



Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 14-16 OCTOBER 2015

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¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

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1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its sixty-fourth regular meeting on 14-16 October 2015. A couple of Members expressed concerns regarding the formulation of agenda item 4, suggesting it could have been included under a more general agenda item. India clarified that it preferred to keep item 4 as a separate agenda item, but agreed to the suggestion to add "Submission by India" to its title. India also indicated that a new specific trade concern included under agenda item 3.1, "India's amendment to its import policy conditions for apples; Restriction to Nhava Sheva port – Concerns of Chile and New Zealand", was not an SPS issue. India would therefore not provide a response.

1.2. The Committee agreed to add a new standing item titled "Cross-cutting issues" to its agenda starting at the first meeting in 2016, to accommodate issues such as document G/SPS/W/284 from India and other similar topics that did not fit under the other agenda items. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/SPS/6).

2 INFORMATION ON RELEVANT ACTIVITIES

2.1 Information from Members

2.1.1 Morocco – Creation of departments for risk assessment and for SPS measures and market access within the National Food Safety Office (ONSSA)

2.1. Morocco recalled that it had established its National Food Safety Office (ONSSA) in 2009, which consisted of two departments, one for veterinarian services and the other for monitoring phytosanitary products. Given that these departments had been undertaking their own risk assessments over the four years of operation, Morocco had found it necessary to ensure that the decisions taken by ONSSA were carried out in a credible and scientific manner. In response, Morocco had created two new departments within ONSSA in order to further monitor SPS actions at the national level, one which focused on SPS risk assessment and the other on SPS measures and market access. Morocco outlined the responsibilities of the risk assessment department, which included the collection of data and documentation necessary for monitoring SPS risks, as well as undertaking surveys and risk assessments in an objective, independent and transparent manner. In addition, Morocco highlighted the various responsibilities of the department for SPS measures and market access, which included coordinating SPS negotiations, monitoring the implementation of SPS Agreements between Morocco and its trading partners, and providing technical requirements necessary for the granting of market access.

2.2. Morocco underscored the importance of undertaking risk assessments and indicated interest in having access to risk assessment studies conducted by other countries, as well as the data used to carry out these studies. Morocco requested the Committee to find a way to facilitate sharing of these data. Morocco also supported the US proposal (G/SPS/GEN/1401) to provide assistance in building risk analysis capacity for LDCs and to establish a programme to facilitate the exchange of data, experiences and strategies related to risk analysis.

2.1.2 Australia – Update on BSE country assessments

2.3. Australia provided information on the BSE food safety risk assessment which was completed for Argentina. This risk assessment was carried out under the Australian Government's BSE food safety policy 2009, which required that all countries exporting or seeking to export beef or beef products to Australia have a food safety risk assessment undertaken by Food Standards Australia New Zealand (FSANZ). The results of the risk assessment indicated that Argentina had comprehensive and well-established controls to prevent the introduction and amplification of the BSE agent within the cattle population and to prevent contamination of the human food supply with the BSE agent. The assessment concluded that no cases of BSE had been found in Argentina. Therefore, Argentina was recommended Category 1 BSE status, which meant that trade in retorted beef products originating from cattle born, reared, and slaughtered in Argentina could continue. A copy of the BSE assessment was available on the FSANZ website (<http://www.foodstandards.gov.au>). Australia also informed the Committee that imports of fresh beef (chilled or frozen) were not permitted at this stage and that Argentina had to apply to the Australian Department of Agriculture for an import risk analysis.

2.1.3 Peru – Actions to improve fisheries health taken by the National Fisheries Health Agency (G/SPS/GEN/1445)

2.4. The Chairperson drew attention to a written report submitted by Peru (G/SPS/GEN/1445).

2.1.4 Japan - Update on the situation surrounding Japanese food after the Fukushima Daiichi nuclear power plant accident

2.5. Japan provided an update on the developments since the last SPS Committee, highlighting that the recent assessment by the International Atomic Energy Agency had acknowledged that Japan had a comprehensive system in place which prevented products with radionuclides in excess of the regulatory limits from entering the food supply chain. Japan further indicated that the rate of products exceeding the limit values of radionuclides had drastically decreased during the fiscal years 2012 to 2014. Japan expressed its appreciation that the Russian Federation and the United States had eased their import restrictions on Japanese food, and more generally acknowledged that increasingly countries and regions were either lifting or easing their import restrictions. Japan reiterated its determination to continue its efforts to remove the remaining import restrictions.

2.6. In response to New Zealand's request for clarification on the limit value of radionuclides, Japan indicated that the limit was 100 Bq/kg.

2.1.5 United States - Update on implementation of the Food Safety Modernization Act

2.7. The United States provided an update on the Food and Drug Administration (FDA) Food Safety Modernization Act (FSMA). Two of the seven key FSMA rules had been finalized. The two final rules, which focused on preventive controls for human and animal food, helped to better address food safety hazards by putting greater emphasis on the prevention of food-borne illness and establishing a nationally-integrated food safety system in partnership with state and local authorities. Furthermore, the rules modernized current good manufacturing practices for human food facilities and, for the first time, established these requirements for most animal food facilities. The rules also required human and animal food facilities to develop and implement written food safety plans that identified hazards that could compromise the safety of their products. Additionally, the rules outlined steps the facility would take to prevent or significantly minimize the risk those hazards presented. These rules would apply equally to foreign firms importing into the United States, as well as to domestic firms producing human and animal food regulated by the FDA. The two rules had been published in the Federal Register and notified to the WTO as G/SPS/N/USA/2502/Add.6 and G/SPS/N/USA/2593/Add.3.

2.8. The United States informed the Committee that all seven foundational FSMA rules would be finalized in 2016 and would include rules for product safety, foreign supplier verification, third party accreditation, intentional adulteration, and sanitary transportation. The United States further noted that full implementation of the rules would take time. Accordingly, the FDA had set phased compliance dates, depending on the size of the business, in order to give industry time to comply. This process would take place between late summer of 2016 and late summer of 2019. More information on FSMA was available from the following website: <http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm459719.htm>. The United States also expressed its appreciation to delegates for their participation in the FDA briefing session on FSMA which had been held on the margins of the SPS Committee meeting.

2.1.6 Korea – Introduction of the SPS support website (G/SPS/GEN/1447)

2.9. Korea provided information on its SPS support website, which had been developed by the Ministry of Agriculture, Food and Rural Affairs (MAFRA) and first introduced in 2013 in order to provide statistical data on WTO SPS notifications to MAFRA personnel. Korea highlighted several features of the website which included: an e-mail service which forwarded selected SPS notifications to users; a response record control service which helped users to respond to notifications; and a preliminary notice service that alerted users to provide timely comments for the period 2014-2015. In addition, MAFRA planned to make the website available to the public in both Korean and English in 2016, as well as to use the website to gather opinions from experts in related industries, academia and research institutes. The SPS support website was available via: <https://www.koreasps.kr>.

2.1.7 European Union – Report on public consultation on defining criteria for identifying endocrine disruptors (G/SPS/GEN/1448)

2.10. The European Union informed the Committee that in July 2015, it had published the report of its public consultation on defining criteria for identifying endocrine disruptors in the context of the implementation of the Plant Protection Product Regulation and the Biocidal Products Regulation. The summary of the report (G/SPS/GEN/1448) contained information on the consultation process, its objectives, number and type of respondents, respondents' contributions, as well as an overview of the type and size of impacts that may occur if a chemical would be identified as an endocrine disruptor. The European Union highlighted that the outcome of the public consultation had provided useful input for an impact assessment process that would address the economic, environmental and health impacts of the different policy options. In addition to the online consultation, the European Union had gathered stakeholder views through an international conference held in Brussels in June 2015. The next public event, a technical meeting on the methodology used for evidence screening of chemicals, would take place in Brussels in November 2015 and would also be web-streamed. Members were invited to read the full report on the public consultation which was available on the website of the Directorate General for Health and Food Safety of the European Commission:

http://ec.europa.eu/health/endocrine_disruptors/docs/2015_public_consultation_report_en.pdf.

2.1.8 Argentina – Structure of the National Animal Health and Agrifood Quality Service of the Argentine Republic; Current situation (G/SPS/GEN/1455)

2.11. Argentina provided an overview of the Structure of its National Animal Health and Agrifood Quality Service (SENASA), highlighting that SENASA was the authority responsible for establishing national policies on animal and plant health, as well as food quality and safety. SENASA performed its functions across the entire nation through an extensive field network, which allowed it to maintain contact with agricultural producers and other interested parties on an ongoing basis. Argentina further explained that 75% of SENASA's staff formed part of the national field network, which provided a unique capacity to control and supervise the agriculture production sector and to ensure early detection of phytosanitary problems and emerging epidemics. In addition, the operational implementation of activities was facilitated by the division of the territory into 15 regional centres, according to each region's production and technical characteristics. As a result of the health policies implemented, SENASA had achieved official international recognition for Argentina as: a foot and mouth disease-free country, with areas with and without vaccination; a negligible BSE-risk country; and a country free from peste des petits ruminants, contagious bovine pleuropneumonia and African horse sickness. In addition, the Patagonia region and the central and southern oases of the province of Mendoza had been officially recognized as fruit fly-free areas. Additional information could be found at: <http://www.senasa.gov.ar/>.

2.12. Morocco queried whether SENASA was also responsible for the control and certification of fishery products for export. In response, Argentina indicated that this area fell under SENASA's responsibility and that a more detailed written response could also be provided.

2.1.9 Russian Federation – Results of the regional workshop on food standards within CCEURO

2.13. The Russian Federation informed the Committee of the regional workshop on food standards which was jointly held in collaboration with the Russian Federation Federal Service for Surveillance on Consumer Rights Protection and Human Well-being, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) in St Petersburg on 17-18 September 2015. This workshop was targeted at members of the FAO/WHO Coordinating Committee for Europe (CCEURO) and was aimed at increasing cooperation between the Russian Federation and Codex Alimentarius. The participants of the workshop discussed ways to ensure microbiological food safety with the aim of improving trade relations between CCEURO members. Some of the topics that were covered in the workshop included laboratory support for surveillance activities and risk analysis. The Russian Federation indicated that it would continue to inform the Committee of relevant activities undertaken in cooperation with Codex.

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

2.14. The Russian Federation provided an update of the spread of African swine fever (ASF) in the Eurasia region, noting that several ASF cases had been reported in the past year and a half. In the Russian Federation's view, the affected countries had not been prepared to manage the disease or to halt its rapid spread. The high density of the wild boar population alongside small-scale pig production with low biosecurity levels and improper disposal methods of ASF-infected carcasses by veterinarians were contributing factors. The Russian Federation also noted the several expansions of the European Union's quarantine borders as a result of the rapid spread of ASF, while highlighting concerns with the effectiveness of the anti-epidemic measures recommended by the European Commission to contain the outbreaks and eliminate the factors of disease spread. The Russian Federation further expressed concern at the number of outbreaks in the Baltic States and in Ukraine, which posed a threat to biosafety in neighbouring countries. In the Russian Federation's view, the large number of potential virus carriers, such as wild boars, facilitated the spread of ASF in the region and contributes to ASF introduction into new zones, alongside other factors such as small-scale pig farming. As such, the Russian Federation expected the spread of the disease to continue through direct contact and border trade in unprocessed pork products.

2.15. The European Union reiterated its view that the use of the agenda item for purposes other than providing information to Members on relevant activities was inappropriate and stated that, because of the ongoing dispute settlement case, it would not respond to the Russian Federation's allegations. The European Union recalled some of the information previously presented to the Committee, highlighting that the European Union applied regionalization in accordance with OIE principles. Moreover, the European Union stated that the effectiveness of its measures had been demonstrated by the limited geographical spread of the disease in terms of distance from the source and by the occurrence of all new findings of the disease within the restricted areas covered by regionalization measures. The European Union further informed the Committee that the increase in the number of ASF-infected animals over the summer reflected similar seasonal trends in 2014 and had already been anticipated by the Commission Services. The 2015 European Food Safety Authority (EFSA) report had confirmed this seasonal situation, as well as the effectiveness of the EU measures. The European Union indicated that it was currently reviewing its strategy for wild boar management and updating its biosecurity requirements in order to incorporate the latest scientific findings of the EFSA report. All relevant information was available on the website of the Commission Services. Finally, the European Union called on other Members to show the same level of transparency and reiterated its commitment to work collaboratively with all trading partners in a transparent manner to control the spread of ASF.

2.1.11 Indonesia - Food safety control on importation and exportation of fresh food of plant origin

2.16. Indonesia informed Members of the amendment of its Regulation on Food Safety Control on Importation and Exportation of Fresh Food of Plant Origin, as notified under G/SPS/N/IDN/94. The objective of the regulation included strengthening consumer protection from hazardous food and simplifying Indonesia's food safety control system. The regulation was revised in order to ensure that exporting countries complied with the additional safety requirements, such as the registration of food safety testing laboratories or the submission of applications for recognition of a country's food safety control system. Indonesia was currently assessing the registrations and applications submitted by several trading partners and encouraged other Members to undertake these steps in order to avoid potential disruptions in trade as a result of the new food safety control mechanism. The revised regulation would be implemented in February 2016.

2.1.12 Antigua and Barbuda – Report on progress made in the establishment of the National SPS Committee and update of legislation to facilitate compliance with the WTO SPS Agreement (G/SPS/GEN/1460)

2.17. Antigua and Barbuda provided information on progress made in the establishment of its national SPS committee, highlighting that cabinet approval had been received to formalize a coordinating mechanism for agricultural health and food safety. The objective of this mechanism would be to foster functional synergies among SPS-related government agencies and between the agencies and the private sector. In addition, a programme budget had also been approved to support the management of national SPS systems. Antigua and Barbuda further updated the

Committee on pending or adopted SPS-related legislation, indicating that the Plant Protection Act, which mandated the NPPO to implement the IPPC and the SPS Agreement, had entered into force in March 2013. In addition, the Animal Health and Food Safety Bills were at advanced stages of revision and were expected to be adopted by Parliament within the next 12 months. Antigua and Barbuda expressed its appreciation for the support received from various regional and international organizations which had enabled it to establish effective national framework and support systems to implement the SPS Agreement.

2.1.13 Belize – Update on activities taken at the national level to strengthen the food safety system

2.18. Belize provided an update on four training activities taken at the national level to strengthen its food safety system and which were targeted at personnel from the Public Health Department, quarantine and food safety inspectors, as well as laboratory technicians. The first activity focused on training public health and food safety officers in the inspection of live animals at slaughterhouses and post-mortem procedures. This training was intended to modernize and enhance the existing inspection practices at slaughterhouses and to harmonize both ante- and post-mortem inspection procedures. The objective of the second activity was to train officials on the EU legislative framework pertaining to inspections of food processing facilities and procedures for inspection, with a special focus on poultry meat, poultry meat products and fish. The third activity sought to enhance the diagnostic services utilized in the national surveillance programmes and the export certification process, by training food microbiology laboratory technicians in microbiological methods for meat. The last activity focused on training quarantine inspectors to conduct risk-based inspections at points of entry.

2.1.14 Grenada – Update on SPS-related legislative agenda

2.19. Grenada informed the Committee that a new Food Safety Act had been passed by the Ministry of Health in 2015. This Act combined several previous legislations and as a result, with respect to food safety issues Grenada was now operating under one single Act. In addition, Grenada was currently in the process of reviewing its Plant Protection Act and Animal Disease Control Act, as part of activities under the 10th European Development Fund (EDF) SPS Project. Following the review process, the draft acts would subsequently be submitted to Parliament for enactment. Grenada expressed its appreciation to the Inter-American Institute for Cooperation on Agriculture (IICA) and the European Union for providing an opportunity to undertake these activities under the EDF SPS project.

2.1.15 Bahamas – Update on SPS-related bills

2.20. The Bahamas provided an update on its SPS-related legislation which was aimed at facilitating the implementation of the SPS Agreement. With the support from FAO, four bills had been drafted: (i) Agriculture Health and Food Safety Bill; (ii) Animal Health and Production Bill; (iii) Plant Health Bill; and (iv) Food Safety and Quality Bill. The Bahamas indicated that these draft bills were intended to institutionalize SPS responsibilities and that they would subsequently be sent to cabinet for adoption. The Bahamas further highlighted that the development of these bills was a direct result of the experiences gained through IICA's SPS Initiative for the Americas. The Bahamas expressed its appreciation for the support received from donor countries and organizations, while underscoring the need to allow for the passage of time in order to see concrete results of donor assistance, as the results were not always immediately apparent.

2.2 Information from the relevant SPS standard-setting bodies

2.2.1 CODEX (G/SPS/GEN/1443)

2.21. Codex informed the Committee of upcoming meetings which included the Codex Committee on Food Hygiene, which would discuss the development of new Guidelines for the Control of Nontyphoidal *Salmonella* spp. in Beef and Pork, and revision of the General Principles of Food Hygiene and its HACCP annex.

2.22. Codex also introduced the successor initiative to the existing Codex Trust Fund, explaining that the current Trust Fund would expire in December 2015 and that the parent organizations of

Codex had decided to start a successor initiative in 2016. Codex appealed to WTO Members to contribute and support the successor initiative, while underscoring the important role of the current Trust Fund in enabling and training Codex members to effectively participate in its meetings, both in terms of quantity and quality. Codex drew Members' attention to Article 3 of the SPS Agreement which called for the active involvement of WTO Members in Codex work. Codex further explained that the successor initiative would not only build on the work of the current Trust Fund, but it would also shift focus of the Fund from supporting the physical participation of members in Codex meetings, to building sustainable national capacity to engage in Codex work. The successor Fund would last another 12 years and would achieve its focus by engaging in multi-year projects that were tailored to meet the specific needs of countries. Codex emphasized that investment in the national capacity of countries contributed to having truly global food safety standards that benefit all. Finally, Codex requested Members to assist in disseminating information on its call for action event which would take place on 18-19 November in Geneva, in order to mobilize all stakeholders and supporters of the initiative.

2.23. Morocco reiterated the important role of the Codex Trust Fund in allowing LDCs to participate in Codex activities and urged developed and donor countries to support the initiative.

2.2.2 IPPC

2.24. The Chairperson drew attention to a written report submitted by IPPC (G/SPS/GEN/1459).

2.2.3 OIE (G/SPS/GEN/1438 and G/SPS/GEN/1440)

2.25. The OIE provided information on the relevance of the OIE standards and related procedures in relation to two recent WTO disputes (G/SPS/GEN/1438). In addition, the OIE updated the Committee on developments in the OIE standard-setting work programme (G/SPS/GEN/1440), including an update on the recent meetings of specialist commissions and the development of glossary definitions for OIE standards and guidelines. The OIE further reported on its work to develop criteria on the definition of safe commodities, as well as the ongoing revision of the current *Terrestrial Code* chapter on African swine fever and *Burkholderia Mallei* (Glanders). In terms of upcoming activities, the OIE indicated that it would start work on developing definitions and standards on zoning, vaccination, vaccination programmes, emergency vaccination and routine vaccination. The OIE further noted that there was much work to be done in standards development to assist the application of vaccinations, which was increasingly being used as an effective disease control tool. The OIE concluded by updating the Committee on the Global Health Security Agenda High Level Meeting which took place in Korea in September 2015.

2.26. The United States expressed appreciation for the information provided by the OIE in G/SPS/GEN/1438, which illustrated how the OIE's standard setting activities helped resolve trade disputes and facilitate safe trade in live animals and livestock products. The United States highlighted several aspects of the paper that were particularly relevant to the effective functioning of the SPS Agreement. These aspects included, among others: the implementation of adopted standards and participation in the development of these standards; access to expertise and knowledge of scientists from the OIE's global network of reference centres and laboratories; and development of standards and guidance on regionalization.

2.27. Argentina also extended appreciation for the work of the OIE in relation to safe trade and animal health, while underscoring the important role played by the OIE in developing scientifically sound and transparent standards, as well as in the evolving process of standard-setting. The European Union thanked the OIE for its document (G/SPS/GEN/1438) and more broadly for its work in establishing standards for animal health and safe trade which brought clarity and predictability to the process. The European Union further underscored its commitment to providing financial assistance to the OIE in order to facilitate broad participation of developing countries in the OIE's work. The European Union encouraged Members to use the OIE standards actively, in particular the standards on regionalization, which facilitated trade by ensuring measures were limited to what was necessary and justified.

2.28. In response, the OIE thanked the delegates for their positive comments and recalled that the OIE was a member-driven organization which welcomed the participation of its members.

3 SPECIFIC TRADE CONCERNS

3.1 New issues

3.1. Before the adoption of the agenda, Senegal withdrew two new Specific Trade Concerns which had been included on the proposed agenda for the meeting, indicating that good progress had been made in bilateral talks. These were its concerns regarding: (i) access to the Lebanese and Tunisian markets for mangoes; and (ii) access to the Russian market for cherry tomatoes (G/SPS/GEN/1451).

3.1.1 India's amendment to its import policy conditions for apples; Restriction to Nhava Sheva port – Concerns of Chile and New Zealand

3.2. New Zealand raised concerns regarding India's amendment to its import policy that limited the entry of apple imports to the Nhava Sheva Port of Mumbai, with all other ports consequently closed. Historically, New Zealand's apple exports had been able to enter India through six ports and as result, the process of restricting entry to only one port had caused congestion. New Zealand further observed that this measure had neither been notified to the WTO nor was justified and was in breach of Articles 5 and 7 of the SPS Agreement. While New Zealand thanked India for the bilateral discussions to date, it also urged India to notify its amended measure to the WTO and to provide the rationale for its decision to limit port access, as well as the time-frame for this measure.

3.3. Chile shared New Zealand's concerns and further requested India to provide the reasoning and scientific basis for only allowing apple imports from a single port. In addition, Chile requested an explanation of the rationale regarding: the absence of a notification to the WTO, in conformity with Article 7 and Annex B; compliance with Article 8 and Annex C; and the justification for applying an emergency measure in relation to Articles 5.4 and 5.5 of the SPS Agreement.

3.4. The United States and the European Union supported this concern, emphasizing the need for clarification of the objective of the measure and urged India to notify the measure immediately. The United States noted that given the urgency of the announcement and the restrictiveness of the measure, it was left to speculate that the measure had been implemented due to an SPS concern. The United States was concerned that the single port in India could not meet the storage and infrastructure requirements required to handle the volume of US apple exports to India expected this year. Similarly, the European Union indicated concerns about the potential increase in transportation costs. The United States requested that India provide a cogent explanation of its reasons consistent with its WTO obligations for resorting to this action.

3.5. India had indicated at the beginning of the meeting, when the agenda was adopted, that it would not respond to this concern, as it was not an SPS-related issue. After Members expressed their concerns, India reiterated that the measure in question was not an SPS measure and as such, could not be in violation of the SPS Agreement. India emphasized that the agricultural nature of the products covered did not automatically make the measure itself an SPS measure, as defined in Annex A of the SPS Agreement.

3.6. Chile noted that in situation such as this one, a Member could place on record its view that a measure on which a specific trade concern had been raised was not covered by the SPS Agreement. It was not necessary to raise this before the adoption of the agenda. Chile further indicated that a response such as India's was legitimate and asked that the response be included in the record. In addition, Chile queried whether the measure would fall under Import Licensing or another agreement.

3.1.2 Viet Nam's restrictions on fruit due to fruit flies – Concerns of Chile

3.7. Chile expressed concerns about Viet Nam's restrictions on its horticultural products due to fruit fly. In August 2015, Viet Nam had informed Chile of its suspension of fruit imports, as Chile was not recognized as free of fruit flies and would not regain its status until Viet Nam was able to carry out a PRA. Chile explained that since 1980, it had operated a fruit fly programme administered by the National Plant Protection Organization (NPPO), through which Chile maintained the National Fruit Fly Detection System (SNDMF). SNDMF ensured that Chile was free

from the Mediterranean fruit fly and from other exotic fruit flies of economic significance, based on the IPPC guidelines. Chile had eradicated fruit flies from each of the outbreak areas for three biological life cycles of the insects. Currently, there were two Mediterranean fruit fly outbreaks in Chile, for which a timely corrective action plan had been initiated to achieve eradication. Chile indicated that since it had taken action to eradicate the pest, there had been no exports of fruit from the pest-infected areas and all fruit exports were inspected prior to shipping. As such, Chile considered Viet Nam's measure to be disproportionate and without scientific basis, and urged Viet Nam to comply with the SPS Agreement, in particular with Articles 2.2, 2.3, 3, 5.4, 5.5, 5.6 and 6. Finally, Chile thanked Viet Nam for the bilateral discussions held and expressed its willingness to continue to address the issue in a positive manner.

3.8. Viet Nam replied that the temporary suspension of issuing import permits, due to Mediterranean fruit flies, was aimed at protecting Viet Nam's plant health from risks arising from pests. Chile had experienced outbreaks of Mediterranean fruit flies from March to May 2015. In October 2014, Viet Nam's Ministry of Agriculture and Rural Development had published the list of pests, where fruit flies had been assigned to quarantine pest group 1. This group listed high risk pests that had never been previously introduced into Viet Nam. The Circular had been notified to the WTO (G/SPS/N/VNM/63 and G/SPS/N/VNM/63/Add.1) and Viet Nam further noted that the temporary suspension was aligned with ISPM 11. Although Viet Nam had sent official letters to Chile requesting more information on the outbreaks in order to carry out a PRA and other regulatory quarantine procedures, Viet Nam had not yet received adequate information to start the process. Viet Nam requested that Chile work closely with the competent authorities in Viet Nam to resume the discussions.

3.1.3 Viet Nam's restrictions on plant products – Concerns of Chile

3.9. Chile raised a concern on Viet Nam's restrictions on the entry of kiwis, apples, cherries and grapes. Chile explained that it had a history of exporting fruits to Viet Nam and that during that time it had never received notifications of detected pests in its exported products. Since 2011, Chile had been submitting phytosanitary information on these fruits in order for Viet Nam to develop pest risk analyses (PRAs). Two regulations, among others, had been subsequently notified by Viet Nam in 2014 (G/SPS/N/VNM/53 and G/SPS/N/VNM/56), which outlined new regulations for PRAs. In February 2015, Viet Nam shared the PRA for Chilean fruit products but Chile noted several inaccuracies in the document, related to the listed pests. Chile subsequently requested that Viet Nam provide responses to its comments, as well as confirmation that exports of the four fruits could continue while the respective PRAs and a bilateral agreement for conditions of exports were being completed. Inspectors from Viet Nam were subsequently invited to perform a verification of the production and export systems of Chilean fruit products. However, in the same month, Chile received Viet Nam's response to its comments with a 60-day deadline to respond. In particular, Chile was concerned about the new measures which required radiation treatment of fruit, as this had never been required in the history of its trade with Viet Nam or by any other Member. Chile asked Viet Nam to consider its commitments under the SPS Agreement and expressed its willingness to continue bilateral discussions in order to agree on new measures that would provide appropriate phytosanitary security without affecting normal trade.

3.10. Viet Nam responded that it was revising its regulations in order to comply with international practices. It had circulated G/SPS/N/VNM/53 and G/SPS/N/VNM/53/Add.1 in order to notify Members about the Circular from Viet Nam's Ministry of Agriculture and Rural Development regarding the list of regulated articles and regulated articles subject to PRA, prior to importation into Viet Nam. Viet Nam noted that import permits would continue to be issued for commodities that had historic trade to Viet Nam and that Chilean export of vegetables for human consumption had been authorized, and were not impacted by this regulation. Viet Nam highlighted that the PRA had already been completed and that it was awaiting Chile's response. Viet Nam further indicated its willingness to discuss and resolve any issue arising from implementation of the new regulation.

3.1.4 Undue delays in the start of Australia's risk analysis for avocados – Concerns of Chile

3.11. Chile raised concerns in relation to delays in gaining market access to Australia for its avocado exports. Chile explained that in 2006, it had requested market entry requirements for avocados into Australia, which resulted in Australia placing it on List B for pest risk assessment (PRA), which is of lower priority. In 2011, Australia informed Chile that it had begun the process of

developing a PRA for Chilean avocados, and an inspection visit took place the following year. However, in 2013 Australia reported that the PRA had not started due to a lack of resources. Chile further noted that it had communicated its interest in starting the PRA on several occasions, with no progress made. Chile affirmed that it was free from major pests of economic importance for plant products and urged Australia to begin its PRA in conformity with the SPS Agreement, in particular with Articles 2.2, 5.4 and Annex C (1a).

3.12. Australia responded that it had identified over 30 pests and diseases of quarantine concern to Australia, associated with avocados from Chile. Due to the large number of pests and diseases and the complexity of the import risk analysis (IRA) work and progress, Australia could not start the formal IRA until sufficient resources were available.

3.1.5 Undue delays in Viet Nam's approval process for dairy and meat products – Concerns of Chile

3.13. Chile raised its concern regarding undue delays in Viet Nam's approval process for meat and dairy products, noting that while it had expressed interest in exporting dairy and meat products to Viet Nam from 2009, a response was only received in 2011 from Viet Nam's Official Veterinary Service requesting more information. Chile further explained that it had submitted all the necessary information, along with proposals for sanitary export certificates for the specified products in 2012. This resulted in Viet Nam approving the certificates for dairy products in February 2015. While Chile expressed its appreciation for this result, it indicated that it still had not received authorization for the list of certificates which would allow exports from the dairy sector. In relation to meat products, Chile informed the Committee that although Viet Nam had communicated its approval of 10 meat processing establishments in 2013, the approval of the respective certificates was still under review by Viet Nam. Chile outlined the various steps it had taken to provide new, updated and previously submitted information to Viet Nam based on its several requests, as recently as in July 2015. Chile underscored that while it had not received any reply during this period, it had been informed by capital officials that a recent communication had been received from Viet Nam. Chile affirmed that its animal health conditions were optimal, free from major diseases that could limit exports and that the quality of its sanitary health services guaranteed this status. Chile appreciated the positive bilateral relationship with Viet Nam and hoped that the issue would be rapidly resolved, in accordance with Articles 2.2, 5 and 6, and Annex C (1a) of the SPS Agreement.

3.1.6 Undue delays in Australia's approval process for chicken meat – Concerns of Chile

3.14. Chile expressed concerns in relation to the Australian Government's delays in approving Chilean exports of poultry products. Chile had first expressed interest in gaining access to the Australian poultry meat market in 2008, subsequent to which a formal request was submitted in June 2013 to the Department of Agriculture. Since then, Chile had taken several actions in order to gain access to the Australian market, which included reaffirming its interest in April 2014, at the request of Australia. Chile noted that it had once again indicated its interest to export poultry meat to Australia at a bilateral meeting on the Free Trade Agreement held in October 2014, following which Chile had been requested to submit information on Australian importers that would import poultry from Chile, in order to start the assessment process. Noting its optimal animal health conditions and efficient sanitary health services, Chile requested Australia to comply with the obligations of the SPS Agreement, particularly in relation to Articles 2.2, 5.4, 6, and Annex C (1a).

3.15. Australia responded that its *Generic Import Risk Analysis Report for Chicken Meat* (chicken meat IRA) for the importation of chicken meat from all countries, including Chile, had been released in 2008. The IRA recommended that the importation of chicken meat be permitted, subject to import conditions for nine disease agents of biosecurity concerns such as notifiable avian influenza virus, among others. Australia invited Chile to provide a proposed health certificate for the export of chicken meat to Australia based on the import conditions in the chicken meat IRA.

3.1.7 India's amended standards for food additives – Concerns of the European Union

3.16. The European Union raised its concerns on India's Draft Food Safety and Standard Amendment Regulation, as detailed in G/SPS/N/IND/108. The European Union welcomed the user-

friendly and simple approach to the listing of food additives in food products, as well as the hierarchical listing of food additives. However, the European Union observed that the regulation needed further clarification and improvement in several areas. The draft regulation recommended maximum levels of additives only where Codex had set such levels in the General Standard for Food Additives (GSFA). The European Union noted that the GSFA had expressly stated that a lack of reference to a particular additive or to a particular use of an additive in a food in GSFA did not imply that the non-listed additive was unsafe or unsuitable for use. The European Union further noted that the GSFA was neither complete nor exhaustive and that many Members had implemented maximum levels of additives on a scientific basis where no Codex standard existed. In addition, for wines and spirits, in the European Union's view, India had not taken into consideration the adoption of standards by other international standard-setting bodies, such as the International Organization for Vine and Wine (OIV). In this regard, the European Union outlined several steps that India could take to avoid unnecessarily disrupting trade, such as setting standards that took into account the safety of products and benefits for consumers, which were proportionate, necessary, as well as scientifically and technologically justified. The European Union requested India to take into account all of its comments, including any additional comments submitted after the 4 October deadline, and welcomed a written response from India at the earliest convenience. The European Union further urged India to notify the measure to the WTO Committee on Technical Barriers to Trade.

3.17. The United States supported the concern and highlighted that although it supported aligning food standards to Codex, the Codex standard was not designed to be a comprehensive standard for all additives commonly used in the production of wine and distilled spirits. The standard did not include some main additives commonly used in the production of these beverages. The United States indicated that it had submitted comments and urged India to take these comments into account in finalizing the measure. Chile also supported the concern and noted that it would submit comments to India.

3.18. India responded that it had notified the measure in August 2015 and had provided time for comments until 4 October 2015. India hoped that the concerned Members had submitted their comments in writing, so that the concerns could be addressed appropriately by the authorities.

3.2 Issues previously raised

3.2.1 Regulation of the European Parliament and of the Council on novel foods - Concerns of Peru (G/SPS/GEN/1444) (No. 238)

3.19. Peru reiterated its concerns on the EU proposed novel foods regulation, as notified in G/SPS/N/EU/64. Peru asserted that the proposed regulation was not compatible with Articles 5.1, 5.2 and 2.2 of the SPS Agreement, since the ban on the marketing of traditional biodiversity products was not justified by scientific evidence (G/SPS/GEN/1444). Peru observed that there was no scientific justification to require exporters to demonstrate safety of each product they wished to export to the European market and emphasized that Peru's traditional biodiversity products with high export potential were being affected by the European Union's current regulation. Peru gave the example of ornamental fish, which were of high importance for vulnerable regions of Peru and exported to over 80 countries, but would be subject to restrictions in the EU market due to this regulation. The proposed regulation did not take into account the needs of developing countries regarding access for biodiversity products and generated high barriers to trade in the European market. Peru requested that the European Union respond to the questions it had submitted. Peru invited the European Union to provide information on the upcoming vote by the European Parliament on this regulation, as well as details on the content of the project, and future steps.

3.20. Brazil, Chile, Colombia, Costa Rica, the Dominican Republic and Guatemala supported the concern and requested additional information on the scientific justification of the regulation. They also requested information on the discussions and voting process in the European Parliament, and on its adoption.

3.21. The European Union recalled that the co-legislators, European Parliament and Council, had made progress in the negotiations on the regulation and expressed hope that the novel foods legislation could be adopted in the current year. The European Union confirmed that it would hold a special information session to present the new regulation once finalized. After its adoption,

a document containing detailed guidance for applicants on the information to be presented would be prepared and subject to public consultation. In responding to the specific queries raised, the European Union indicated that it was not possible to anticipate the potential risks associated with all novel foods, production processes and methods and to address them in an all-encompassing risk assessment. 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, in accordance with Article 8 and Annex C of the SPS Agreement. The European Union noted that the proposed regulation was in line with the SPS Agreement as it was based on scientific risk assessment. In addition, the regulation complied with Article 10 on special and differential treatment because it introduced a simplified procedure for the placement of traditional biodiversity foods on the EU market, once their history of safe use in third countries had been demonstrated if no safety concerns based on scientific evidence had been raised. The European Union queried Peru's example of ornamental fish, which was not considered food in the European Union. In addition, the European Union highlighted that Peru currently exported ornamental fish to the European Union on a regular basis.

3.22. Peru commented that the regulation would limit its exports to the European Union and requested that Peru be informed ex-ante and not ex-post on this issue. The European Union indicated that information would be provided on the final text and on the practicalities of the regulation, once available. The European Union underscored the objective of the regulation which was to shorten and simplify the current process, especially for traditional foods.

3.2.2 Chinese import regime, including quarantine and testing procedures for fish - Concerns of Norway (No. 319)

3.23. Norway raised concerns on China's new import control regime for Norwegian seafood, which included extensive testing for up to 40 substances and resulted in a prolonged quarantine period for consignments and increased costs. This regime applied not only to salmon, but to all kinds of seafood from Norway, leading to a severe reduction in trade. Norway indicated that it had not received adequate information from China, despite submitting several requests through various diplomatic channels over the last six months. In addition, Norwegian food safety authorities had not received any reports on findings that could warrant such an increase in testing. While supporting the right of Members to implement food safety measures, Norway was of the view that the changes in import control routines had not been implemented in a transparent, predictable and non-discriminatory manner. Norway requested China to provide qualified information on its import control and quarantine procedure regimes as soon as possible. In-depth bilateral technical consultations with China would be necessary to address the full range of food safety issues regarding seafood trade, and Norway was willing to work with China to address this issue.

3.24. China explained that it had provided a detailed explanation and clarification during the last Committee meeting and invited Norway to recall the minutes of the last meeting. China further expressed its willingness to continue to work with Norway on this issue.

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

3.25. China raised its concern regarding the US regulation on Mandatory Inspection of Catfish and Catfish Products, which transferred the regulatory food safety oversight of catfish from FDA to the Food Safety Inspection Service (FSIS) of the United States Department of Agriculture (USDA). The 2014 US Farm Bill had extended the product range covered through this transfer from catfish to all Siluriformes fish. China observed that the USDA had previously been responsible for meat, poultry and processed eggs, while FDA had been in charge of other food products, including aquatic products. As such, China queried the application of terrestrial animal meat inspection procedures to aquatic products, highlighting that this approach was without precedent worldwide. China further noted that there was no evidence showing that Siluriformes fish posed a higher food-borne risk than other aquatic products and thus queried the rationale for changing the regulatory responsibility from FDA to USDA only for Siluriformes fish instead of all aquatic products. In addition, China believed that the US measure was not based on a scientific risk assessment in accordance with Article 5.1 of the SPS Agreement. China noted that the distinction between Siluriformes fish and other aquatic products could also result in a disguised restriction on international trade and as such, China urged the United States to base its regulation on relevant international standards or on a scientific risk assessment.

3.26. The United States replied that its measure had been published in February 2011 and notified to the SPS Committee in G/SPS/N/USA/2171. In particular, the United States noted the previous exchanges with China regarding the statutory details that underpinned this proposed rule, which remained unchanged. FSIS would continue to work to finalize its rule on fish inspection. The United States assured Members that it had closely reviewed the comments provided by its trading partners and that the final rule would be consistent with its international obligations.

3.2.4 The Russian Federation's import restrictions on processed fishery products from Estonia and Latvia – Concerns of the European Union (No. 390)

3.27. The European Union reiterated its concerns regarding the Russian Federation's restrictions on imports of all fishery products from Estonia and Latvia, allegedly due to deficiencies in the safety systems. The European Union stated that the measure had been notified a month after implementation as an emergency measure. This was inconsistent with the SPS Agreement and in contravention of the Russian Federation's WTO accession commitments, which included not to suspend exports from groups of establishments without first having provided the technical information and scientific justification of the risks detected, and not to take such measures before the expiry of the timeframe provided for the adoption of corrective measures. The Russian Federation had not presented a risk assessment or provided evidence of immediate risk to consumers caused by deficiencies in the control systems of Estonia and Latvia, which had been regularly inspected by the Russian Federation in recent years without having identified any major problems. The European Union highlighted that Article 2.1 required that measures taken to protect human, animal or plant life or health must be consistent with the provisions of the Agreement. In addition, the European Union recalled that Articles 2.2 and 5.6 required measures to be based on scientific evidence and not to be more trade restrictive than necessary. Furthermore, the Russian Federation had adopted the ban just one day after the submission of the preliminary report of the audit to the competent authorities, in contrast with the reasonable time commitment it made prior to its accession. The comments provided by Latvia and Estonia on the audits had not received a response by the Russian Federation, more than three months after the submission. The European Union indicated its willingness to cooperate with the Russian Federation on this issue and requested the Russian Federation to lift the ban, bring its measures in line with international standards, and respect its WTO obligations.

3.28. The Russian Federation responded that it was justified in imposing temporary restrictions on fishery products from Latvia and Estonia. Upon inspection, the Russian authorities found that Latvia and Estonia were unable to produce safe products that complied with requirements from both importing and exporting countries. Therefore, the Russian Federation had concluded that the guarantees provided by the EU veterinary services were not reliable. Many of these products had continued to be marketed and exported to the Russian Federation, which called for another round of inspections. The Russian Federation was cooperating with veterinary services of Latvia and Estonia to objectively assess the safety systems of fish processing establishments. Comments on the preliminary report had been received, but Latvian and Estonian authorities could not show that the withdrawal of potentially hazardous products was timely and effective enough. The Russian Federation was concerned that trading partners were not being informed about product safety problems. The temporary restrictions were in compliance with the international Eurasian Economic Union legal framework and with international standards. Before imposing the restrictions, relevant information had been published on the official website and consultations had been held with Latvian and Estonian authorities. Final reports of the inspections had just been sent to the veterinary services. The Russian Federation asked Latvia and Estonia to carry out their own inspection of the establishments and of their compliance with the Eurasian Economic Union veterinary requirements. The competent authorities of Latvia and Estonia had indicated that they did not oppose the Russian Federation's decisions and the EU representatives had agreed that the certification of products from Latvia and Estonia to Russia should be suspended. However, certification had not been suspended. Nevertheless, the Russian Federation was ready to find a solution on this issue.

3.29. The European Union replied that some of the information which had been provided by the Russian Federation contradicted EU information, reiterating that no major problems had been found in the numerous inspections held by the Russian Federation. Furthermore, the European Union indicated its concern with the statement that the EU had voluntarily agreed to suspend the certification of products from Latvia and Estonia, which did not reflect the EU information.

The European Union reiterated the transparency of its own information and urged the Russian Federation to repeal its measures.

3.2.5 Chinese Taipei's import restrictions on Japanese foods in response to the nuclear power plant accident - Concerns of Japan (No. 387)

3.30. Japan reiterated its concerns over the import ban imposed by Chinese Taipei on food from five Japanese prefectures after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station, as well as over the strengthened import restrictions imposed since 15 May 2015. Japan stressed that although an incident where some Japanese food products had been imported with false labelling was unfortunate, it should be clearly distinguished from the import ban. Japan noted that Chinese Taipei's import restrictions were not based on scientific evidence. Japan also questioned the extent to which Japan's treatment of radioactive contaminated water was relevant to food safety in this situation. With regard to alleged consumer concerns in Chinese Taipei about Japanese food safety, Japan noted that there had been a steady increase in food imports from Japan by Chinese Taipei over the past three years. Japan requested that Chinese Taipei complete its risk assessment and immediately remove its measures, even if on a step-by-step basis. Japan also expressed hope that bilateral consultations would result in a mutually acceptable solution.

3.31. Chinese Taipei confirmed the continued temporary suspension of inspection applications for food produced in the Fukushima and four other nearby prefectures since March 2011. According to information published by Japan, food products were still found to have radioactive residues and, in July 2015, several cases had been confirmed to have levels exceeding the tolerance levels proposed by Japan. Chinese Taipei reiterated its commitment to bilateral efforts to find a solution to this matter.

3.2.6 China's import restrictions on Japanese foods in response to the nuclear power plant accident - Concerns of Japan (No. 354)

3.32. Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station. Japan recalled that despite raising this concern in each Committee meeting since March 2014, no progress had been made. Japan regretted that China maintained a ban on products from ten prefectures without considering the additional information provided on pre-test certificates in June 2011. Japan stated that since then no substantive response from China indicating the scientific justification of the ban had been received. Japan also questioned the duration of the risk assessment currently being conducted by China, which was taking too long. In September 2015, Japan had sent an official request to China requesting clarification and justification of its measures in light of the provisions of the SPS Agreement. Japan strongly urged China to complete its risk assessment and respond to the official request to facilitate progress on this concern.

3.33. China stated that it had provided a detailed explanation and clarification at the last meeting of the Committee. China was currently conducting a risk assessment on the latest status of nuclear pollution and would adjust its measures according to the results.

3.2.7 EU revised proposal for categorization of compounds as endocrine disruptors – Concerns of Argentina and the United States (No. 382)

3.34. The United States recalled its concerns about the EU "roadmap" which outlined possible options for defining criteria to identify endocrine disruptors, specifically as they related to plant protection products. It thanked the European Union for its report of the public consultation held in Brussels in July 2015 (G/SPS/GEN/1448) but questioned the scientific evidence underlying the options, and the consideration of any hazard-based "cut off" option instead of risk from actual exposure. It encouraged the European Union to share information on the methodology used in developing EU member States' impact assessments. The United States requested that the European Union recognize risk-based endocrine programmes developed by other countries. It also requested that the European Union keep the Committee informed of relevant developments, and encouraged the European Union to publish the draft legislation, once developed, including any risk and impact assessments carried out.

3.35. Argentina shared the US concern and reiterated that future actions should be taken on a case-by-case basis and based on solid scientific evidence after appropriate risk assessment. Special attention should be given to minimizing adverse impacts on international trade and especially on trade in agricultural products, but also to minimizing socioeconomic losses in commodity-producing countries, in particular developing countries. Argentina also thanked the European Union for its report of the consultation and requested that the rest of the process be conducted in a transparent manner inclusive of all relevant stakeholders.

3.36. Brazil, Burkina Faso, Canada, Chile, China, Colombia, the Dominican Republic, Egypt, India, Jamaica, Kenya, Madagascar, Malaysia, Mexico, Nigeria, Paraguay, Peru, Senegal, Sierra Leone and Viet Nam also spoke about the revised EU proposal on endocrine disruptors. They encouraged the European Union, *inter alia*, to follow a risk-based approach, adhere to relevant international standards and to keep informing the Committee of any relevant developments.

3.37. The European Union recalled that it was currently conducting an all-inclusive impact assessment, including impacts on international trade. The European Union also noted that all the relevant information about the impact assessment had been made available on their website. The European Union recalled that two studies were being conducted, one on the identification of the endocrine disruptors and another on the assessment of impacts. Once, and if, a legislative proposal were eventually to be made, it would be notified to the Committee and comments from Members would be taken into account before adoption of the final regulation.

3.2.8 EU proposal to amend Regulation (EC) No. 1829/2003 to allow EU member States to restrict or prohibit the use of genetically modified food and feed (G/TBT/N/EU/284) – Concerns of Argentina and the United States (No. 396)

3.38. Argentina again raised concerns about this amendment, notified in G/TBT/N/EU/284, which would allow EU member States to restrict or prohibit the use of genetically modified food and feed approved at EU level. Currently, member States had the right to restrict or prohibit imports of such products when there was scientific proof that they represented a risk for health or for the environment. The new EU proposal would allow EU member States to ban or restrict the use of these products without requiring scientific evidence. In the past, the European Union and its member States had attempted to justify restrictions on use of GMOs for scientific reasons, without success. This new proposal could be considered as an alternative way to reach the same objective. The measure would enable EU member States to create unnecessary barriers to international trade. It would also introduce unpredictability in commodity trade, and would affect the single market and the free movement of goods in the European Union. In this regard, Argentina recalled a recent statement by the Committee on Agriculture of the European Parliament stating that this measure should be compatible with the international obligations of the European Union in the WTO and Article 34 of the Treaty on the Functioning of the European Union (TFEU), which prohibits quantitative restrictions on exports between EU member States and all measures having equivalent effect. Argentina requested the European Union to withdraw the draft amendment and implement the current EU legislation on authorization and approval of GMOs throughout the entire European Union in accordance with multilateral rules.

3.39. The United States shared Argentina's concerns and requested clarifications on the status of the proposal within the relevant EU bodies. The United States reported that on 3 September 2015 the European Parliament's Agriculture and Rural Development Committee (ComAgri) rejected the European Commission's proposed national 'opt out' system for genetically engineered imports. ComAgri also urged the Parliament's Environment, Public Health, and Food Safety Committee (ComEnvi) to reject the proposal. The United States requested more information on the review procedure of ComEnvi as well as about the status of an impact statement and legal opinion to be developed by the European Commission on the behest of the European Parliament. The United States appreciated the EU efforts to keep the SPS Committee apprised of actions related to its regulations on approvals of genetically engineered products, including with respect to Commission withdrawal of its current proposal and any subsequent actions, such as consideration of alternative proposals that the Commission may or may not undertake. Finally, the United States recalled the EC-Biotech (2006) dispute, in which the DSB had found that nine EU member State bans of biotech products approved at the EU level were inconsistent with the European Union's obligations under the SPS Agreement. Yet some EU member States had maintained such bans, and adopted new ones. The United States urged the European Union not to adopt the proposal.

3.40. Brazil, Canada, Paraguay and Uruguay also shared this concern, emphasizing the measure's potential negative effect on trade and seeking additional information.

3.41. The European Union explained that the proposal was not an SPS measure. It had no relation to the protection of life or health, since restrictions linked to health risks or to the environment were excluded. As a consequence, the measure did not fall under the scope of the SPS Agreement and therefore it had been notified under the TBT Agreement. The European Commission would reply to the comments received from WTO Members via the TBT channels. The European Union indicated that it had complied with its transparency obligations by notifying the legislation, which clearly indicated that EU member States could not invoke considerations linked to risks to health or protection of the environment as justification to impose a ban or a restriction on GMOs approved at the EU-level.

3.2.9 China's proposed amendments to the implementation regulations on safety assessment of agricultural GMOs (G/SPS/N/CHN/881) – Concerns of the United States (No. 395)

3.42. The United States again raised concerns with China's Proposed Amendments to the Implementation Regulations on Safety Assessment of Agricultural Genetically Modified Organisms, which amends the requirements for the safety assessment for genetically engineered products (notified as G/SPS/N/CHN/881). The United States appreciated the extensive and productive bilateral meetings held with Chinese authorities since the July 2015 Committee meeting. The United States also welcomed China's reaffirmation of the importance of implementing timely, transparent, predictable, and science-based approval processes that were based on international standards, as well as China's commitment to revise and improve its regulation based on comprehensive consultations with domestic and international stakeholders and to enhance its capabilities in safety administration and safety approval of agricultural biotechnology products. The United States noted again that there were 24 products pending at various stages in China's regulatory process – including seven poised for final adoption that had been pending as long as since 2010, and requested that China approve these products in a timely and expeditious fashion. The United States thanked China for its engagement and commitments to resolving this process.

3.43. Paraguay shared this concern about the inclusion of socio-economic aspects in the Chinese risk assessment process for GMOs, contrary to Article 5 of SPS Agreement and to the guidance of the relevant international organizations. Paraguay stated that the measures, which went beyond scientific principles, could lead to arbitrary or unjustified distinctions, and that the inclusion of these elements could undermine the production of safe food. Paraguay therefore requested China to reconsider the amendments to the regulations.

3.44. China replied that the changes to its regulations aimed to enhance the management of safety evaluations for agricultural GMOs in response to the rapid development of biotechnology and social and environmental concerns. The draft version of these management measures had been notified on 2 June and had been open to comments until 1 August 2015. China received comments from Australia, Brazil, Canada and the United States. China thanked Members for their comments and was now in the process of reviewing and analysing them. Feedback to Members would be provided through the proper channels. China assured Members that, in line with the relevant requirements of the SPS Agreement, China's agricultural GMOs safety evaluation would be based on science, taking into account the relevant economic factors. China remained ready to continue bilateral discussions and consultations with interested Members on this issue.

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

3.45. India recalled its concerns regarding the EU withdrawal of equivalence for processed organic products, which had previously been recognized since 2006. 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 noted that no processed organic products containing imported ingredients were exported to the European Union, and again requested that the equivalence recognition be restored, since it had withdrawn the 2012 guidelines that would have permitted use of certain imported ingredients.

3.46. Chile stated that it had a similar agreement with the European Union; however it was clear this issue was related to TBT measures rather than SPS measures.

3.47. The European Union restated its opinion that India's concern was not under the purview of the SPS Committee and expressed willingness to continue bilateral discussions with Indian authorities in the appropriate framework as demonstrated by the discussions that had taken place in India earlier in October 2015.

3.2.11 Mexico's measures on imports of hibiscus flowers – Concerns of Nigeria (No. 386)

3.48. Nigeria restated its 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 significant losses in some cases. Nigeria also expressed further concern that sesame had now been included in the list of validation requests from Mexico. Nigeria thanked Mexico for the bilateral meeting on the margins of the Committee meeting and for reassurances of Mexico's efforts to resolve this issue as soon as possible. Nigeria stated that it was prepared to utilize the procedures for good offices of the Chairperson as contained in G/SPS/61 should its concerns remain unaddressed by Mexico.

3.49. Burkina Faso echoed Nigeria's concern as a producer of hibiscus and in the interest of facilitating trade of this product. Senegal also shared the concern, noting the importance of following guidelines for documentation and certificates to prevent any delays.

3.50. Mexico noted that at the outset the issue had been that false SPS certificates had accompanied hibiscus shipments from Nigeria. Both countries had exchanged documentation and had decided to improve communication and coordination at the national level, set up contact points and seek out the best way to address the concerns raised. Mexico also noted that hibiscus trade had not been stopped entirely. Delays had been due to the review and validation of the certificates.

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

3.51. India restated its concerns about the high cost of certification for mango exports to the United States. Since April 2007, India had been granted access to export mangoes to the United States on the basis that its mangoes would first be irradiated, under the supervision of US inspectors. India noted the high cost of certification that it had to bear, which amounted to approximately 12% of the FOB costs per metric ton of mangoes exported to the United States. India recalled that in a bilateral meeting held in March 2015, the United States had offered the possibility of irradiation upon arrival, and India had requested circulation of the corresponding draft work plan.

3.52. The Dominican Republic shared India's concern and considered the best option for a solution was to require treatment of the mangoes upon entry into the United States. Brazil also shared India's concern and noted that US inspections had nearly double the cost of those conducted by Brazilian inspectors. Brazil stated that India's options presented a good basis to begin discussions on a potential solution.

3.53. The United States confirmed that India had exported mangoes every year since the market was opened in 2007, and the value of those exports had risen to reach nearly US\$2 million in 2014. The United States recalled the two options that had been discussed in March 2015: (i) expansion of the current irradiation programme by resolving the substantial deficiencies of the new irradiation facilities in Vashi and Innova; and (ii) irradiation upon arrival in the United States. Additional information on the second option had been sent to India in June 2015. The United States welcomed further engagement with India to resolve these concerns and would plan a second visit when India's facilities were ready for certification. The United States noted that only the irradiation facility at Nasik was currently certified. The United States looked forward to continue discussions on this issue with India and any other interested trading partners.

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

3.54. India recalled its concern regarding the EU ban on exports of mangoes and four types of vegetables, on the grounds of the increasing number of interceptions of harmful pests and organisms since May 2014. The ban on mangoes had been lifted in February 2015; however the ban on vegetables continued. India had shared an action plan in August 2015 with the European Union related to the four remaining vegetables included in the ban but had yet to receive a response. India requested the European Union to review the action plan and the report of the EU audit to facilitate removing the ban as soon as possible.

3.55. The European Union confirmed that its measures had been introduced on 24 April 2014 to prevent the introduction of harmful organisms. The European Union explained that the ban on mangoes had been lifted in February 2015 based on the positive feedback received after the visit of EU inspectors and the confirmation from the Indian competent authorities that they would apply a specific phytosanitary treatment on mangoes before exportation. Despite the progress made, many interceptions of harmful organisms were still occurring. These repeated interceptions raised concerns over the effectiveness of India's phytosanitary export system. The European Union recalled that the measures were temporary and would be reviewed before the end of 2015 on the basis of the evolution of import interceptions and the guarantees provided by the Indian competent authorities.

3.2.14 Costa Rica's suspension of the issuing of phytosanitary import certificates for avocados – Concerns of Mexico (No. 394)

3.56. Mexico again raised concerns regarding the emergency measure taken by Costa Rica's phytosanitary service in April 2015 through resolution DSFE 03-2015, notified to the WTO under G/SPS/N/CRI/160, G/SPS/N/CRI/160/Add.1 and G/SPS/N/CRI/162. Costa Rica had temporarily suspended the issuing of import certificates for avocados of various origins because of the supposed presence of the sun blotch viroid in imported avocados. Costa Rica had affirmed that the nature of the problem was urgent, but according to Mexico there was no international regulatory basis for this view. Indeed, the fact that Costa Rica had declared that its territory was free of a pest could not be a basis for the implementation of the emergency phytosanitary measure. The consequence was a complete interruption of trade, and Mexico did not believe that the measure was legitimate. In Mexico's view the measure was in breach of the SPS Agreement and the SPS Chapter of the Free Trade Agreement between Mexico and Latin America. Mexico requested that Costa Rica immediately remove the ban and respond in writing to questions it had submitted. Mexico viewed the measures imposed by Costa Rica as a negative precedent for the application of SPS measures without adherence to international standards.

3.57. The United States shared this concern and worried that this suspension on issuing import permits for avocados from eight countries and Florida was part of a larger attempt to use SPS measures to protect sensitive domestic industries. In the US view, the measure also raised concerns regarding its consistency with international standards and guidelines, its scientific justification and its level of trade restrictiveness.

3.58. Costa Rica reaffirmed its commitment to transparency and to the multilateral system. It referred to measures taken to protect the country from the virus and repeated that this pest could cause considerable damage to the phytosanitary status of its crop. Studies carried out in 2014-2015 by its SPS authorities had established that Costa Rica was free from the virus. Costa Rica indicated that Mexico was its main provider of avocados and had reported the presence of the pest, which demonstrated an imminent risk. The current measure was temporary, and a risk assessment was under way. Costa Rica remained open to dialogue regarding the implementation of its SPS measures.

3.2.15 Malaysia's import restrictions on plants and plant products – Concerns of Brazil (No. 294)

3.59. Brazil again raised concerns related to Malaysia's import restrictions on plants and plant products due to a regulation on South American leaf blight disease. Since 2010, when the issue had been raised for the first time, the measure had remained unchanged on the basis that it was consistent with Asia and Pacific Plant Protection Commission (APPPC) phytosanitary standards.

Brazil recalled that the regulation had no scientific justification and increased exporting costs through unnecessary laboratory analysis. In 2009, FAO had completed a pest risk analysis and no risks to Malaysia had been identified. A bilateral meeting had been held in the margins of the Committee meeting and would be followed by another one in Kuala Lumpur.

3.60. Malaysia reported that it was reviewing import conditions on South American leaf blight disease and welcomed its bilateral discussions with Brazil on this matter.

3.2.16 US proposed rule for user fees for agricultural quarantine and inspection services – Concerns of Mexico (No. 388)

3.61. Mexico recalled its concern on an APHIS proposed rule for user fees for agricultural quarantine and inspection services. Higher transportation costs would result in higher prices for customers, threatening the livelihood of small-scale producers. In Mexico's view the measure violated the GATT, MFN principle, as well as Article 8 and Annex C of the SPS Agreement. Mexico requested an update on the draft regulation and urged the United States to take Members' comments into account as well as to comply with the transparency provisions of the SPS Agreement.

3.62. The United States explained that the rulemaking process was still ongoing and that Mexico's comments would be considered before any decision was taken.

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

3.63. India restated its concern that the United States did not accept the OIE categorization of India as a negligible risk country for BSE. India had shared its OIE dossier with the United States, but had not received any response yet. India urged the United States to carry out the assessment in accordance with OIE standards.

3.64. The United States reiterated its commitment to align its import regulations governing BSE with that of OIE guidelines as reflected in USDA APHIS final rule published in 2013. It was currently reviewing India's OIE dossier, and the result would be published and public comments welcomed.

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

3.65. The European Union reiterated the importance of this long-standing concern and again urged all Members to align their BSE requirements with OIE standards. The European Union recalled also the international obligations of WTO Members and its own high level of transparency towards other countries by providing technical information about the EU animal health and food safety system. The European Union re-stated that science on BSE is indisputably clear to allow safe trade of many products and regretted, once more, the fact that many countries never provided a risk assessment justifying their deviations from international standards. The European Union looked forward to progress made with regard to the United States and welcomed the beginning of exports from one EU member State to China. The European Union also urged China to complete the procedures that would allow beef imports from all other interested EU member States. Finally, the European Union urged Australia, Korea and Ukraine to speed up their import approval procedures.

3.2.19 China's import restrictions due to African swine fever – Concerns of the European Union (No. 392)

3.66. The European Union again raised concerns about China's bans due to African swine fever (ASF). China had imposed a ban on EU pork and pork products since February 2014 without applying regionalization, and without scientific justification or clarification on how and when it would recognize the stringent zoning measures put in place in the European Union to allow the prompt resumption of safe trade. The European Union had requested several times that China provide a risk assessment justifying the country-wide ban and the non-recognition of the

EU zoning measures, but China had failed to respond. The European Union asked China to respect its regionalization obligations under the SPS Agreement and to allow trade of safe products.

3.67. China replied that its measures were entirely based on science and safety considerations. It was a major pig producer, and as such subject to great losses in case the disease entered the country. China indicated that the measures were in line with relevant Chinese laws and regulations and stated that it needed to further evaluate the EU measures, since a number of ASF cases had still been detected in recent months in the region of Podlaskie, Poland.

3.2.20 Korea's import restrictions due to African swine fever – Concerns of the European Union (No. 393)

3.68. The European Union recalled its concerns regarding Korea's import restrictions on pork and pork products due to African swine fever (ASF) taken since February 2014. Korea had continuously received detailed information from the European Union. Korea's risk assessment process lacked clarity about the required steps and the use of information provided by the European Union, in particular on its control, surveillance and monitoring measures. The European Union called on Korea to respect its regionalization obligations under the SPS Agreement and to allow trade of safe products. The European Union also restated its availability to continue working with Korea and any other trading partners with a view to finding a rapid solution on this matter.

3.69. Korea recalled that it had banned pork and pork products from Poland since the first case of ASF was reported in February 2014, in agreement with Poland. At the request of the European Union, Korea had implemented the necessary steps to assess the current situation in Poland, and hired experts to that effect. Korea had completed its preliminary assessment after considering Poland's comments received in May 2015 and had decided to move on to the next steps. Korea requested that Poland and the European Union take proactive control measures to prevent the spread of ASF and cooperate fully to expedite the risk assessment process, which needed to incorporate a distinction between affected and unaffected areas.

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

3.70. The European Union recalled its concerns regarding India's import requirements for pork and pork products, and noted that it had been requesting for many years that India bring its measures in line with OIE standards. At the July 2015 meeting it had thanked India for the notification on its certificate for import of pork and pork products (G/SPS/N/IND/98). The European Union welcomed India's introduction of regionalization and of references to alternative requirements to the Indian laws, based on OIE and Codex standards. The European Union urged India to take its comments into account in finalizing the certificate and to allow imports quickly. The European Union requested that India provide a solid risk analysis demonstrating, for example, that the diseases included in the health certificate were transmitted by pork or pork products and that they posed a significant risk to India. The European Union asked India to make a series of specific changes to the certificates. The European Union was concerned because despite repeated requests, it had not received any scientific justification from India for deviating from the OIE standards, and because the Indian requirements would unnecessarily and unjustifiably restrict trade in safe products. The European Union requested that India notify the health certificate for imports of live pigs. The European Union welcomed future discussions to allow imports of safe products to India.

3.71. India thanked the European Union and stated that this issue demonstrated India's commitment to harmonize its regulations with international standards. India had received comments from Canada and the United States on G/SPS/N/IND/98 within the 60-day comment period. Consultations on comments received had concluded in September 2015. India explained that the veterinary certificates needed to be legally vetted, which could take time.

3.2.22 EU phytosanitary measures for citrus black spot – Concerns of South Africa (No. 356)

3.72. South Africa reiterated its concerns regarding restrictive EU import requirements on citrus fruit. EU measures on citrus black spot (CBS), implemented since 2014, were significantly more

stringent than previous ones, lacked a scientific basis, implied additional costs and had severe negative influence on South Africa's citrus industry. South Africa recalled that it had asked the IPPC secretariat to establish an expert committee in line with Article XIII of the IPPC to provide an independent science-based opinion. South Africa urged the IPPC to expedite the process.

3.73. Brazil and Zambia shared South Africa's concern, and Brazil offered support to help expedite the IPPC process so that it could be concluded with the necessary urgency.

3.74. The European Union stressed that the measures were in place to prevent the entry of CBS to EU territory. The strengthening of the requirements was the result of the risk assessment conducted by EFSA in February 2014 and the recurring number of interceptions. The European Union noted that there had been 28 interceptions in 2014 and nine in 2015. Given the circumstances, the European Union was maintaining its import requirements and would consider taking further measures. The European Union acknowledged South Africa's efforts to remedy the situation, however the efforts had not yet resulted in a sufficient reduction of interceptions. The European Union welcomed bilateral discussion between the technical bodies to resolve the matter. With regard to the work in IPPC, the European Union highlighted the importance of the terms of reference in this first ever IPPC procedure, so as to lay down a solid and legally sound foundation not only for the current dispute but also for the IPPC Dispute Settlement Procedure in general. Furthermore, the European Union signalled its being fully committed to supporting the IPPC process and that it would provide its comments on the draft terms of reference.

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

3.75. The European Union reported that specific trade concern No. 385 (General import restrictions due to highly pathogenic avian influenza) could be considered resolved as a number of Members had lifted their bans.

3.76. The Chairperson thanked the European Union and encouraged Members to continue informing the Secretariat of any resolved specific trade concerns.

3.4 Annual report in accordance with G/SPS/61

3.77. The Secretariat introduced the Annual Report on the Use of the Procedure to Encourage and Facilitate the Resolution of Specific Sanitary or Phytosanitary Issues among Members in Accordance with Article 12.2, as contained in G/SPS/GEN/1457. The report covered the period from the adoption of the procedure in July 2014 until the end of September 2015. During this time-period, no Member had requested consultations under this procedure.

4 APPLICATION OF LIMITS OF DETECTION FOR PESTICIDE RESIDUES – SUBMISSION FROM INDIA (G/SPS/W/284)

4.1. 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), presented under Other Business at the March and July meetings of the Committee. The purpose of the paper was to put into context the persistent problem faced by exporters from developing countries due to importing countries' application of limits of detection (LoDs) for these pesticides. India had observed that LoDs were being applied even for substances where Codex standards existed. India noted that Articles 2, 3 and 5 of the SPS Agreement applied in this case, and provided examples where the application of LoDs had a trade impact. The document concluded by suggesting certain steps in dealing with this issue. India also proposed two corrections to the document: (i) to delete paragraph 2.2.g; and (ii) in paragraph 2.2.f, to change from 2 mg/kg to 0.2 mg/kg the Codex prescribed levels for Chlorantraniliprole in edible offal. The Chairperson requested that India submit an Addendum to the Secretariat with the proposed changes. India remained open to suggestions on how to move forward and welcomed further discussions.

4.2. The European Union thanked India for raising this issue and expressed its view that the Committee should not embark on the task of producing guidelines on the use of LoD levels for non-registered pesticides in the importing countries, citing that the SPS Agreement, particularly article 8 and Annex C on Control, Inspection and Approval Procedures, already contained relevant and sufficiently clear provisions on this matter. The European Union also described the

EU pesticide regime and provided a number of practical examples of its application, including the mechanisms that existed under EU legislation allowing exporting countries to apply for an import tolerance of a particular pesticide on a particular food commodity, as well as opportunities for technical assistance related to pesticides and MRLs.

4.3. Jamaica supported India in calling for the SPS Committee to give further consideration to the issue of limits of detection, and to evaluate whether guidelines could be recommended to avoid importing countries resorting to default LoD levels, with a view to minimizing the adverse impact on trade.

4.4. Argentina supported the proposal and recalled that in 2007 it had submitted document G/SPS/W/211 on maximum residue levels (MRLs) for pesticides and their impact on exports of developing countries. In the document, Argentina had indicated that MRLs are sanitary measures that may affect market access. The imposition of stricter limits, without scientific justification, or on the basis of subjective concepts outside the SPS Agreement, constituted a barrier to trade. Argentina was ready to work with other Members on possible solutions to the problem.

4.5. Brazil expressed its interest in this issue and stressed the importance of adhering to the risk assessments developed by Codex and its expert committees. Brazil remained open on the way forward, while expressing its concern that the development of guidelines ran the risk of facing difficulties similar to the disclaimer discussion in the context of the currently un-adopted Catalogue of Instruments.

4.6. The United States thanked India for its submission and welcomed discussion of SPS issues of interest to Members in the Committee. It did not support the development of guidelines by the Committee given the status of other documents for which adoption had been pending for some time. The United States described its regulatory approach, the roles of its regulatory agencies, and stressed the importance of sharing experiences in the following focused areas as a potential way forward: the current challenges faced by Codex and its scientific bodies in setting international standards for MRLs; how Members addressed risk assessment, management and communication, particularly in cases where no international standards or guidance existed or a higher level of protection was chosen; the particular problems associated with the development of MRLs for minor use products for developing countries; and practices and programmes used by government officials to engage their producer associations to identify and prioritize pesticides in the context of target export markets. Lastly, the United States noted that Argentina's submission G/SPS/W/211 contained interesting ideas on ways to achieve greater transparency.

4.7. China thanked India for raising this issue in the Committee and urged Members to base their import measures in relation to pesticide residues on Codex standards, and in the absence of international standards, on science-based risk assessments. China supported in-depth discussions on this issue to ensure that Members' import measures did not constitute unnecessary barriers to international trade.

4.8. Japan associated itself with the statements of the European Union and the United States in that it was not in favour of developing guidelines. The issue raised by India was highly complex and required multi-dimensional consideration. Japan described its 2005 positive list system for agricultural chemical residues in food, and explained that for unknown agricultural chemicals without MRLs, a limit of 0.01 ppm was set based on relevant evaluations, including the ones conducted by scientific committees associated with international organizations. This had enabled domestic distribution of foods containing agricultural chemicals which were not used in Japan and without established MRL, as long as the levels of such chemicals were below the 0.01 ppm limit. Japan also requested a correction to the default limit in para. 2.2.d of document G/SPS/W/284, which should read 0.01 ppm instead of 0.001 ppm.

4.9. Belize, Canada, Chile, Côte d'Ivoire, the Dominican Republic, Ecuador, Kenya and Nigeria also shared the concerns, emphasizing the need for more exchange and discussion. Australia agreed elements of the paper merited further discussion and said it was open to a future thematic discussion on pesticide issues.

4.10. Codex highlighted that where no MRLs existed, Members should provide data to the relevant scientific bodies to support the elaboration of a Codex standard. Sustainable funding to support

scientific advice was also key in this area. Codex reminded the Committee that its standards were voluntary and only became compulsory once written into legislation.

4.11. India thanked Members for their interventions and clarified that the examples highlighted in G/SPS/W/284 illustrated cases of MRLs fixed at LoD, not STCs raised in the Committee. India appreciated Members' explanations of their pesticide regimes and called again upon Members not to resort to LoDs where there was no international standard. In India's view, the rationale provided by some Members for why work on this topic should not continue was insufficient. India looked forward to continued robust technical discussions.

4.12. The Chairperson suggested that the subject be further explored a thematic session. He invited Members to submit suggestions for an agenda for such a thematic session to the Secretariat by 15 January 2016. The first version of a draft agenda would then be circulated on 30 January for discussion at the March 2016 meeting.

5 OPERATION OF TRANSPARENCY PROVISIONS

5.1 Report on Workshop on Transparency

5.1. The Chairperson reported on the Workshop on Transparency held on 12-13 October (programme in document G/SPS/GEN/1446).² The WTO Global Trust Fund had sponsored 50 participants selected from developing and least developed countries. In addition, the African Union had made it possible for 25 participants from French- and English-speaking Africa to participate in the workshop, and the Inter-American Institute for Cooperation on Agriculture (IICA) had funded the participation of 12 Caribbean participants. The main objective of the workshop had been to bring together officials from Members' SPS Enquiry Points, National Notification Authorities and other relevant authorities for an exchange of experiences and for hands-on training on the online SPS Information Management System (SPS IMS) and on the improved SPS Notification Submission System (SPS NSS).

5.2. Session 1 of the workshop had included an overview of the transparency provisions in the SPS Agreement and the Recommended Transparency Procedures. Speakers in Session 2 had presented relevant sources of SPS-related information, including: (i) the new WTO Members' website; (ii) WTO Documents Online; (iii) the WTO Integrated Trade Intelligence Portal (I-TIP); (iv) UN-DESA's ePing Toolkit for accessing SPS & TBT notifications and alerts; and (v) the SPS Gateway on the WTO website and the new version of the SPS IMS currently under development. The testing platform of the new SPS IMS would be available in early 2016, and Members would be invited to participate in the pilot testing group. In Session 3, participants had broken into language groups for hands-on training on the use of the current SPS IMS system.

5.3. In Session 4, six speakers from developed and developing country Members had shared national experiences on the implementation of the SPS transparency provisions: (i) Canada had presented on its experience in tracking, sorting and distributing SPS notifications; (ii) Burkina Faso had shared its experience with phytosanitary notifications; (iii) The European Union had detailed its coordination practices in handling the life cycle of SPS notifications; (iv) Chile had presented on the functioning of its National Notification Authority; (v) the United States had shared the US experience in implementing the SPS obligation to take comments into account; and (vi) the presentation from New Zealand had highlighted the importance of communication. Additionally, from the floor, Morocco had provided a brief explanation of recent institutional changes in order to strengthen coordination and an overview of its notification system for processing incoming notifications. Following the presentations there had been many questions and comments on the topics discussed.

5.4. The second day had begun with an overview of the level of implementation of the SPS transparency provisions based on the latest revision of the Secretariat annual transparency report contained in G/SPS/GEN/804/Rev.8. Since this year the WTO was celebrating its 20th Anniversary, charts, graphics and statistics reflected information over the last 20 years.

² A more detailed summary report of the workshop has been circulated as document G/SPS/R/80.

5.5. Then, in Session 6 the Secretariat had presented the improved online SPS Notification Submission System (SPS NSS) and had thanked the Members who had participated in the testing of the pilot platform made available after the July meeting. The new system was more user-friendly, corrected "bugs" in the current system, and was based on updated technology in line with other in-house applications such as I-TIP and the TBT NSS. It would also support rich text format, which was a major limitation for some Members of the current system. The testing and development of the new SPS NSS would continue after the October meeting. Several Members had highlighted the advantages of using the online notification system, such as reducing errors and time required to fill-in and submit notifications. The Secretariat had confirmed that an updated procedural manual would be needed and had welcomed any volunteers, thanking Sally Jennings from New Zealand for having written the old guide. The new SPS IMS and SPS NSS applications were expected to be finalized and launched during the first semester of 2016. Like for the SPS IMS, in Session 7, participants had broken into three language groups and had used the improved SPS NSS system in a hands-on exercise.

5.6. In the last session participants had engaged in group discussions based on issues that had emerged from the analysis of the replies to the transparency questionnaire (G/SPS/GEN/1402), and on how these could be addressed. Specifically, the following topics had been discussed: (i) difficulties in filling in notifications; (ii) identifying trade facilitating measures; (iii) identifying and targeting interested stakeholders; (iv) handling comments; and (v) dealing with, and obtaining translations for, notified documents not in one of the WTO languages.

5.7. Participants had come up with a number of innovative suggestions on how to handle these issues. For example, on solving difficulties in filling in notifications, there had been suggestions to increase awareness of policy makers and training, including provision of South-South technical assistance by Morocco. Regarding identification of trade facilitating measures, including a brief explanation in the notification format to justify the regulation's trade facilitating nature, or organizing a thematic session to exchange experiences. On identifying and targeting interested stakeholders, to establish an institutional support structure or to develop a legislative framework. Regarding the handling of comments, to have public consultations to receive substantive comments or develop operational manuals. Finally, on the difficulty of obtaining translations, to create an alternative, less official, platform to share such translations, similar to the IPPC Phytosanitary Resources page.

5.8. Additionally, several participants had underscored the importance of having motivated and committed individuals to overcome the lack of political will and to raise awareness among the general public of the importance of SPS measures.

5.9. Other participants had highlighted the need for well-trained staff and authorities in charge of SPS notifications, in particular regarding the online SPS NSS. Lastly, some participants had underscored the need for a robust institutional framework and inter-agency cooperation to ensure efficient communication between the SPS authorities responsible for notifications and for regulation.

5.10. Before concluding, the Secretariat had described the next steps regarding the development of the new SPS IMS and SPS NSS applications and participants had highlighted the need for training on the use of the new tools in the future.

5.11. In concluding his report, the Chairperson indicated that presentations from sessions 2, 4 and 8 of the workshop had been circulated to the SPS delegates' mailing list. They would also become available on the SPS Gateway.

5.12. Uganda encouraged Members to use the ePing alert system to inform relevant stakeholders about notified regulations. The system was currently being piloted in Uganda.

5.13. New Zealand suggested that the Committee develop a separate webpage on the SPS Gateway that would contain unofficial translations, resources, case studies and links to transparency tools, including a disclaimer that anything on the page would necessarily have been endorsed by the WTO. New Zealand also offered to update the step-by-step manual on transparency obligations and welcomed any suggestions or assistance to make this manual useful

to Members. The United States offered support to assist New Zealand. Other Members also welcomed this offer from New Zealand and expressed interest in contributing to this initiative.

5.14. Benin, Chile, Comoros, Côte d'Ivoire, Ecuador, the European Union, Kenya, Lao People's Democratic Republic, Madagascar, Nigeria, Togo, the United States, AU-IBAR, ECOWAS, and IGAD spoke on this topic, expressing appreciation for the workshop and stressing the importance of transparency for the Committee. Algeria requested that Observers receive access to the new SPS NSS system.

5.15. The Secretariat announced that it would report back on the feasibility of a new resources page as well as on the possibility for Observers to have access to the new SPS NSS platform.

6 IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT

6.1. The WTO Secretariat clarified that the implementation of Articles 10.1 and 10.2 of the SPS Agreement had been discussed under this agenda item several years ago. Two documents had resulted from those discussions, the Report on Proposals for Special and Differential Treatment (G/SPS/35), and the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members (G/SPS/33/Rev.1).

6.2. The Secretariat reported on a 6 October 2015 informal meeting of the Special Session of the Committee on Trade and Development which had considered special and differential (S&D) proposals submitted by the G90, including on Articles 10.1 and 10.2 of the SPS Agreement and Article 12.3 of the TBT Agreement. The proposals were contained in document JOB/DEV/29 - JOB/TNC/51. The SPS-related proposals referred to (i) early notification by developed countries of all their SPS and TBT measures; (ii) allowing for longer comment periods before the adoption of a measure; (iii) longer time frames for compliance with SPS measures (at least 12 months) for developing countries, in particular LDCs and SVEs; and (iv) mandatory financial and technical assistance. The Secretariat reported that Members had expressed divergent views on those proposals. Some mentioned relevant SPS Committee work, including the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members (G/SPS/33/Rev.1). The Secretariat noted that the SPS Committee's Report on S&D Proposals (G/SPS/35) adopted ten years ago also provided relevant background on the underlying concerns, some of which remained the same.

7 EQUIVALENCE - ARTICLE 4

7.1 Information from Members on their experiences

7.1. Senegal shared its experience in equivalence of procedures for peanut seed exports to China, based on the agreement on SPS requirements for peanut exports, as detailed in G/SPS/GEN/1461. Senegal pointed out that equivalence had been established by (i) registering all producers and operators who wanted to enter the market; (ii) mapping of warehouses and harvest conditioning centres and looking at the post-harvest system; and (iii) disseminating good production practices. Additional steps taken also included sending periodic crop reports to the Chinese quarantine services, validating Senegal's SPS certificates with China, and monitoring pests. Senegal had conducted extensive assessments to ensure safety of its products, and as a result, Senegal was the largest exporter of peanut seeds to China in 2014 and 2015 and producers' revenue had improved considerably. Senegal thanked China, the African Union and SPS standards organizations for supporting this equivalence initiative.

7.2. China noted that it considered this equivalence agreement with Senegal to be a good example of constructive bilateral cooperation.

7.2 Information from relevant observer organizations

7.3. No observer provided any information under this agenda item.

8 PEST- AND DISEASE-FREE AREAS - ARTICLE 6

8.1 Information from Members on their pest or disease status

8.1.1 Morocco – Freedom from African horse sickness

8.1. Morocco informed the Committee that the Science Commission for Animal Diseases and the World Assembly of the OIE Delegates had approved the recognition of Morocco as a country free of African horse sickness, according to the OIE Terrestrial Code. The recognition was a result of Morocco's veterinary services' efforts to control and eradicate the disease. This new status would allow for a more fluid flow of trade and increased participation in international horse competitions. Morocco thanked the OIE for its help in achieving the status and noted its readiness to respond to Members' requests of inspection, as per Article 6 of the SPS Agreement.

8.1.2 Nigeria – Avian Influenza situation

8.2. Nigeria updated the Committee on the status of avian influenza in Nigeria and related control measures (G/SPS/GEN/1441). Although Nigeria continued to experience sporadic outbreaks of avian influenza, the numbers had reduced significantly compared to March 2015. Nigeria noted that it was highly likely that the source of infection for the current resurgence was wild birds. Although an investigation was on-going, a disease investigation by the Department of Veterinary Services found that the major risk factors came from egg and poultry manure merchants and live bird market operators. Nigeria was working on raising public awareness and sensitizing key public stakeholders in the industry, in addition to notifying international organizations and putting in place the modified stamping-out policy. Nigeria also noted that the inability to effectively enforce movement control regulations had also contributed to the spread of the virus. Zoning, compartmentalization and regionalization were currently not being implemented. Nigeria thanked its development partners for their financial and technical assistance in containing the disease, and asked for further support from national and regional governments, as well as from international community and the private sector.

8.1.3 Brazil – National programme against fruit flies

8.3. Brazil presented the National Programme against Fruit Flies launched by the Ministry of Agriculture, Livestock and Food Supply to prevent, control and eradicate fruit flies of economic and quarantine importance (G/SPS/GEN/1442). The fruit fly was a significant pest for fruit production and its control could bring important trade benefits for fruit producers and exporters. The IPPC ISPMs were central pillars in the establishment of control and eradication strategies. Brazil expected to have new or enlarged areas free from fruit flies and a decrease in production costs as well as increased market access opportunities for fruit producers.

8.4. Guyana commended Brazil's efforts and expressed its interest in a continued collaboration with Brazil in the fight to eradicate fruit flies. Guyana thanked USAID and IICA for their assistance in providing materials and funding which enabled Guyana to maintain its national programme.

8.1.4 Mexico – Information on pest- or disease-free areas

8.5. Mexico referred to the information contained in various documents it had circulated to Members,³ reporting that it was free of velogenic Newcastle disease. After San Luis Potosi state had been declared as a zone free of Aujeszky's disease, Mexico was subsequently declared as free of Aujeszky's disease in domestic swine. In addition, certain communities and municipalities of the state of Puebla had been declared as areas of low prevalence of *Anastrepha* fruit flies of quarantine significance and *Rhagoletis pomonella*, and a municipality and an agro-ecological zone of the state of Guerrero had been declared free of small and large avocado seed weevils and avocado seed moths. Lastly, Mexico provided updates on its national tick control campaign.

³ G/SPS/GEN/1425, G/SPS/GEN/1406, G/SPS/GEN/1424, G/SPS/GEN/1409 and G/SPS/GEN/1408.

8.1.5 Burkina Faso – Avian influenza situation

8.6. Burkina Faso reported that highly pathogenic avian influenza, which had been detected in ten regions of the country in April 2015, was now under control. Burkina Faso noted that in response to the situation, it had put in place active surveillance, communication, resource mobilisation, and compensation measures, with 380 poultry producers in the affected area having been compensated. These measures had led to the control of 27 outbreaks throughout the territory. A surveillance process of outbreaks had confirmed the end of those outbreaks, and as a result, measures restricting movement had been lifted in nine of the ten areas.

8.1.6 Canada – Status free of notifiable avian influenza

8.7. Canada reported it was considered free of notifiable avian influenza since 8 October 2015 as per OIE guidelines. Canada explained that its notifications to the OIE that the province of British Columbia and Ontario were considered free of notifiable avian influenza were based on the successful completion of a three-month surveillance period following the eradication of the disease in domestic poultry. Several trading partners had already begun to remove trade restrictions imposed on Canadian poultry and poultry products. Canada asked its trading partners to remove any remaining restrictions in accordance with science and the OIE guidelines.

8.8. Madagascar highlighted the difficulties of controlling avian influenza and asked trading partners and international organizations to provide needed support to eradicate the disease and prevent any further spread in Africa.

8.1.7 Ecuador – Update on the national project for fruit fly control

8.9. Ecuador reported its positive results in establishing disease free areas and areas of low prevalence from its 2014 national fruit fly control programme. In addition to registering two new provinces this year, the project had been successful in training several thousands of stakeholders. Ecuador would pursue its initiative to promote national production and access new markets by guaranteeing the phytosanitary quality of Ecuadorian products. Ecuador noted that it would conduct pilot activities in 2016 in certain areas affected by *Ceratitis capitata*.

8.1.8 Guatemala - Update on classical swine fever

8.10. Guatemala provided information on technical provisions to eradicate classical swine fever without a vaccination campaign. The eradication process had begun in early 2014 and would be completed by November 2015. The programme, based on OIE guidelines, would enable the development of the pig farming sector and strengthen the presence of pig farming in international trade.

8.1.9 India – Official control programme for foot and mouth disease

8.11. India informed the Committee that in May 2015, the OIE had recognized India as having an official control programme for FMD in accordance with the OIE Terrestrial Code.

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

8.2.1 Indonesia – Recognition of pest-free areas for California, United States and Srisaket province, Thailand

8.12. Indonesia reported that its National Plant Protection Organization (NPPO) had recognized California as a pest free area for nine species of fruit flies, including *Ceratitis capitata* and *Anastrepha fraterculus*. The Indonesian NPPO also recognized Srisaket province of Thailand as free of the nematodes *Ditylenchus destructor* and fungi *Urocystis cepulae* for shallot production.

8.13. The United States noted that the recognition, which applied to over 20 fresh fruit commodities grown in California, had been accompanied by an assessment and verification visit by Indonesian officials to the United States in June 2015.

8.14. Chile welcomed Indonesia's reporting on its recognition of pest-free areas of other Members and flagged the need to hear about more experiences on such recognitions. Chile noted that it had recently returned to being pest-free after eradicating *Ceratitits capitata*, and looked forward to a fruitful meeting on that issue with Indonesia in November 2015.

8.15. Thailand thanked Indonesia for its cooperation.

8.3 Information from relevant observer organizations

8.16. No observer organization provided any information under this item.

9 TECHNICAL ASSISTANCE AND COOPERATION

9.1 Information from the Secretariat

9.1.1 WTO SPS activities

9.1. The WTO Secretariat provided an overview of the technical assistance activities held since the July SPS Committee meeting. Six national SPS seminars had been held in: Algeria; the Dominican Republic; Macao, China; Paraguay; Chinese Taipei; and Uganda. More general training on the SPS Agreement had also been provided in the following activities: two WTO Regional Trade Policy Courses held for Latin America (in Ecuador) and for Central and Eastern Europe, Central Asia and the Caucasus (in Turkey); a WTO Intermediate Course for LDCs in English (in Geneva); an Academic Course held by the India Institute for Foreign Trade; an International Customs Law Academy Conference on "*WTO Agreements on Trade In Goods: Customs-Related Issues*" (in Geneva); a Symposium organized by the International Association for Food Protection (in the United States); and the European College of Veterinary Medicine's Annual Scientific Conference entitled "*The Challenges of Cross-Border Trade*" (in Serbia).

9.2. The Secretariat further provided an overview of the remaining WTO SPS activities scheduled for 2015, as identified in G/SPS/GEN/997/Rev.5. The upcoming activities included regional SPS workshops for: the Caribbean region (organized with the CARICOM Secretariat) to be held in Belize on 27-30 October; Asia (organized with UNESCAP), covering both SPS and TBT, to be held in Bangkok, Thailand, on 10-13 November; and the Arab region, to be held in Kuwait on 25-28 January 2016. The Secretariat further announced that national seminars would also be held for Iran, Oman and Sudan before the end of the year. Additional seminars for Egypt and Madagascar were currently being scheduled. More general training on the SPS Agreement would also be provided in: (i) WTO Regional Trade Policy Courses to be held for Asia and the Pacific in Thailand (October), and for the Arab region in Oman (November); (ii) a WTO Advanced Trade Policy Course in French to be held in Geneva (October); (iii) Training Programmes organized by the Swedish International Development Cooperation Agency to be held in Stockholm (October and November); (iv) a Graduate Institute Course on *Trade, Diplomacy and Public Health to be held in Geneva* (18 November); and (v) an IICA Technical Forum on "*The Trade Facilitation Agreement and its relation to SPS measures*" (October), with participation via videoconference.

9.3. The Secretariat also drew Members' attention to the 2015 Advanced Course that was currently underway, in English. This was the eleventh consecutive year that this course had been offered, and 23 officials from developing and least-developed countries had been selected to participate. This was a unique activity since it not only focused on transmitting knowledge on the SPS Agreement and the SPS Committee, but also on identifying actions to address specific implementation challenges and opportunities at the national level. Throughout the course, each participant developed an action plan, to be implemented upon their return to their countries. This implementation was monitored by coaches, and through a follow-up session about nine months after the course. The Secretariat thanked the Chairperson and the delegates who had shared their knowledge and experiences during the Advanced Course, as well as the participating organizations (Codex, IPPC, OIE, ACWL, ITC), WTO and STDF colleagues, and the external consultants, Mr João Magalhães and Mr Kevin Walker.

9.4. The Secretariat recalled that the E-Learning Course on the SPS Agreement was available year-round in the three WTO official languages. Further information on SPS technical assistance

activities could be obtained on the WTO website (under trade-related technical assistance) or by contacting the Secretariat for additional clarification and assistance.

9.5. Nigeria thanked the Secretariat for the detailed report on technical assistance and pointed out that national activities had cost implications that posed limitations for countries to receive assistance. Nigeria suggested that the financial costs related to receiving technical assistance should also be covered by the WTO. Nigeria also noted that the Secretariat should increase the number of participants to the SPS Advanced Course to enable entry level professionals to gain training, whether or not the country had benefitted from the training previously.

9.6. Chinese Taipei noted its appreciation for the SPS workshop held in Taipei in July 2015, and Yemen thanked the Secretariat for its efforts in providing useful technical assistance for Yemen.

9.7. Senegal noted its disappointment about the cancellation of a planned Agriculture and SPS workshop scheduled for October 2015 in Benin. Senegal regretted the missed opportunity to train more junior staff.

9.8. Côte d'Ivoire regretted the insufficient number of training courses offered in French, compared to English, which constituted a handicap for Côte d'Ivoire.

9.9. Paraguay thanked the Secretariat for the recent national workshop that had trained 35 participants working in the SPS area and committed to ensure that the activity had multiplying effects to meet its objectives.

9.1.2 STDF (G/SPS/GEN/1439)

9.10. The secretariat of the Standards and Trade Development Facility (STDF) informed Members about its activities since the July Committee meeting and upcoming activities, as detailed in document G/SPS/GEN/1439. The STDF secretariat highlighted key work areas of the STDF and the outcome of the STDF Working Group which took place on 12 and 13 October 2015.

9.11. First, the STDF secretariat was working with partners on finalization of the SPS market access prioritization (SPS-MAP) tool. By helping developing countries prioritize SPS investment options for market access, the framework aimed to enhance the economic efficiency of SPS investment decisions in developing countries; promote more transparent decision-making; and encourage dialogue among public and private stakeholders. The framework had already been applied in several countries with good results, and was most recently used in Zambia. More information on the final framework would be made available at the March 2016 Committee meeting.

9.12. Second, a joint study was being undertaken by the STDF Secretariat with the Secretariat of the Enhanced Integrated Framework (EIF). The objective of this study was to explore how the Diagnostic Trade Integration Studies (DTIS), which were extensive analytical documents that underpinned the EIF programme, addressed SPS issues and constraints. A draft working document presented in the STDF Working Group earlier this week was received positively. The final study would be published early 2016.

9.13. Third, the STDF had undertaken a number of activities on trade facilitation in the SPS context: the launch of the first in a series of three short STDF films which focused on practices of Chile, Peru and Colombia; participation in the 5th WTO/OECD Global Review of Aid for Trade in June and July 2015; and research work in South East Asia and Southern Africa on implementation of SPS measures. The recommendations and lessons drawn from these activities were discussed in the STDF Working Group. They would be summarized and distributed at the March 2016 Committee meeting.

9.14. Fourth, an informal information session on e-certification in the SPS area had been held during the STDF Working Group. The session had been extremely interesting and the STDF secretariat had been instructed to prepare an information seminar on this topic in 2016 for a broader audience, potentially on the margins of the SPS Committee next July. More information would be provided in March 2016.

9.15. Lastly, the Working Group had approved three Project Preparation Grants (PPG) benefitting Togo, Tanzania and Mongolia. One additional PPG would aim to develop a project looking at the "spill-over" effects of trade-related food safety projects on the domestic health situation. Regional projects had been approved for Central American countries, working on accreditation of laboratory diagnostic tests for animal diseases; and selected Asia and Pacific countries to establish streamlined information systems for pest surveillance and reporting. A project had also been approved to set up and test a global e-phyto hub to facilitate the exchange of electronic phytosanitary certificates.

9.16. The Working Group had approved over \$3 million in STDF funding, which could not be covered by the current level of funding. The STDF secretariat thanked all current donors and partners for their contributions and highlighted the need for new additional contributions.

9.17. While praising the work of the STDF, Nigeria also highlighted specific difficulties to fulfil approval requirements for PPGs. More information was needed to guide countries submitting projects. Nigeria, supported by Morocco, also requested that information shared during the Working Group on SPS electronic certification be made available to all Members.

9.18. Zambia reported on the usefulness of the SPS Market Access Prioritisation (MAP) tool in identifying priority areas for funding. Zambia thanked the STDF secretariat for its recommendations on the implementation of SPS measures to facilitate trade research.

9.19. Morocco enquired about the criteria used by the STDF for funding projects. The STDF secretariat clarified that information on criteria for projects was available on the STDF website, including a guidance note for applicants available in English, Spanish and French. Interested countries were encouraged to send to the Secretariat a concept note on their proposed project. Finally, the Secretariat would make the presentations on electronic certification available on the STDF website and keep the Committee informed on any upcoming related event.

9.20. Togo thanked the STDF for the assistance provided in the drafting process of its successful grant request to set up a national SPS strategy.

9.2 Information from Members

9.2.1 Nigeria - Technical assistance received

9.21. Nigeria acknowledged the technical assistance received from the Inter-African Bureau for Animal Resources (AU-IBAR), the WTO and the European Union to help with participation in the Committee and with more effective notification. The United States had provided assistance for the review of Nigeria's national food safety policy, for which implementation had begun. Nigeria also reported on the support received from the STDF including on shea butter and assessment of chemical residues in food. Nigeria had applied for additional STDF support and hoped its applications would be approved.

9.2.2 Technical assistance provided by the United States

9.22. The United States presented a compendium of the assistance provided between October 2012 and September 2014, as detailed in G/SPS/GEN/181/Add.11. Since 2005, the United States had provided over \$13 billion to support developing countries expand trade through greater integration into the rules-based global trading system and the implementation of the SPS and Trade Facilitation Agreements. In the context of the 20th anniversary of the WTO, there were noteworthy changes in the trade and development landscape, including in the relationship between official development assistance and private flows into developing countries, composition of donors, and private sector engagement. In addition to welcoming the growing international support for the concept of "mutual accountability", the United States strived to ensure results-orientation by focusing on programmes that were educational, implementable and reproducible. The United States was dedicated to promoting sustainable capacity building programmes, such as those that strengthened the ability of countries to "pay-it-forward," and looked forward to closely working with the STDF and the SPS Committee on cross-cutting SPS technical assistance issues.

9.2.3 Burkina Faso – Assistance for fruit fly control

9.23. Burkina Faso recalled that some countries in West Africa had raised concerns on the effect of fruit flies in mango trade during the March 2015 Committee meeting. There had been recent efforts to address this issue, including through workshops on control methods of fruit flies in West Africa and on methodology and programming validation for the regional fruit fly plan. Burkina Faso thanked the United States, the Economic Community of West African States (ECOWAS) and the European Union for their support in that regard. Burkina Faso asked that assistance be extended to other products in Burkina Faso as well as to the whole of Africa, in particular West Africa, for all fruits and vegetables impacted by fruit flies. Given the negative effect of fruit flies on production and exports, combatting the pest at the continental level was paramount.

9.24. Benin and Nigeria supported Burkina Faso's suggestion to extend fruit fly assistance to West Africa. Benin highlighted that fruit flies had destroyed much of its mango production, particularly in the North, affecting large numbers of producers. Nigeria noted that fruit flies were hurting Nigeria's orange sector.

9.25. Burundi, Côte d'Ivoire, Kenya, Madagascar, Niger, Senegal, Togo, and Zambia also supported Burkina Faso's statement, calling for help in their fight against fruit flies to realize trade potentials. Côte d'Ivoire added that while fruit fly was a global problem, the effect was more serious in Africa. In Côte d'Ivoire, for instance, there were areas where mango production was the sole source of income. Therefore, technical assistance should focus more on rural areas. Kenya emphasized that fruit flies negatively impacted both exporting and importing countries and called for a coordinated approach in addressing the issue. Burundi thanked the African Union for its financial support, while Togo and Niger thanked donor countries for their support in SPS training.

9.26. The African Union stated that it was ready to support its member states to address the issue of fruit flies. The African Union had a plant health management strategy in place which would operate from 2015 to 2025 and looked forward to working with other partners in coordinating that initiative at the continental level.

9.27. The ECOWAS Commission reported that it had adopted a regional approach to tackle fruit flies and thanked the European Union and the French Development Agency for their support. The first ECOWAS member states that would benefit from the project were Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Mali and Senegal.

9.28. The WTO Secretariat encouraged interested Members were encouraged to approach the STDF Secretariat since the STDF had several related projects in Africa.

9.2.4 Burkina Faso – Assistance received from AU-IBAR

9.29. Burkina Faso thanked AU-IBAR for its technical assistance to African countries, which helped improve transparency and participation in WTO SPS activities. The preparatory meetings organized by the African Union had been helpful for Burkina Faso's participation in the Committee discussions. In that regard, the WTO Secretariat's involvement in some of those preparatory activities had also been highly appreciated.

9.2.5 Zambia - Technical assistance received (G/SPS/GEN/1450)

9.30. Zambia thanked AU-IBAR for making it possible for Zambia to participate in the SPS Committee meeting and for the capacity-building activities. Zambia also provided an update on the technical assistance received. Regional plant health projects included, among others, a COMESA trade facilitation project funded by the STDF to reduce costs associated with SPS measures for selected food commodities, and a fruit fly project funded by FAO to harmonize fruit fly approaches in Botswana, Namibia, Zambia and Zimbabwe. Country specific updates included the recently approved PPG from the STDF, which aimed at strengthening phytosanitary capacity in the horticulture industry; newly gained market access to South Africa for grapes and pure honey; and on-going development of the NPPO website to enhance transparency. Zambia had also received support from the World Bank for animal health disease surveillance and control, improvements in infrastructure, and support to small-scale livestock farmers.

9.31. Madagascar endorsed Zambia's statement on technical assistance received to promote regional trade. Madagascar noted its appreciation for the support given by the WTO Secretariat, the African Union and the European Union in capacity building for both public and private sectors and in enabling Madagascar to participate more effectively in the SPS Committee.

9.2.6 Jamaica – Report on technical assistance (G/SPS/GEN/1449)

9.32. Jamaica thanked IICA and the United States for facilitating a recent workshop on "Requirements for exporting food to the US market – Focus on the Food Safety Modernization Act (FSMA)". The workshop had helped strengthen the country's capacity to face challenges and opportunities arising from FSMA. Over 120 representatives from public and private sectors, producers, exporters and academia had benefited from the workshop. In addition, Jamaica informed the Committee that the Caribbean region also experienced fruit fly problems and suggested an inter-continental approach to address the issue.

9.2.7 Belize – Report on technical assistance and cooperation

9.33. Belize informed the Committee that three activities conducted in 2015 to strengthen the food safety system in Belize were direct results of the EU-ACP Development of Food Safety Systems (EDES) and thanked the European Union for its support. Belize had signed a Memorandum of Understanding with the Europe-Africa-Caribbean-Pacific Liaison Committee (COLEACP) and EDES, which defined the partnership framework between Belize and EDES to set up an action plan. Belize also thanked IICA and the European Union for funding its participation in the SPS Committee and for training laboratory personnel under the 10th EDF SPS Project. Finally, Belize thanked USDA for supporting a surveillance programme in Belize, which had been very effective in maintaining Belize free of certain pests. An operation facility was being constructed to further enhance the effectiveness of the programme with funds from the USDA and counterparts in Belize.

9.2.8 Barbados – Report on technical assistance

9.34. Barbados thanked the European Union for the funding provided under the 10th EDF SPS Project, which was being implemented by IICA and had facilitated Barbados' attendance in the WTO Workshop on Transparency. Given that Barbados was currently in the process of modernising its agricultural health and food control system, attendance in the workshop had been useful and facilitated greater understanding of the transparency obligations, in particular of notification procedures. Barbados also thanked IICA for its cooperation to date and future collaborations.

9.3 Information from observer organizations

9.3.1 OIE – Update on the PVS programme

9.35. OIE drew the Committee's attention to the summary on the PVS programme annexed to OIE report G/SPS/GEN/1440. The OIE noted that almost 75 per cent of its members had completed the PVS evaluations, demonstrating the global applicability of the tool to both developing and developed countries. The OIE encouraged Members to check the website and approach the OIE for more information.

9.3.2 IICA - Technical assistance activities

9.36. IICA reported on its technical assistance activities, as detailed in G/SPS/GEN/1452. Working with USDA FAS, FDA and USAID, IICA was implementing a multi-phase technical cooperation programme to raise awareness about FSMA in Latin America and the Caribbean. IICA had also organized events to promote effective participation in Codex, including a Codex Colloquium on the Committees on Food Hygiene, Fresh Fruits and Vegetables, and Nutrition and Foods for Special Dietary Uses in Uruguay. To date, IICA had supported participation in 8 Codex Committees for 40 delegates from 21 countries thanks to US funding. IICA, ORISA and USDA FAS had conducted workshops in Panama and Ecuador to strengthen the capacity of government officials to respond to emergencies through the instant command system. Efforts to improve legislation, coordination and technical capacity in the Caribbean region implemented by IICA under the EU-supported 10th EDF SPS Project included supporting avian influenza preparedness, delivering a plant quarantine course

and reviewing draft IPPC standards. The EDF funding was also used to support participation of 12 countries in the October 2015 SPS Committee meeting and Workshop on Transparency.

9.37. Saint Kitts and Nevis thanked IICA and the European Union for the support of the 10th EDF Project. Under the project, three participants had been sent to pursue studies in public veterinary health, which helped address a major concern of technical staff shortage. Saint Kitts and Nevis planned to review and update its legislative framework, and conduct a PVS evaluation of domestic veterinary services and an abattoir assessment.

9.38. Jamaica, Saint Lucia, Saint Vincent and the Grenadines and the Bahamas also thanked IICA and the EDF programme for facilitating their participation in the SPS Committee and the Transparency Workshop. The Bahamas noted that while the benefits and results of technical assistance were not always reaped immediately, they were nevertheless important and appreciated.

9.3.3 OIRSA – Relevant activities

9.39. The Chairperson drew attention to a report submitted by OIRSA contained in G/SPS/GEN/1458.

9.3.4 Intergovernmental Authority on Development (IGAD)

9.40. The Intergovernmental Authority on Development (IGAD) provided information on the technical assistance given to its member states. IGAD had successfully organized a joint regional training event with the WTO on SPS, TBT and trade facilitation. In an effort to support national and regional SPS committees, IGAD had helped Ethiopia establish its national SPS committee and organize training on SPS measures. Furthermore, IGAD was ready to develop a regional SPS strategy with an action plan. Once the strategy was ready to be evaluated, it would be presented to member states to help align policies globally. IGAD had also organized a regional meeting on grades and standards to review implementation, share experiences, and agree on a harmonization roadmap of current grades and standards on live animal and animal products.

10 REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

10.1 United States – Presentation of a paper on risk communication resources

10.1. The United States presented a compendium on practical resources that Members could access on risk communication, contained in G/SPS/GEN/1456. Recalling the significant interest in risk communication during the October 2014 Workshop on Risk Analysis and the thematic session held in July 2015, the United States had compiled a list of useful information and strategies collected from various international organizations, US government agencies and research organizations. In particular, the United States highlighted a compendium put together by US National Academy of Science, which looked at factors that influenced how people absorbed information. For further information, the United States referred Members to the hyperlinks listed in the document. The United States welcomed further discussions on risk analysis and the sharing of information and experiences.

10.2 Fourth Review

10.2.1 Adoption of the report of the Fourth Review (G/SPS/W/280/Rev.2) and adoption of the Catalogue of Instruments (G/SPS/W/279/Rev.2)

10.2. The Chairperson recalled that during the July meeting, the Committee had not reached consensus on the draft report of the Fourth Review (G/SPS/W/280/Rev.2) or on the Catalogue of Instruments Available to WTO Members to Manage SPS Issues (G/SPS/W/279/Rev.2). The Chairperson had noted that Members seemed to have reached an impasse and had invited them to explore new options to bridge differences, including through a broader reflection on the nature of the Committee's work.

10.3. On 9 September, the Chairperson had held consultations on these subjects, and China had made a new proposal for one of the outstanding paragraphs of the Review Report, suggesting new

language for the second bullet point in paragraph 14.20 of document G/SPS/W/280/Rev.2. The Secretariat had circulated this new language in an email, and the Chairperson had invited Members to comment by 18 September.

10.4. The European Union, Norway and Switzerland had submitted new proposals for paragraph 14.20 by this date, and they had been circulated to delegates by email, along with other comments received.

10.5. Unfortunately, Members views remained profoundly divided. The Chairperson recalled that the Committee had been expected to adopt this Report one year ago, in October 2014. The Ministerial Conference had instructed the Committee to review the operation and implementation of the SPS Agreement every four years, and the last review had concluded in March 2010 – almost five years ago.

10.6. Regarding the Catalogue, while Members agreed that it was a useful document; views were divided about the inclusion of language to clarify the legal status of this document, the so-called disclaimer. No new views or suggestions on how to bridge the differences had emerged during the consultations held on 9 September, or in the comments submitted subsequently. Since no agreement had been reached, the issue would remain on the agenda for the next meeting. The Chairperson urged Members to find ways to bridge the differences.

10.7. The Chairperson reported that at the brief informal meeting held on 15 October, he had suggested addressing the Review Report, and more specifically the recommendations in para. 14.20 on future work regarding SPS-related private standards, together with the working definition of SPS-related private standards and possible future actions. In his view, these three issues were linked and could only be resolved together. The Chairperson requested that Members consider the proposed text that had been distributed at the informal meeting, and noted that he might convene intersessional informal meetings or consultations to continue the dialogue and prepare the ground for a possible resolution at the March 2016 meeting.

11 MONITORING OF THE USE OF INTERNATIONAL STANDARDS

11.1 New Issues

11.1.1 Burkina Faso – Lack of a Codex standard for imidacloprid in sesame

11.1. Burkina Faso explained that a lack of a Codex standard for imidacloprid in sesame seed had caused barriers to trade by leaving it up to each country to define its own maximum residue level. Burkina Faso had received two official notifications that its exports of sesame to Japan had been intercepted. Japan had taken interest in the sesame problem and had granted technical assistance to set good crop practices and determine maximum sesame contamination by the pesticide and the waiting period. Burkina Faso noted the need for Codex to adopt a standard on sesame and establish MRLs for pesticides in view of increasing transparency.

11.2. Chile, Madagascar, Morocco, Nigeria, Paraguay and Senegal and supported Burkina Faso's statement. Noting the importance of sesame as an export commodity, Madagascar called on other partners and organizations to financially support Codex work on this issue so that an MRL for sesame could be established. Nigeria noted that its olive oil exports to the US had been returned due to detection of pesticides, for which MRLs had not been set by Codex. Senegal noted the difficulty in conducting risk assessments in the absence such standards. Paraguay encouraged Codex to start work on MRLs for sesame and chia.

11.3. Codex acknowledged that it had not set any MRLs for sesame seeds and recommended that the issue also be brought to the attention of CCPR and JNPR. This issue was a good example of the gaps in Codex standards that had been mentioned in earlier Committee discussions.

11.1.2 Belize – Deviations from the use of international standards

11.4. Belize expressed its concern regarding Members' deviations from the use of international standards in the application of measures in international trade. In this regard, Belize asked whether this was a result of a gap in the international standard setting process, which in turn

caused some countries to apply measures that were far more stringent than the recommendations set by Codex, the OIE and the IPPC. Members consistently applying measures that deviated from the recommendations called into question not only the efficacy of the international standard setting processes but even the relevance of the bodies recognised in the SPS Agreement. Belize noted that if the international standard setting process caused problems that led to such deviations, this SPS Committee's agenda item was the most appropriate place to identify and discuss the issue.

11.5. Paraguay noted its agreement with Belize and thanked Japan for providing technical assistance to overcome issues regarding MRLs in sesame.

11.2 Issues previously raised

11.2.1 United States – Use of the Codex international standard on glyphosate

11.6. The United States expressed concern that some Members had taken action, or were considering taking action, to restrict the use of glyphosate, an active ingredient in many commonly used pesticides, due to an assessment from the WHO International Agency for Research on Cancer (IARC) declaring the compound as probably carcinogenic. The United States noted that IARC's findings were based on an assessment of hazard and not risk, and urged Members to base their SPS measures for glyphosate on the Codex standard, or on a risk assessment that included realistic exposure scenarios and considered all available data.

11.7. Brazil, Canada, China and Paraguay supported the United States' concern and stressed the importance of following the standard set out by Codex. They also recalled the differences in the mandates of IARC and of the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) *vis-à-vis* hazard identification and risk assessment for regulatory purposes.

11.8. Codex informed the Committee that a WHO task force had reviewed the IARC report and had recommended that JMPR conduct a full re-evaluation of glyphosate under their field of competence, most likely by May 2016. Once the final evaluation was complete, it would go to the Codex Committee on Pesticide Residues (CCPR) for consideration. Codex also highlighted the importance of risk communication, as the mere establishment of a hazard should not mean that trade should be restricted.

12 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

12.1. The Chairperson recalled that at the July 2015 meeting the Committee had agreed that the electronic working group developing would take a cooling off period from its efforts to develop a working definition of the term "SPS-related private standard", which was Action 1 adopted by the Committee in G/SPS/55.

12.2. The Chairperson, as stated in the brief informal session held on 15 October, reiterated that the three issues (the working definition; the recommendations related to private standards in the Review Report; and the Committee's future work on that issue) were linked and could only be resolved together. He asked Members to consider the text he had distributed at the informal meeting. The Chairperson noted that he might convene intersessional informal meetings or consultations to continue the dialogue and prepare the ground for a possible resolution at the March 2016 meeting.

13 OBSERVERS

13.1 Information from observer organizations

13.1.1 OECD

13.1. The OECD provided a report on recent activities of interest to the SPS Committee (G/SPS/GEN/1454) that included an update on its horizontal work on international regulatory cooperation, which entailed close collaboration among the trade, agriculture and regulatory divisions. The trade aspect of the project contained three parts, namely a theoretical framework, case studies on existing regulatory cooperation initiatives and a practical tool (the IRC Diagnostic Tool),

all of which related to and built on each other. The Diagnostic Tool would rely on the principles developed by the theoretical framework and the practices highlighted from the case studies.

13.1.2 ITC

13.2. The ITC provided a report on recent activities of interest to the SPS Committee (G/SPS/GEN/1462) which included an update on multiple on-going projects and the status of its work on non-tariff measures and impact stories. More information was available on the ITC website: <http://www.intracen.org/exporters/quality-management/>.

13.1.3 African Union Commission

13.3. The African Union Commission (AUC) provided a report on recent activities of interest to the SPS Committee (G/SPS/GEN/1453) that included updates on events convened by the AUC, African Union Interafrican Phytosanitary Council (AU-IAPSC) and the African Union Interafrican Bureau For Animal Resources (AU-IBAR).

13.1.4 ECOWAS

13.4. ECOWAS provided an update on activities conducted to support the establishment of national SPS committees and sensitization workshops. ECOWAS had also taken over animal health networks established by FAO in the region, including accreditation structures for veterinary drugs and biologicals in the region with the view to implementing one seamless accreditation structure for the ECOWAS region. ECOWAS had developed an aflatoxin action plan as a result of its work with the Partnership for Aflatoxin Control in Africa (PACA) project. Finally, ECOWAS updated the Committee on the SPS-related aspects of an Economic Partnership Agreement with the European Union.

13.2 Requests for observer status (G/SPS/W/78/Rev.13)

13.2.1 New requests

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

13.2.2 Outstanding requests

13.6. The Chairperson proposed that, as had been done the previous year, the SPS Committee invite the organizations with ad hoc observer status to participate in all SPS Committee meetings in 2016 - with the exception of any closed meeting - unless any Member objected to the participation of any of these observers in advance of a meeting. It was so agreed.

13.7. The Chairperson also reminded the Committee that in 2012, it had agreed that if for any one-year period an ad hoc observer organization did not attend any meetings of the SPS Committee, its observer status would lapse, but only after the Secretariat had contacted the observer organization and received confirmation that it was no longer interested in maintaining its observer status. The Chairperson requested that the Secretariat verify after the current meeting whether any ad hoc observer organizations had not attended a single Committee meeting in 2015. He also requested that the Secretariat contact any such organizations and seek information regarding their continuing interest to participate in the SPS Committee.

13.8. 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).

13.9. 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 2016. The Chairperson once again encouraged observers to provide written reports on their relevant activities in advance of the March 2016 meeting.

14 CHAIRPERSON'S ANNUAL REPORT TO CTG

14.1. The Chairperson noted that he would make a factual annual report, under his own responsibility, on the activities of the Committee for consideration by the Council for Trade in Goods (CTG) in mid-November. Members could request a draft report from the Secretariat, and provide comments by 26 October 2015.

15 OTHER BUSINESS

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

16 DATE AND AGENDA FOR NEXT MEETINGS

16.1. The next regular meeting of the Committee is tentatively scheduled for 16 and 17 March 2016.

16.2. The European Union requested that the October 2016 meeting be moved to November to allow more time between the July and October meetings. Brazil noted that a TBT Committee meeting was scheduled the second week of November, and suggested instead to hold the SPS Committee during the last week of October 2016, to allow at least one week between the meetings of the SPS and TBT committees. The Secretariat was to review the various options and report back to the Committee.

16.3. 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.16
4. Operation of transparency provisions
5. Cross-cutting issues
6. Implementation of special and differential treatment
7. Equivalence – Article 4
 - a. Information from Members on their experiences
 - b. Information from relevant Observer organizations
8. 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
9. Technical assistance and cooperation
 - a. Information from the Secretariat
 - i. WTO SPS Activities
 - ii. STDF
 - b. Information from Members
 - c. Information from Observer organizations
10. Review of the Operation and Implementation of the SPS Agreement
 - a. Fourth review
11. Monitoring the use of international standards
 - a. New issues
 - b. Issues previously raised

12. Concerns with private and commercial standards
 13. Observers
 - a. Information from Observer organizations
 - b. Requests for observer status
 - i. New requests
 - ii. Outstanding requests
 14. Election of the Chairperson
 15. Other business
 16. Date and agenda of next meeting
- 16.4. Members were asked to take note of the following deadlines:
- For submitting comments on the Chairperson's draft annual report: **Monday, 26 October 2015**;
 - For submitting suggestions for the agenda of the thematic session on pesticide residues: **Friday, 15 January 2016**;
 - For identifying new issues for consideration under the monitoring procedure and for requesting that items be put on the agenda: **Thursday, 3 March 2016**;
 - For the distribution of the Airgram: **Friday, 4 March 2016**.
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