestic laws, GM agricultural products for human consumption were subject to safety evaluations, and agricultural products not approved by the evaluation process could not be imported nor distributed domestically. In Japan's view, requiring a non-GM origin and GM-free certificate for items under appropriate control in the country of origin was not scientifically justified, and Japan requested India to withdraw its requirement for such items.

4.162. Paraguay referred to its previous concerns and regretted the lack of new developments on this matter since the last SPS, TBT, and CTG meetings. Paraguay hoped that India could report on the actions taken to address the concerns raised and respond to questions raised in previous SPS,

TBT, and CTG meetings on the link between the draft regulation notified in G/TBT/N/IND/240 and G/SPS/N/IND/290 as well as the certification requirement.

4.163. Canada reiterated concerns from previous SPS, TBT, and CTG meetings and noted that it was still awaiting a response on comments submitted through India's TBT enquiry point. Canada indicated that foods derived from GM sources had a long history of safety and nutrition as compared to non-GM foods and underwent rigorous risk assessment processes worldwide. Canada called on India to share the scientific and technical information for its approach, suspend the implementation of the measure, and notify its non-GM order to the SPS Committee. Canada noted that its full statement would be uploaded in eAgenda.

4.164. Argentina highlighted that SPS measures should be based on scientific principles and a risk assessment, as well as international standards. Argentina asked for the scientific evidence underpinning India's order notified as G/TBT/N/IND/168 and for the criteria used to deviate from the principal of substantial equivalence.

4.165. In Australia's view, India's requirements were not science-based, were unnecessarily trade disruptive, and failed to consider Members' regulatory systems to control GM exports. Australia highlighted the significant costs and complexity for Australian exporters already subject to strict controls under Australia's GM regulatory system and noted that India had agreed to a pathway forward on the matter in 2022 in accordance with the SPS Agreement as well as the Australia-India Economic Cooperation and Trade Agreement. Australia called on India to consider less trade restrictive approaches that would meet India's objective while ensuring compliance with its international obligations. Australia also noted that its full statement had been uploaded in eAgenda.

4.166. India responded that the import of GM foods was not allowed in its territory and the requirement that a non-GM certificate accompany imported food consignments was only an assurance provided by the exporting country that food crops which had not been approved by the Genetic Engineering Approval Committee were not imported in India. India was similarly issuing such certificates for its own exports. India considered that its measure was taken in accordance with Article 5 of the SPS Agreement. India noted that its full statement was available in eAgenda.

4.2.42 China's import suspension of fresh fruits (ID 532) – Concerns of Chinese Taipei

4.167. Chinese Taipei reiterated its concern regarding China's suspension of importation of pineapples, wax apples, and citrus and requested China to resume imports in accordance with the SPS Agreement and international standards. Chinese Taipei regretted that it had not received substantive responses from China regarding its requests for scientific and technical dialogues, nor for detailed identification reports, the adopted ALOP or the risk assessment reports. Chinese Taipei acknowledged that China had announced and resumed the importation of its sugar apples in June 2023. However, the list of approved orchards and packaging facilities in the announcement only covered a very small portion of its sugar apple production system. Chinese Taipei urged China to provide information on the regulations and quarantine requirements for sugar apple orchards and packing facilities. Chinese Taipei looked forward to China complying with Articles 2, 3 and 5 of the SPS Agreement, providing the necessary scientific identification and risk assessment reports, and engaging in a bilateral scientific and technical dialogue to resolve this issue.

4.168. China recalled that, since 2020, quarantine pests had been repeatedly found on sugar apples and other fruits imported from Chinese Taipei. The imports of those fruits had thus been temporarily suspended in line with the SPS Agreement and the principles of risk assessment of the IPPC. Based on a comprehensive assessment of the relevant measures to improve the situation taken by Chinese Taipei, China informed that it had resumed the import of sugar apples from June 2023, as had been notified to Chinese Taipei.

4.2.43 US import restrictions on apples and pears (ID 439) – Concerns of the European Union

4.169. The European Union regretted that the United States had still not published its final rule to give market access to apples and pears under a systems approach. The European Union reiterated that the US scientific assessment had concluded that apples and pears from the European Union

were safe for imports. Yet, this final administrative step was blocked by the United States and there was no scientific justification for this delay. The European Union indicated that, while the US market was open under a preclearance condition, this was very costly, and trade was nearly inexistent. The European Union urged the United States to base its import conditions on science and publish its final rule. The European Union looked forward to continuing working together to solve this issue.

4.170. The United States reminded the European Union of the existing preclearance programme and noted that the EU request was being addressed through its administrative process. The United States remained interested in additional discussions that would meaningfully enhance bilateral trade.

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

4.171. The European Union reiterated its concern regarding the US failure to recognize the EU pest-free status for Asian longhorn beetle and citrus longhorn beetle. Although it had satisfactorily finalized its scientific risk assessment, the European Union indicated that the United States was delaying the remaining last administrative steps necessary to formalize the recognition of pest-free status. This undue delay also prevented further work on the recognition of pest-free areas of affected EU member States. The European Union urged the United States to formally accept the pest-free areas and to publish its final notice in line with its commitments under the SPS Agreement.

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

4.2.45 Morocco's import ban on ornamental plants (ID 548) – Concerns of the European Union

4.173. The European Union reported on a bilateral technical meeting with Morocco held in July 2023 regarding Morocco's measure to fight against the spread of *Xylella fastidiosa*. The European Union appreciated the clarification that the measure did not restrict the import of plants and plant products from EU member States which were free from the disease. For imports from member States where the disease was present, fruit plants could be imported according to the requirements set out in the measure. In the view of the European Union, instead of the current full ban, these requirements could be extended to ornamental plants. Moreover, as long as fruit and ornamental plants originated from a disease-free area, there should not be a reason to differentiate between them. The European Union expressed it is willingness to continue technical exchanges.

4.174. Morocco explained that it had sent an official response to the EU SPS Enquiry Point in June 2023 and a fruitful bilateral meeting was held in July 2023. Morocco provided its justifications for the import ban on plant products and plants from ornamental species from countries that are infested with this bacterium, which was an extremely dangerous pathogen capable of affecting crops of high economic importance for Morocco. Highlighting that its measure was aligned with Article 5 of the SPS Agreement and Article 7 of the IPPC Convention text, Morocco reiterated that the ban was necessary to guarantee the phytosanitary status of plants in Morocco and preserve its status free from *X. fastidiosa*. Morocco remained available to continue bilateral discussions on this topic.

4.3 Information on resolution of issues (G/SPS/GEN/204/Rev.23)

4.175. Brazil provided information about the resolution of STC ID 489, Mexico's import restrictions on pork, and ID 482, Peru's import restrictions on pork.

4.176. To balance the efficiency and quality of the interactions on the STC discussions, the Chairperson invited the Secretariat to remind Members about the available tools to improve the added value of the discussions. The Secretariat clarified that Members' oral interventions in the Committee meeting would be reflected in the summary report in a summarized version. Where Members mentioned previous statements or a statement in eAgenda in their oral interventions, this mention would also be included in the summary report. Members also had the

option of circulating their statements as a GEN document. In this case, a hyperlink to that document would be added in the summary report in addition to a short summary of the oral intervention.

5 OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

5.1 Equivalence

5.1.1 Information from Members

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

5.2 Pest- and disease-free areas (regionalization)

5.2.1 Information from Members

5.2.1.1 Türkiye – Declaration of freedom from *Xylella fastidiosa*

5.2. Türkiye reported that it was free from *X. fastidiosa*. Having carried out studies since 2014, *X. fastidiosa* had not been detected in the samples taken within the scope of relevant projects. Considering its *X. fastidiosa*-free status, Türkiye invited trade partners to analyse this progress and facilitate trade.

5.2.2 Annual Report in accordance with the Guidelines to Further the Practical Implementation of Article 6 in G/SPS/48 (G/SPS/GEN/2127)

5.3. The Secretariat explained that the annual report in document G/SPS/GEN/2127 covered the period from 1 April 2022 until 31 March 2023. The report summarized information on Members' requests for recognition of pest or disease-free areas or areas of low pest or disease prevalence, their determinations on whether to recognize such areas, and Members' experiences in the implementation of Article 6, based on information provided through notifications and at Committee meetings under this and other agenda items.

5.3 Operation of transparency provisions

5.3.1 Information from Members

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

5.4 Control, inspection and approval procedures

5.4.1 Information from Members

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

5.5 Special and differential treatment

5.5.1 Information from Members

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

5.5.2 Information from the Secretariat

5.7. The Secretariat recalled that, in March 2023, Members had agreed on a process proposed by the G-90 for the work of the Special Session on the Committee on Trade and Development (CTD-SS). At the last meeting of the CTD-SS of 7 June, the G-90 had introduced specific proposals on the SPS and TBT Agreements in documents JOB/TN/CTD/3 and JOB/TNC/110. The Chairperson of the CTD-SS had also announced that she had appointed a facilitator for technical discussions on these proposals. All Members taking the floor in this meeting had expressed their readiness to engage in the facilitator-led discussions and several Members had referred to the work of the SPS Committee, including that of thematic group 5 under the SPS Declaration Work Programme. The facilitator had

proposed to hold hybrid workshops in early October, including an SPS workshop scheduled on 2 October to review the S&D provisions, the relevant work of the Committee, and implementation challenges. The Secretariat remained available to provide support as needed and in coordination with the facilitator.

5.8. The United States informed that it was engaged in these discussions and expressed its willingness to ensure that there was no duplication. The United States highlighted that the SPS Committee was the appropriate forum to discuss issues related to its functioning and praised the opportunity for discussion provided by the SPS Declaration Work Programme.

5.9. The European Union echoed the United States' comments. Expressing regret that G-90 Members had not brought these proposals to thematic group 5, the European Union highlighted the relevance of the SPS Declaration Work Programme as an opportunity to have discussions on this issue. The European Union added that, given the nature of SPS measures, applying S&D treatment required a very careful case by case analysis.

5.6 Monitoring of the use of international standards

5.6.1 New issues

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

5.6.2 Issues previously raised

5.6.2.1 European Union - HPAI restrictions not consistent with the WOAH international standard

5.11. The European Union regretted that some Members disregarded their obligations under Article 6 of and Annex C to the SPS Agreement and implemented country-wide bans after a local AI outbreak. The European Union indicated that these bans were not scientifically justified if effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. The European Union drew attention to the revised WOAH Terrestrial Code on AI, which recommended a reduced waiting period of 28 days instead of three months. The European Union asked Members to respect their obligations on regionalization, follow WOAH recommendations, and allow trade from non-affected zones.

5.6.2.2 European Union - ASF restrictions not consistent with the WOAH international standard

5.12. The European Union pointed out inconsistencies in the application of WOAH standards related to ASF. The European Union considered that many Members did not follow the WOAH Terrestrial Code guidance for identification, treatment, and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the 2021 Thematic Session. The European Union added that ASF was a disease affecting several Members and that it was a shared interest to maintain free and safe trade of pork and pork products. Members were invited to address the issue of country-wide bans and implement science-based, rational, and proportionate import policies.

5.6.2.3 Canada - Update on WOAH BSE negligible risk status

5.13. Canada reported that several Members had removed remaining BSE restrictions on Canadian cattle, beef, and beef products based on Canada's WOAH BSE negligible risk status, and several other Members were actively taking steps to remove their remaining BSE-related restrictions. Canada urged Members who had not yet done so to remove the remaining restrictions on Canadian exports. Canada recalled the importance of basing SPS measures on international standards, including those established by WOAH.

5.6.3 Annual Report in accordance with the Procedure to Monitor the Process of International Harmonization in G/SPS/11/Rev.1 (G/SPS/GEN/2126)

5.14. The Secretariat explained that the annual report on the Procedure to Monitor the Process of International Harmonization in document G/SPS/GEN/2126 summarized discussions under this agenda item over the past year. In accordance with the monitoring procedure, the Secretariat would bring these issues to the attention of the international standard setting bodies.

6 CROSS-CUTTING ISSUES

6.1 SPS Declaration Work Programme (G/SPS/W/344, G/SPS/GEN/2134, WT/MIN(22)/27 and G/SPS/W/330/Rev.1)

6.1.1 Update on thematic groups[2]

6.1. The Chairperson recalled that the Committee had agreed that the former Chairperson would continue to play a role in facilitating the discussions of the SPS Declaration Work Programme, including the preparation of the factual summary of the MC12 SPS Declaration Work Programme (a draft of which was contained in G/SPS/GEN/2134) and report to MC13 (a zero draft of which was contained in G/SPS/W/344). The Chairperson indicated that Members had received positively both drafts and had praised the overall approach as factual and balanced. There also seemed to be wide support for the proposed structure and main contents of both drafts as a basis for further discussions. The Chairperson added that several Members had expressed interest in providing comments or drafting suggestions on the zero draft of the report for MC13.

6.2. The United States indicated that the factual summary captured the general discussions and clearly outlined the path forward. The United States recalled that a key aspect of the discussion in thematic group 1 had been around the importance of access to safe tools and technology to sustainably increase production and address global food security. The United States recalled that this message had been shared by all of the producers in the thematic group 1 meeting in March 2023 and referred to information shared by the European Union at the current meeting regarding its new proposal on genomic techniques. The United Stated would consult with Members to develop text to capture this point.

6.3. The European Union stated that the zero draft report to MC13 was a precious document containing consensual elements presented at the right level of detail. In point 3b, the European Union proposed to reinforce the text on the importance of sustainability and resilient food systems, for instance, by referring to the 2030 agenda and SDGs. On point 3e, the European Union invited the ISSBs to provide regular updates on their work in particular related to emerging challenges and opportunities and suggested an explicit reference to the human-animal-environment interface and to the concept of One Health. In the EU view, the current references to science, research, and innovation in point 3b and scientific certainty in point 3c captured well the convergent conclusions reached in the discussion.

6.4. Australia expressed its support to the zero draft report to MC13 and interest in the conversation on how to improve the draft. Australia proposed adding language on the regulatory enabling environment for farmers to access tools and technology to engage with farming sustainably.

6.5. Paraguay informed that it would propose some comments on the format and language of the zero draft report to MC13, invited Members to exercise self-restraint in their comments, and sought clarification regarding the timeline for the work going forward.

6.6. India also expressed support to the zero draft report to MC13 but expressed concern regarding the lack of distinction between food security and food safety. Regarding paragraph 3b, India did not support a reference to sustainable agriculture nor to the One Health Approach. India indicated that it would provide comments by 31 July 2023.

[2] Annex A and Annex B reflect the report of the Chairperson on the informal meeting, where this topic was discussed. Annex C contains the report of the Chairperson on the Intersessional SPS Committee Consultations, where this topic was also addressed.

6.7. Switzerland considered that the zero draft report to MC13 had the length and structure Members had agreed on in March 2023. Switzerland noted that the draft tried to reflect a balance between the interests of Members. Switzerland invited Members to exercise self-constraint when suggesting changes and called on the drafters to make changes only where a consensus would appear to exist.

6.8. The former Chairperson reminded the Committee that the deadline to submit comments, recommendations, or amendments was 31 July 2023, and encouraged Members to discuss any proposed changes among themselves before submitting them.

6.9. The Chairperson equally encouraged Members to coordinate comments. If there was a need for an intersessional meeting, it would be held end of September or in early October.

6.10. The United States reminded Members that the objective of the report was to accurately reflect the findings of the MC12 SPS Declaration Work Programme.

6.2 MC12 implementation matters (G/C/W/824/Rev.1, JOB/CTG/28, JOB/SPS/25/Rev.3 and JOB/CTG/26/Rev.1)

6.2.1 Report on the informal meeting

6.11. The Chairperson drew the Committee's attention to his draft report on the informal meeting of the Committee on 11-12 July 2023, circulated by email for comments from Members. The final report is included in Annex A.

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

6.3 November 2023 Thematic Session

6.3.1 Proposal from the United States (G/SPS/GEN/2067/Rev.1)

6.13. The Chairperson informed that this topic had been discussed during the informal meeting of the Committee on 11-12 July 2023. The final report of the informal meeting is included in Annex A. The Chairperson also reminded Members that the deadline to submit comments on the draft programme and propose speakers was 18 August 2023.

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

6.4 Preparation for 2024, including the Sixth Review of the SPS Agreement and Topics for Thematic Sessions/Workshops

6.4.1 Report on the informal meeting

6.15. The Chairperson drew the Committee's attention to his draft report on the informal meeting of the Committee on 11-12 July 2023. The final report is included in Annex A. The Chairperson also reminded Members that the deadline to submit topics for thematic sessions/workshops was 31 August 2023.

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

7 TECHNICAL ASSISTANCE AND COOPERATION

7.1 Information from the Secretariat

7.1.1 WTO SPS Activities

7.1. The Secretariat provided an overview of relevant technical assistance activities held since the last Committee meeting. These activities included national seminars in Chile, the Dominican Republic, El Salvador, Morocco, and Nigeria; a follow-up session for the SPS Transparency Champions course; a national workshop on trade in agricultural products for

Uruguay, a trade facilitation workshop co-organized with ALADI, a regional trade policy course for Latin American Members, and an advanced trade policy course in French. The Secretariat also participated in an FAO Food Safety and Trade Facilitation Workshop for the Near East and North Africa region, a meeting of the Global Alliance of pet food associations, and a webinar on Codex and INFOSAN as part of the World Food Safety Day 2023. Upcoming activities included: a regional SPS workshop for CCAC countries; national seminars for Bahrain, the Gambia, Guyana, India, the Philippines, and Chinese Taipei; a regional trade policy course for the Caribbean; and a revamped advanced SPS course in Geneva. More information was available on the SPS Gateway under events, workshops and training.

7.2. Chinese Taipei expressed its appreciation and excitement for the upcoming national seminar and looked forward to benefiting from the Secretariat's knowledge and experience.

7.3. Chile acknowledged the support provided by the Secretariat for the implementation of the SPS Agreement and stated that the national seminar would contribute to reinforcing the work of its SPS and TBT enquiry points.

7.4. The Dominican Republic indicated that the knowledge that had been shared in the national seminar it had benefited from had been valuable and would improve its participation in the Committee.

7.5. Liberia indicated that it had benefited from technical assistance through different SPS courses in 2019 and 2022. While these trainings had enhanced knowledge and skills and improved notifications, Liberia required additional technical assistance, in particular to improve its national SPS transparency framework.

7.6. Morocco indicated that the national seminar it had benefited from had focused on strengthening the use of the ePing SPS&TBT platform and deepening participants' understanding of the SPS and TBT Agreements. Morocco praised the Secretariat for this excellent activity.

7.1.2 STDF (G/SPS/GEN/2135)

7.7. The STDF secretariat reported on activities detailed in document G/SPS/GEN/2135. The STDF secretariat drew Members' attention to the programme evaluation to be conducted in 2023 and key STDF events: a session on gender and SPS capacity development held in the margins of the July 2023 Committee meeting and upcoming events on electronic SPS certification and good regulatory practices in Africa. The STDF secretariat informed Members of its annual report for 2022 and newly approved projects and project preparation grants, which covered spices in Ghana, the P-IMA tool in the Gambia, the apiculture sector in the Pacific Islands, harmonizing SPS legislation in Central Africa, digital accreditation in West Africa, and sesame in Nigeria. More information was available on the STDF website.

7.8. The European Union expressed support the STDF's intention for 2023 to carry out an assessment of STDF work on the environment, biodiversity, and climate change. This was a good opportunity to explore how to integrate a sustainable food systems approach and the One Health concept into STDF activities. The European Union also expressed support for gender mainstreaming activities, which were in line with the European Union's Gender Action Plan.

7.9. The United States drew Members' attention to the evaluation of the STDF e-Phyto project, which had been one of the larger scale STDF projects and for which many Members had provided financial and technical support. The United States praised the robust evaluation process for STDF projects and welcomed the positive evaluation for this particular project.

7.10. The STDF secretariat clarified that what had been mentioned by the European Union would be considered in the STDF programme evaluation and explained that donors would be consulted throughout the evaluation process.

7.2 Information from Members

7.2.1 Argentina – International technical cooperation on global food security provided in 2012-2022 (G/SPS/GEN/2125)

7.11. Argentina reported the results of Argentinian Cooperation from 2012-2022 regarding agricultural matters. Argentina highlighted that the main feature of its cooperation was the use of technology, scientific research and the development of innovative solutions as catalyst for each of the phases of the production chain. The scope of the cooperation included from the seed to the stage of laboratory and certification with the purpose of ensuring that the consumer had access to safe, nutritious and healthy food. It contributed to achieve environmental objectives, reducing food waste and guaranteeing the income and livelihoods of agricultural producers. The cooperation had focused on the following sectors: agriculture, biotechnology and genetics, livestock, and nutrition. Regarding the purpose of the initiatives, Argentina built capacities in developing countries on the matters of implementation of good practices, mechanization of production processes, development and adaptation of regulatory frameworks, food safety, risk assessment for new technologies, prevention of pests and diseases, development of new animal and plant varieties, promotion of food safety in emergency situations, health certification, and food preservation. The cooperation had provided technical assistance to 65 countries, 38% LDCs and 62% developing countries. Thanking developed countries and international organizations that supported the cooperation, Argentina committed to continuing exploring cooperation activities with Members.

7.2.2 Senegal – Technical assistance received by Senegal

7.12. Senegal updated Members on its e-certification progress achieved with the help of the STDF and Germany. Senegal indicated that it would be making a request to the STDF related to strengthening its SPS capacity. Senegal thanked the African Union for facilitating its participation in the Committee.

8 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

8.1. No Member provided information under this agenda item.

9 OBSERVERS

9.1 Information from Observer Organizations

9.1.1 OIRSA (G/SPS/GEN/2123)

9.1. The report of OIRSA's activities is contained in document G/SPS/GEN/2123. OIRSA informed Members of its activities, including training workshops related to the prevention and management of Foc TR4, fruit flies and outbreaks of avian influenza, as well as training workshops on fumigation standards and use of pesticides.

9.1.2 ECOWAS (G/SPS/GEN/2124)

9.2. Referring to its report contained in document G/SPS/GEN/2124, ECOWAS highlighted activities on national sensitization on principals of mutual recognition on SPS matters, phytosanitary certificates and facilitation of intra-regional trade in Burkina Faso, regional disease outbreak control, and development and monitoring of risk-based, harmonized sanitary inspection guidelines. Future activities included the development of a technical document on AMR, a data generation workshop related to Codex work and a vaccination campaign.

9.1.3 SADC (G/SPS/GEN/2128)

9.3. The report of SADC's activities is contained in document G/SPS/GEN/2128.

9.1.4 IGAD (G/SPS/GEN/2129)

9.4. The report of IGAD's activities is contained in document G/SPS/GEN/2129.

9.1.5 GSO (G/SPS/GEN/2130)

9.5. The report of GSO's activities is contained in document G/SPS/GEN/2130.

9.1.6 OECD (G/SPS/GEN/2131)

9.6. The report of the OECD's activities is contained in document G/SPS/GEN/2131.

9.1.7 ITC (G/SPS/GEN/2132)

9.7. The report of ITC's activities is contained in document G/SPS/GEN/2132.

9.1.8 IICA (G/SPS/GEN/2136)

9.8. The report of IICA's activities is contained in document G/SPS/GEN/2136. IICA highlighted some upcoming activities, including a workshop on electronic SPS certification hosted in Costa Rica, the Codex coordination colloquiums, and virtual coordination sessions on WTO SPS matters.

9.1.9 African Union (G/SPS/GEN/2141)

9.9. The report of the African Union's activities is contained in document G/SPS/GEN/2141. The African Union highlighted some past activities, such as the SPS Coordination Forum, the convening of the African Phytosanitary Council, the African Union and the Africa Bureau for Animal Resources in preparation for CPM-17, workshops conducted by the African Continental Free Trade Area Secretariat on non-tariff barriers and data collection on the Africa SPS Index. The African Union brought Members' attention to an upcoming SPS Coordination Forum and an upcoming learning event on good regulatory practices.

9.2 Requests for observer status

9.2.1 New requests

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

9.2.2 Pending requests

9.11. The Chairperson referred to document G/SPS/W/78/Rev.15, listing outstanding requests for observer status. The Chairperson indicated that, absent any intervention, he would assume that the positions of Members had not changed.

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

9.13. The Chairperson noted that some pending requests dated back more than 10 years and that he intended to consult with the Secretariat on the way to tackle the list.

10 OTHER BUSINESS

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

11 DATE AND AGENDA OF NEXT MEETING

11.1. The Chairperson recalled that the next regular meeting of the Committee was tentatively scheduled for the 15-17 November 2023, with the formal meeting starting in the afternoon of 15 November, to be preceded by a thematic session on risk communication, misinformation, and disinformation on 14 November, and an informal meeting on 15 November. The proposed calendar of Committee meetings for 2023 had been circulated as G/SPS/GEN/2117.

11.2. The Secretariat indicated that it would prepare a summary report based on oral interventions in the meeting, complemented by Members' ability to download complete statements via eAgenda.

The Secretariat drew Members' attention to the feature on eAgenda that allowed for all statements or those related to a particular STC to be downloaded.

11.3. The Chairperson reminded the Committee of the following deadlines, also circulated by email:

a. For submitting statements: **Friday, 14 July 2023**;

b. For comments on the Chairperson's draft report on the informal SPS Committee meeting: **Friday, 21 July 2023**;

c. For submitting suggested language on the draft report to MC13 (G/SPS/W/344) and the factual summary of the MC12 Declaration Work Programme (G/SPS/GEN/2134): **Monday, 31 July 2023**;

d. For submitting of comments on the draft programme for the thematic session on risk communication, misinformation, and disinformation and suggestions of proposed speakers (G/SPS/GEN/2067): **Thursday, 31 August 2023**;

e. For submitting of topics for 2024 thematic sessions and workshop: **Thursday, 31 August 2023**;

f. For identifying new issues for consideration under the monitoring procedure and for requesting that items be put on the agenda: **Wednesday, 25 October 2023**; and

g. For the distribution of the annotated draft agenda: **Friday, 27 October 2023**.

ANNEX A

INFORMAL MEETING – 11 JULY 2023

REPORT BY THE CHAIRPERSON

1 SPS DECLARATION WORK PROGRAMME (G/SPS/W/330/REV.1 AND WT/MIN(22)/27)

1. At the informal meeting on 11 July 2023, I noted that this informal SPS Committee meeting was dedicated to discussing the two output documents of the MC12 SPS Declaration Work Programme, the factual summary of the MC12 SPS Declaration Work Programme and the zero draft that would serve as a basis for the report to be presented to Ministers at MC13.

2. At the beginning of the meeting, India presented its submission of additional inputs to the Thematic Groups. All documents had been uploaded to the MC12 SPS Declaration Work Programme Website for Members to review, and India highlighted the key points from its submission.

3. One Member recalled that the Committee had agreed that the May round of Thematic Group discussions would be the last call for substantial inputs and suggested that the issues identified could be discussed after MC13 as part of ongoing Committee work. Regarding India's comments, the Member proposed considering the One Health Approach from a broader perspective, in light of the modern challenges Members are facing.

2 FACTUAL SUMMARY BY THE SECRETARIAT OF THE MC 12 SPS DECLARATION WORK PROGRAMME

4. The Secretariat provided an overview of the Factual Summary of the Work Programme, prepared as requested by the Committee and circulated as G/SPS/GEN/2134. The first part of the document described the process in detail, as outlined in G/SPS/W/330/Rev.1. The second part of the document summarized the work of the thematic groups, using the stewards' reports as a basis, harmonizing the level of detail included for each of the Groups, and referring to the information available on the dedicated website and in the two reports that each of the stewards had circulated in March (G/SPS/W/332 to 336) and in May (G/SPS/W/339 to 343).

5. Members thanked the Chair, stewards and the Secretariat for their work on drafting both documents. In general, Members preferred to not engage in re-drafting of the two documents, but rather to propose specific additions or editorial changes. Members felt that overall, the factual summary was accurate, well written, and provided a good summary of all the work the Committee had done over the past year.

6. One Member proposed that all content in the zero draft be linked to the factual summary, which was already the case for most of the zero draft. Another Member noted that digitization and e-commerce, which were important topics in general and to African countries, were not touched upon in the documents, and suggested discussing them before the document was made final. Some Members indicated they might come back with further comments at a later stage.

7. Based on the discussion, I proposed that comments be submitted by 31 July, and reminded Members that comments submitted for the factual summary should keep in mind the purpose of the document focusing on facts and processes during the discussions.

3 ZERO DRAFT BY THE CHAIRPERSON OF THE REPORT FOR THE THIRTEENTH MINISTERIAL CONFERENCE (MC13)

8. I reminded Members that the SPS Declaration (WT/MIN(22)/27) mandated the Committee to report on key findings and actions undertaken as a result of this work to MC13, with recommendations, as appropriate. I recalled that at the intersessional consultations held in May 2023, the Committee had agreed that the Chair and the stewards, with help from the Secretariat, would produce the initial zero draft of a shorter document for Ministers. In coordination

with the stewards and the Secretariat, I prepared a zero draft of the Committee's Report to MC13, circulated to Members in document G/SPS/W/344. The document provided initial context on the origin and scope of the MC12 SPS Declaration, presented some key findings emerging from the Work Programme, trying to reflect elements of the discussions on which there appeared to be consensus. I noted to Members that in preparing the document on the basis of the inputs provided by the stewards, we had made every effort to incorporate everyone's inputs and comments, and thus the document attempted to present the areas of convergence among Members.

9. I first invited Members to provide general comments on the document as a whole, and then discuss the document by paragraph section.

10. Members reiterated that, though they had editorial changes and suggestions, they felt that the zero draft provided a solid foundation for the upcoming discussions and that the document accurately represented the convergences in discussions across the Thematic Groups. They broadly agreed with the recommendation in the draft.

11. Some Members reminded the Committee of the amount of time it had taken to get to this phase, and encouraged Members to show restraint in their amendments to the documents, put forward suggestions that could be realistically considered for consensus, and think about how far they wanted to take the recommendations. Other Members echoed sentiments that the process for producing final drafts would involve striking a balance between detail and likelihood of reaching consensus.

12. In response to Member inquiries about the way forward, I explained that the Secretariat and I would review comments on the draft and propose a new version including changes wherever there was convergence in Members' comments. I proposed that the revision of the zero draft could be discussed at an intersessional meeting if Members agreed.

(i) Paragraphs 1 and 2

13. I invited Members to comment on paragraphs 1 and 2 of the report, which set the context of the discussions. I reminded Members that these two paragraphs were taken from the text of the Declaration, which had been agreed by all Members in June 2022. I explained that they had been included mainly to ensure that the zero draft was a stand-alone document that could easily be read without referring to the Declaration.

14. In general, Members found these paragraphs to be useful and supported not editing any text that had been taken directly from the MC12 Declaration, as this had already been agreed upon. Some Members proposed small changes, though they noted that they were not red-line issues.

15. In response to Member inquiries on how to provide feedback and proceed with deliberations, I indicated that this exercise was to gauge first reactions to the text. I proposed 31 July as the deadline for written suggestions and amendments, and encouraged Members to deliberate with each other to ensure their suggestions could be accepted by consensus. I noted that the Secretariat would be documenting all suggestions.

(ii) Paragraphs 3a and 3b

16. Next, I drew Members' attention to paragraphs 3a and 3b. I noted that in para. 3a, several key elements and principles that had been extensively discussed across all of the Thematic Groups were incorporated. These elements and principles highlighted the interconnections among these five Groups and had been frequently mentioned during the Committee's past discussions. I recalled that during the discussions on food security and sustainable production, Members had expressed various perspectives and concerns. One theme emphasized frequently by Members was the concept of "no one-size-fits-all", which was reflected in 3b.

17. Some Members disagreed with the language used in para. 3a with respect to the SPS Agreement being 'fit for purpose', and the term 'safe trade', and recommended amendments, and a Member suggested to include a reference to the SDGs in this paragraph, which the Secretariat noted. In general, Members agreed with the point that the SPS Agreement remains important to facilitating trade.

18. Similarly for para. 3b, Members agreed with the general sentiment, but made suggestions for wording regarding the use of the word 'regulation' specifically, as they felt that the 'no one-size-fits-all' referenced sustainability goals more broadly and holistically as determined by each Member, rather than regulations. A Member expressed their support to keep the term "no-one-size-fits-all" and "science, research and innovation" and hoped these terms could be kept in the new revision.

19. Lastly, a Member noted that emerging challenges were not necessarily addressed, and many of the challenges discussed over the past year were not "emerging". Members made suggestions for reflecting this point.

20. Overall, Members supported initiatives to clarify the text without making significant changes to the substance.

(iii) Paragraphs 3c and 3d

21. I recalled that the findings from paragraphs 3c and 3d emerged from the discussions within Groups 2 and 3. Regarding para. 3c, the Committee had had the privilege of inviting the three sisters to present their guidance on risk assessments, particularly in relation to scientific uncertainty. At that time, Members had noted the usefulness of this guidance. For the findings in paragraph 3d, Members had expressed agreement that the guidance developed by the three sisters and the SPS Committee had proven beneficial in reducing trade barriers, and there was also support for capacity building efforts.

22. Members largely agreed with the substance of the paragraphs, but felt that the language could be strengthened around transparency, and the importance of measures being based on science even when uncertainty exists, and when provisional measures were adopted, while reflecting the sensitive nature of scientific uncertainty.

23. In response to a Member's question regarding the use of the word 'guidance', the Secretariat explained the terminology had been chosen to reflect the different official names of documents provided by the three sisters, including standards, guidelines and recommendations, but that the language could be adjusted.

(iv) Paragraphs 3e, 3f, and 3g

24. I provided background for the findings in paragraphs 3e, 3f, and 3g, which were derived from the discussions in Groups 4 and 5. Findings 3e and 3f highlighted the significance of the three sisters and other observers. During Thematic Group discussions, Members had expressed their desire to enhance practices related to observers' reports and presentations. For finding 3g, which emerged from Group 5, Members recognized the importance of Special and Differential Treatment (SDT) and Technical Assistance (TA), and emphasized the significant role of South-South cooperation and the STDF.

25. Members once again broadly agreed with the substance of these paragraphs, but felt that a number of points could be better highlighted. Some Members made suggestions regarding highlighting TA provided by all organizations, Members and the STDF, and specifically mentioning forward looking updates from the three sisters and their work on the human-plant-animal interface. Members also proposed changes to emphasize Members engaging with observer organizations and strengthening connection between the work of these organizations and the Committee, and the Committee with other WTO Committees more broadly.

(v) Recommendation

26. Members supported the current recommendation with minor editorial changes. They felt it was consistent with the discussions in the Thematic Groups and was feasible for the Committee. Members did request that the Committee remain open to the addition of other recommendations if they could be supported by consensus.

27. I thanked Members for all of their comments and reminded them that the Secretariat had taken note of all interventions. I reiterated that I was planning to prepare a revised version of the zero draft document. I invited Members to consult with others and send the Secretariat their suggestions

in writing by 31 July, so that the wording on the topics of convergence discussed today could be taken into consideration.

4 SCHEDULING OF INTERSESSIONAL CONSULTATIONS FOR SEPTEMBER/OCTOBER

28. Based on the past discussions, I solicited Members' views on the possibility of holding intersessional consultations at the end of September or the beginning of October to finalize the document, ahead of its adoption in the November 2023 meeting.

29. Members supported holding intersessional consultations to fine tune the documents and consult with their capitals. They supported the current Chair, Mr. Tang-Kai Wang, taking a leading role in drafting the revision to the zero draft of the Report to MC13 for Members' review.

5 NEXT STEPS

30. I noted Members' concerns regarding having sufficient time to consult with their capitals on the revision. Given constraints over the summer, I indicated to Members that the earliest time for the intersessional meeting would most likely be the end of September. The Secretariat would provide the Committee with prospective dates.

31. I invited the Secretariat to summarize the next steps. The Secretariat reminded Members that they had taken note of all comments, which would be used to identify possible areas of convergence. The Secretariat requested that Members submit comments and edits, ideally those that could reach consensus, in writing by 31 July 2023.

ANNEX B

INFORMAL MEETING – 12 JULY 2023

REPORT BY THE CHAIRPERSON

1 MC12 Implementation Matters (G/C/W/824/Rev.1, JOB/CTG/28, JOB/SPS/25/Rev.3, JOB/CTG/26/Rev.1)

1. At the informal meeting on 12 July 2023, I recalled that in the March SPS Committee meeting, I had updated the Committee on the ongoing discussions in the CTG on MC12 implementation matters related to WTO reform and COVID-19. Two reports had been prepared and submitted on these topics in the context of the SPS Committee's work. In addition, all the reports on WTO reform prepared by CTG subsidiary bodies were contained in document G/C/W/824/Rev.1, which also included a comparison matrix on the current functioning of the CTG and its subsidiary bodies.

2. I further recalled that, ahead of the March SPS Committee meeting, a group of Members (Argentina, Colombia, Ecuador, Paraguay and Uruguay) had submitted some suggestions in document JOB/SPS/25/Rev.1, highlighting that the SPS Committee was already applying most of the suggestions, while noting some areas for improvement. The identified areas for improvement included the use of digital tools and eRegistration, as well as the potential implementation of a style manual. Further revisions of the document had subsequently been circulated with the addition of Brazil and Peru.

3. I then recalled the intersessional consultations held on 11 May and noted that the Secretariat had provided feedback on the suggestions in JOB/SPS/25/Rev.1, in response to a request from a Member in the March meeting. The Secretariat had highlighted areas where the SPS Committee was already implementing best practices and had also identified areas that could be improved or harmonized, such as the automatic alert system linked to the WTO calendar of meetings, alignment of formal meeting practices, and e-registration, though some of these were subject to discussions at the CTG level.

4. In addition, the Secretariat had noted some differences between the SPS Committee and other WTO bodies, for example in its use of summary reports instead of minutes, which had been discussed in the past. The Secretariat's presentation has been circulated as room document RD/SPS/227.

5. In the intersessional consultations, Members had provided their positive feedback on the SPS Committee's leadership in best practices, welcomed planned improvements on e-registration/eDelegate systems, and suggested harmonization of eAgenda practices as used by different WTO bodies. One Member had suggested the development of an eAgenda manual and integration of eAgenda deadlines into the annotated draft agenda. Another Member had requested that presentations be circulated in advance of meetings for more efficient discussions. In response, the Secretariat had indicated that it would look into the development of a manual for eAgenda, and would consult colleagues working on other WTO bodies to discuss the harmonization of eAgenda. The Secretariat had also noted that many presentations were submitted at the last minute, but that those received in time could be circulated.

6. I reminded Members that they had been invited to submit their comments or proposals on improving the functioning of the SPS Committee by Friday, 26 May 2023 for discussion at the July meeting of the Committee. However, no comments were received by that deadline.

7. Further to the intersessional consultations, the Secretariat had followed up to share via the SPS delegates email list, document JOB/CTG/26/Rev.1 entitled "Compilation of Input on the Functioning of Goods Bodies", at the request of the UK delegation. This document had been circulated in the Council for Trade in Goods. I also highlighted that additional discussions on the functioning of WTO bodies had taken place in the General Council, including a retreat on 16 June 2023.

8. In this week's meeting, I underscored that Members had an opportunity to continue discussions on the functioning of the SPS Committee and invited their additional comments and suggestions.

9. Several Members took the floor to express their appreciation for being part of a Committee that embodied and disseminated best practices to other CTG subsidiary bodies. At the same time, some Members noted there was still room for improvement and that being a model Committee was not a static position. Some Members also indicated their full support for the areas that had previously been identified and also proposed other suggestions.

(i) STC discussions

10. One Member made reference to the rigid structure of **STC discussions**, observing that Members presented their concerns via a formal statement and that written replies were prepared in advance by the responding Member. In particular, the Member expressed concerns that details of new STCs or new elements in existing STCs were presented in statements without sufficient advance communication to responding Members, which meant that targeted specific replies could not be provided. The Member further noted that a more mutually beneficial discussion could take place with advance communication of information, since it was not always possible to provide spontaneous answers.

11. Some Members supported this suggestion, expressing interest in seeing how best to improve STC discussions through the provision of advance information on new STCs or new elements in previously raised STCs, and exploring minimum information requirements when proposing a new STC and timelines to update information before Committee meetings.

12. Another Member noted that, in its view, the advance submission of written questions to a responding Member did not have an impact on the lengthy delays experienced in receiving a reply. In response, one Member noted its practice of circulating responses to questions and clarified that its suggestion to provide advance information referred to new STCs and not to technical exchanges.

13. Some Members were of the view that while it would be useful, especially in the case of new STCs, to have advance information provided, the Committee should avoid being overly prescriptive, for example by using deadlines and criteria as a determinant of whether the responding Member would reply. This could become an excuse to avoid replying to an STC, if in the responding Member's view, insufficient information had been provided. In addition, the suggested approach could impinge on the space for bilateral meetings or become a hindrance to maintaining discussions in the Committee and start a shift towards a written exchange of statements, thereby diminishing the role of the Committee as a forum to raise bilateral issues in a multilateral setting. One Member also noted that delegates sometimes received last minute instructions which would make it difficult to meet pre-established criteria.

14. Another Member further observed that no rule stopped Members from having bilateral meetings and that by the time an issue was raised as an STC, all other options had been exhausted. The Member underscored that the provision of advance information, especially for new STCs, was important and allowed the STC process to be effective.

15. In relation to the provision of advance information on STCs, the Secretariat reminded Members that the previous deadline for closure of the agenda was ten days before the Committee meeting, and it had subsequently been changed to 21 days, at the request of Members, to allow for the preparation of responses. Members raising a concern were asked to provide an outline of the issue to responding Members. In addition, eAgenda had a tab titled "brief description of measure" where Members could provide information on the raised concern, however this feature had not really been used by Members.

16. One Member queried the procedure for raising STCs, requesting clarification on whether there was always an obligation to inform the responding Member of the concern or if raising the STC via eAgenda was sufficient. The Secretariat explained that while most STCs were raised via eAgenda, the best practice was still to inform the responding Member, noting that information on this practice was also included in the communication sent to delegates ahead of each Committee meeting. The Secretariat also responded to a query regarding the translation of documents, clarifying that the majority of documents submitted by Members were made available in the three official WTO

languages before the start of the meeting. In addition, the Secretariat circulated its documents three weeks in advance of Committee meetings to ensure their translation ahead of Committee meetings.

17. One Member further underscored the importance of having productive engagement and interactions with other Members, noting that the SPS Committee (and also the TBT Committee) differentiated itself from other committees by the level of engagement. Digital tools, such as eAgenda, could facilitate the work, however if Members were not constructively engaging with each other, then the tools would not be useful. The Member reminded the Committee of the Member-driven nature of the organization, observing that if sufficient information was not available on STCs, then each Member had the responsibility to seek clarification in the three weeks leading up to the Committee meeting.

(ii) eAgenda and other online tools

18. In relation to **eAgenda**, a Member proposed several suggestions noting the differences across various Committees and advocating for as much harmonization as possible. In particular, reference was made to the practice used by the Market Access Committee in uploading reports and statements by the Chair, highlighting that if delegates could have access in eAgenda to all of the information provided in a Committee meeting, then downloading this information could be comparable to having minutes of the meeting. The Member noted that the SPS eAgenda facilitated many aspects and further invited the exploration of other elements.

19. One Member made reference to the navigation of STCs in the SPS eAgenda, as compared to the TBT eAgenda. Another Member suggested to have a sidebar feature to allow for easy navigation in the SPS eAgenda to the STC section.

20. Some Members welcomed the suggested improvements if it would add value and make eAgenda more user-friendly, and supported the uploading of the Chairperson's report, and agreed that it would be useful to copy the good practices of other committees and have the Chairperson's summary and Secretariat's interventions also available in eAgenda.

21. The Secretariat informed the Committee that a draft manual for eAgenda had been prepared and that the SPS team was in the process of coordinating with other committees that used eAgenda. The Secretariat also noted the varying practices and the different requests made by Members across Committees. However, it was expected that more Committees would start using eAgenda and that greater focus would be placed on making it user-friendly. The Secretariat further explained that the TBT eAgenda only included STCs and so its main page only included STCs, while the SPS eAgenda included all of the agenda items for the Committee meeting. However, there had been a request for TBT to include additional agenda items on its eAgenda. The Secretariat indicated its willingness to consult directly with Members on any eAgenda queries. In addition, the Secretariat noted that, with respect to the inclusion of other types of information in eAgenda, such as the Chair's report, it had started discussions and was seeing how best to decide on what to include.

22. The Secretariat provided an update on the **eDelegate platform**, noting that it had previously drawn attention to this platform in the May intersessional consultations. The eDelegate platform was a dedicated space on the WTO website which would allow Members to have an interface to manage their participation in WTO Committees, both for Geneva- and capital-based delegates. In addition, it would facilitate the sharing of delegates' contact information, including their assignment to WTO Committees. The platform would first be rolled out as a simple web-based interface (compatible with mobile phones) to be followed by a more elaborate format. An information-sharing session would be organized by the responsible Secretariat team in the future.

(iii) Order of agenda items

23. One Member proposed that the Committee consider restructuring the **order of agenda items** to have discussions on substantive items before STCs, similar to the approach in CTG meetings. The Member further noted that the TBT Committee had already moved the discussion on some of its substantive items before the agenda item on STCs. In response, the Secretariat indicated that the order of the agenda could be examined and suggested that an idea could be to experiment with changes in the agenda for one meeting, if Members were in agreement.

(iv) Proposal in document WT/GC/W/874

24. India drew attention to its **proposal in document WT/GC/W/874**, circulated in May 2023 to the General Council, which listed 30 operational improvements to the WTO before the organization completes 30 years, using the approach of "reform by doing". The initiative, dubbed as "30 for 30", proposed incremental changes which were doable in an indicative timeframe, and was based on extensive consultations with many Members. The proposal was not geared towards content reform, but addressed the challenges experienced in delegates' daily work. The proposal had already been discussed in the General Council and was now being pitched to the SPS Committee. In particular, two points were mentioned: (i) the development of a mobile productivity application, which India had offered to develop; and (ii) the communication hashtag "30 for 30" to broadly communicate the initiative. India noted that many of the suggestions in the document had already been well executed in the SPS Committee, but there remained a few that could still be examined, and it looked forward to engaging with other Members to build consensus on those areas.

(v) Written report to CTG

25. I then explained that CTG subsidiary bodies had been requested to submit a **written report to CTG** describing the discussions held and improvements introduced (reference document - JOB/CTG/29). To facilitate the preparation of this report, the CTG Chair had held a meeting on 30 June where the Chairs of subsidiary bodies had been requested to submit their reports no later than the first week of November. Following which, the reports would be consolidated and a draft report prepared for discussion at the CTG's last formal meeting of the year, scheduled to take place on 30 November 2023.

26. I proposed to use a similar approach in preparing this report as had been done for the previous two MC12 implementation reports submitted to CTG, through the use of a written procedure. Firstly, a draft report would be prepared under the Chair's responsibility, with the assistance of the Secretariat, and then shared with Members in advance of the scheduled intersessional consultations in September/October for discussion. Following which, we would then have a round of written comments and the document finalized for submission to CTG.

27. I then invited Members to provide comments on this proposed approach. No Member took the floor.

28. Before concluding the meeting, I also provided an opportunity for Members to raise any other issues/areas on the functioning of the SPS Committee. However, no Member took the floor.

2 NOVEMBER 2023 THEMATIC SESSION (G/SPS/GEN/2067/REV.1)

29. I reminded the Committee that the United States had previously submitted a proposal for a thematic session on SPS risk communication, with an emphasis on public perceptions of issues concerning food, technology, health, and the environment. I recalled that further to the discussions at the last Committee meeting, Members had been invited to submit any additional comments for consideration by 21 April 2023. I informed Members that a further revision of the US proposal had been circulated in document G/SPS/GEN/2067/Rev.1.

30. The United States considered that there was interest in the thematic session as well as curiosity, adding that the agenda had been updated and restructured based on feedback from Members. The thematic session would include discussion on misinformation and disinformation, the SPS Agreement and SPS issues with contemporary examples from Members, industry and consumers, and next steps. Looking ahead, the United States noted that the thematic session could generate additional opportunities for discussion during the 6th Review of the SPS Agreement. The United States welcomed comments, as well as proposals of possible speakers and was of the view that the thematic session would be most informative and interesting, with a diverse set of perspectives.

31. Several Members provided comments on the proposal. One Member indicated particular interest in discussing how to reach consumers and was looking into proposing a potential speaker from industry or academia. Another Member expressed its appreciation for including the consumer perspective, and was considering possible speakers. A third Member took the floor and suggested

including a session on food irradiation, adding that it could propose a speaker from the Joint FAO/IAEA Centre of Nuclear Techniques in Food and Agriculture on this topic. Two other Members took the floor, with one highlighting the timeliness of the US proposal in the context of social networks, public opinion, the role of science and the WTO, while the other highlighted the importance of the topic in relation to risk analysis.

32. Following a request to extend the deadline, I informed the Committee that the deadline for further comments on the proposal, including on speakers would be **Thursday, 31 August 2023**.

3 PREPARATION FOR 2024, INCLUDING THE SIXTH REVIEW OF THE SPS AGREEMENT, TOPICS FOR THEMATIC SESSIONS/WORKSHOP

33. I then invited Members to start looking ahead to 2024 and reflecting on preparations for the upcoming Sixth Review of the SPS Agreement, and also the scheduling of thematic sessions and the June 2024 Committee workshop.

(i) Sixth Review of the SPS Agreement

34. I reminded Members that the SPS Committee is mandated to review the operation and implementation of the SPS Agreement at least once every 4 years, pursuant to the provisions of Article 12.7 of the Agreement and the Doha Ministerial Decision on Implementation-Related Issues and Concerns (WT/MIN(01)/17). For the last Review, the process had started in March 2018, and ended with the adoption of the Fifth Review Report in 2020.

35. I further explained that the process normally started with the Committee instructing the Secretariat to prepare a procedure for subsequent adoption by the Committee. I then invited the Secretariat to provide some additional background information and context. The Secretariat outlined the Review process, highlighting that upon the Committee's request, it would prepare a procedure indicating timelines for various steps. Following which, the Committee would then consider this proposed procedure for agreement.

36. The Secretariat noted that the last Review had started in March 2018. Ahead of which, the Committee had requested in the October 2017 meeting that the Secretariat prepare a procedure for subsequent consideration and discussion at the March 2018 Committee meeting (document G/SPS/W/296 circulated in December 2017 and its revision in February 2018). The procedure had subsequently been adopted in March 2018 and the Review launched.

37. The Secretariat underscored that the instructions from ministers were clear that the SPS Committee needed to carry out a review at least once every four years, and that the Committee was free to decide the process. The Secretariat observed that while the reviews had normally been scheduled to last one year, the Committee had decided to take longer for the Fifth Review, which had lasted two years. The topics of the review were also determined by Members' submissions – although the Committee had in the past agreed to review a number of its past decisions and guidelines as part of the regular reviews.

38. I then observed that, during the earlier discussions in the informal meeting on the SPS Declaration Work Programme and more specifically on the draft report to MC13, Members had seemed to have positive reflections on the recommendation that the Committee continue its discussions and reflections in the context of the upcoming Sixth Review. As such, I proposed that the Committee agree to request the Secretariat to prepare a draft timeline for consideration and discussion at the November 2023 meeting. This would allow for the timeline to be reviewed ahead of the November meeting for possible adoption in the November 2023 or March 2024 meeting. This could mean starting the Review in March 2024, after MC13.

39. I then invited Members to provide their comments or questions on this proposed approach. One Member noted its support to use the Sixth Review to continue the SPS Declaration Work Programme, and referenced the similar conversations held in the informal meeting on that topic earlier in the week. In addition, the Member sought clarification on whether there would be an opportunity to broaden the discussion, apart from the SPS Declaration Work Programme, and submit other topics. In response, I explained that it would be possible to include other topics, based on

Members' expressed interest and I proposed that additional discussions could take place in the November SPS Committee meeting.

40. Another Member queried whether the timeline for the Sixth Review would be a 1-year or 2-year process, and further suggested that a shorter review could be considered, while ensuring that all the necessary aspects of the Review mandate were fulfilled. The Member also highlighted that the Sixth Review provided an excellent opportunity to continue looking at the challenges highlighted in the SPS Declaration and that the Review could be undertaken through the lens of the challenges identified in the SPS Declaration work.

41. The Secretariat further underscored that it would be useful to have an idea of Members' preferences on whether there was interest to continue the MC12 SPS Declaration Work Programme as such, or whether the idea was to continue discussing certain topics and challenges identified in the SPS Declaration. The Secretariat noted that it would be up to Members to make this decision.

42. The Secretariat further provided clarification on the steps of the Review process, indicating that the first step was normally the submission of topics, and that there were often more topics than time to discuss them, followed by the submission of proposals. The Review ended with the adoption of the Review Report, which under the Fifth Review had two parts: (i) a descriptive part; and (ii) a summary of the submitted proposals, and also recommendations. The Secretariat observed that the Review was also a chance to set the agenda for the future and that the Review timeline could be shorter, but the report could set out actions that would be undertaken in the future.

43. One Member further highlighted that since the process normally took one year, this could be the benchmark.

44. I noted that the Secretariat's explanation had provided a proposed approach for the Committee in moving forward. I reminded Members that the Committee would return to this topic in the formal meeting.

(ii) Scheduling of thematic sessions and the June Committee workshop for 2024

45. I then moved on to discuss the scheduling of SPS Committee thematic sessions and/or a workshop for 2024, recalling that the approach of discussing these activities in advance had proven useful for delegates in planning their participation in SPS Committee-related activities. I first gave the floor to the Secretariat to provide some information on the tentative planning of meetings for 2024.

46. The Secretariat drew the Committee's attention to the proposed calendar of meetings for 2024 in document G/SPS/GEN/2117, which foresaw either: (i) three SPS Committee thematic sessions in March, June and November 2024; or (ii) two SPS Committee thematic sessions in March and November, and one SPS Committee workshop in June 2024. The Secretariat explained that a thematic session lasts one day while a workshop normally lasts two days and allowed the Committee to take a more in-depth look at a topic. In the past, there used to be a budget for the participation of a number of developing country officials in workshops and the SPS Committee meeting. The Secretariat encouraged Members to start thinking of topics and themes for the 2024 thematic sessions and workshop for further discussion at the November 2023 Committee meeting, adding that this would help facilitate the participation of experts in these activities.

47. No Member provided ideas or suggestions for potential topics for the 2024 SPS Committee thematic sessions or workshop. I requested Members to submit their proposed topics by the deadline of **Thursday, 31 August 2023**.

ANNEX C

INTERSESSIONAL SPS COMMITTEE CONSULTATIONS
MC12 SPS DECLARATION WORK PROGRAMME – 11 MAY 2023

REPORT BY THE CHAIRPERSON

1 WORK PROGRAMME OF THE MC12 SPS DECLARATION (G/SPS/W/330/Rev.1 AND WT/MIN(22)/27)

(i) Introductory points

1. At the informal meeting on 11 May 2023, I recalled that the SPS Committee had been working to fulfil the mandate outlined in the SPS Declaration (WT/MIN(22)/27)adopted by Ministers in June 2022. As foreseen in the process outlined in document G/SPS/W/330/Rev.1, the stewards had been regularly reporting to the Committee on the discussions in their groups, and they would again report on the discussions had in the past week at this intersessional meeting. I noted that Members had had the opportunity to submit written inputs throughout the process and that these inputs, as well as oral contributions in group meetings, had formed the basis for discussions held in each group. I reminded Members of the summaries submitted in March by the stewards on the work of the Thematic Groups, contained in G/SPS/W/332 to 336[1], which Members had had the opportunity to discuss in the informal March Committee meeting.

2. The Secretariat reminded Members that MC13 would be held in February 2024 in the United Arab Emirates, and that according to the MC12 SPS Declaration, the Committee had to report to MC13 on key findings and actions undertaken, with recommendations, as appropriate. The Secretariat also reminded Members that stewards would submit their last written report at the end of May. According to the process in document G/SPS/W/330/Rev.1, a draft report would be circulated to delegates for discussion at the informal Committee meeting in July, and it was expected that the final report would be adopted at the November 2023 meeting, as it would be the last meeting ahead of MC13.

(ii) Update on thematic groups

3. Group 1: On behalf of the two co-stewards, Jonathas José Silva da Silveira (Brazil) and Knut Berdal (Norway), the former reported on the status of Group 1. He recalled that after several rounds of discussions and written inputs from Members in Group 1, it had been decided at the February meeting to have a calendar of events to get inputs from different actors. In March, Group 1 had a full day of inputs on producer experiences representing Members from different regions, sectors and levels of development. This past week, Group 1 had heard a full day of presentations from a wide range of relevant international organizations. The discussions that these presentations provoked had been informative and helped the Group capture and develop ideas that would aid them in their work. The co-stewards of Group 1 reminded Members that they remained open to suggestions and guidance for the way forward.

4. Group 2: Boitshoko Ntshabele (South Africa) recalled the agreement reached in February to hold a workshop inviting the international standard-setting bodies and Members to present on their guidance and experiences on risk assessment and uncertainty, and also to reflect on how the emerging challenges in point 6 of the MC12 SPS Declaration impacted their conduct of risk assessments. Codex had informed Members that FAO and WHO would need to participate as they were the relevant risk assessment bodies. Members received presentations from the IPPC, WOAH, FAO, WHO and Codex, which all shared their relevant guidance on risk assessment and uncertainty, and provided an update on new reference materials and capacity building activities. They also indicated that they were at various stages of work in assessing and reflecting on the impact that emerging challenges had on their standard-setting work, and that these processes were ongoing, with participation of Members, and led by their experts and expert bodies. The steward

[1] G/SPS/W/332 (Group 1); G/SPS/W/333 (Group 2); G/SPS/W/336 (Group 3); G/SPS/W/334 (Group 4) and G/SPS/W/335 (Group 5).

reminded Members of the importance of their national experts following these developments. The workshop also heard presentations from Members, including Japan (on their experience on Article 5.7 of the SPS Agreement), China (on uncertainty in pest risk analysis - interrupted due to poor sound quality), the European Union (on the future of risk assessments in food safety) and the United States (on the consideration of uncertainty in risk assessments). The presentations were detailed and informative and also elicited lively discussions and questions from Members in the room and online. The presentations would be uploaded to the dedicated MC12 SPS webpage. The steward noted that this was the last meeting of the thematic group, and that he remained available to Members for any further discussion on work moving forward.

5. Group 3: Miguel Donatelli (Argentina) recalled that Group 3 had enjoyed high Membership participation during their meetings over the past year. During the March meeting, WOAH had presented on their regionalization work and the Secretariat had presented a compilation of all the work conducted on regionalization in the SPS Committee, both of which had been excellent inputs for the Group. There had been a request for Members to share their positive and negative experiences to understand the difficulties and successes in terms of implementing regionalization. In the most recent meeting, at the request of one Member, WOAH had presented on different forms of regionalization, specifically official recognition and self-declaration. Lastly, as requested, Members had presented on their experiences with implementing regionalization. South Africa presented on risk assessments and regionalization; the European Union shared their work on African swine fever, risk assessments and capacity building; the United States presented on their experiences regarding African swine fever, regionalization and their internal work; Argentina shared some of their difficulties and unsuccessful attempts at regionalization; and Chile presented a case study on regionalization for potato crops. The steward encouraged Members to submit proposals for moving forward with the next steps of the process.

6. Group 4: Geoff Richards (United Kingdom) reported on the 5th meeting of Group 4. The session included an introductory summary of the Group's previous discussions and Members' suggestions; and a discussion on enhancing observer organization interactions with the work of the Committee. Suggestions included (1) the Committee serving as a focal point; (2) presentations from observer organizations on their remit and relevant activities; and (3) how to maximize value from the ISSB and observer organization agenda items and (4) other business. Some Members indicated that the first suggestion was more of an outcome of actions and possibly linked to suggestions (2) and (3), but another Member felt the SPS Committee was a natural focal point. On the second suggestion there remained enthusiasm for the presentations by observers, possibly in thematic sessions or side events at the Committee, but one Member noted that it might be more efficient for Members if the hyperlinks to the observer organizations on the SPS Committee page were updated to include a description of the organization and how their work supported the SPS Committee. Regarding the third suggestion, a Member reiterated their proposal that each ISSB be allocated one of the three Committee meetings per year to give a more detailed update, which could be synchronized around the annual conventions of the ISSBs. One Member noted that if the Committee remain receptive to discussing modern challenges over time, then this could potentially be a focus for the ISSBs and others if Members agreed. The Secretariat also made an intervention, noting that attendance of observer organizations in SPS Committee meetings had tailed off around the pandemic and not yet been restored, and that engagement could potentially be increased by providing updated guidance for observers on expectations of the Membership in the SPS Committee. This suggestion appeared to be supported by participants. The steward recalled that they would circulate a written note, and that they were not proposing a meeting of Group 4 at the July Committee meeting.

7. Group 5: On behalf of the two co-stewards, Cecilia Gutiérrez (Ecuador) and Joanna Grainger (Australia), the latter reported on the activities of Group 5. She recalled that Group 5 had had its last meeting to discuss how to increase participation and support for the special needs of developing and least developing country Members in the development and application of SPS measures. Building on lessons learned from the March workshop with the STDF, the Group received presentations on examples of SPS capacity assistance by Members and international organizations. Experts and representatives from USDA, the European Union, Argentina, the African Union Commission and the UN Economic and Social Commission for Asia and the Pacific shared their experiences, challenges and best practices in this domain. She noted that the discussion had showed the importance of SPS capacity building to improve food safety and security, and the importance of South-South cooperation as an efficient tool to facilitate exchange of knowledge and best practices. She also noted the importance of listening and of implementing tailored programmes specific to countries' needs, resources and levels of development, and which were designed in a horizontal manner.

Presenters emphasized best practices with respect to building resilient and responsive SPS systems, enhancing participation in the ISSBs, and building trust among all stakeholders when building successful SPS projects. The steward recognized the huge amount of work done by the Committee over time on this topic, in particular related to Articles 9 and 10, and reminded Members that they would be preparing a summary report of Group 5 discussions.

(iii) Scheduling of events for the July meeting

8. I recalled that in November 2022, the Committee had agreed that the space normally allocated to thematic sessions and/or workshops in the July meetings would be dedicated to discussions around the MC12 SPS Declaration Work Programme, and that the full Committee would discuss the draft report to MC13.

9. The Secretariat took the floor to discuss a potential structure for the July SPS week. As discussed before, according to the agreed process a draft report for MC13 was scheduled to be circulated in June for discussion at the July meeting, where it could be discussed. According to the reports from the stewards, no thematic group was planning to meet again. To allow for sufficient time, the Secretariat proposed a dedicated informal meeting on the SPS Declaration Work Programme on Tuesday, 11 July.

(iv) Preparation of the report to MC13

10. I recalled that at the last Committee meeting in March, it had been suggested that the written reports from the stewards could serve as a basis for the Secretariat to prepare a factual summary of the SPS Declaration Work Programme, with a draft being circulated in June for discussion at the July informal Committee meeting. I also recalled that there had been a suggestion that a shorter document also be prepared with some conclusions, recommendations, or findings, which would be presented to Ministers at MC13 and could potentially contain a reference to the more detailed factual summary.

11. Members expressed different views on whether both documents were needed, and how they should be drafted. Some Members indicated that the summary document should be a simple compilation of the stewards' reports, while others were of the view that the Secretariat should ensure that the level of detail and content was consistent across the reporting on the five groups. Some Members voiced concerns that two documents were not necessarily mandated by the work programme, and that due to time and resource constraints, the Committee should focus on the shorter document. Others were of the view that the longer summary should attempt to capture the substantive points made in the discussions in the five groups. This would allow all Members to have an overview of the work in all the groups, which would be particularly useful for small delegations.

12. There was some discussion on the status of the factual summary and whether it should be referenced in the shorter document going to Ministers. Some Members expressed concern that if the summary was referenced, it would lead to delays, as Members would then negotiate its content. Other Members suggested that the dedicated SPS Declaration Work Programme webpage could be referenced in the short document, as it had served as a repository for all the work on the Declaration. Members agreed to postpone discussions on a possible reference in the shorter outcome document to the longer factual summary.

13. Members indicated different options for the drafting of the documents. Regarding the longer summary, some Members were in favour of the Secretariat simply compiling the stewards' summary reports; others preferred the Secretariat to draft the report; and others preferred a joint approach for drafting between the Chair, stewards and the Secretariat. Similarly for the shorter document, some Members offered to prepare the initial draft with any interested parties, but others expressed concern that such a drafting process would not be inclusive and lead to unnecessary delay. There was a proposal that a select group of stewards draft the documents, but scepticism regarding the selection process was voiced.

14. Finally, Members agreed that there should be two documents: (1) a longer, factual summary building on the stewards' reports about the activities of the five groups; and (2) a shorter, two-page document for Ministers with findings, conclusions and/or recommendations.

15. The Committee agreed that the Secretariat would prepare the draft factual summary, based on the stewards' reports. The Chair and the stewards, with help from the Secretariat, would produce the initial "zero" draft of the shorter document for Ministers. The current Chairperson, Tang-Kai Wang (Chinese Taipei) was tasked with completing this assignment and was expected to consult with the incoming new Chairperson regarding the next steps for ongoing discussions.

16. The Secretariat highlighted the next steps, noting that the deadline for stewards to report on the work of the thematic groups was **Friday, 26 May 2023**, and that an **informal meeting on 11 July 2023** would be allocated to the MC12 SPS Declaration Work Programme. The Secretariat brought to Members' attention that there could be another slot in the last two weeks of September for an intersessional meeting, if needed, but this could be revisited at the July meeting of the Committee.

2 MC12 IMPLEMENTATION MATTERS: IMPROVING THE FUNCTIONING OF THE SPS COMMITTEE (G/C/W/824/Rev.1, JOB/CTG/28 AND JOB/SPS/25/Rev.2)

17. I recalled that at the March SPS meeting, I had updated the Committee on the ongoing CTG discussions on MC12 implementation matters related to WTO reform and COVID-19. I noted that all the reports prepared by CTG subsidiary bodies were contained in document G/C/W/824/Rev.1, which also included a comparison matrix on the current functioning of the CTG and its subsidiary bodies.

18. I brought Members' attention to document JOB/SPS/25/Rev.2, submitted by a group of Members[2], which highlighted current practices and suggested areas of improvement for the SPS Committee.

19. I recalled that in March one Member requested that the Secretariat provide feedback on the feasibility of the suggestions.

20. In response to this request, the Secretariat presented their response on current practices and the feasibility of suggestions. The Secretariat highlighted areas where the SPS Committee was already implementing best practices, such as the use of annual planning, the existence of written guidance on Committee functioning, introductory sessions for new delegates, timelines for release of documents, circulation of reports in advance of meetings, thematic sessions, online notifications, and the WTO Trade Concerns Database. Areas that could be improved or harmonized were identified, and included the automatic alert system linked to the WTO calendar of meetings, alignment of formal meeting practices, and e-registration, though some of these were subject to discussions at the CTG level. The Secretariat invited Members to provide further feedback on any of the issues covered in the presentation.

21. The Secretariat highlighted that the SPS Committee was different from other WTO bodies in its use of summary reports instead of minutes, which had been discussed in the past. While summary reports were easier to read, they were more labour-intensive to produce, and so could not be released as quickly, while the use of verbatim-style minutes cut down turn-around time considerably.

22. Members praised the SPS Committee for being a leader in best practices, welcomed planned improvements on e-registration/eDelegate systems, and suggested harmonization on practices regarding eAgenda as used by different WTO bodies. One Member suggested the development of an eAgenda manual and integration of eAgenda deadlines into the annotated draft agenda. Another Member requested that presentations be circulated in advance of meetings for more efficient discussions.

23. The Secretariat thanked Members for drawing their attention to divergences in eAgenda, the need for a manual, and the suggestion that presentations be circulated. They would look into the development of a manual for eAgenda, and consult colleagues working on other WTO bodies to discuss the harmonization of eAgenda. The Secretariat noted that many presentations were submitted at the last minute, but that those received in time could be circulated.

[2] Argentina, Brazil, Colombia, Ecuador, Paraguay and Uruguay.

24. I invited Members to submit their comments or written proposals on improving the functioning of the SPS Committee by **Friday, 26 May 2023** for discussion at the July meeting of the Committee. Lastly, I reminded Members that a factual summary of the intersessional consultations, including deadlines and next steps, would be circulated to Members by the Secretariat, and would be included in an annex to the summary report of the July Committee meeting.