



Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 26-27 MARCH 2015

NOTE BY THE SECRETARIAT¹

1 ADOPTION OF THE AGENDA	4
2 INFORMATION ON RELEVANT ACTIVITIES	4
2.1 Information from Members	4
2.1.1 Peru - Results of the 46 th Meeting of the Codex Committee on Food Hygiene, held in Lima on 17-21 November 2014 (G/SPS/GEN/1396)	4
2.1.2 Russian Federation – Information regarding the regional workshop on food standards within CCEURO, to be held in Saint Petersburg (Russia) on 17-18 September 2015.....	4
2.1.3 Russian Federation – Possible scenario on African swine fever spread in the Eurasian region	4
2.1.4 European Union - Update on the epidemiological situation of African swine fever.....	4
2.1.5 Japan - Update on the response to TEPCO's Fukushima Daiichi nuclear power station accident and on import restrictions on Japanese food regarding radioactive nuclides.....	5
2.1.6 United States of America – New self-reporting tool of the US Food Safety Inspection Service	5
2.1.7 Indonesia – Information regarding the 29 th Session of the Asia Pacific Plant Protection Commission (APPPC)	5
2.1.8 Belize – Information on a national Codex workshop held in the capital city of Belmopan on 28-29 January 2015	5
2.2 Information from the relevant SPS standard-setting bodies	5
2.2.1 CODEX.....	5
2.2.2 IPPC	6
2.2.3 OIE (G/SPS/GEN/1394)	6
3 SPECIFIC TRADE CONCERNS (G/SPS/GEN/204/REV.15)	6
3.1 New issues	6
3.1.1 China's measures on bovine meat – Concerns of India	6
3.1.2 General import restrictions due to African swine fever – Concerns of the European Union.....	7
3.1.3 General import restrictions due to highly pathogenic avian influenza - Concerns of the European Union.....	7
3.1.4 Mexico's measures on imports of hibiscus flowers – Concerns of Nigeria	7

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3.1.5 Chinese Taipei's strengthened import restrictions on food with regard to radionuclides - Concerns of Japan	7
3.1.6 US proposed rule for user fees for agricultural quarantine and inspection services – Concerns of Mexico	8
3.2 Issues previously raised	8
3.2.1 Application and modification of the EU Regulation on Novel Foods - Concerns of Peru (No. 238)	8
3.2.2 Korea's strengthened import restrictions on food and feeds with regard to radionuclides – Concerns of Japan (No. 359).....	9
3.2.3 China's import restrictions in response to the nuclear power plant accident – Concerns of Japan (No. 354)	10
3.2.4 European Union revised proposal for categorization of compounds as endocrine disruptors – Concerns of the United States of America (No. 382)	10
3.2.5 France's Ban on <i>Bisphenol A</i> (BPA) – Concerns of the United States of America (No. 346)	11
3.2.6 Australia and US non-acceptance of OIE categorization of India as "negligible risk country" for BSE - Concerns of India (No. 376 and 375)	11
3.2.7 General import restrictions due to BSE - Concerns of the European Union (No. 193)	12
3.2.8 Turkey's requirements for importation of sheep meat - Concerns of Australia (No. 340)	12
3.2.9 India's import conditions for pork and pork products – Concerns of the European Union (No. 358).....	13
3.2.10 US measures on catfish – Concerns of China (No. 289).....	13
3.2.11 US high cost of certification for mango exports – Concerns of India (No. 373).....	13
3.2.12 EU ban on certain vegetables from India – Concerns of India (No. 374)	14
3.2.13 Indonesia's port closures – Concerns of Chile (No. 330).....	14
3.2.14 EU withdrawal of equivalence for processed organic products – Concerns of India (No. 378)	14
3.3 Information on resolution of issues in G/SPS/GEN/204/Rev.15	15
4 OPERATION OF TRANSPARENCY PROVISIONS (G/SPS/GEN/804/REV.7).....	15
4.1 Russian Federation – Information regarding amendments to the common sanitary requirements (G/SPS/N/RUS/50/Add.1)	15
4.2 Nigeria – Additional information on the operation of transparency provisions.....	15
5 IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT.....	15
6 EQUIVALENCE - ARTICLE 4.....	15
6.1 Information from Members on their experiences	15
6.2 Information from relevant observer organizations	15
7 PEST- AND DISEASE-FREE AREAS - ARTICLE 6	16
7.1 Information from Members on their pest or disease status.....	16
7.1.1 Nigeria – Avian influenza situation (G/SPS/GEN/1397)	16
7.1.2 Mexico – Information on pest- or disease-free areas and areas of low pest or disease prevalence.....	16
7.1.3 South Africa – Foot and mouth disease (FMD) status.....	16
7.2 Information from Members on their experiences in recognition of pest- or disease-free areas	16

7.3	Information from relevant observer organizations	17
8	TECHNICAL ASSISTANCE AND COOPERATION	17
8.1	Information from the Secretariat	17
8.1.1	WTO SPS activities (G/SPS/GEN/521/Rev.10, G/SPS/GEN/997/Rev.5)	17
8.1.2	STDF (G/SPS/GEN/1384)	17
8.2	Information from Members	18
8.2.1	Technical assistance activities provided by the European Union in 2014 (G/SPS/GEN/1139/Add.3)	18
8.3	Information from observer organizations.....	18
9	REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT	19
9.1	Fourth Review.....	19
9.1.1	Report of the Informal Meeting	19
9.1.2	Adoption of report of Fourth Review (G/SPS/W/280/Rev.2)	21
9.1.3	Proposals submitted during the Fourth Review	21
10	MONITORING OF THE USE OF INTERNATIONAL STANDARDS	22
10.1	New Issues	22
10.1.1	United States of America – HPAI restrictions not consistent with the OIE international standard	22
10.2	Issues previously raised.....	22
11	CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS.....	22
11.1	Report of the Informal Meeting	22
12	OBSERVERS.....	25
12.1	Information from observer organizations.....	25
12.2	Requests for observer status	26
12.2.1	New requests	26
12.2.2	Outstanding requests	26
13	ELECTION OF THE CHAIRPERSON.....	26
14	OTHER BUSINESS.....	27
15	DATE AND AGENDA FOR NEXT MEETINGS.....	27

1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its sixty-second regular meeting on 26 and 27 March 2015. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/SPS/2).

2 INFORMATION ON RELEVANT ACTIVITIES

2.1 Information from Members

2.1.1 Peru - Results of the 46th Meeting of the Codex Committee on Food Hygiene, held in Lima on 17-21 November 2014 (G/SPS/GEN/1396)

2.1. Peru provided information about the 46th meeting of the Codex Committee on Food Hygiene held in Lima in November 2014. The general objective of the meeting had been to discuss and evaluate the proposed draft Codex standards relating to food hygiene. The topics discussed included principles of hygiene to control parasites in food; guidelines to prevent the *Trichinella* parasite in pork meat; and general principles of hygiene for products with low moisture content. The meeting had reinforced the close ties between Peru's National Codex Committee and other Codex Committees worldwide. More information can be found in document G/SPS/GEN/1396.

2.1.2 Russian Federation – Information regarding the regional workshop on food standards within CCEURO, to be held in Saint Petersburg (Russia) on 17-18 September 2015

2.2. The Russian Federation announced a regional workshop on food standards for members of the FAO/WHO Coordinating Committee for Europe (CCEURO), to be held in Saint Petersburg on 17-18 September 2015. Russia thanked the Netherlands for the cooperation in organizing this workshop and invited CCEURO members to participate.

2.1.3 Russian Federation – Possible scenario on African swine fever spread in the Eurasian region

2.3. The Russian Federation drew Members' attention to the African swine fever (ASF) situation within the Eurasian region. New outbreaks of the disease were reported in Russia and Ukraine in 2014 and the quarantine zone border in Europe had shifted 250 km deeper into the EU territory. In Russia's view the European Union had underestimated the risk, resulting in the further spread of the disease. In particular, Russia expressed concern about the spread of ASF in Estonia, and the resulting risks for ASF introduction to the Leningrad regions of Russia. Russia appreciated that constructive discussions had started on the matter and reaffirmed its willingness to share any information on its epizootic situation and to propose solutions to the problem.

2.4. The European Union believed that this was not the right venue to discuss Russia's allegations against the European Union since the case was in the hands of the Dispute Settlement Body. The European Union also deplored the tone and language used by Russia in its statement.

2.1.4 European Union - Update on the epidemiological situation of African swine fever

2.5. The European Union provided, for the fourth time, a factual update on the current epidemiological situation of ASF within its borders. In addition to the well-known endemic situation on the island of Sardinia, the virus had been introduced into the European Union from Russia through Belarus in January 2014. Since then it had been detected in four EU member States (Lithuania, Poland, Latvia and Estonia), with cases concentrating along their eastern borders. The European Union had put in place a comprehensive set of harmonized legislation. Zoning/regionalization was being applied as a tool to limit the impact on trade while eradicating and preventing the spread of the disease. The limited geographical spread of the disease more than a year after ASF was introduced into the European Union was an important indicator of the effectiveness of the control and regionalization measures applied. The European Union expressed concern that its repeated requests for information on the surveillance and control measures taken by Belarus and Russia had not been answered. The European Union also indicated that, upon its initiative, a standing group of experts on ASF in the Baltic and Eastern Europe region had been

established last year, under the OIE/FAO framework. Members of this expert group were Russia, Belarus, Ukraine, the four affected EU member States and the European Commission, while the OIE acted as the secretariat. Since ASF was a trans-boundary disease, the aim of this standing group was to enhance collaboration between all affected countries to ensure better control of the disease.

2.1.5 Japan - Update on the response to TEPCO's Fukushima Daiichi nuclear power station accident and on import restrictions on Japanese food regarding radioactive nuclides

2.6. Japan provided an update on the situation of Japanese foods following the nuclear power station accident. Japan noted that multi-layer countermeasures against contaminated water and strict monitoring for seafood products were in place. To further promote accurate understanding of the safety of Japanese fishery products, the Fishery Agency of Japan had released a report on the monitoring of radionuclides in fishery products and had circulated it at the SPS Committee in July 2014. Japan reported that in February 2015, TEPCO had detected a puddle of contaminated water accumulating on the rooftop of one of the reactor buildings that could have reached the ocean through a drainage outlet. The Ministry of Economy, Trade and Industry had ordered TEPCO to conduct a review and present suitable countermeasures. Japan noted that close monitoring of the marine environment demonstrated that the radioactive level in seawater – including near the drainage outlet - showed no significant change and that radioactive levels in fishery products had been stably declining. Japan thanked the Kingdom of Bahrain, Brunei Darussalam, Oman, the Kingdom of Saudi Arabia, Thailand and the United States of America for easing their import restrictions on Japanese food products.

2.1.6 United States of America – New self-reporting tool of the US Food Safety Inspection Service

2.7. The United States announced that USDA's Food Safety and Inspection Service (FSIS) had recently made available to all WTO Members a new web-based equivalence self-reporting tool (SRT), notified to the WTO through document G/SPS/N/USA/2511/Add.1. The new SRT had been created to help Members provide or update information on their inspection systems. This would speed FSIS review of requests for equivalence and would increase transparency, as countries would be able to review their request status online. Members who were interested in learning more were encouraged to refer to the notification or to contact the US delegation during the meeting.

2.1.7 Indonesia – Information regarding the 29th Session of the Asia Pacific Plant Protection Commission (APPPC)

2.8. Indonesia announced that the 29th Session of the Asia Pacific Plant Protection Commission (APPPC) would be held in Bali, Indonesia, on 7-11 September 2015. Indonesia invited all members of the APPPC to participate and indicated that the invitation letters would be sent out during the first week of August 2015.

2.1.8 Belize – Information on a national Codex workshop held in the capital city of Belmopan on 28-29 January 2015

2.9. Belize reported on a national Codex workshop held in Belize on 28-29 January 2015, in collaboration with several national entities, the Codex contact point of Costa Rica, and IICA. The workshop had covered initiatives to further strengthen the work of the national Codex committee; critical components for a national work plan; and recommendations on how best to engage the private sector in Codex initiatives at national level. Belize thanked the government of Costa Rica and IICA for their support.

2.2 Information from the relevant SPS standard-setting bodies

2.2.1 CODEX

2.10. Codex gave an overview of its recent activities, noting that eleven Codex sessions had been held since the last SPS Committee meeting. The 12th session of the Committee on Food Additives was currently under way in China. The Codex representative explained that Codex meetings were

hosted by different countries to save costs, but also to help increase awareness of the work of Codex around the world. More information is contained in document G/SPS/GEN/1403.

2.2.2 IPPC

2.11. The IPPC reported on the 10th session of the Commission of Phytosanitary Measure (CPM 10), which had met the previous week. The Commission had decided to promote the proclamation of 2020 as the international year of plant health, to raise political awareness about plant health; to promote plant health as a public good; to increase commitments to national plant health systems; and to better harmonize plant legislation at the national and international level. At CPM 10 there had also been strong support for the development of an electronic certification system for plant health requirements. The IPPC was looking into the possibility of developing an administrative and legal framework as well as a financial system for such a hub. For the first time IPPC would be able to provide direct services to national plant protection organizations. The IPPC had also adopted a recommendation on sea containers that was important in relation to invasive alien species (IAS).

2.12. The IPPC welcomed the proposal on risk assessment presented by the United States (G/SPS/GEN/1401) and expressed its willingness to participate in an informal session, prior to the July SPS Committee meeting, to share practical experiences in the area of awareness raising and communication. The IPPC welcomed collaborative efforts of the SPS Committee in this area.

2.2.3 OIE (G/SPS/GEN/1394)

2.13. The OIE outlined its report as contained in G/SPS/GEN/1394. Among the items up for adoption at the General Session in May, the OIE highlighted the revised chapter of the Terrestrial Animal Health Code on foot and mouth disease (FMD); further amendments of the BSE chapter; a new chapter on infection with epizootic haemorrhagic disease, and a revised chapter on infection with African horse sickness virus.

3 SPECIFIC TRADE CONCERNS (G/SPS/GEN/204/REV.15)

3.1. The Secretariat drew attention to the recently released annual compilation of specific trade concerns (G/SPS/GEN/204/Rev.15 and G/SPS/GEN/204/Rev.15/Corr.1). The report compiled all issues raised in the SPS Committee during 2014. A total of 29 specific trade concerns had been discussed, of which 14 were new issues, 12 were previously raised, and three were reported as resolved.

3.1 New issues

3.1.1 China's measures on bovine meat – Concerns of India

3.2. India raised its concerns about China's import ban on bovine meat due to the prevalence of FMD in India. The ban had first been imposed by China in 1990 because of the incidence of rinderpest and FMD in India. Despite India being declared free from rinderpest in 1995 through an OIE resolution, China had not accepted India's rinderpest-free status until 2012. With regard to FMD, India had informed the Chinese authorities about the implementation of a strong FMD control programme through vaccinations that had created FMD-free areas, from where bovine meat was exported to various countries. China had signed a veterinary protocol for import of bovine meat from India in May 2013; nonetheless a visit for inspections of meat processing plants by the Chinese authorities from the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) was still pending. India also noted that all the information requested by AQSIQ had been provided to the Chinese authorities. India therefore requested China to carry out the required inspections at the earliest so that trade in bovine meat could restart smoothly.

3.3. China noted that a questionnaire had been required to lift the ban and that the first expert panel meeting had been convened in December 2013. However, since the department of Agriculture of India had not sent any experts to the meeting, technical exchange on prevention and control of FMD could not be conducted. Furthermore, the technical data requested by China had not been provided until July 2014. And were currently being assessed. China would hold the second expert panel meeting in December 2015 in view of lifting the ban and hoped that the

Indian Department of Agriculture would assign a contact person for technical issues to ensure smooth communication.

3.1.2 General import restrictions due to African swine fever – Concerns of the European Union

3.4. The European Union appreciated those trading partners that had not taken any import measures due to the African swine fever (ASF) outbreaks, trusting the strict EU control system. At the same time the European Union expressed concerns with the country-wide bans imposed by several other trading partners and stressed the importance and effectiveness of regionalization measures. The European Union had demonstrated that it took all outbreaks of ASF very seriously, ensuring delivery of safe pork meat and products both to the EU market and to third countries. The robustness of the EU system, including its surveillance and control measures, had been detailed earlier in the meeting. The European Union reminded Members of their regionalization obligations under Article 6 of the SPS Agreement and referred to document G/SPS/GEN/1159, where it had described how regionalization for animal diseases could be implemented successfully. The European Union invited all WTO Members keeping disproportionately trade-restrictive measures to respect their regionalization obligations and to lift all country-wide bans.

3.1.3 General import restrictions due to highly pathogenic avian influenza - Concerns of the European Union

3.5. The European Union also expressed concerns about Members maintaining country-wide bans on EU poultry products. The European Union remarked that the early detection, control and eradication measures for avian influenza that were legally binding in EU member States had proved to be effective. The European Union was disappointed that some Members had put temporary bans in place that had never been lifted or justified, while other Members had not informed the European Union about the steps or time required to recognize regionalization. The European Union made reference to the Committee's Guidelines to Further the Practical Implementation of Article 6 of the SPS Agreement (G/SPS/48) and invited all Members to allow trade of all safe products, especially from non-affected zones.

3.1.4 Mexico's measures on imports of hibiscus flowers – Concerns of Nigeria

3.6. Nigeria expressed concerns on certain verification procedures being used by Mexico on imported hibiscus flowers from Nigeria. Following the Mexican quarantine authorities' request to change the certificate, Nigeria had developed an online platform to generate electronic phytosanitary certificates and had held bilateral discussions with Mexico's quarantine authority. The validation procedures were causing delays for Nigeria's exports of hibiscus flowers and real losses in some cases. Nigeria thanked the Mexican delegate for the efforts made to convene a bilateral meeting on the margins of the Committee meeting, but noted that no timelines had been agreed for the resolution of the issue.

3.7. Burkina Faso echoed Nigeria's concern since it was experiencing similar problems with exports to Indonesia. Senegal also shared the concern, noting that Senegal was currently trying to develop its hibiscus flower sector and would consider the possibility of exporting to Mexico.

3.8. Mexico explained that 14 shipments of Hibiscus flowers with false SPS certificates had been intercepted during 2014. Mexican authorities had since maintained ongoing communication with Nigeria and had held a meeting in capital and a bilateral meeting on the margins of the Committee meeting with the aim of guaranteeing the authenticity of the certificates produced by the Nigerian authorities. While setting a timeline was not possible due to certain aspects that still needed to be concluded, Mexico confirmed its willingness to find a prompt solution to the problem.

3.1.5 Chinese Taipei's strengthened import restrictions on food with regard to radionuclides - Concerns of Japan

3.9. Japan expressed its concerns over the import ban imposed by Chinese Taipei on food exports from five Japanese prefectures after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station, as well as over the draft strengthened import regulations that required a pre-test certificate issued by the Japanese Government for almost all Japanese foods from all remaining

prefectures. Japan had repeatedly provided Chinese Taipei with comprehensive monitoring results to demonstrate that Japanese food was safe for human consumption. Four years had passed since the nuclear accident in 2011. In the meantime 13 Members such as Australia and Viet Nam had lifted their import restrictions. Many other Members, including the European Union, the United States and Singapore had eased their import restrictions based on sound scientific data. Japan believed that the measures maintained by Chinese Taipei were not based on relevant international standards and were more trade-restrictive than required. Japan therefore requested that Chinese Taipei lift the import ban on the five prefectures and withdraw the draft strengthened import regulations notified to the SPS Committee last November.

3.10. Chinese Taipei noted that, although all the inspected batches proceeding from Japan were in compliance with Chinese Taipei's regulation, consumer protection groups and the public were still concerned about the safety of food imported from Japan. The notified draft control measure requiring that food products imported from Japan be accompanied by pre-export radiation test certificates and certificates of origin was developed as a consequence of the radioactive contaminated water leak accident from Fukushima nuclear power plant in 2013. Chinese Taipei expressed its willingness to continue bilateral talks and looked forward to finding a mutual satisfactory solution on this matter.

3.1.6 US proposed rule for user fees for agricultural quarantine and inspection services – Concerns of Mexico

3.11. Mexico raised a concern regarding the United States proposed rule for user fees for agricultural quarantine and inspection services. Mexico was particularly concerned about an increase of over 200% in the inspection services fees for commercial trucks with electronic transmitters, and an increase of 52% of the current fee for other types of commercial trucks. Mexican agricultural exports entered the United States mainly via land. Since Mexico was one of the main trading partners of the United States and the main source of agricultural products, this measure would not only affect transportation costs for Mexico, but it would also have a direct effect on the prices for final consumers, generating inflation and putting at risk small and medium producers and thousands of jobs directly or indirectly related to this sector. Mexico also noted that the measure could be considered discriminatory against Mexican imports, violating the Article 2.3, since most other trading partners did not export via land and traded much smaller volumes with the United States. The regulation also countervailed Members' obligations on transparency, as it had not been officially notified to the WTO. In Mexico's view the regulation was also incompatible with Article 8 and Annex C of the SPS Agreement, which required that any fees imposed for procedures on imported products be limited to the processing cost and be no higher than the actual cost of the services. The Mexican Government and private sector had participated in the consultation procedures and had submitted their concerns. Mexico hoped that its comments would be taken into consideration and invited the United States to comply with the provisions of the SPS Agreement.

3.12. The United States noted that the APHIS proposed rule had been published on 25 April 2014. Due to the interest in this proposed rule by stakeholders, the comment period had been extended to 24 July 2014. Comments had been received from over 200 stakeholders and the review by APHIS was still ongoing. The United States assured Mexico that it would carefully consider its and other comments before proceeding with any decisions on the matter.

3.2 Issues previously raised

3.2.1 Application and modification of the EU Regulation on Novel Foods - Concerns of Peru (No. 238)

3.13. Peru reiterated its concerns over the proposed amendment of EU Regulation No. 258/97 (G/SPS/GEN/1383). Peru challenged the consistency of the EU proposed regulation with Articles 2.2 and 5 of the SPS Agreement, which require the importing Member to adopt the least trade-restrictive measure, based on a risk assessment, and requested the European Union to provide the underpinning scientific basis. Peru noted how trade statistics for kaniwa (or cañihua) exports showed the detrimental effects of the EU's Regulation on Novel Foods on Peru's traditional products derived from biodiversity. While Peru's global exports of kaniwa had increased by more than 317% in 2013 and about 206% in 2014, going to markets such as Australia, Canada and the

United States, the marketing of this food in the European market was restricted and its real potential was therefore reduced. Peru also requested the European Union to clarify the scope of the phrase "a large part of the population of a third country", contained in Article 2.2(c). The definition did not specify the percentage or number of people required for this part of the population to be considered "large", nor did it specify whether the population in question should constitute a representative sample of the country's population as a whole or whether it may concern specific areas.

3.14. The Plurinational State of Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador and Guatemala expressed their support for Peru's concerns.

3.15. The European Union recalled that the new proposal did not change the definition of novel food or the scope of the regulation, which covered foods, production processes and production methods new to the European Union for various reasons. This was in line with article 5.2 of the SPS Agreement. The European Union noted that in some cases safe consumption might require preparation or consumption habits only known to the consumers of the country producing the food in question. It was therefore not possible to anticipate the potential risk associated with such novel foods, production processes or production methods and to address them in an all-encompassing risk assessment. As a result, the high level of food safety pursued in the European Union could only be achieved on a case by case basis within the framework of a pre-market approval system. The EU scheme for Novel Food was in line with the SPS Agreement, as it was a pre-market approval based on scientific risk assessment, in line with Articles 5, 8 and Annex C. The European Union also reiterated its commitment to provide detailed guidance to applicants regarding the authorization and notification procedures and noted that products such as kaniwa should particularly benefit from the new Novel Food Regulation, as they were likely to qualify for the simplified and shortened procedure for authorization of traditional foods from third countries. The European Union finally recalled that the discussion by the EU Parliament and the Council had not yet concluded; therefore no final text was available. The European Union would be in a position to provide a definitive answer to the questions and concerns raised by WTO Members only when the final text was available.

3.2.2 Korea's strengthened import restrictions on food and feeds with regard to radionuclides – Concerns of Japan (No. 359)

3.16. Japan reiterated its concern regarding the additional import bans and testing requirements maintained by the Government of Korea on Japanese food products. Japan considered that these bans and the additional testing requirements were non-transparent, discriminatory, more trade-restrictive than necessary and lacked a scientific basis. Japan had held numerous bilateral meetings and provided detailed information to Korea, seeking to use the tools set forth in the SPS Agreement to reach an amicable solution. In addition, at the request of the Korean government, Japan had hosted on-site visits by a Korean investigative committee in December 2014 and January 2015, and had assisted the committee's members in fully understanding the extent of the measures that Japan had taken to secure the safety of Japanese fishery products. In contrast, Korea had failed to respond to Japan's requests and had provided no information on the timeline and steps towards the lifting of its measures. To illustrate the damage of this ban, Japan reported the example of the Tohoku area, where around 70% of farmed sea squirt was previously exported to Korea. The Tohoku sea squirt farmers were now facing a ban despite the fact that more than 150 samples from sea squirt had been inspected, with radioactive cesium either significantly below Korea's safety thresholds or so low as to be non-detectable. Japan stressed the fact that Korea's ban on such products lacked any scientific basis and reiterated that if Korea continued ignoring Japan's requests, Japan would have no choice but to resort to other actions under the WTO.

3.17. Korea noted that the necessary procedures to resolve this issue in a bilateral way had been in place since Japan had first raised this issue in the SPS Committee. Korea explained that the ban had been adopted as a provisional measure in accordance with Article 5.7 of the SPS Agreement. At the same time, Korea had sought to obtain additional information from the Japanese government and had organized a private experts committee to review this information and to verify the scientific evidence. Korean experts had also visited Japan three times since last December. Korea was in the process of reviewing all the information obtained and hoped for full co-operation with Japan to solve this issue bilaterally.

3.2.3 China's import restrictions in response to the nuclear power plant accident – Concerns of Japan (No. 354)

3.18. Japan recalled its concern over import restrictions by China on Japanese food exports, following TEPCO's nuclear power station incident. Japan had expressed the same concern three times consecutively since last March and regretted that no progress had been made, since China still maintained a ban on products from ten Japanese prefectures. In Japan's view, this ban was not based on international standards and was more trade-restrictive than required to achieve the appropriate level of protection. In June 2013, Japan had provided China with monitoring results that demonstrated that Japan's food was safe for human consumption. Japan was also concerned about additional prefectures subject to import bans on vegetables, fruit, tea, milk, medicinal plants and related products. While China had announced in 2011 that it would lift the import ban on these products, it had since been reluctant to do so, despite Japan's proposal of pre-test certificates. Japan was concerned that China deliberately avoided any progress on this issue, raising the doubt that its measures were applied as a disguised restriction on international trade. Japan requested that China immediately accept Japan's pre-test certificates, and lift the import ban without further delay.

3.19. China explained that TEPCO's nuclear power station incident, which had brought great losses to Japan, had posed serious threats to food safety. China had imposed corresponding measures on agricultural and marine products from Japan, based on risk assessment in compliance with international practice. China had already adjusted the inspection and quarantine measures for Japanese food and agricultural products, and continued to apply restrictions only for high-risk products from seriously polluted regions. China expressed concerns about reports by Japanese media about the monitoring procedures for nuclear pollution of the Fukushima Daiichi Nuclear power plant. According to Japanese media, the company responsible for the monitoring had used simple detection methods and had directly discharged nuclear wastewater into the open sea. Additionally, no action had been taken after discovering a high presence of radioactive substances in some drainage channels. China invited Japan to verify the media reporting and noted that China would take measures according to the technical documents provided by Japan and to the experts' assessment results.

3.2.4 European Union revised proposal for categorization of compounds as endocrine disruptors – Concerns of the United States of America (No. 382)

3.20. The United States raised concerns regarding the EU public consultation on defining criteria for identifying endocrine disruptors in the context of the implementation of the plant protection product regulation and biocidal products regulation. The United States questioned the scientific evidence considered in developing and selecting each of the options presented in the Roadmap and feared that risk might have not been taken into account. Implementation of any hazard-based "cut off" option that did not consider risk from actual exposure could have severe implications for EU imports of agricultural goods, including those from the United States. Furthermore, banning chemicals and pesticides solely based on endocrine-disrupting properties might incentivize the use of more dangerous products, simply because they do not present endocrine-disrupting properties. The United States encouraged the European Union to explain in a public document how significant stakeholders' comments would be taken into account and urged the Commission to adopt an approach that fully considered the vital role that pesticide chemicals play in food safety and security.

3.21. Argentina, Brazil, Canada, China, Colombia, Costa Rica, Guatemala, India, Kenya, Madagascar, Malaysia, Mexico, Nigeria, Pakistan, South Africa and Uruguay shared the US concern regarding the socio-economic effects that the EU measure would have on their countries if the legislation was to be approved. Various Members asked if the European Union had considered conducting an economic impact assessment for such a regulation and looked forward to being further informed.

3.22. The European Union noted that there was currently no new EU legislative proposal on defining criteria for identifying endocrine disruptors. The European Commission was in the process of conducting a full impact assessment, where all health, environmental and socio-economic aspects, including impacts on international trade, would be addressed. Following the publication of the Roadmap in June 2014, a public consultation had been held from September 2014 to January 2015. Over 27,000 responses had been received and published on the EU Commission

website, and an analytical report of these responses would be provided in due course. A stakeholders' conference for all interested parties, including third countries, was planned for the 1 June 2015, while a dedicated webpage with information on the ongoing impact assessment would be available soon on the DG-SANTE website. In parallel, the necessary studies to support the impact assessment were ongoing. The first one would estimate which substances would be identified under each option for the criteria outlined in the Roadmap, with 700 chemicals being screened. Only when the results of these screenings would be available, the European Commission would launch the studies assessing impacts on health, environment, trade, agriculture and socio-economic effects in general and include them in the impact assessment report that would accompany any legislative proposal. If and when such proposal would be made, the legislative draft would be notified to the WTO to allow Members to present their comments, in line with the transparency obligations of the SPS Agreement that the European Union promoted and would like to reinforce.

3.2.5 France's Ban on *Bisphenol A* (BPA) – Concerns of the United States of America (No. 346)

3.23. The United States recalled its concerns over France's ban on the use of the chemical *Bisphenol A* (BPA) in the production of food containers and food contact surfaces, including cans, for baby food beginning 1 January 2013 and for all foods beginning on 1 January 2015. The United States urged the European Union to notify this ban to the SPS Committee and requested France to provide its risk assessment supporting the ban. The United States also highlighted the lack of scientific basis for the ban by recalling the assessment on BPA released by the US Food and Drug Administration, the European Food Safety Authority (EFSA) and the German Federal Risk Assessment Institute (BfR). According to the United States, all agencies found no safety issues with BPA, that exposure to BPA from the diet or a combination of sources was considerably under the safe level, and therefore poses no health risk to consumers. The United States therefore urged France to rescind the ban on BPA.

3.24. The European Union explained that as a general rule, EU member States may adopt their own national measures in areas that are not harmonised at an EU level. For areas that are harmonized at EU level, member States may, in addition, temporarily suspend or restrict application of the harmonized EU provisions within their territory when, as a result of new information or reassessment of existing information, it has detailed grounds for concluding that the use of the material endangers human health. For areas where there is no harmonized measure, member States may adopt national provisions if they are deemed necessary in view of protecting the health and lives of citizens. According to the European Union, France had justified its national measures on these grounds.

3.25. The European Union further explained that BPA had raised divergent views from scientists for many years, referring to both the US and EU risk assessments on BPA. France adopted its national law in December 2012 on the basis of an assessment of the health effects of BPA conducted by the French Agency for Food, Environmental and Occupational Health & Safety. This was subsequently underpinned by a specific risk assessment on BPA by the French Agency, which was published in April 2013. EFSA had completed its comprehensive evaluation of the risks to public health from BPA, which was published only in January 2015. The French Agency and EFSA had discussed the diverging views, which was foreseen in EU food law and may occur as part of the normal scientific risk assessment process. The European Union was now evaluating the opinion of EFSA on BPA in full as a matter of priority and would assess the adequacy of existing EU measures as well as measures adopted by member States. The European Union ensured that decisions taken on the risk management concerning BPA in food contact materials at EU level would be communicated effectively to all stakeholders, including third countries. If any changes to the EU legislation were to be proposed, they would be duly notified to the WTO SPS Committee to allow WTO Members to share their scientific data or opinions and make their observations that would be taken into account, assessed and properly responded to within the WTO framework.

3.2.6 Australia and US non-acceptance of OIE categorization of India as "negligible risk country" for BSE - Concerns of India (No. 376 and 375)

3.26. India restated its concern that the United States did not accept the OIE categorization of India as a negligible risk country for BSE. India recalled that the OIE defined the standards for six diseases including BSE, and that India followed these standards in line with the SPS Agreement.

India reminded Members to apply OIE designations instead of conducting their own national assessments, and noted that the United States had chosen to disregard the OIE designation, which was contrary to accepted international practice among Members. India requested the United States to recognize its official OIE BSE status.

3.27. India also reiterated its concern regarding Australia's non-acceptance of its OIE categorization as negligible risk country for BSE. India noted that Australia had chosen to implement its own categorization process and voiced concerns about the multiplicity of systems, as well as the risk that national categorization processes would contradict the OIE's categorization. India requested that Australia share the reasoning behind its diverging view in determining a negligible risk country.

3.28. The United States reiterated its commitment to aligning its import regulations governing BSE with OIE guidelines. The United States had received India's OIE dossier on 10 September 2014, and was currently reviewing India's status, with an opportunity for public comments.

3.29. Australia indicated that, consistent with the SPS Agreement, it reserved its right to conduct its own risk assessments on the status of India or any other Member in relation to diseases of biosecurity concern, including BSE, in accordance with its appropriate level of protection.

3.2.7 General import restrictions due to BSE - Concerns of the European Union (No. 193)

3.30. The European Union reiterated the importance of this concern; SPS measures adopted by Members had to be based on relevant international standards. Unjustifiable trade restrictions relating to BSE were still in place in a number of Members, although OIE standards for safe trade had existed for more than ten years. The European Union welcomed the growing number of WTO Members recognizing the EU control system and the EU member States' negligible or controlled risk status. The European Union urged all Members to align their BSE requirements with OIE standards.

3.31. Specifically, the European Union welcomed the progress made by China, allowing beef exports from one EU member State and the lifting of the ban on two others. The European Union also welcomed the beginning of exports from one of its member States to the United States. The European Union urged China and the United States to provide more information on their import procedures that would allow exports from other member States. The European Union also urged Australia, South Korea and Ukraine to process the import applications submitted by the European Union in a speedy manner. The European Union reported that it had put in place a robust system for BSE in all of its member States, following the OIE Terrestrial Animal Health Code. This system guaranteed that all bovine products placed on the EU market, imported and exported were safe. Against this background, the European Union urged all Members to lift the BSE ban on bovine and bovine products for the entire European Union within a reasonable period of time.

3.32. China explained that it attached great importance to exports of beef from the European Union and was actively carrying out technical exchange and co-operation with the relevant EU member States to solve technical problems. China further explained that it had carried out separate risk assessments for the relevant EU member States. For the member States without BSE cases, accelerated procedures were imposed. China noted that Hungary had exported to China while Latvia had signed a beef export protocol. China had also lifted the ban on some beef products from the Netherlands and Ireland. China was looking forward to enhanced technical exchange and consultation with the European Union to properly solve this issue.

3.2.8 Turkey's requirements for importation of sheep meat - Concerns of Australia (No. 340)

3.33. Australia repeated its concerns over Turkey's requirements for sheep meat imports, which it had raised at each Committee meeting since October 2012. Australia reported that it had held productive bilateral discussions with Turkey in the margins and hoped these discussions would lead to a satisfactory resolution of the issue. Turkey had advised that it had prepared a draft veterinary health certificate for sheep meat and undertook to provide a copy of the certificate and information on certification requirements upon receipt of an official written request from Australia.

3.34. Turkey explained that during a bilateral meeting, both delegations had determined that the measure was based on OIE standards. Turkey reiterated that certification requirements would be made available upon request and stressed that the measure was not intended to be a trade barrier. Turkey was open for further consultation with Australia to resolve this issue.

3.2.9 India's import conditions for pork and pork products – Concerns of the European Union (No. 358)

3.35. The European Union recalled its concerns regarding India's import requirements for pork and pork products, and noted that at the last four Committee meetings it had requested India to bring such measures into line with OIE standards. The European Union welcomed the effort made by India in its new import measures on pork and pork products as notified to the WTO. However, India had not yet adopted the regionalization principle, requiring a whole country to be free from animal diseases. India also still required exporting countries to certify freedom from diseases for which there were no OIE standards. The European Union requested that India provide scientific justification for such measures and fully respect its obligations under the SPS Agreement. The European Union also requested that India publish amended measures in a timely and transparent manner. The European Union remained open to cooperating with India to resolve this issue.

3.36. India explained that the measures were currently under review and had been notified on 16 March 2015 (G/SPS/N/IND/98). India invited all Members to submit their comments in writing through the relevant authorities for due consideration.

3.2.10 US measures on catfish – Concerns of China (No. 289)

3.37. China recalled that in the 2014 Farm Bill of the United States, the regulatory food safety oversight of all *Siluriformes* fish was moved from the Food and Drug Administration (FDA) to the United States Department of Agriculture's Food Safety Inspection Service (FSIS). FDA was traditionally in charge of other food products, including aquatic products. The proposed rule on mandatory inspection of catfish and catfish products, notified to the Committee in March 2011, would thus duplicate inspections already conducted by FDA on all catfish products. China also recalled the report published by the United States Government Accountability Office in May 2012. According to China, the report observed that the USDA proposed rule on mandatory inspections would duplicate existing government programmes and would not improve consumer safety. The USDA risk assessment published in July 2012 showed that the probability of food poisoning from catfish is very low, with only one salmonella outbreak linked to catfish in the past 20 years. China believed that the inspection programme was not based on a serious risk assessment, which violated US obligations under the SPS Agreement. China urged the United States to regulate catfish on a scientific basis, and to maintain the catfish inspection programme under the regulatory system of aquatic products.

3.38. The United States explained that the Food Conservation and Energy Act of 2008, known as the 2008 Farm Bill mandated that catfish be regulated under the Federal Meat Inspection Act and directed USDA to promulgate a rule to define catfish and provide for its mandatory inspection. The Agricultural Act of 2014, known as the 2014 Farm Bill had made FSIS responsible for *Siluriformes* fish including catfish. The United States noted that FSIS was currently working on finalizing the catfish inspection rules, and that trading partners would be notified as soon as these rules were finalized.

3.2.11 US high cost of certification for mango exports – Concerns of India (No. 373)

3.39. India reiterated its concern regarding the high cost of certification for mango exports to the United States. In previous meetings, the United States had offered the possibility of irradiation upon arrival. This solution had been discussed in a bilateral meeting held on 3–4 March 2015. India requested that the United States circulate a draft work plan for the irradiation upon arrival requirement.

3.40. The United States reported that the bilateral discussion in March 2015 had been productive. Two options had been discussed: (1) expansion of the current irradiation programme for mangoes (and pomegranates) in India through the approval of two additional irradiation facilities in India;

and (2) irradiation of Indian-origin mangoes (and pomegranates) upon arrival in the United States. The United States welcomed further engagement with India on this issue.

3.2.12 EU ban on certain vegetables from India – Concerns of India (No. 374)

3.41. India recalled its previously-raised concern regarding the EU ban on exports of mangoes and four types of vegetables. India reported that the ban on mangoes had been lifted in February 2015; however the ban on four types of vegetables remained. India had informed the European Union on various measures to improve its packaging, quarantine and inspection system. India also recalled the Commission's Food and Veterinary Office (FVO) visit to India in September 2014, which had reported overall improvement in the control system. India requested that the European Union recognize this improvement and lift the remaining ban.

3.42. Nigeria shared India's concern and noted that such measures could be an impediment to Nigeria's export diversification efforts.

3.43. The European Union explained that the ban was temporary, to prevent the introduction into and spread within the European Union of harmful organisms with regard to bitter melon, taro, eddo, eggplant and snake gourds originating from India. The European Union confirmed that the audit mentioned by India had shown significant improvements in India's phytosanitary export certification system; nevertheless, interceptions of harmful organism in consignments of non-prohibited commodities from India were still occurring regularly. The European Union indicated that further analysis was needed and that a further review would take place in 2015 on the basis of the evolution of import interceptions.

3.2.13 Indonesia's port closures – Concerns of Chile (No. 330)

3.44. Chile recalled its concern regarding the loss of access for its fruit exports through the Jakarta port, due to resolutions No. 42 and 43 issued by Indonesia's Ministry of Agriculture in June 2012. Chile had provided Indonesia with all the necessary documentation establishing its fruit fly-free status, and had invited Indonesian authorities to conduct a technical visit to Chile, which had not yet occurred. To date, Chile had not been recognized as free of fruit flies by Indonesia, although Chile had fulfilled the international standards set by IPPC. Chile noted that Indonesia's measure was not in line with the objectives of the SPS Agreement and further urged Indonesia to announce a solution at the next Committee meeting.

3.45. Chinese Taipei shared Chile's concerns with regard to Indonesia's import licensing regime for agricultural products. Chinese Taipei noted that the regime was complex, burdensome and time consuming, and was not in line with the national treatment obligation. Chinese Taipei requested that Indonesia bring its import procedures into conformity with all relevant WTO agreements.

3.46. Indonesia explained that the measures had been taken to effectively control pest outbreaks and not to ban the importation of fruits and vegetables through Tanjung Priok port. Indonesia clarified that resolutions No. 42 and 43 issued by its Ministry of Agriculture were in accordance with Article 6 of the SPS Agreement. Indonesia confirmed the receipt of additional documents provided by Chile and informed Chile that the documents were currently being reviewed by the relevant authority.

3.2.14 EU withdrawal of equivalence for processed organic products – Concerns of India (No. 378)

3.47. India raised concerns regarding the EU withdrawal of equivalence for processed organic products, which had previously been recognized since 2006. The equivalence agreement with the European Union provided that processed and unprocessed organic food products from India could be exported to the European Union pursuant to certification from the bodies accredited under India's National Programme for Organic Products (NPOP). In order to expand its exports, in September 2012 India had published guidelines that would permit certain imported ingredients. These guidelines provided that the percentage of imported ingredients would be within the range of 5%. However, EU regulation No. 125/2013 with effect from 1 April 2013 had removed processed organic products from the equivalence agreement, on the grounds that the agreement required that all of the ingredients be grown in India. India clarified that no processed organic

products containing imported ingredients were exported to the European Union. India requested that the equivalence recognition be restored since it had withdrawn the 2012 guidelines.

3.48. The European Union responded that India's concern was not an issue under the scope of the SPS Agreement. The European Union reiterated its commitment towards engaging with India at a technical level on this issue, within the appropriate framework. An audit of the EU's Food and Veterinary Office (FVO) would take place in India on 13-24 April 2015.

3.49. The United States supported the EU response, noting that organic standards and organic certification programmes were not under the scope of the SPS Agreement.

3.3 Information on resolution of issues in G/SPS/GEN/204/Rev.15

3.50. Indonesia reported that specific trade concern number 360 concerning China's import policy for bird nests had been resolved. Indonesia expressed appreciation to the Government of China and welcomed further cooperation in the future. China thanked Indonesia for the update and expressed its intention to solve additional specific trade concerns and to continue bilateral discussions with Indonesia.

4 OPERATION OF TRANSPARENCY PROVISIONS (G/SPS/GEN/804/REV.7)

4.1. The Secretariat informed Members that the transparency questionnaire discussed at the informal meeting had triggered many updates of the addresses of Members' National Enquiry Points (NEPs) and National Notification Authorities (NNAs). These updates would be included in SPS IMS, where they would be available to Members.

4.1 Russian Federation – Information regarding amendments to the common sanitary requirements (G/SPS/N/RUS/50/Add.1)

4.2. The Russian Federation updated Members on the decision by the Eurasian Economic Commission to amend the common sanitary epidemiological and hygienic requirements for products subjected to sanitary epidemiological supervision. After taking into consideration the comments from Members, the Eurasian Economic Commission had decided to stop developing amendments to Section 1 of Chapter 2 of the above-mentioned requirements.

4.2 Nigeria – Additional information on the operation of transparency provisions

4.3. Nigeria informed Members about the establishment of two new NEPs and about its new food safety policy. The detailed contact information of the new NEPs and the notification of the food safety policy would be submitted to the Committee in the near future. Nigeria also indicated that it had made very few regular notifications so far, but that it would update its notification process so as to increase transparency. Nigeria's NNA and the NEPs had agreed to address all the outstanding issues and submit missing notifications.

5 IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT

5.1. Nigeria encouraged Members to discuss the proposals with regard to the special and differential treatment provisions of the SPS Agreement submitted prior to the Cancún Ministerial Conference.

6 EQUIVALENCE - ARTICLE 4

6.1 Information from Members on their experiences

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

6.2 Information from relevant observer organizations

6.2. Codex informed Members about its new work on guidance for the monitoring of the performance of national food control systems. Codex noted that the product of this work would not

replace the equivalence provisions of the SPS Agreement. The final product would be available in about two to three years to improve the functioning of national food control systems.

7 PEST- AND DISEASE-FREE AREAS - ARTICLE 6

7.1 Information from Members on their pest or disease status

7.1.1 Nigeria – Avian influenza situation (G/SPS/GEN/1397)

7.1. Nigeria provided information on the avian influenza resurgence in Dala Local Government Area and at a live bird market at Onipanu in Lagos in January 2015. All state directors of veterinary services had been alerted, and the OIE, AU-IBAR and development partners had been notified. Nigeria had established a technical committee on avian influenza to supervise the current control strategy that included quarantine, depopulation, decontamination and vaccination. Currently, Nigeria received support from the World Bank and from FAO to contain the disease. Nigeria stressed that the resurgence of the disease was a matter of great concern for the continent, and that more intensive control and surveillance activities were needed. Nigeria urgently requested more support from national and regional governments and from international development agencies.

7.2. Madagascar noted that the emergence of avian influenza in Nigeria was of concern for neighbouring countries and for Africa as the whole. Madagascar requested assistance from Nigeria to avoid the spread of the disease.

7.1.2 Mexico – Information on pest- or disease-free areas and areas of low pest or disease prevalence

7.3. Mexico provided information on various pest- or disease-free areas. Mexico had been declared free from Mediterranean fruit flies, as detailed in G/SPS/GEN/1376. Mexico had also submitted documents regarding the absence of Aujeszky's disease in the state of Jalisco (G/SPS/GEN/1380); the absence of Boll weevil in the state of Baja California and various regions in Chihuahua, Coahuila and Sonora (G/SPS/GEN/1378 and G/SPS/GEN/1378/Corr.1); the absence of pink bollworm in the state of Chihuahua and several municipalities in Sonora and Coahuila (G/SPS/GEN/1377); areas of low prevalence of fruit flies of the genus *Anastrepha* in certain municipalities in Michoacan and Nayarit (G/SPS/GEN/1379 and G/SPS/GEN/1389); areas free of spotted-wing drosophila (G/SPS/GEN/1386 and G/SPS/GEN/1388); areas free from large and small avocado seed weevils and avocado seed moths (G/SPS/GEN/1390-1393) and areas free from Pierce's disease (G/SPS/GEN/1385 and G/SPS/GEN/1387).

7.4. Mexico also reported the response to comments and modifications made to the Official Mexican Standard NOM-026-FITO-1995 as notified in G/SPS/N/MEX/48/Add.1, and provided information on the modification of the Official Mexican Standard NOM-026-FITO-1995, amending the controlled cotton pests, as notified in G/SPS/N/MEX/260/Add.1.

7.1.3 South Africa – Foot and mouth disease (FMD) status

7.5. South Africa informed Members that, after consideration by the OIE, it had regained its status of foot and mouth disease (FMD) free zone without vaccination, with effect from 14 February 2014. South Africa urged Members to lift restrictions on trade in cloven-hoofed animals and their products.

7.6. Madagascar informed Members that it had considered South Africa's new FMD status and had lifted its ban on the importation of products of animal origin from South Africa.

7.7. Zambia reported its recognition of South Africa's new FMD status and supported South Africa's request.

7.2 Information from Members on their experiences in recognition of pest- or disease-free areas

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

7.3 Information from relevant observer organizations

7.9. Codex informed Members that the biennial meetings of all its coordinating committees were being held during 2015. Five sessions of the coordinating committees had already taken place, while the one for the Middle East would be meeting in May. Steps had been taken to revitalize these committees to better serve the purpose of Codex within the Codex-FAO-WTO system. Several of these committees had continued setting regional standards.

8 TECHNICAL ASSISTANCE AND COOPERATION

8.1 Information from the Secretariat

8.1.1 WTO SPS activities (G/SPS/GEN/521/Rev.10, G/SPS/GEN/997/Rev.5)

8.1. The Secretariat introduced document G/SPS/GEN/521/Rev.10, which provided an overview of all SPS specific technical assistance activities undertaken by the WTO Secretariat. The document presented the number and type of activities delivered each year, including information such as the language used and participation of the standard-setting bodies. The document showed that there had been 318 training activities with the overall participation of more than twelve thousands persons from 1 September 1994 to 31 December 2014. In 2014, 30 SPS-related training activities had been undertaken, including three regional or sub-regional workshops, 14 national seminars, 12 other activities and one advanced SPS course.

8.2. The Secretariat also indicated that document G/SPS/GEN/997/Rev.5 provided information on technical assistance activities planned for 2015. The activities included the Advanced SPS Course to be held in English in October, three regional SPS workshops to be held for the Caribbean, Asia and Arab regions, and a thematic workshop on transparency to be held in the margins of the SPS Committee meeting in October. The Secretariat highlighted that funding was available for least-developing and developing countries to participate in technical assistance activities, and that the deadline for applications was 5 June 2015. The specific dates of the technical assistance activities, eligibility criteria, prerequisites and application processes could be found in the document.

8.3. The Secretariat also informed Members of upcoming technical assistance activities. A workshop on the SPS and TBT Agreements for member States of the Intergovernmental Authority on Development (IGAD) would take place in May 2015, in Kenya. National activities were being scheduled for the Dominican Republic; Honduras; Macao, China; Mexico; Oman; Sudan and Chinese Taipei. The E-learning Course on the SPS Agreement would be available all year long in the three working languages of the WTO. The Secretariat also provided an overview of activities held since the last SPS Committee Meeting in October 2014. These activities included five national seminars, held in Belarus, The Gambia, Myanmar, the Kingdom of Saudi Arabia and Trinidad and Tobago; two regional SPS workshops for the Pacific region, in Samoa, and for Latin America, in Uruguay; and (participation in training sessions on the SPS Agreement held in Geneva, Kenya and the Republic of Moldova.

8.1.2 STDF (G/SPS/GEN/1384)

8.4. The Standards and Trade Development Facility (STDF) informed Members about its activities since the October meeting and upcoming activities, as detailed in document G/SPS/GEN/1384. The STDF highlighted its new strategy for the period 2015–2019, which aims to strengthen the STDF's results based management (RBM) framework and includes a monitoring and evaluation (M&E) framework. The STDF thanked donor Members (Canada, Denmark, European Commission, Germany, Ireland, Japan, Netherlands, Norway, Sweden and United States of America) for the funds provided in 2014. The STDF informed the Committee about its work on the implementation of SPS measures in the context of trade facilitation in Africa. The draft report about the research undertaken in Southern Africa was under review by STDF members. Also in relation to facilitating safe trade, the STDF had been invited to participate in a plenary session of the Fifth Global Review of Aid for Trade that would take place on 1 July 2015. The theme of this review was "Reducing Trade Costs for Inclusive, Sustainable Growth".

8.2 Information from Members

8.2.1 Technical assistance activities provided by the European Union in 2014 (G/SPS/GEN/1139/Add.3)

8.5. The European Union provided information on its SPS-related technical assistance activities undertaken in 2014, as contained in document G/SPS/GEN/1139/Add.3. In this submission the European Union listed technical assistance activities that either focused on the SPS area or had a significant SPS component. In 2014, more than 360 such projects had been under way, and the European Union contributed approximately 152 million euros. The projects targeted specific SPS issues at the local, national, regional and multilateral level. The European Union highlighted that the two major projects, i.e. the Quality and Conformity Fruits and Vegetables Programme (PIP) and Development of Food Safety Systems Programme (EDES), had undergone mid-term external evaluations in 2013. The outcome of the evaluations was very positive, but some areas for improvement had been identified. The European Union invited interested Members to contact EU delegations in their countries or the European Commission in Brussels to express an interest in receiving SPS-related technical assistance.

8.6. Several Members expressed their appreciation for the technical assistance provided by the European Union. Belize appreciated financing provided under the 10th European Development Fund (EDF) which facilitated Belize's participation in the SPS Committee Meeting and the meeting of the Commission on Phytosanitary Measures held recently in Rome. Madagascar expressed its appreciation for the technical assistance provided by the European Union, especially for the improvement in its capacity to analyse residues in fruit products. Mali also expressed its appreciation, and requested technical assistance to tackle the fruit fly problem. Kenya reported that it had benefited from the PIP and EDES programmes as well as the Africa coordination meeting in preparation for the current SPS Committee meeting organized by the PANSPSO project. Nigeria also thanked the European Union and indicated that it had especially benefited from a mycotoxin lab provided by the European Union. Nigeria also noted that more technical assistance was needed. Zambia informed Members that EDES implementation has benefited its honey exports. Burkina Faso indicated its gratitude and highlighted that more assistance was needed to tackle the of fruit fly problem that troubled its fruits exports, especially mangoes.

8.7. The Secretariat indicated that certain donors had sponsored the participation of several delegates from Africa and the Caribbean in the Committee meeting, which had enriched the discussions.

8.8. The STDF noted that several Members had raised the fruit fly problem in Africa, and that they might wish to seek technical assistance on a regional basis. The STDF referred to a fruit fly programme implemented in West Africa with the support of the European Union. The STDF encouraged affected Members to develop a joint action plan.

8.3 Information from observer organizations

8.9. IICA informed Members about its activities, including a workshop conducted under the 10th European Economic Development Fund for Caribbean countries in Trinidad and Tobago on the development of monitoring programmes for food. IICA also implemented STDF projects, including an online food inspection course, as part of its Virtual Food Safety Inspector School project. Under its Codex programme, IICA has been supporting the implementation of Codex symposia by supporting the participation of over 20 delegates. With financial support from the United States, IICA had developed national workshops to build the capacity of exporters to fulfil US food safety requirements. More details can be found in document G/SPS/GEN/1395.

8.10. OIRSA reported on training and technical assistance activities; support provided in the areas of harmonization and equivalence; as well as on prevention, control and eradication activities; on strengthening of national institutions to facilitate trade; and on strategic alliances for the promotion of health and trade. More information is available in document G/SPS/GEN/1400.

8.11. Belize, Jamaica and Trinidad and Tobago expressed their appreciation for the work of IICA and OIRSA.

9 REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

9.1 Fourth Review

9.1.1 Report of the Informal Meeting

9.1. The Chairperson reported on the informal meeting on the Fourth Review of the Operation and Implementation of the SPS Agreement held on 25 March 2015. The Committee had discussed (i) the new revision of the draft report of the Fourth Review; and (ii) specific proposals submitted in the context of the Review.

9.2. The Chairperson had reminded Members that according to the agreed timetable, the Fourth Review should have been completed in October 2014. The draft report reflected the Committee's work over the past few years. Its objective was to take stock of what had been achieved, and to make recommendations for future work. It was not the right instrument to tackle unresolved substantive differences on certain issues.

9.3. First, the Committee had taken up the new revision of the draft report of the Fourth Review circulated on 6 November 2014 (G/SPS/W/280/Rev.2). The Secretariat had highlighted the changes in response to the Committee's requests at the last meeting. Apart from updates to certain sections, this included additional recommendations to reflect the periodic reviews of past Committee decisions, and creative language on two recommendations on which there had been no consensus in October. These were (i) the fourth recommendation in the transparency section; and (ii) the second recommendation in the section on SPS-related private standards.

9.4. The Chairperson had noted that comments on the new revision of the report had been received from Belize, Canada, Egypt and the European Union. Except for Egypt's comments, all other comments had focused on the second recommendation in the section on SPS-related private standards (paragraph 14.20), and they seemed to go in opposing directions.

9.5. First the Committee had taken up Egypt's proposal to introduce three additional recommendations (G/SPS/W/282). At the informal meeting, there had been agreement to include the first two recommendations suggested by Egypt, in sections 11 and 12 of the report. Some Members had noted that the third recommendation that Egypt suggested, for inclusion in the private standards section, was very similar to Action 2 from document G/SPS/55. However, it referred to relevant international organizations, whereas Action 2 referred only to the Three Sisters.

9.6. Regarding the recommendations in paragraph 14.20 (in the section on SPS-related private standards), many Members had taken the floor to express diverging views, in particular on the 2nd bullet point. While some could accept the language in the latest revision of the draft report, others had suggested reverting to language used in the previous revision of the report (G/SPS/W/280/Rev.1). In an effort to find a compromise, Canada had proposed combining language from two different bullet points from different versions of document G/SPS/W/280. While some Members had expressed their support for this new suggestion, others had needed more time to consider it.

9.7. Recognizing the interest expressed by Members to finalize the Fourth Review, the Chairperson had proposed that a small group, comprised of those Members who had made comments, attempt to resolve the remaining differences by proposing compromise language. The group would also address the 3rd recommendation proposed by Egypt.

9.8. Next, the Committee had discussed the outstanding proposals submitted in the context of the Fourth Review. Canada had presented the new revision of its joint proposal with Kenya on a catalogue of instruments available to WTO Members to manage SPS issues (G/SPS/W/279/Rev.2), which incorporated comments received from Members since the Committee's last meeting in October. Kenya had thanked all Members for the comments provided and for agreeing to develop such a catalogue, which could become one of the achievements of the current review. Some Members had requested clarification about the legal status of the document, and the Secretariat had explained that it would become one of the reference documents adopted by the Committee. The Chairperson had requested that the Secretariat prepare a draft introductory paragraph to

clarify that the Catalogue did not have a legal status, for consideration by Members before the possible adoption of the Catalogue during the regular meeting.

9.9. The second subject discussed had been transparency, where a joint proposal had been submitted by Chile, the European Union, Morocco and Norway (G/SPS/W/278). The Chairperson had recalled that in October the Committee had agreed that a diagnosis of the needs and difficulties of Members in the implementation of the transparency obligations be carried out through a questionnaire. Such questionnaire could also help identify problems encountered by Members that could be addressed within the on-going project aimed to improve and modernize the SPS IMS and NSS applications. The questionnaire had been circulated in document G/SPS/GEN/1382, taking into account questions suggested by several Members.

9.10. The Secretariat had introduced the analysis of the replies to the questionnaire, circulated as document G/SPS/GEN/1402, acknowledging this analysis had only recently been circulated in English. 108 responses to the questionnaire had been received, representing 93 Members and one Observer. There was a wide coverage in terms of development status and regional breakdown. All responses were presented with graphics, which in general spoke for themselves. In some cases, a brief paragraph had been included to highlight a particular result. Responses had been submitted by the European Union as well as by several of its member States. The Secretariat had pointed out that the analysis, including the written comments, were also available online.

9.11. Many Members, including the proponents of the transparency proposal, had recognized the usefulness of such analysis in assessing the needs and difficulties related to transparency, as well as examining possible ways to move forward with this issue. The European Union had presented some preliminary observations. Since many respondents had been of the view that the term "trade facilitating" should be further defined, the European Union had suggested that the Secretariat prepare a factual compilation of existing WTO definitions of this term. This suggestion had received widespread support.

9.12. The Chairperson had proposed that the analysis of the replies to the questionnaire on transparency be further discussed at an informal meeting in July. In addition, she had highlighted that the October workshop on transparency could be a good opportunity for Members to share experiences and practices with regard to transparency, as well as to provide hands-on training on the SPS applications. She had invited Members to submit ideas or suggestions regarding topics and sessions for the workshop by 15 May 2015.

9.13. Finally, the Chairperson had invited the United States to present its submission on possible next steps for consideration following the workshop on risk analysis held in October 2014 (G/SPS/GEN/1401). The United States had noted that its proposal focused on three key challenges identified by Members at the workshop, and for which they suggested further action: these were (i) the need to improve sharing of information related to risk assessment; (ii) the interest from some Members to benefit from assistance of other Members to improve their capacity to perform risk analyses, for instance through a mentoring programme; and (iii) the suggestion to hold an informal session on risk communication prior to the July 2015 meeting of the Committee. It had also noted the work being carried out in FAO, WHO and the Three Sisters on risk assessment and asked the Committee to strengthen its collaboration with these organizations.

9.14. Many Members had expressed their general support for the US proposal, indicating that they would need more time to consider all the elements proposed and how they could be implemented in practice. The proposal to hold an informal session on risk communication in July had received broad support.

9.15. FAO had provided information on recent work done in this area, in particular the development of a handbook on risk communication, and had expressed its interest in collaborating with the organization of such an informal session. The report submitted by FAO was made available in document G/SPS/GEN/1405.

9.1.2 Adoption of report of Fourth Review (G/SPS/W/280/Rev.2)

9.16. The Chairperson recalled that a small group of interested Members had agreed to discuss the outstanding issues in the report, i.e. the second recommendation under paragraph 14.20, and the third recommendation suggested by Egypt.

9.17. The United States reported that Members had shown flexibility during the small group meetings; however, consensus had not yet been reached. The United States noted that it was ready to reflect and consult domestically, with a view to finding a compromise for the next Committee meeting. Brazil and Nigeria also expressed their willingness to work towards reaching consensus at the next meeting.

9.18. The Chairperson thanked the Members for their efforts and encouraged Members to resolve the remaining differences at an informal meeting in July. The Chairperson also suggested that the new Chairperson consult with Members to try to identify compromise language.

9.1.3 Proposals submitted during the Fourth Review

9.19. The Chairperson recalled that at the informal meeting, she had requested that the Secretariat prepare an introductory paragraph to clarify the legal status of the Catalogue of Instruments Available to WTO Members to Manage SPS Issues (G/SPS/W/279/Rev.2). The language circulated had been adapted from the latest decision adopted by the Committee, which was the Procedure To Encourage And Facilitate The Resolution Of Specific Sanitary Or Phytosanitary Issues Among Members In Accordance With Article 12.2 (G/SPS/61).²

9.20. Several Members indicated that they would need more time to consider the proposed language.

9.21. India proposed the following introductory paragraph instead: "This catalogue of instruments is only intended as a reference document, to help Members address and manage SPS issues. It neither adds to nor detracts from the existing rights and obligations of members under the SPS Agreement or any other WTO agreement nor does it provide any interpretation of these agreements. It shall not constitute a legally binding agreement and will have no legal force".³

9.22. Nigeria supported India's suggestion since it clarified that the document was not legally binding.

9.23. Mexico expressed concerns that the inclusion of disclaimer language in the Catalogue of Instruments would impact on other documents that also served as reference documents. Mexico proposed that such an inclusion was not needed. The United States expressed sympathy with Mexico's view.

9.24. The Chairperson invited Members to submit comments on the proposed introductory language to clarify the legal status of the Catalogue of Instruments by 30 April 2015.

² The language circulated by the Secretariat was: "This catalogue of instruments is intended as a reference document to help Members address and manage SPS issues. It is without prejudice to the rights and obligations of Members under the SPS Agreement or any other WTO agreement and shall not constitute a legally binding agreement."

³ Subsequently, India submitted a revised version of its suggested introductory paragraph: "This catalogue of instruments is intended only as a reference document, to help members address and manage SPS issues. It neither adds to nor detracts from the existing rights and obligations of members under the SPS agreement or any other WTO agreement nor does it provide any interpretation of these agreements. The SPS Committee takes note of the said catalogue which shall neither have any legal force nor constitutes a legally binding agreement."

10 MONITORING OF THE USE OF INTERNATIONAL STANDARDS

10.1 New Issues

10.1.1 United States of America – HPAI restrictions not consistent with the OIE international standard

10.1. The United States reminded Members about the OIE guidelines on imports of live poultry and poultry products (including heat-treated/cooked products) related to avian influenza, including highly pathogenic avian influenza (HPAI). The guidelines made clear that when HPAI was detected only in wild birds, OIE Members should not impose bans on trade in poultry commodities. The guidelines also clearly established provisions for the recognition of zones or regions free of the disease. The affected country should define the control zones based on its response efforts, and the remainder of the country outside of those control zones could continue to be considered disease free. Additionally, heat-treated poultry products (meat, liquid eggs, rendered meals, etc.) that had been heat-processed to destroy the HPAI virus in accordance with OIE guidelines were safe to trade irrespective of whether the products came from an area where HPAI had been detected. The United States called upon its trading partners to lift any import restrictions on live poultry and poultry products (including heat-treated products) from the United States that were not consistent with the OIE guidelines.

10.2. The European Union shared the US concern and supported the removal of import restrictions with relation to HPAI that were not in line with international standards. Canada noted that the OIE provided effective guidance around the principle of zoning and encouraged all Members to recognize zones established by affected Members, in accordance with this guidance.

10.2 Issues previously raised

10.3. No Member raised any issues under this agenda item.

11 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

11.1 Report of the Informal Meeting

11.1. The Chairperson reported on the informal meeting on SPS-related private standards held on 25 March 2015. She had recalled that the Committee had agreed to develop a working definition of SPS-related private standards in order to set the framework for its discussions. Agreed Action 1 (G/SPS/55) did not propose a legal definition, but merely sought a framework to limit the scope of issues considered by the Committee.

11.2. The Chairperson had also reminded the Committee that, as stated in paragraph 4 of G/SPS/55, endorsement of the adopted actions was without prejudice to the views of Members regarding the scope of the SPS Agreement.

11.3. Regarding the work of the co-stewards of the private standards electronic working group (e-WG), the Chairperson had recalled the long history of the Committee's work on this matter, and in particular the hard work since October 2013 of the e-WG under the very able stewardship of China and New Zealand.

11.4. The co-stewards had introduced their report on the work of the e-WG contained in G/SPS/W/283. They had recalled that, in the WTO context, there appeared to be no difference in legal weight or value regarding whether the disclaimer text was in a footnote, or located in the main body of the Decision. Also, there was no WTO jurisprudence regarding the term "working definition". This definition would be only for the work of the SPS Committee, designed to limit discussions to SPS-related private standards.

11.5. The co-stewards had detailed the latest round of discussions and e-WG members' concerns, suggestions and flexibilities and had noted that the e-WG, while very close, had not been able to reach consensus on the working definition. There had in particular been an impasse with the terms "non-governmental entities" and "requirements" and the co-Stewards had suggested a cooling off period for all e-WG Members to reflect further on the issue.

11.6. Many Members had thanked China and New Zealand for their leadership. Some Members had stressed the need to keep working towards a working definition of SPS-related private standards, given their effects on many developing countries' exports and economies. Other Members had noted the fundamental differences amongst Members on the scope of the SPS Agreement and regarding some of the suggested language in the definition. Given the obvious impasse, these Members had supported the proposal of the co-Stewards for a cooling off period.

11.7. Argentina, supported by other Members, had argued to keep the terms "non-governmental entities" and "requirements" in the definition. Argentina had noted the definitions of private standards used by OIE and the FAO/WHO/Codex, as well as the mandate given by the Committee Decision in G/SPS/55. Argentina had also objected to excluding private standards that were not established in writing and had noted its preference for the definition contained in G/SPS/W/272, with the amendment that a private standard could also consist of one requirement.

11.8. Belize had recalled that the examples in the compilation of Members' answers to the questionnaire on the effects of SPS-related private standards (G/SPS/GEN/932/Rev.1) showed that the specifications set by private entities on health and safety were mandatory in nature. The use of the terms "non-governmental entities" and "requirements" in the working definition was necessary to differentiate SPS-related private standards from those set by governments.

11.9. China had regretted that despite all the efforts made, the e-WG could not reach consensus on the co-stewards' proposed working definition. The current impasse was already having consequences on other WTO work and China had urged all Members to resolve the impasse and avoid creating an undesirable precedent for the work of the SPS Committee.

11.10. New Zealand had noted that compromise should be possible given the wording of the disclaimer. New Zealand had echoed South Africa's comments that the working definition need not be perfect but a good enough compromise to help the Committee set a framework for its discussion of SPS-related private standards.

11.11. The representative of Codex had clarified that despite lengthy discussions on the issue of private standards in 2009 and 2010, Codex had never sought to formally define private standards.

11.12. The Chairperson had reminded the Committee that it had been discussing this issue since 2005. Despite the well-known differing positions, the Committee had agreed to develop a definition of SPS-related private standards. Hence, Action 1 would remain on the agenda until the Committee agreed on a working definition of SPS-related private standards to define the scope of its work on this issue.

11.13. It had been agreed that the e-WG would take some time to further reflect, and that the co-Stewards, China and New Zealand, would restart work when most appropriate, with the objective of agreeing on a working definition as soon as possible.

11.14. Regarding the implementation of Actions 2-5, under Action 2, Codex had noted that it continued to reach out to private standards-setting organizations to encourage them to become Codex observers and take part in Codex meetings.

11.15. Under Action 3, the Secretariat had noted that there had not been any recent relevant developments in other WTO fora, but that it would continue to liaise with the TBT and Trade and Environment Committees, as well as with Aid for Trade colleagues, and report back on any relevant work.

11.16. Under Action 4, Nigeria, referring to its document G/SPS/GEN/1398, had noted the difficulties that private standards created for its small exporters and reported on training received from Global GAP. Nigeria had noted that the adoption of Global GAP standards for its fresh produce would be too burdensome for a developing country like Nigeria to put it in place. Nigeria had stressed that the SPS Committee had a vital role to play in addressing the issues related to private standards and their impact on international trade.

11.17. Several Members had shared the concerns expressed by Nigeria on the harmful effects of private standards on the exports of developing countries. Argentina, supported by various

Members, had noted that according to Article 13 of the SPS Agreement, Members were to take reasonable measures available to them to ensure that non-governmental entities within their territories complied with the relevant provisions of the SPS Agreement. Argentina had also noted that paragraph 14.20 of the draft 4th Review report (G/SPS/W/280/Rev.2) contained specific proposed recommendations relating to the discussion of private standards, including their effects on international trade.

11.18. Under Action 5, Codex had reported on its continued effort to underline the importance of implementing international standards and on its communication strategy to show the positive impact of applying Codex standards. Codex had also noted the cooperation of the OIE and IPPC in that regard.

11.19. Regarding suggestions on the implementation of proposed Actions 6 to 12, Belize had indicated that it continued to support the establishment of a working group that could advance work on Actions 6 to 12, and had referred to its earlier submissions in that regard. Belize had also suggested using the questions contained in document G/SPS/GEN/932/Rev.1 as a possible guide for the implementation of Action 6.

11.20. Norway and the European Union had noted that there was no consensus on Actions 6-12, and that the Committee should focus its time and effort on the implementation of the five agreed actions.

11.21. Regarding other information on SPS-related private standards, Belize had reported on the 19th session of the Joint FAO/WHO Coordinating Committee for Latin America and the Caribbean held in Costa Rica in November 2014. Belize had referred Members to paragraphs 161 to 166 of Codex document REP/15/LAC for further details of the discussions and of the recommendations made at the meeting.

11.22. The OECD had referred to its document G/SPS/GEN/1399 on OECD activities of interest to the SPS Committee and had flagged its upcoming report on voluntary environmental standards which focused on the linkages between voluntary (often private) environmental standards and public policies.

11.23. After her oral report, the Chairperson invited Members to comment.

11.24. The European Union and the United States supported the proposal for a cooling off period.

11.25. Jamaica, Kenya, Uruguay, Cuba, Mali, Madagascar, Central African Republic, Cabo Verde and Zambia were of the view that the cooling-off period should not be too long; they wished the Committee to conclude the definition of private standards soon.

11.26. Argentina reiterated its position that eliminating the two terms "non-governmental entities" and "requirements" from the definition would contradict Codex and OIE definitions and the mandate given by the Committee Decision in document G/SPS/55, which contained the same wording. Argentina also noted that the word "written" should be deleted from the definition to avoid setting aside private standards not established in writing, such as those stemming from customary traditions. In this regard, Argentina recalled that the jurisprudence of the WTO had clarified, a long time ago, that there were no distinguishing features between written and unwritten requirements. Argentina encouraged the Committee to resolve the concerns on this matter and swiftly reach an agreement on a definition of private standards.

11.27. Nigeria reaffirmed its position and noted that the Chair report had well reflected the position of developing countries.

11.28. Ecuador, India and Brazil indicated that in their view, private standards were covered under Article 13 of the SPS Agreement. Belize, Senegal and Uruguay urged Members to find a common position so as to allow the Committee to reach a consensus on a working definition.

11.29. In its capacity as e-working group co-steward, China clarified that the SPS Committee was not proposing a legal definition but merely a framework to limit the scope of issues considered by the Committee. Indeed, as per G/SPS/55, endorsement of the adopted actions was without

prejudice to the views of Members regarding the scope of the SPS Agreement. China also clarified that the proposed working definition was not intended to provide an interpretation of any specific terms or provisions of the SPS Agreement that could be used in a dispute settlement context. Therefore, it was not necessary for Members to over interpret the legal implications of the proposed working definition.

11.30. New Zealand echoed the statement made by its co-steward and reiterated that, as clarified by the disclaimer, the proposed working definition was not intended to be used to determine the scope of the SPS Agreement, but rather to help focus the Committee's work on what is SPS related. New Zealand noted that until the Committee agreed on a working definition, it would not be able to concentrate on finding practical solutions to address the effects of private standards. New Zealand looked forward to the e-working group resuming work and urged Members to seek new and practical ways forward to define SPS-related private standards.

12 OBSERVERS

12.1 Information from observer organizations

12.1. The OECD provided a report on recent activities of interest of the SPS Committee (G/SPS/GEN/1399). The OECD was about to publish a report on voluntary environmental standards in the Food, Agriculture and Fisheries Papers series, focussing on the linkages between voluntary (often private) environmental standards and public policies. The OECD was also developing a practical tool to help countries diagnose regulatory divergence and guide policy makers in reaching a policy decision implementing the most favourable international regulatory co-operation mechanisms. On 21 November 2014, the OECD had held a workshop on Trade Facilitating Effects of International Regulatory Cooperation in Food and Agriculture. The discussion had highlighted the importance of the simplification of border inspection services, from an information flow perspective and in terms of risk-based inspection and control. Participants also acknowledged the role of private companies and industry associations in RTA negotiations and in regulatory design, as well as in RTA dialogue mechanisms.

12.2. ITC reported on its recent and upcoming activities related to the work of SPS Committee, highlighting an EIF project to improve sector competitiveness and export diversification in Gambia. In this project, technical barriers hindering market access were being addressed, and a sensitisation programme on standards and technical regulations relating to quality and food safety for groundnuts, cashew nuts and sesame was being implemented. A second project was being carried out in Sri Lanka with the collaboration of the Ceylon Chamber of Commerce and the Department of Agriculture to perform training in food safety and plant health for six types of fruits and vegetables. The activities included assessment of laboratory testing capacity, a workshop on institutional networking mechanisms and strengthening the plant health control system. A third project promoted intra-regional trade in Eastern Africa through inclusive and sustainable export-led growth by improving the competitiveness of producers in Kenya, Tanzania and Zambia. Fourth, a project funded by the Multi-Annual Indicative Programme on Accompanying Measures for Sugar (AAP2011) aimed to improve and consolidate farming systems in Fiji. Lastly, a trade and private sector development programme included a component related to capacity building of the conformity assessment services of the Standards Association of Zimbabwe for pesticide residue testing as well as other testing for food products.

12.3. SADC drew attention to its report in document G/SPS/GEN/1404. The SADC secretariat had convened regional meetings for the SADC Sanitary and Phytosanitary Coordinating Committee; and well as technical committees on food safety, livestock and plant protection in Pretoria, South Africa on 21–22 January 2015. The SADC Secretariat had also facilitated a workshop on food safety awareness creation for the private sector in Pretoria, South Africa on 10–12 February 2015. A workshop on harmonisation of phytosanitary regulations for horticultural fruits moving in intra-regional trade was held during the same days in Harare, Zimbabwe. A regional study was carried out in November 2014 to identify phytosanitary measures hindering trade in plants and plant products. Supported by the FAO, SADC member States were undertaking a one-month training course at the International Centre for Insect Physiology and Ecology in Kenya. Lastly, the SADC secretariat thanked the African Union – Inter-Africa Bureau for Animal Resources (AU-IBAR) for the support to participate in the SPS Committee meeting.

12.4. UEMOA expressed its gratitude to Members for their work on private standards. UEMOA encouraged the SPS Committee to collaborate with the STDF and the EIF to organize regional workshops on fruits, vegetables and cut flowers from 2016 onwards to strengthen the export capacity of UEMOA member States.

12.2 Requests for observer status

12.2.1 New requests

12.5. There were no new requests received by the Secretariat.

12.2.2 Outstanding requests

12.6. The Secretariat informed Members that, as agreed by the Committee in October 2012, the Secretariat had contacted the ad hoc observer organisations that had not attended any meetings of the SPS Committee during 2014, to request confirmation of their continuing interest to participate as an ad hoc observer in the meetings of the SPS Committee. All of the Observers except one had responded to confirm their interest in maintaining ad hoc observer status in the Committee. The only Observer that had not responded was the Community of Sahel-Saharan States (CEN-SAD). As in 2013, this African Regional Economic Community had not attended the meetings of the SPS Committee in 2014 and had not responded to any correspondence, on which the African Union had also been copied. The Secretariat recalled that the African Union had informed the Committee in 2014 about the difficulties in communicating with CEN-SAD due to the political situation in Libya, where it was based. Furthermore, most of its member states were LDCs. In light of those specific difficulties, and taking into consideration special and differential treatment, the Committee had agreed in 2014 to maintain ad hoc observer status for CEN-SAD for another year. Presently it appeared that the African Union no longer had contact or any other type of relation with CEN-SAD. As it seemed that this organization was no longer active, or at least had not demonstrated interest in the work of the SPS Committee, the Secretariat suggested that CEN-SAD be removed from the list of organisations benefiting from ad hoc observer status in the SPS Committee.

12.7. Nigeria suggested that consultation might be necessary to give CEN-SAD more time to reflect on its participation in the Committee.

12.8. The Secretariat clarified that communication with the African Union had confirmed that no staff was actively working in CEN-SAD. The Secretariat indicated that CEN-SAD could submit a new request for observer status in the future if its situation changed.

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

12.10. The Chairperson informed the observer organizations that their contributions to the work of the SPS Committee and their assistance to Members were highly appreciated and that the Committee looked forward to their continued participation in all unrestricted meetings during 2015. The Chairperson once again encouraged the observers to provide written reports on their relevant activities in advance of the July 2015 meeting.

13 ELECTION OF THE CHAIRPERSON

13.1. The Chairperson informed the Committee that the Council for Trade in Goods had agreed to the election of Mr Felipe Hees of Brazil as the new Chairperson of the Committee on Sanitary and Phytosanitary Measures. The Committee endorsed the election of Mr Hees by acclamation, and voiced its appreciation to Ms Bwalya for her efforts as chairperson during the past year. Mr Hees would begin his chairmanship at the beginning of the first informal meeting in July.

13.2. The Chairperson expressed her gratitude to the Members of the SPS Committee and the Secretariat for their hard work.

14 OTHER BUSINESS

14.1. India introduced its document on the need for measures on detection of pesticide residues not registered in the country of import for unimpeded flow of trade (G/SPS/W/284). The purpose of the paper was to put in context the persistent problem faced by exporters from developing countries due to importing countries' application of limits of detection (LoD) for these pesticides. India had observed that LoD were being applied even for substances where Codex standards existed. India noted that the disciplines contained in Articles 2, 3 and 5 of the SPS Agreement applied in this case, and provided examples for the trade impact this application of LoDs was having. India concluded by suggesting certain steps in dealing with this issue. India encouraged Members to take the paper into consideration and welcomed further discussion at the next Committee meeting.

14.2. Argentina welcomed the document and noted that it was also interested in this topic.

15 DATE AND AGENDA FOR NEXT MEETINGS

15.1. The next regular meeting of the Committee is tentatively scheduled for 15 and 16 July 2015. The Secretariat noted that the regular meetings would be preceded by informal meetings, which would be held on 14 July and in the morning of 15 July. There would be informal meetings on the Fourth Review and on private standards, and an informal session on risk communication.

15.2. The Committee agreed to the following tentative agenda for its upcoming regular meeting:

1. Adoption of the agenda
2. Information on relevant activities
 - a. Information from Members
 - b. Information from the relevant SPS standard-setting bodies
3. Specific trade concerns
 - a. New issues
 - b. Issues previously raised
 - [c. Consideration of specific notifications received]
 - d. Information on resolution of issues in G/SPS/GEN/204/Rev.15
4. Operation of transparency provisions
5. Implementation of special and differential treatment
6. Equivalence – Article 4
 - a. Information from Members on their experiences
 - b. Information from relevant observer organizations
7. Pest- and Disease-free areas – Article 6
 - a. Information from Members on their pest or disease status
 - b. Information from Members on their experiences in recognition of pest- or disease-free areas
 - c. Information from relevant observer organizations
8. Technical assistance and cooperation
 - a. Information from the Secretariat
 - i. WTO SPS Activities
 - ii. STDF
 - b. Information from Members
 - c. Information from observer organizations
9. Review of the Operation and Implementation of the SPS Agreement
 - a. Fourth review
 - i. Report of the informal meeting
 - ii. Adoption of the informal meeting on risk communication
10. Monitoring the use of international standards
 - a. New issues
 - b. Issues previously raised
 - c. Adoption of annual report

11. Concerns with private and commercial standards
 - a. Report on informal meeting
12. Observers
 - a. Information from observer organizations
 - b. Requests for observer status
 - i. New requests
 - ii. Outstanding requests
13. Other business
14. Date and agenda of next meeting

15.3. The Chairperson recalled the plan for a workshop on transparency to be held in conjunction with the Committee meeting in October. She announced that this workshop would be conducted on 12 and 13 October 2015, followed by informal meetings on the 14 October and the regular meeting on the 15 and 16 October.

15.4. Members were asked to take note of the following deadlines:

- For comments of the proposed disclaimer language for the Catalogue of Instrument (G/SPS/W/279/Rev.2): **Thursday, 30 April 2015**;
 - For submitting ideas for the programme of the Workshop on Transparency to be held in October, and to suggest speakers or to volunteer for the informal session on risk communication in July: **Friday, 15 May 2015**;
 - For identifying new issues for consideration under the monitoring procedure and for requesting that items be put on the agenda: **Thursday, 2 July 2015**;
 - For the distribution of the Airgram: **Friday, 3 July 2015**.
-