WORLD TRADE ORGANIZATION

G/SPS/GEN/204/Rev.14

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(14-1315) Page: 1/90

Committee on Sanitary and Phytosanitary Measures

SPECIFIC TRADE CONCERNS

NOTE BY THE SECRETARIAT[1]

Revision

At the 15-16 March 2000 meeting of the SPS Committee, the Secretariat was requested to prepare a paper summarizing the specific trade concerns that had been brought to the Committee's attention since 1995.[2] The Secretariat has revised this document annually to include new information provided by Members (G/SPS/GEN/204/Rev.1 to 13). The specific trade concerns in the fourteenth revision of G/SPS/GEN/204 maintain the previously assigned numbers according to the chronological order of the Committee meetings in which they were first raised. These numbers serve as unique identifiers and are intended to facilitate tracking of individual trade concerns over time.

The fourteenth revision of G/SPS/GEN/204 is divided into two sections:

a. STCs general overview; and

b. STCs discussed in 2013.

Section 1 of the document contains summary statistics and graphs for all the trade concerns raised in the SPS Committee between the first regular meeting of 1995 and the last regular meeting of 2013. The trade concerns are categorized as relating to food safety, animal or plant health. This section also includes a summary table which identifies for each specific trade concern according to the assigned number, the Member(s) maintaining the measure, the Member(s) raising the concern, as well as information on whether the issue has been reported to have been resolved.

Section 2 of the document contains information regarding all issues which were raised in the SPS Committee in 2013. This includes (1) issues raised for the first time in 2013; (2) issues which were previously raised and on which further discussions or activities occurred during 2013; and (3) issues for which there was no substantive discussion in the Committee during 2013, but where Members reported that a previously raised issue had been resolved, or where substantive action on the issue occurred in another WTO body during 2013 (e.g., establishment of a dispute resolution panel on the issue).

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

[2] G/SPS/R/18, para.20.

Table of contents

Page

1 STCS GENERAL OVERVIEW 5

Table 1 - List of Specific Trade Concerns (1995–2013) 8

2 STCS CONSIDERED IN 2013 26

Table 2.1 – Issues Raised for the First Time in 2013 28

Table 2.2 - Issues Previously Raised and Discussed Again in 2013 29

Table 2.3 - Issues Reported as Resolved in 2013 30

2.1 Brazil 32

2.1.1 Food safety 32

Measures on shrimp (STC 344) 32

2.2 China 33

2.2.1 Food safety 33

Hygiene standard for distilled spirits and integrated alcoholic beverages (STC 278) 33

Chinese quarantine and testing procedures for salmon (STC 319) 35

Import conditions related to phthalates (STC 345) 38

Import policy on swallow nests (STC 360) 39

Import restrictions in response to the Japanese nuclear power plant accident (STC 354) 39

2.2.2 Animal Health 39

General import restrictions due to BSE (STC 193) 39

Import restrictions on beef due to BSE (STC 363) 39

2.3 Costa Rica 40

2.3.1 Food safety 40

MRLs for veterinary medicines in live animals (STC 349) 40

2.4 European Union 41

2.4.1 Food safety 41

Application and modification of the EU Regulation on Novel Foods (STC 238) 41

Maximum residue levels of pesticides (STC 306) 47

EU renewal of GMO approvals (STC 353) 51

2.4.2 Animal Health 52

Prohibition of use and sale of treated seeds (STC 350) 52

EU temperature treatment requirements for imports of processed meat products (STC 351) 52

2.4.3 Plant Health 53

EU quarantine measures on certain pine trees and other products (STC 348) 53

EU import requirements for orchid tissue culture plantlets in flasks (STC 355) 54

Phytosanitary measures on citrus black spot (STC 356) 55

2.4.4 Other concerns 56

EU Court of Justice ruling regarding pollen derived from GMOs (STC 327) 56

2.5 France, European Union 57

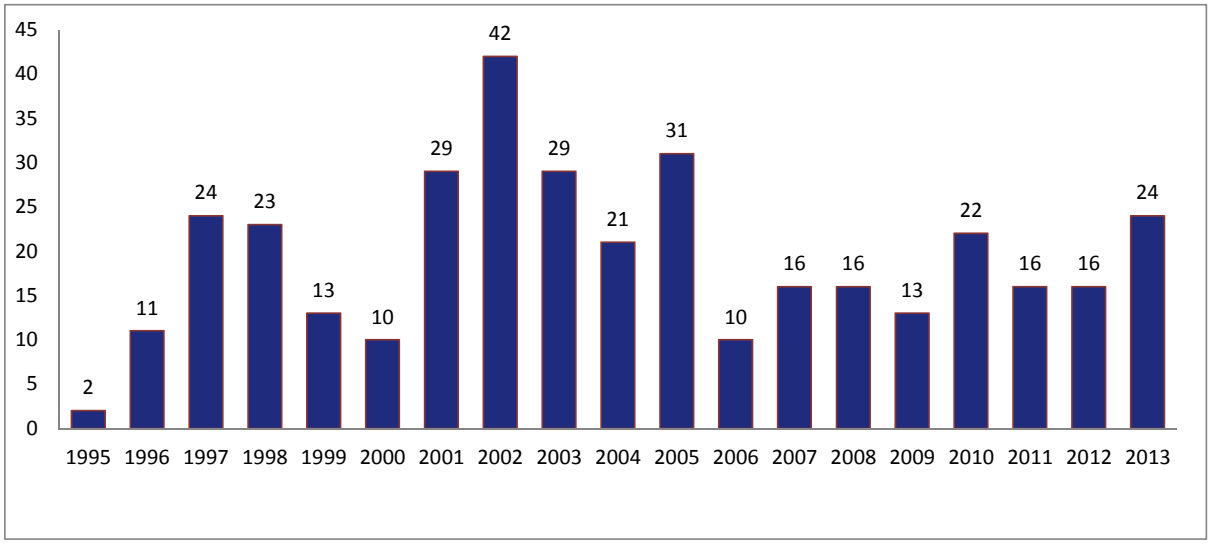
2.5.1 Food safety 57
Ban on Bisphenol A (STC 346) 57
2.6 India 57
2.6.1 Animal Health 57
Import conditions for pork and pork products (STC 358) 57
2.6.2 Plant Health 58
Import restrictions on apples, pears and citrus (STC 347) 58
2.7 Hong Kong, China 59
2.7.1 Food safety 59
Import restrictions in response to the Japanese nuclear power plant accident (STC 354) 59
2.8 Indonesia 60
2.8.1 Animal Health 60
Import restrictions on poultry meat (STC 286) 60
2.8.2 Plant Health 61
Indonesia's port closures (STC 330) 61
2.9 Japan 66
2.9.1 Food safety 66
Japan's MRLs applied to sesame (STC 321) 66
Restrictions on shrimp due to anti-oxidant residues (STC 342) 68
2.9.2 Animal Health 69
General import restrictions due to BSE (STC 193) 69
Restrictions related to FMD (STC 332) 69
Import restrictions on beef due to BSE (STC 364) 70
2.9.3 Plant Health 70
Quarantine requirement for blueberries (STC 366) 70
2.10 Korea, Republic of 71
2.10.1 Food safety 71
Strengthened import restrictions on fishery products with regard to radionuclides (STC 359) 71
2.10.2 Animal Health 71
General import restrictions due to BSE (STC 193) 71
2.11 Malaysia 72
2.11.1 Food safety 72
Import restrictions on pork and pork products (STC 323) 72
2.12 Russian Federation 73
2.12.1 Food safety 73
Non-recognition of testing laboratories for meat products (STC 361) 73
Import restrictions on confectionary products (STC 368) 73
2.13 Saudi Arabia, Kingdom of 74
2.13.1 Food safety 74
Import conditions on poultry (STC 365) 74

2.14 South Africa 74
2.14.1 Animal Health 74
Import restrictions on beef due to BSE (STC 362) 74
2.15 Chinese Taipei 75
2.15.1 Food safety 75
Import restrictions in response to the Japanese nuclear power plant accident (STC 354) 75
2.16 Turkey 75
2.16.1 Food safety 75
Prohibition of certain food additives in traditional foods (STC 367) 75
2.16.2 Animal Health 76
Requirements for importation of sheep meat (STC 340) 76
2.17 United States of America 77
2.17.1 Food safety 77
US proposed rule on good manufacturing practice for human food (STC 352) 77
Accreditation of third-party bodies to conduct food safety audits and to issue certifications (STC 357) 78
2.18 Viet Nam 79
2.18.1 Food safety 79
Ban on offals (STC 314) 79
2.19 Certain Members 83
2.19.1 Food safety 83
Import restrictions in response to the Japanese nuclear power plant accident (STC 354) 83
2.19.2 Animal Health 84
General import restrictions due to BSE (STC 193) 84

1 STCS GENERAL OVERVIEW

1.1. Altogether, 368 specific trade concerns were raised in the 19 years between 1995 and the end of 2013. Chart 1.1 shows the number of new concerns raised each year; 24 new concerns were raised in 2013.

Chart 1.1 – Number of New Issues Raised



1.2. Chart 1.2a categorizes the trade concerns raised over the 19 years into food safety, animal or plant health issues. Overall, 31% of trade concerns relate to food safety concerns, 24% relate to plant health, and 6% concern other issues such as certification requirements, control or inspection procedures. 39% of concerns raised relate to animal health and zoonoses. The animal health and zoonoses category is further divided into foot-and-mouth disease (FMD), transmissible spongiform encephalopathies (TSEs), avian influenza (AI) and other animal health concerns (OAH). Chart 1.2b shows that TSEs account for 33% of animal health concerns, while issues related to FMD and to avian influenza account for 24% and 9%, respectively. The remaining 34% relate to OAH concerns.

Chart 1.2a – Trade Concerns by Subject

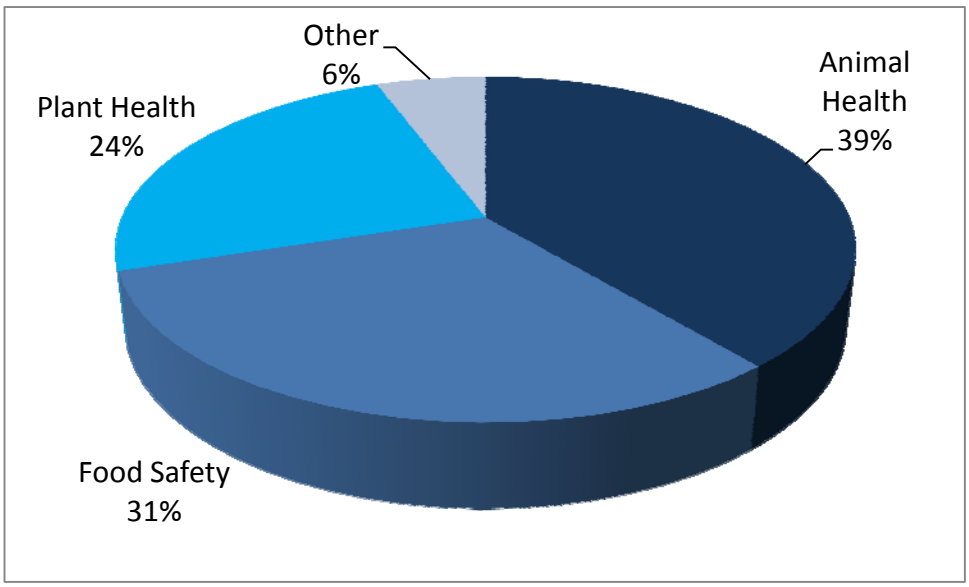
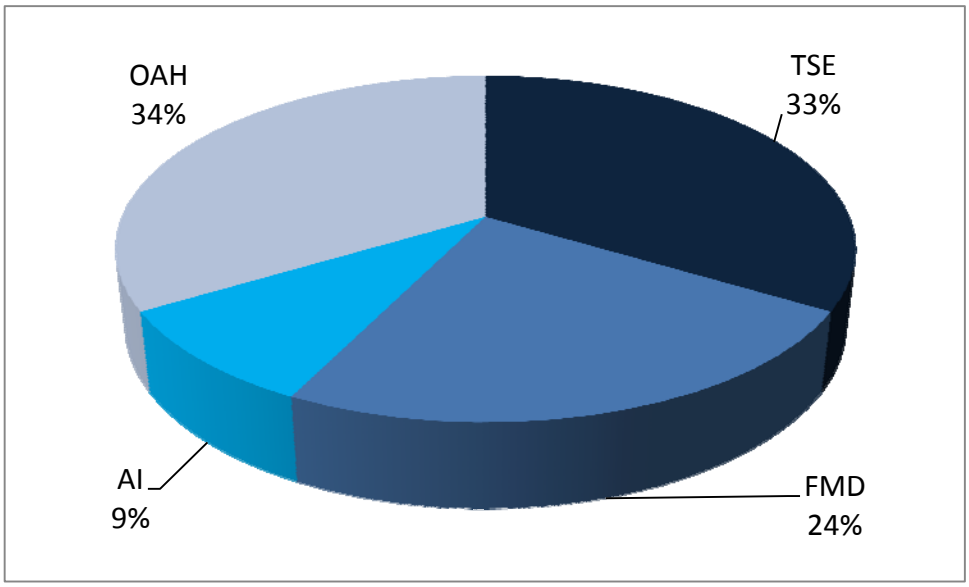


Chart 1.2b – Trade Concerns Related to Animal Health & Zoonoses



1.3. Developing countries are participating actively under this agenda item in the SPS Committee meetings. Chart 1.3a indicates that over the 19 years, developing country Members have raised 205 trade concerns (on many occasions more than one Member has raised, supported or maintained an issue) compared to 219 raised by developed country Members and five raised by least-developed country Members.[3] A developing country Member has supported another Member raising an issue in 277 cases, compared to 183 for developed country Members and three for least-developed country Members. In 206 cases, the measure at issue was maintained by a developed country Member, and in 191 cases it was maintained by a developing country Member. One trade concern regarding measures maintained by a least-developed country Member has been raised. Chart 1.3b shows the number of new issues raised each year by each category of Member.[4]

[3] On 1 December 2009, the *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community* (done at Lisbon, 13 December 2007) entered into force. On 29 November 2009, the WTO received a Verbal Note (WT/L/779) from the Council of the European Union and the Commission of the European Communities stating that, by virtue of the *Treaty of Lisbon*, as of 1 December 2009, the European Union replaces and succeeds the European Community. The European Union was counted as one Member. Similarly, when one Member spoke on behalf of ASEAN, it was counted as one Member only.

[4] As any individual trade concern can potentially be raised by more than one Member, this explains the apparent double-counting shown in Charts 1.3a and 1.3b compared with the overall count of the 368 specific trade concerns raised since 1995.

Chart 1.3a – Participation by WTO Members (1995-2013)

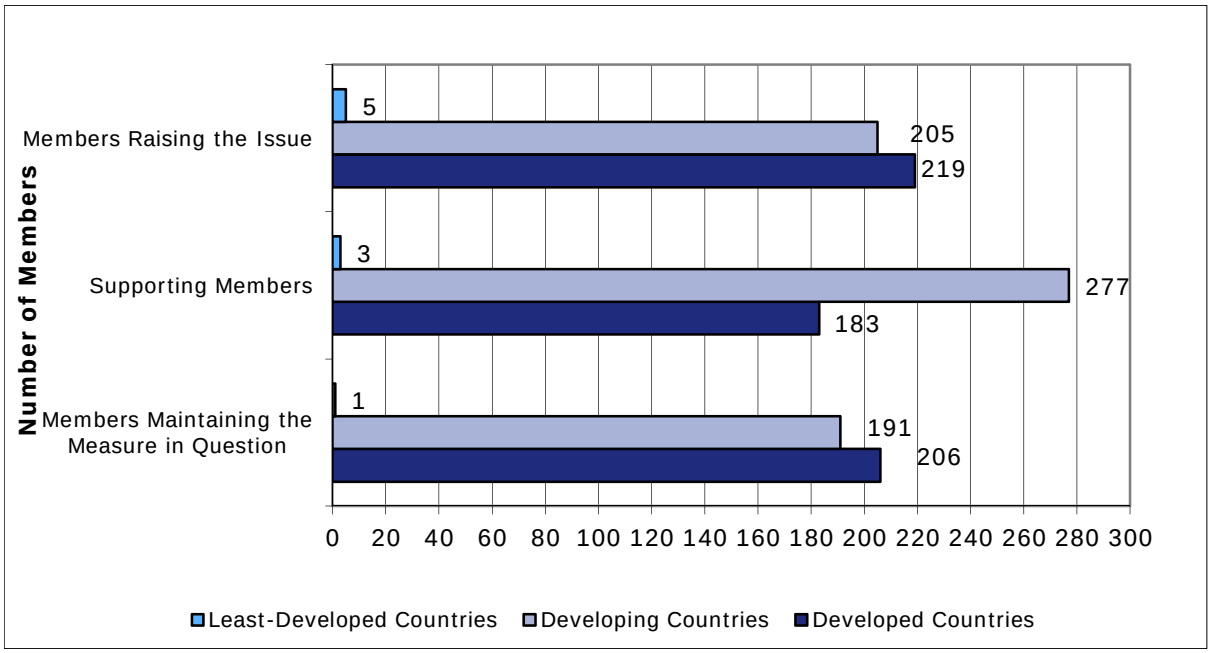
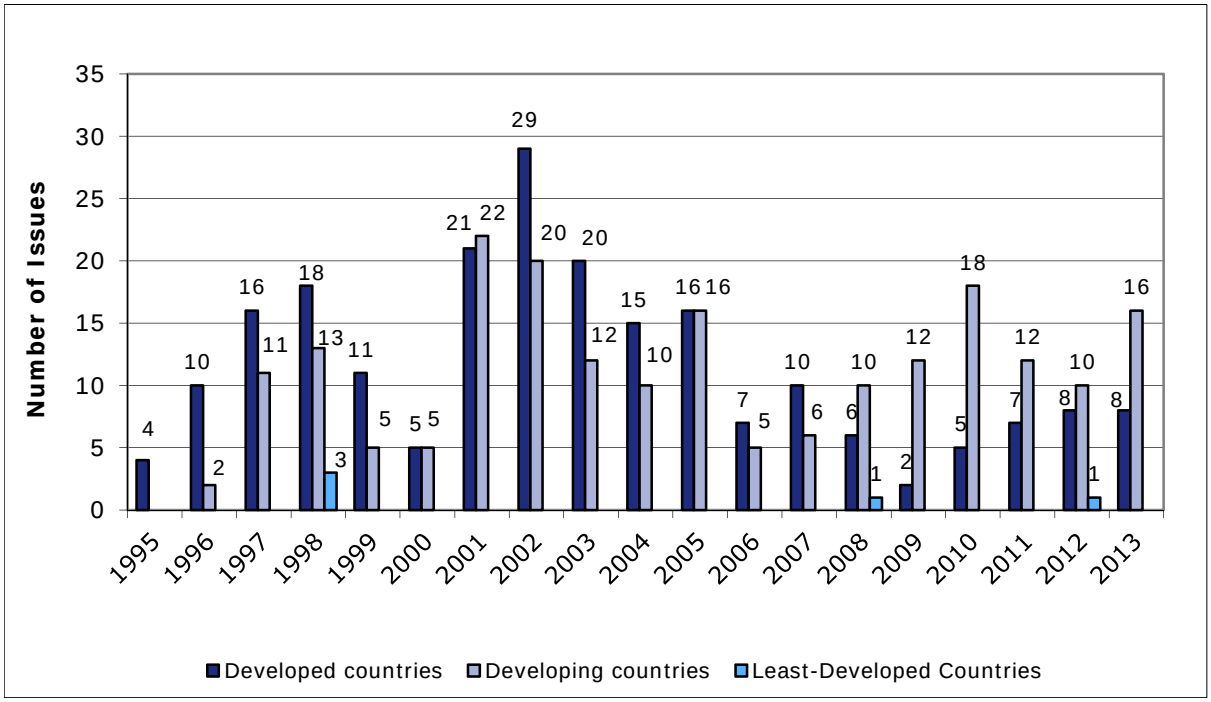


Chart 1.3b – Number of New Issues Raised by Members



1.4. Chart 1.4 indicates that 141 trade concerns have been reported resolved out of the 368 trade concerns raised over the 19 years. Forty issues were reported as resolved in 2013,. Thirty-one trade concerns have been reported to be partially solved. In these instances, trade may have been allowed for selected products or by some of the importing Members maintaining the measure in question. No solutions have been reported for the remaining 196 trade concerns. There are 172 trade concerns that are at least one year old and for which no solution has been reported. However, some of these concerns may have been resolved without the Committee being made aware of these developments.

Chart 1.4 – Solved Trade Concerns

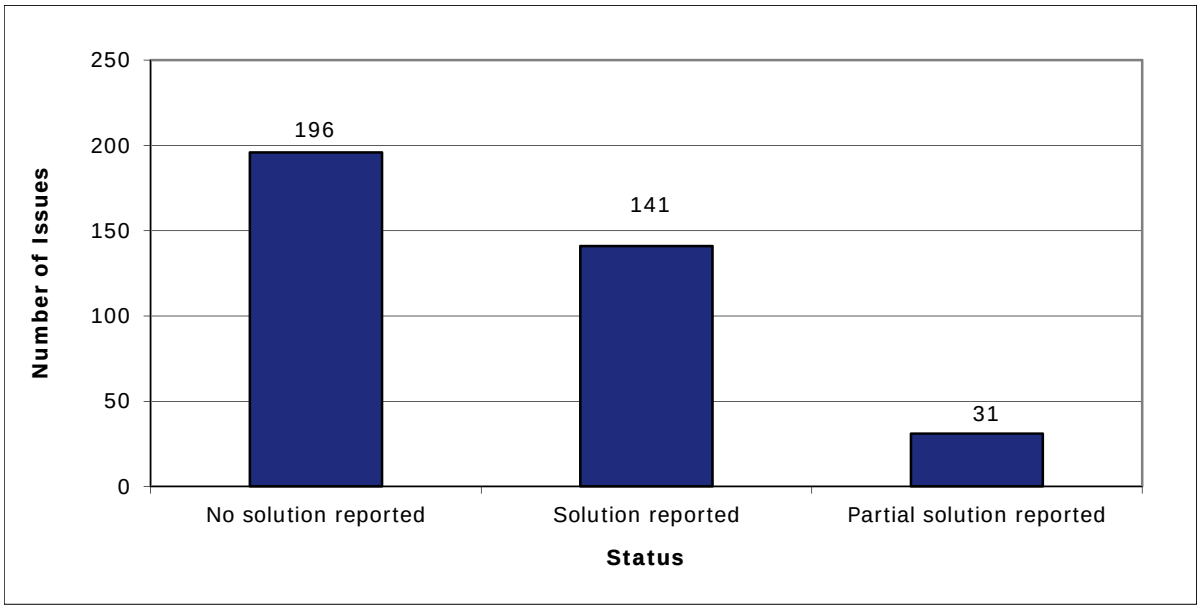


Table 1 - List of Specific Trade Concerns (1995–2013)

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
		1995		
1	Shelf-life requirements	Korea, Republic of	Australia, Canada, United States of America	PR
2	Import clearance measures and practices	Korea, Republic of	United States of America	R
		1996		
3	Restrictions on gelatin imports	Norway	Brazil	R
4	Measures related to BSE	Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Slovenia, Spain, United States of America	Switzerland	R
5	Import requirements for wine	Brazil	European Union	R
6	Importation of cheese	Canada	European Union	R
7	Regionalization in relation to animal health	United States of America	European Union	NR
8	Ban on salmon imports	Australia	Canada, United States of America	R

[5] NR= Not Reported, P = Partially resolved, R= Resolved.

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
9	Zero-tolerance for salmonella in imported poultry products	Chile, Czech Republic, El Salvador, Honduras, Slovak Republic	United States of America	NR
10	Imports of potatoes	Czech Republic	European Union	R
11	Restriction on levels of copper and cadmium in imported squid	Spain, European Union	United States of America	R
12	Testing requirements for different varieties of apples, cherries and nectarines	Japan	United States of America	R
13	Translation of regulations	Japan; Korea, Republic of	Argentina	NR
		1997		
14	Restrictions on imported wheat	Brazil	United States of America	R
15	Zoosanitary import policies pertaining to BSE	Canada	European Union	NR
16	Restrictions on imports of wheat and fruit	Chile	United States of America	R
17	Cosmetics and BSE	European Union	Australia	R
18	Certification requirements for pet food	France, European Union	United States of America	NR
19	Protected zones	European Union	Uruguay	NR
20	Restrictions on imports of rough rice	Honduras	United States of America	R
21	Fresh fruit and vegetables	Indonesia	Australia, United States of America	NR
22	Measures affecting imports of bovine meat	Israel	Uruguay	R
23	Plant quarantine regulations	Japan	United States of America	NR
24	Requirements for certification of consumer rice	Panama	United States of America	R
25	Restrictions on wheat and oilseeds	Poland	United States of America	NR
26	Phytosanitary issues in general	Certain Members	United States of America	R
27	Citrus canker	European Union	Argentina	R
28	Notification on wheat, rye and triticale	Switzerland	Argentina	R
29	Measures related to avian influenza	Venezuela, Bolivarian Republic of	United States of America	NR
30	Regulation concerning warehouses and silos	Czech Republic	European Union	R
31	Rules on "specified risk materials" in products of animal origin	European Union	United States of America	NR
32	Gelatin imports	European Union	Brazil, United States of America	PR
33	Salmonella-related restriction on fishmeal imports	European Union	Chile, Peru	PR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
34	Measures regarding FMD	Japan	Argentina, European Union	PR
35	Import ban on frozen poultry	Korea, Republic of	Thailand	R
36	Import prohibition of milled rice	Mexico	Thailand	R
37	Actions taken by local governments	United States of America	Chile	R
		1998		
38	Temporary prohibition of fresh pork and products	Argentina	European Union	R
39	Maximum levels for certain contaminants (aflatoxins) in foodstuffs	European Union	Argentina; Australia; Bolivia, Plurinational State of; Brazil; The Gambia; India; Indonesia; Malaysia; Philippines; Senegal; Thailand	R
40	Trade restrictions in response to cholera	European Union	Tanzania	PR
41	Restrictions on imports of apples, pears and quinces	Slovak Republic	Hungary	R
42	Import restrictions on potatoes	Slovak Republic	Poland, European Union	R
43	Prohibition on bone-in beef imports from EC member States	South Africa	European Union	R
44	Measures related to BSE	United States of America	European Union	NR
45	Import restrictions on cheese	Australia, New Zealand	European Union, Switzerland	R
46	Import prohibition of coconut palms and related products	Brazil	Philippines	NR
47	Measure on establishments operating in the animal feed sector	European Union	United States of America	NR
48	Import ban on livestock	Turkey	Hungary, United States of America	PR
49	Restrictions on imports of sauces containing benzoic acid	Australia	Philippines	R
50	Quarantine requirements for chicken meat	Australia	Thailand	NR
51	Prohibition of poultry meat imports	Czech Republic	Thailand	R
52	Measures on food treated with ionizing radiation	European Union	United States of America	NR
53	Emergency measures on citrus pulp	European Union	Brazil	R

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
54	Notifications regarding import requirements on meat and eggs	Switzerland	United States of America	R
55	TSE-related import restrictions of live cattle	Israel	European Union	R
56	Notification on amendment of the Japanese Plant Protection Law	Japan	United States of America	NR
57	Requirements for imports of milk and milk products	Poland	European Union	R
58	Notification on refrigeration and labelling requirements for shell eggs	United States of America	European Union	NR
59	Interim rule affecting solid wood packaging material	United States of America	Hong Kong, China	NR
	1999			
60	Import restrictions on bovine semen and embryos, milk and milk products	Argentina	European Union	R
61	Import restrictions on bovine semen	India	Canada, European Union	PR
62	Restrictions on imports of horses	India	European Union	NR
63	Information on dioxin	Certain Members	European Union	R
64	Ban on antibiotics in feed	European Union	United States of America	NR
65	Import restrictions on beef	Korea, Republic of	Argentina	NR
66	Notifications related to dioxin	Malaysia, Singapore	Switzerland	R
67	Import restrictions on beef	Mexico	Argentina	NR
68	Notifications on veterinary measures and measures on animal products including gelatin	Poland	Switzerland, United States of America	R
69	Import restrictions on rhododendrons in growing medium	United States of America	European Union	R
70	Import conditions for pork meat and products	Venezuela, Bolivarian Republic of	European Union	NR
71	Restrictions on meat and dairy products	El Salvador	Uruguay	R
72	Measures regarding canned tuna in oil	Belgium, European Union	Philippines	NR
73	Imports of citrus fruit	United States of America	Argentina	R
	2000			
74	Restrictions on imports of tropical fresh fruit	Australia	Philippines	NR
75	Notification on meat and meat products	Iceland	Argentina	R
76	Ban on pet food imports	Turkey	Hungary	R
77	Restrictions on canned tuna	Egypt	Thailand	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
78	Notification on methyl bromide	Australia	European Union	R
79	Import restrictions on durian	Australia	Thailand	NR
80	Restrictions on poultry meat imports	Bolivia, Plurinational State of	Chile	R
81	Wood packing material	European Union	Canada	R
82	Restrictions on importation of fresh fruit	Indonesia	New Zealand	R
83	Restrictions on milk powder imports	Panama	European Union	R
		2001		
84	Import restrictions affecting BSE-free countries	Argentina; Australia; Canada; Korea, Republic of; New Zealand; United States of America	Bulgaria, Croatia, Czech Republic, Estonia, Latvia, Poland, Romania, Slovak Republic, Slovenia	NR
85	Import restrictions on prawns and prawn products; revised generic IRA for prawns and prawn products	Australia	China, Thailand	PR
86	Access of California table grapes	Australia	United States of America	R
87	Measures affecting imports of products containing Brazilian beef	Canada	Brazil	R
88	Import restrictions due to FMD	Canada, United States of America	Hungary	NR
89	Import restrictions on soy sauce	European Union	Thailand	NR
90	Restrictions on bovine products	Hungary	Canada	R
91	Restrictions on pork products	Hungary	Canada	R
92	Restrictions on banana imports	Turkey	Ecuador	R
93	Phytosanitary requirements for potatoes, garlic and onions	Venezuela, Bolivarian Republic of	Argentina	NR
94	Directive 2000/42 on pesticide residues	European Union	Côte d'Ivoire	NR
95	Legislation on the fungicide thiabendazole (TBZ)	European Union	Israel	NR
96	Geographical BSE risk assessment	European Union	Canada, Chile, India	R
97	Restrictions on the use of fishmeal	European Union	Chile, Norway, Peru	PR
98	Restrictions on Egyptian potatoes	European Union	Egypt	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
99	Restrictions on importation of sugar cane top	Japan	Indonesia	NR
100	Import measures on apples due to fire blight	Japan	United States of America	R
101	Proposed import prohibition of commodity-country combinations of fresh cut flowers and foliage	New Zealand	European Union	R
102	Import restrictions on potted plants	United States of America	European Union	NR
103	FMD-related import restrictions	Certain Members	Argentina, European Union	PR
104	FMD restrictions	Chile	Argentina	R
105	Restrictions on apples and pears	Cuba	Argentina	NR
106	Regulations on genetically modified food and feed	European Union	United States of America	PR
107	Transitional TSE measures	European Union	Canada	R
108	Cut flowers	European Union	Ecuador, Israel	NR
109	Phytosanitary regulations (Canary Islands)	Spain, European Union	Argentina	NR
110	Agricultural biotechnology approval process	European Union	United States of America	PR
111	FMD restrictions	Indonesia	Argentina	NR
		2002		
112	FMD trade restrictions	Bolivia, Plurinational State of	Argentina	R
113	Pet food import requirements	Chile	Argentina	R
114	Food safety regulations affecting agricultural products produced from modern biotechnology	China	United States of America	NR
115	Import restrictions for citrus and other fruits related to fruit fly	China	Argentina	R
116	FMD restrictions	Colombia	Argentina	R
117	Traceability and labelling of genetically modified organisms and food and feed	European Union	Argentina, Canada, United States of America	NR
118	Import licenses for agricultural products	Panama	Canada	R
119	Notification on Chinese fruit imports	Philippines	China	PR
120	Restrictions on pigmeat	United States of America	European Union	NR
121	Imports of clementines	United States of America	European Union	R
122	FMD Restrictions	Venezuela, Bolivarian Republic of	Argentina	R

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
123	Restrictions on imports of potatoes, onions, fertilised eggs, day-old chicks and meat products	Venezuela, Bolivarian Republic of	Canada, Colombia	PR
124	Notifications related to avian influenza	Certain Members	United States of America	NR
125	BSE related measures	Argentina	Canada	R
126	Import requirements for seed potatoes	Brazil	Canada, European Union	R
127	Import ban on products of Dutch origin	China	European Union	R
128	Import requirements for cosmetics	China	European Union	R
129	Import restrictions on spiced pork and salted meat products	Cuba	Argentina	R
130	Restrictions on shellfish	European Union	Indonesia	NR
131	Pesticide and antibiotic limits in honey (Directive 96/23)	European Union	Cuba	NR
132	Import restrictions on dairy products	Indonesia	Argentina	R
133	Official control restrictions on citrus and other fresh fruits and vegetables	Japan	New Zealand, United States of America	NR
134	SPS measures on animal products	Romania	Moldova, Republic of	R
135	Restrictions on beef and pork	South Africa	Brazil	PR
136	Policies regarding quarantine and non-quarantine pests	Chinese Taipei	United States of America	NR
137	Import restrictions on meat and meat products	United States of America	Switzerland	NR
138	Pest risk assessment requirements	Argentina	United States of America	R
139	Restriction on pigmeat	Australia	European Union	R
140	Imports of live ostriches	Brazil	European Union	R
141	Pest risk assessments for imports of plant origin	Brazil	Canada	NR
142	Zero tolerance for *e-coli*	China	United States of America	NR
143	Regulation on wood packaging material	China	European Union	R
144	Restrictions on the importation of fruits and fruit juices	European Union	Brazil	R
145	Import restrictions on chicken meat imports	Honduras	Costa Rica	R
146	Ban on hormones in animal production	Indonesia	United States of America	R
147	Regulation on food additives	Japan	European Union	NR
148	Amendment of the food sanitation law	Japan	China	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
149	Restrictions on food products	Panama	European Union	R
150	Certification of meat and dairy products	Philippines	Canada	R
151	Restrictions on imports of pork sausages and other pork products	Trinidad and Tobago	Argentina	NR
152	Restrictions on melons	United States of America	Mexico	NR
153	Restrictions on imports of Chinese potted plants in growing medium	United States of America	China	NR
154	Risk assessment on BSE	Uruguay	Canada, United States of America	PR
		2003		
155	Import requirements for Netherlands truss tomatoes	Australia	European Union	R
156	Notification G/SPS/N/BRA/74 and G/SPS/N/BRA/75 on BSE-related measures	Brazil	Canada	R
157	Quarantine measures for the entry and exit of aquatic products	China	European Union	R
158	Restrictions on pork imports	Croatia	Slovenia	R
159	Proposal on animal by-products	European Union	United States of America	NR
160	Transitional BSE measures	European Union	United States of America	NR
161	EC Directive 2001/661/EC on foot-and-mouth disease	European Union	South Africa	NR
162	Fumigation standards	Japan	United States of America	R
163	Restrictions on Austrian products	Mexico	European Union	NR
164	Restrictions on the importation of dry beans	Mexico	United States of America	R
165	Import restrictions on Spanish olive oil	Bahrain, Kingdom of; Kuwait, the State of; Oman, Qatar, United Arab Emirates	European Union	PR
166	Import measures on live animals and meat products	Croatia	Hungary	R
167	Restrictions on honey imports	European Union	United States of America	R
168	Maximum levels for aflatoxins in corn and sampling contaminants in food	European Union	Argentina	NR
169	EC proposed regulation on maximum residue levels of pesticides	European Union	Argentina, China	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
170	Live animals and animal products	European Union	Australia	NR
171	Animal health conditions and certification requirements for live fish	European Union	Australia	R
172	Restrictions on imports of mangoes	Japan	Brazil	R
173	Notification on uses of living modified organisms	Japan	Australia	R
174	Notification on transboundary movement of living modified organisms	Korea, Republic of	Australia	R
175	Notification on food and feed controls	European Union	United States of America	NR
176	Notification on maximum tolerance levels for Ocratoxin A in coffee	Germany, European Union	Colombia, Papua New Guinea	PR
177	Sanitary conditions for the importation of live material for apiculture	European Union	Argentina	NR
178	Revision of standards and specifications for food and additives	Japan	China	NR
179	Guidelines for maximum residue level (MRL) testing	Korea, Republic of	United States of America	R
180	Heat treatment for meat and bone meal in poultry for pet food	Chinese Taipei	United States of America	R
181	Import restrictions on potatoes	Chinese Taipei	New Zealand	R
182	Implementation of ISPM 15	United States of America	Argentina	R
183	Implementation of ISPM 15	Certain Members	Chile, Uruguay	PR
		2004		
184	Lack of transparency for certain SPS measures	China	United States of America	NR
185	Restrictions due to avian influenza	India	European Union, United States of America	NR
186	Phytosanitary import restrictions	India	European Union, United States of America	PR
187	FMD restrictions	Panama	Argentina	R
188	Delisting of France from countries authorized to export certain meat and meat products to the United States	United States of America	European Union	R
189	Prohibition on the use of specified risk materials and requirements for disabled cattle	United States of America	Argentina	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
190	Regionalization and recognition of animal disease free status	Certain Members	European Union	PR
191	Maximum residue levels for pesticides on food	European Union	China	NR
192	Non-notification of various SPS measures	India	United States of America	NR
193	General import restrictions due to BSE	Certain Members	European Union, United States of America	PR
194	Restrictions on fresh grapes	Australia	Chile	R
195	Restrictions on citrus	Barbados	Venezuela, Bolivarian Republic of	NR
196	Measures on US poultry	China	United States of America	R
197	Regulation on Ocratoxin A in coffee	European Union	Colombia	R
198	Regulation on aflatoxins and Ocratoxin A in foods for infants and young children	European Union	China	NR
199	Deviation from international standard for wood packing material	Spain, European Union	United States of America	R
200	Ban on food grade wax	India	United States of America	R
201	Standards and specifications for food additives (boscalid)	Japan	China	NR
202	Septoria controls on horticultural products	Korea, Republic of	United States of America	R
203	Rule on materials derived from cattle and record-keeping requirements	United States of America	Argentina, China	NR
204	Notification by Members of implementation of ISPM 15	Certain Members	European Union	R
		2005		
205	Slaughter of imported breeding cattle	Bolivia, Plurinational State of	Mexico	NR
206	Inspection and testing procedures for imported wheat	Greece, European Union	Canada	R
207	Directives on residual pesticide tolerance and inspection methods for tea	European Union	China	PR
208	Food and feed hygiene rules	European Union	Canada	NR
209	Plant health directive	European Union	United States of America	NR
210	Restrictions on imports of chicken meat	Guatemala	Mexico	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
211	Restrictions on the transit of avocados	Guatemala	Mexico	NR
212	Positive list system for pesticides, veterinary drugs and feed additives MRLs	Japan	China, United States of America	PR
213	Restrictions on beef imports	Japan	United States of America	NR
214	Inspection regime for food processing establishments	Panama	United States of America	R
215	Public Health Regulation 11	Thailand	United States of America	NR
216	Restrictions on Ya pears imports	United States of America	China	R
217	Import restrictions on apples	Australia	New Zealand	NR
218	Lack of recognition of regionalization and disease-free status for classical swine fever	Brazil	European Union	NR
219	EurepGAP requirements for bananas	European Union	Saint Vincent and the Grenadines	NR
220	Proposed regulations for piper methysticum (kava-kava)	United Kingdom, European Union	Fiji	NR
221	Safety insurance and quality improvement standards for feed and feed additives	Japan	China	R
222	Import suspension of heat-processed straw and forage for feed	Japan	China	R
223	Import requirements for Indian mangoes	Japan	India	NR
224	Restrictions on EC exports of plant and animal products	Japan	European Union	NR
225	Restrictions on US poultry	Mexico	United States of America	R
226	Inspection regime for agricultural products	Panama	Costa Rica	R
227	BSE-related import restrictions on non-ruminant products	Chinese Taipei	United States of America	NR
228	Import procedures for fruits and vegetables	United States of America	European Union	NR
229	Import restrictions on Enoki mushrooms	Canada	Chinese Taipei	R
230	Phytosanitary requirements on fresh oranges	Costa Rica	Nicaragua	R
231	Restrictions on cinnamon	European Union	Sri Lanka	R
232	Import restrictions on EC beef due to BSE	Israel	European Union	R

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
233	Phytosanitary import legislation	Israel	European Union	R
234	Suspension of importation of live poultry and poultry carcasses	Thailand	Mexico	NR
235	Import restrictions on EC exports of live birds, meat, meat products and other derivates due to avian influenza	Certain Members	European Union	PR
		2006		
236	Restrictions on beef exports under the Hilton Quota	Argentina	European Union	R
237	Lack of regionalization for Newcastle disease and restrictions on live birds	Brazil	European Union	NR
238	Application and modification of the EU Regulation on Novel Foods	European Union	Colombia, Ecuador, Peru	NR
239	Tolerance levels for soil content on potato tubers	Dominican Republic	Canada	NR
240	Biotech labelling and import approval process regulations	India	United States of America	NR
241	Import restrictions on wooden Christmas trees	United States of America	China	R
242	Restrictions on US poultry exports	European Union	United States of America	NR
243	Lack of recognition of pest-free areas	Indonesia	United States of America	PR
244	Importation of live animals and meat products	Indonesia	Brazil	NR
245	Restrictions on US pork and poultry imports	Romania	United States of America	NR
		2007		
246	Import restrictions on products of animal origin due to dioxin	China	European Union	R
247	BSE-related measures on beef products	Korea, Republic of	Canada	R
248	Regionalization for bovine and pig meat products	Korea, Republic of	Brazil	R
249	Reform of Australia's IRA process	Australia	European Union	NR
250	Trade restrictions related to national systems for determining maximum residue levels (MRLs) for pesticides	Certain Members	Argentina	NR
251	Zero tolerance for pathogens on raw meat and poultry products	China	United States of America	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
252	Zero tolerance for salmonella in poultry and eggs	El Salvador	United States of America	NR
253	Export certification requirements for dairy products	India	United States of America	NR
254	Animal health requirements for poultry meat	El Salvador	United States of America	NR
255	Application of regionalization and prohibition of bovine meat	China	Brazil	R
256	Import restrictions on cooked poultry products from China	European Union	China	PR
257	Import restrictions on cooked poultry products from China	United States of America	China	R
258	Import restrictions on beef and beef products due to Blue Tongue disease	Certain Members	European Union	NR
259	Avian influenza restrictions	China	United States of America	NR
260	Requirements for quarantine treatment of aircraft	Chile	Argentina	R
261	Varietal restrictions on US apples	China	United States of America	NR
		2008		
262	Restrictions on heat-treated products in relation to avian influenza	Egypt	European Union	R
263	Import restrictions on cooked and frozen meat	Mexico	Brazil	NR
264	Maximum residue levels for Ethephon in pineapple	European Union	Ecuador	NR
265	Regulatory process economic analysis requirement	United States of America	Brazil	NR
266	Price list for inspections	Malaysia	Brazil	NR
267	Pesticide maximum residue level (MRL) enforcement system	Japan	China, United States of America	NR
268	Import restrictions on EC dairy products	United States of America	European Union	NR
269	Restrictions on apples	United States of America	China	NR
270	Import restrictions on rice	Mexico	Pakistan	R
271	Restrictions on imports of swine meat	Mexico	Brazil	NR
272	Rapid Alert System regarding mango imports	European Union	Senegal	NR
273	Health certificate ratification by national embassies	Oman, Certain Members	European Union	R

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
274	Korea's Livestock Epidemic Prevention Act	Korea, Republic of	Canada	NR
275	Restrictions on ractopamine in beef and pork	Chinese Taipei	United States of America	NR
276	Maximum residue levels for pesticides in cacao	European Union	Ecuador	NR
277	NAPPO draft standard for ships and cargoes from areas infested with Asian gypsy moth	Canada, Mexico, United States of America	China	R
2009				
278	Hygiene standard for distilled spirits and integrated alcoholic beverages	China	Mexico	NR
279	Import restrictions on pork products due to influenza A/H1N1	Armenia; Bahrain, Kingdom of; China; Gabon; Indonesia; Jordan; Suriname	Mexico	NR
280	New meat import conditions	Indonesia	European Union	NR
281	Import restrictions on gelatine from bovine hides and head skin due to BSE requirements	Colombia	Brazil	R
282	Measures on food products containing meat, poultry or processed egg products	United States of America	China	NR
283	Pesticide maximum residue levels (MRLs)	Japan	Brazil, Ecuador	PR
284	Rule on importation of wooden handicrafts from China	United States of America	China	R
285	Import restrictions on fresh pork meat and beef	United States of America	Brazil	PR
286	Import restrictions on poultry meat	Indonesia	Brazil	NR
287	Import restrictions on fresh pork meat and beef	South Africa	Brazil	PR
288	Import measures on animals and animal products	Ukraine	European Union	R
289	Measures on catfish	United States of America	China	NR
290	Suspension of inspection and delivery of plant and animal health certificates for imports	Venezuela, Bolivarian Republic of	Colombia	R
2010				
291	BSE Measures	Chinese Taipei	Canada	NR
292	Prohibition of ornamental plants larger than 18 inches	United States of America	Costa Rica	R

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
293	Risks arising from Carambola fruit fly in French Guyana	France, European Union	Brazil	NR
294	Import restrictions on plant and plant products	Malaysia	Brazil	NR
295	Artificial colour warning labels	European Union	United States of America	NR
296	SPS notification practices	China	European Union	NR
297	Registration requirement for pet food export enterprises	Canada	China	R
298	Import restrictions on Brazilian beef	Colombia	Brazil	NR
299	US 2009 Food Safety Enhancement Act	United States of America	China, India	NR
300	EC Regulation No. 1099/2009	European Union	India	NR
301	US risk analysis for the entry of queen bees	United States of America	Argentina	NR
302	Restrictions on products derived from biotechnology	Turkey	United States of America	NR
303	Import restrictions on poultry meat	Senegal	Brazil	NR
304	Proposed MRL for 1-Methylcyclopropene in bananas	Canada	Ecuador	NR
305	Import restrictions on beef and recognition of the principle of regionalization	Indonesia	Brazil	NR
306	Maximum residue levels of pesticides	European Union	India	NR
307	Prohibition of certain food additives	Japan	India	NR
308	Restrictions on bovines and bubalines for reproduction	Brazil	Colombia	R
309	Labelling of products of animal origin	Brazil	European Union	NR
310	Measures on canned sardines	Brazil	Morocco	NR
311	Restrictions on poultry and poultry products	Albania, Croatia	Chile	R
312	Restrictions on beef exports due to BSE-related concerns	Mexico	Nicaragua	R
2011				
313	Import restrictions due to dioxin contamination in Germany	Certain Members	European Union	R
314	Ban on offals	Viet Nam	United States of America, European Union	NR
315	Ukraine import restrictions on poultry and poultry products	Ukraine	Mexico	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
316	United States import restrictions on chrysanthemums	United States of America	Costa Rica	NR
317	Mexico's BSE measures	Mexico	Canada	NR
318	US failure to recognize South Patagonia as FMD-free and to import beef from north of the 42nd parallel	United States of America	Argentina	NR
319	Chinese quarantine and testing procedures for salmon	China	Norway	NR
320	Restrictions on imported fresh meat	Philippines	United States of America	NR
321	Japan's MRLs applied to sesame	Japan	Paraguay	NR
322	Polyamide and melamine plastic kitchenware	European Union	China; Hong Kong, China	NR
323	Import restrictions on pork and pork products	Malaysia	European Union	NR
324	China's requirement for registration and supervision of foreign enterprises	China	India	NR
325	EU regulations on cadmium in cocoa	European Union	Colombia, Ecuador	NR
326	Restrictions on table grapes, apples and pears	Thailand	South Africa	NR
327	EU Court of Justice ruling regarding pollen derived from GMOs	European Union	Argentina	NR
328	US default MRLs, limits of determination or limits of quantification on basmati rice	United States of America	India	NR
		2012		
329	Testing methods for food additives	China	India	NR
330	Indonesia's port closures	Indonesia	China, European Union, New Zealand, United States of America	PR
331	EU limits of aluminum in flour products	European Union	China	NR
332	Restrictions related to FMD	Japan	Argentina	NR
333	Trade restrictive measures due to the Schmallenberg Virus	Certain Members	European Union	NR
334	MRLs for roasted and powdered coffee	Chinese Taipei	India	R
335	EU testing of pesticide residues	European Union	India	NR

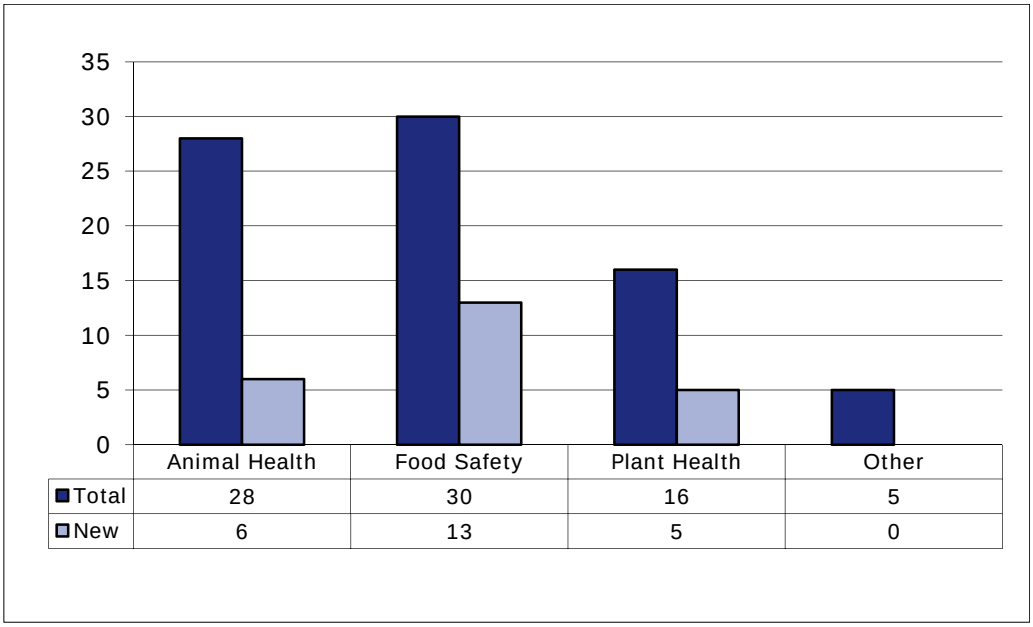
Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
336	US measures on fresh lemons from the north west region of Argentina	United States of America	Argentina	NR
337	Delay in finalizing inspection procedures on bovine and poultry meat from Argentina	Canada	Argentina	NR
338	Import ban on live animals from the EU	Russian Federation	European Union	NR
339	Restrictions on tomatoes	United States of America	Senegal	NR
340	Requirements for importation of sheep meat	Turkey	Australia	NR
341	Russia's listing of export establishments	Russian Federation	European Union	NR
342	Restrictions on shrimp due to anti-oxidant residues	Japan	India	NR
343	Permits on horticultural products	Indonesia	United States of America	NR
344	Measures on shrimp	Brazil	Ecuador	NR
		2013		
345	Import conditions related to phthalates	China	European Union	NR
346	Ban on Bisphenol A	France, European Union	United States of America	NR
347	Import restrictions on apples, pears and citrus	India	Argentina	NR
348	EU quarantine measures on certain pine trees and other products	European Union	Russian Federation	NR
349	MRLs for veterinary medicines in live animals	Costa Rica	Panama	NR
350	Prohibition of use and sale of treated seeds	European Union	United States of America	NR
351	EU temperature treatment requirements for imports of processed meat products	European Union	Russian Federation	NR
352	US proposed rule on good manufacturing practice for human food	United States of America	China	NR
353	EU renewal of GMO approvals	European Union	Argentina	NR
354	Import restrictions in response to the Japanese nuclear power plant accident	Certain Members	Japan	NR
355	EU import requirements for orchid tissue culture plantlets in flasks	European Union	Chinese Taipei	NR
356	Phytosanitary measures on citrus black spot	European Union	South Africa	NR
357	Accreditation of third-party bodies to conduct food safety audits and to issue certifications	United States of America	China	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
358	Import conditions for pork and pork products	India	European Union	NR
359	Strengthened import restrictions on fishery products with regard to radionuclides	Korea, Republic of	Japan	NR
360	Import policy on swallow nests	China	Indonesia	NR
361	Non-recognition of testing laboratories for meat products	Russian Federation	India	NR
362	Import restrictions on beef due to BSE	South Africa	Brazil	NR
363	Import restrictions on beef due to BSE	China	Brazil	NR
364	Import restrictions on beef due to BSE	Japan	Brazil	NR
365	Import conditions on poultry	Saudi Arabia, Kingdom of	European Union	NR
366	Quarantine requirement for blueberries	Japan	Argentina	NR
367	Import requirements on traditional foods	Turkey	Japan	NR
368	Import restrictions on confectionary products	Russian Federation	Ukraine	NR

2 STCS CONSIDERED IN 2013

2.1. A total of 79 specific trade concerns were brought to the attention of the Committee during 2013, of which 24 were new issues (Table 2.1), 15 were previously raised (Table 2.2) and 40 were reported as resolved (Table 2.3). Chart 2.1 shows all trade concerns raised or for which a resolution was reported in 2013 in the Committee, by subject. Overall, 30 issues (38%) relate to food safety, 16 issues (20%) relate to plant health and five issues (6%) relate to other concerns. The remaining 28 issues (35%) relate to animal health and zoonoses; this category includes issues such as transmissible spongiform encephalopathy (TSEs) that are also relevant for food safety. TSEs account for 39% of animal health concerns raised in 2013, while issues related to foot-and-mouth disease account for 22%. Issues related to avian influenza account for 7% and the remaining 32% concern other animal health issues.

Chart 2.1 - Trade Concerns by Subject – 2013



	Animal Health	Food Safety	Plant Health	Other
Total	28	30	16	5
New	6	13	5	0

Chart 2.2 - Trade Concerns Related to Animal Health & Zoonoses – 2013

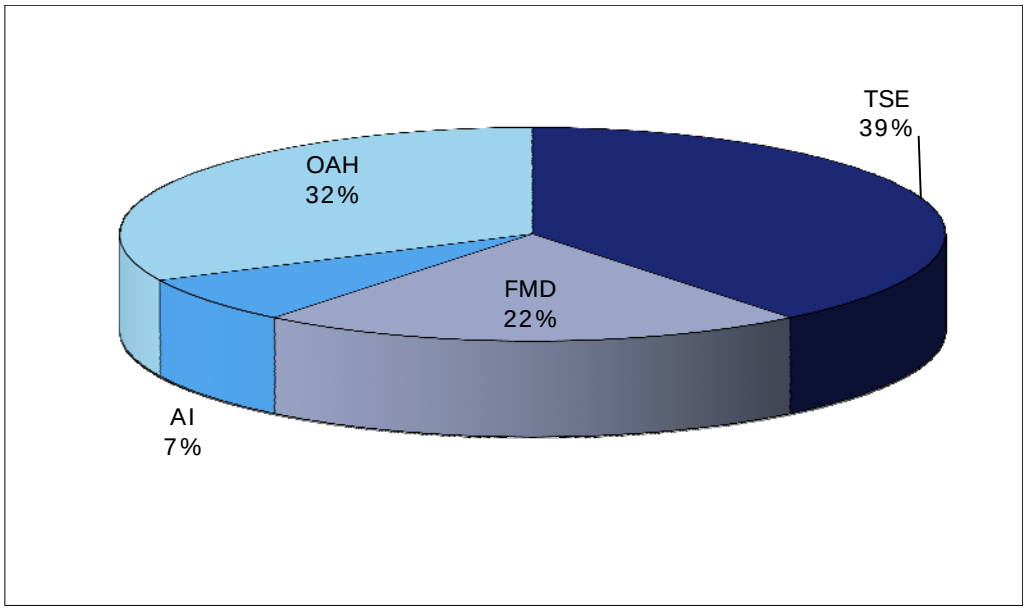
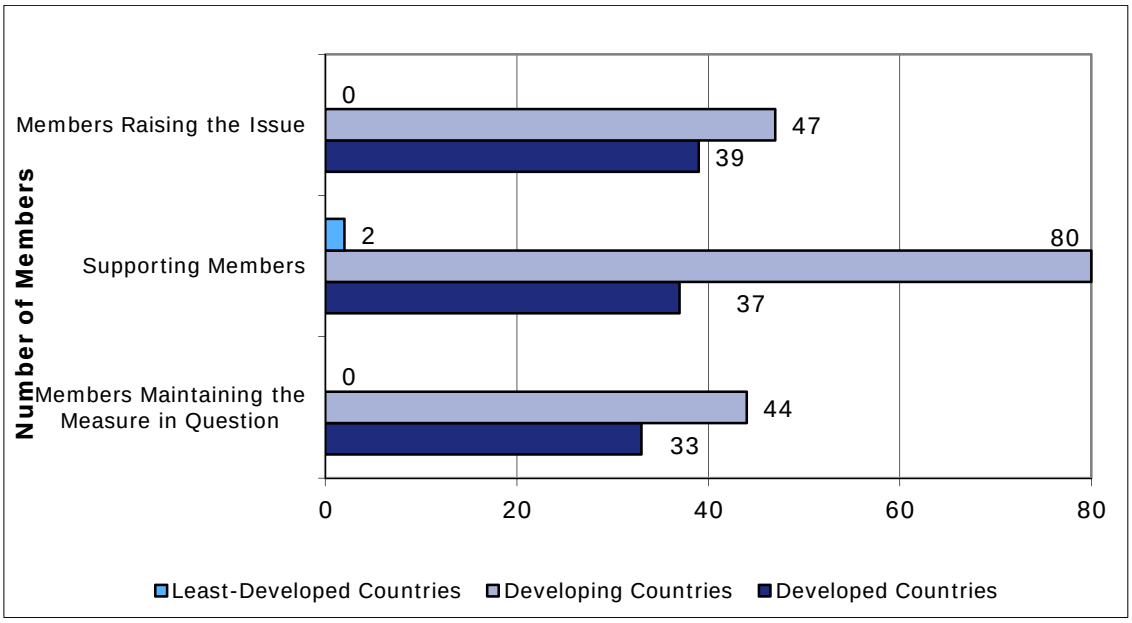


Chart 2.3 - Participation of Members – 2013



2.2. Of the 79 trade concerns discussed in 2013 (including those resolved), in 39 cases a developed country Member has raised the issue, compared to 47 cases for developing country Members. On some occasions, developing and developed country Members have raised or supported the same issue. No cases were raised by a least-developed country Member in 2013. Developed country Members have supported another Member raising the issue in 37 cases and developing country Members have supported another Member in 80 cases. Two cases were supported by a least-developed country Member in 2013.

2.3. In 44 cases, the measure at issue was maintained by a developing country Member, and in 33 cases it was maintained by a developed country Member. Some specific trade concerns are with regard to measures maintained by more than one Member, including combinations of developed and developing countries. No trade concerns regarding measures maintained by a least-developed country Member were raised.[6]

2.4. Panel proceedings occurred in the context of the WTO dispute settlement resolution procedures with respect to two previously raised STCs (185 and 318).

2.5. The information that follows is presented according to the Member(s) maintaining the measure in the order of the alphabetic list of Members. It provides a summary of the discussions in the SPS Committee on the trade concern.

[6] As any individual trade concern can potentially be raised by more than one Member, this explains the apparent double-counting shown in Charts 1.3a and 1.3b compared with the overall count of the 368 specific trade concerns raised since 1995.

Table 2.1 – Issues Raised for the First Time in 2013

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[7]
345	Import conditions related to phthalates	China	European Union	NR
346	Ban on Bisphenol A	France, European Union	United States of America	NR
347	Import restrictions on apples, pears and citrus	India	Argentina	NR
348	EU quarantine measures on certain pine trees and other products	European Union	Russian Federation	NR
349	MRLs for veterinary medicines in live animals	Costa Rica	Panama	NR
350	Prohibition of use and sale of treated seeds	European Union	United States of America	NR
351	EU temperature treatment requirements for imports of processed meat products	European Union	Russian Federation	NR
352	US proposed rule on good manufacturing practice for human food	United States of America	China	NR
353	EU renewal of GMO approvals	European Union	Argentina	NR
354	Import restrictions in response to the Japanese nuclear power plant accident	Certain Members	Japan	NR
355	EU import requirements for orchid tissue culture plantlets in flasks	European Union	Chinese Taipei	NR
356	Phytosanitary measures on citrus black spot	European Union	South Africa	NR
357	Accreditation of third-party bodies to conduct food safety audits and to issue certifications	United States of America	China	NR
358	Import conditions for pork and pork products	India	European Union	NR
359	Strengthened import restrictions on fishery products with regard to radionuclides	Korea, Republic of	Japan	NR
360	Import policy on swallow nests	China	Indonesia	NR
361	Non-recognition of testing laboratories for meat products	Russian Federation	India	NR
362	Import restrictions on beef due to BSE	South Africa	Brazil	NR
363	Import restrictions on beef due to BSE	China	Brazil	NR
364	Import restrictions on beef due to BSE	Japan	Brazil	NR
365	Import conditions on poultry	Saudi Arabia, Kingdom of	European Union	NR

[7] NR= Not Reported, P = Partially resolved, R= Resolved.

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[7]
366	Quarantine requirement for blueberries	Japan	Argentina	NR
367	Import requirements on traditional foods	Turkey	Japan	NR
368	Import restrictions on confectionary products	Russian Federation	Ukraine	NR

Table 2.2 - Issues Previously Raised and Discussed Again in 2013

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
193	General import restrictions due to BSE	Certain Members	European Union, United States of America	PR
238	Application and modification of the EU Regulation on Novel Foods	European Union	Colombia, Ecuador, Peru	NR
278	Hygiene standard for distilled spirits and integrated alcoholic beverages	China	Mexico	NR
286	Import restrictions on poultry meat	Indonesia	Brazil	NR
306	Maximum residue levels of pesticides	European Union	India	NR
314	Ban on offals	Viet Nam	United States of America, European Union	NR
319	Chinese quarantine and testing procedures for salmon	China	Norway	NR
321	Japan's MRLs applied to sesame	Japan	Paraguay	NR
323	Import restrictions on pork and pork products	Malaysia	European Union	NR
327	EU Court of Justice ruling regarding pollen derived from GMOs	European Union	Argentina	NR
330	Indonesia's port closures	Indonesia	China, European Union, New Zealand, United States of America	PR
332	Restrictions related to FMD	Japan	Argentina	NR
340	Requirements for importation of sheep meat	Turkey	Australia	NR
342	Restrictions on shrimp due to anti-oxidant residues	Japan	India	NR
344	Measures on shrimp	Brazil	Ecuador	NR

[8] NR= Not Reported, P = Partially resolved, R= Resolved.

Table 2.3 - Issues Reported as Resolved in 2013

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[9]
5	Import requirements for wine	Brazil	European Union	R
17	Cosmetics and BSE	European Union	Australia	R
26	Phytosanitary issues in general	Certain Members	United States of America	R
37	Actions taken by local governments	United States of America	Chile	R
43	Prohibition on bone-in beef imports from EC member States	South Africa	European Union	R
55	TSE-related import restrictions of live cattle	Israel	European Union	R
128	Import requirements for cosmetics	China	European Union	R
134	SPS measures on animal products	Romania	Moldova, Republic of	R
138	Pest risk assessment requirements	Argentina	United States of America	R
144	Restrictions on the importation of fruits and fruit juices	European Union	Brazil	R
145	Import restrictions on chicken meat imports	Honduras	Costa Rica	R
146	Ban on hormones in animal production	Indonesia	United States of America	R
158	Restrictions on pork imports	Croatia	Slovenia	R
162	Fumigation standards	Japan	United States of America	R
171	Animal health conditions and certification requirements for live fish	European Union	Australia	R
173	Notification on uses of living modified organisms	Japan	Australia	R
174	Notification on transboundary movement of living modified organisms	Korea, Republic of	Australia	R
179	Guidelines for maximum residue level (MRL) testing	Korea, Republic of	United States of America	R
187	FMD restrictions	Panama	Argentina	R
197	Regulation on Ocratoxin A in coffee	European Union	Colombia	R
199	Deviation from international standard for wood packing material	Spain, European Union	United States of America	R
200	Ban on food grade wax	India	United States of America	R
216	Restrictions on Ya pears imports	United States of America	China	R
221	Safety insurance and quality improvement standards for feed and feed additives	Japan	China	R

[9] NR= Not Reported, P = Partially resolved, R= Resolved.

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[9]
225	Restrictions on US poultry	Mexico	United States of America	R
230	Phytosanitary requirements on fresh oranges	Costa Rica	Nicaragua	R
232	Import restrictions on EC beef due to BSE	Israel	European Union	R
241	Import restrictions on wooden Christmas trees	United States of America	China	R
248	Regionalization for bovine and pig meat products	Korea, Republic of	Brazil	R
255	Application of regionalization and prohibition of bovine meat	China	Brazil	R
262	Restrictions on heat-treated products in relation to avian influenza	Egypt	European Union	R
273	Health certificate ratification by national embassies	Oman, Certain Members	European Union	R
277	NAPPO draft standard for ships and cargoes from areas infested with Asian gypsy moth	Canada, Mexico, United States of America	China	R
281	Import restrictions on gelatine from bovine hides and head skin due to BSE requirements	Colombia	Brazil	R
284	Rule on importation of wooden handicrafts from China	United States of America	China	R
290	Suspension of inspection and delivery of plant and animal health certificates for imports	Venezuela, Bolivarian Republic of	Colombia	R
297	Registration requirement for pet food export enterprises	Canada	China	R
308	Restrictions on bovines and bubalines for reproduction	Brazil	Colombia	R
312	Restrictions on beef exports due to BSE-related concerns	Mexico	Nicaragua	R
313	Import restrictions due to dioxin contamination in Germany	Certain Members	European Union	R

2.1 Brazil

2.1.1 Food safety

Measures on shrimp (STC 344)

Raised by:	Ecuador
Supported by:	
Dates raised:	October 2012 (G/SPS/R/69, paras. 180-181), March 2013 (G/SPS/R/70, paras. 3.25-3.26)
Relevant document(s):	Raised orally.
Status:	Not reported
Solution:	
Date reported as resolved:	

2.6. In October 2012, Ecuador flagged the drastic decrease in its shrimp exports due to Brazil's Regulation 39, that placed conditions on the authorization for shrimp imports so as to prevent the introduction of white spot and yellow head virus. Ecuador had spent considerable resources in protecting and preserving its shrimp production from these two diseases through the residue and contaminant monitoring plans, which had been provided to Brazil. The Brazilian authorities had indicated that the measures adopted in Regulation 39 had been lifted; however the Brazilian Ministry of Agriculture published another Standard 12 establishing procedures for import risk analysis that was yet to be implemented. Bilateral discussions had resulted in information exchange and Ecuador hoped for a rapid mutual solution to the issue.

2.7. Brazil noted that it had been informed of this trade concern at short notice and did not have sufficient time to prepare a substantive response. The concerns would be conveyed to the relevant authorities in the hope that a solution could soon be found.

2.8. In March 2013, Ecuador reiterated its concern regarding Brazil's import ban on shrimp. Following Brazil's implementation of Regulation 39 on 4 November 1999, Ecuador's shrimp exports to Brazil first decreased and then completely stopped in 2000. Brazil had justified its import restrictions on the basis that the measure protected the country from white and yellow spot diseases. However, following the implementation of the Residues and Contaminants Monitoring Plan in 2007, Ecuador's shrimp entered markets that had stricter requirements than Brazil, e.g., the European Union, Japan and North America. Brazil had not provided the necessary information to justify its measures, nor a risk assessment and Ecuador considered that the measures were discriminatory and not in compliance with Article 2 of the SPS Agreement. Brazil's Ministry of Fisheries had announced on 21 February 2013 that the risk identification phase of this issue would be concluded in two weeks, but there was still no official statement on its outcome. Ecuador urged Brazil to provide information on this issue.

2.9. Brazil confirmed that a risk analysis on Ecuadorian shrimp was being conducted and was now in the phase of risk and hazard identification. This was a complex exercise given that the issue dealt with an aquaculture product. For this reason it had not been possible to conclude and release the report of the risk identification phase in March, but the report was expected to be published soon. Brazil looked forward to moving on to the subsequent phases of the risk analysis as soon as the report on hazard identification was published.

2.2 China

2.2.1 Food safety

Hygiene standard for distilled spirits and integrated alcoholic beverages (STC 278)

Raised by:	Mexico
Supported by:	European Union, Paraguay, United States of America
Dates raised:	February 2009 (G/SPS/R/54, paras. 8-9), June 2009 (G/SPS/R/55, paras. 41-42), October 2009 (G/SPS/R/56, paras. 33-34), October 2011 (G/SPS/R/64, para. 195), March 2012 (G/SPS/R/66, paras. 53-55), March 2013 (G/SPS/R/70, paras. 3.27-3.30)
Relevant document(s):	G/SPS/N/CHN/111, G/SPS/N/CHN/111/Suppl.1, G/SPS/N/CHN/377
Status:	Not reported
Solution:	
Date reported as resolved:	

2.10. In February 2009, Mexico indicated that China's notified regulation (G/SPS/N/CHN/111) classified alcoholic beverages in three categories: distilled cereal spirits, distilled fruit spirits and other distilled spirits, establishing maximum levels of methanol of 0.6, 8.0 and 0.6 grams per litre, respectively. Since tequila was made from agave, it was to be classified in the "other distilled spirits" category. As such it would not have access to the Chinese market, since according to the relevant Mexican standard, tequila contained up to 3 grams of alcohol per litre. In 2001, in the context of China's WTO accession, Mexico and China had signed a Memorandum of Understanding through which China had recognized that tequila was a product originating in Mexico, produced according to Mexican standards and regulations. Mexico requested that China modify its draft measure, taking into account the special raw material from which tequila was made, and giving tequila the same treatment as distilled fruit spirits. Mexico's tequila producers had sent comments to this effect to China's Enquiry Point, and the Mexican Government would shortly be submitting comments as well. Mexico thanked China for a bilateral meeting on this subject and looked forward to finding a mutually acceptable solution.

2.11. China encouraged Mexico to submit comments to China's Enquiry Point. Comments received during the comment period would be taken into account. China, of course, was allowed to take measures necessary to protect health.

2.12. In June 2009, Mexico recalled its concern with China's regulation for alcoholic beverages regarding maximum quantities of methanol. Mexico had provided its comments during the specified period, and hoped that these would be taken into account.

2.13. China clarified that the national standards were applied to all distilled and alcoholic beverages equally and were not aimed specifically at tequila. A written reply to Mexico's comments had been provided, and China hoped a mutually satisfactory solution would be found through the on-going technical discussions.

2.14. In October 2009, Mexico stated that the Federal Commission for Prevention of Sanitary Risks of the Ministry of Health, as well as the national tequila industry, had submitted comments on China's standard in September 2009. In addition, a risk analysis had been submitted on the content of methanol in tequila. Bilateral meetings had taken place on the margins of the SPS Committee meeting and useful information had been obtained for the review of the standard. Mexico reiterated its commitment to work jointly with China on the issue.

2.15. China confirmed the reception of comments and supporting materials from Mexico. China was aware of the particularity of the processing techniques of tequila. Chinese experts were currently reviewing comments from different stakeholders, and the comments and suggestions from Mexico would be taken into consideration in the review of the standard.

2.16. In October 2011, Mexico again expressed concerns on China's hygienic standard for distilled spirits and integrated alcoholic beverages, in particular the maximum established level for methanol in distilled beverages and the classification of tequila. Mexico had raised this issue in

several bilateral meetings, submitted relevant scientific information to assist Chinese officials understand the unique features of tequila, and had also submitted a bibliographic analysis on the presence of methanol in distilled alcoholic beverages and its relation to consumer health. The private sector had also sent comments to the Chinese authorities. Mexico pointed out that certain alcoholic beverages with methanol levels higher than tequila, such as fruit marc spirits, were produced and sold internationally without any reported negative health effects, and that tequila's maximum methanol content of three grams per litre was inherent to the product, not related to poor quality or processing. Mexico concluded that China's proposed maximum limit on methanol could be at odds with existing scientific evidence and, as such, unjustified. China indicated that it would carefully review the information from Mexico.

2.17. In March 2012, Mexico recalled that it had first raised its concerns regarding the maximum level established for methanol on alcoholic beverages and the lack of nomenclature classification that could cover tequila in China's hygiene standard for distilled spirits and integrated alcoholic beverages in February 2009. Mexico had held various bilateral meetings to discuss this issue, and in September 2011 had submitted comments on China's notification G/SPS/N/CHN/377. Mexico requested that the Chinese requirement be modified to reflect the maximum level of methanol permitted under the Mexican Standard for Tequila, 3.0 g/l ethanol 100 AA. This would allow tequila and other beverages produced from agave to access the Chinese market. Studies confirmed that the methanol limits proposed by Mexico did not pose a health risk.

2.18. The United States supported the concerns raised by Mexico, and requested China to provide a risk assessment to justify the measure, as well as an explanation of the regulation and the expected date of entry into force. The United States also asked China to provide a one year transition period for companies to comply with the regulation once China had provided its risk assessment and had notified the final measure to the WTO. The European Union echoed these concerns, and noted that the measure created unnecessary barriers to trade, and was not based on science.

2.19. China observed that bilateral meetings had taken place with Mexico and noted that the standard was based on Chinese consumption habits. China would take Members' comments into consideration and keep them informed.

2.20. In March 2013, Mexico reiterated its concern regarding the Chinese Hygiene Norm GB 2757-2012 that established maximum levels for methanol in spirits and alcoholic beverages. Since Mexico had first raised this concern in 2009, it had held various bilateral meetings with China. In July 2010, Chinese authorities inspected the production of tequila in Mexico and in 2011, Mexico provided a bibliographic analysis on methanol in alcoholic beverages and its effect on consumers' health. Nevertheless, in September 2012 China adopted the technical Regulation GB2757-2012 imposing a limit of 2.0g/l methanol in alcoholic beverages. This limit excluded several fruit distillates and spirits derived from grapes, as well as tequila 100% agave, from the Chinese market. Mexico considered that this measure was not in compliance with Articles 2.2, 5.1 and 5.6 of the SPS Agreement, especially as China had not provided any scientific evidence or a risk assessment to justify its restriction. In December 2012 and again in March 2013 Mexico had requested an explanation and the scientific justification for the measure, but had received no response. Mexico urged China to respond to these requests and to modify its measure in light of the available information.

2.21. The United States supported the concern raised by Mexico, as the measure could potentially bar exports of some US spirits to China. The United States requested China to ensure the regulation was based on science, provide a risk assessment and revise the methanol limit to allow for the trade of safely produced distilled spirits.

2.22. The European Union and Paraguay echoed these concerns and asked China to adopt a less trade restrictive measure based on scientific evidence. Paraguay also noted that Members had the obligation to provide scientific justification at the request of other Members.

2.23. China responded that the methanol limit was set to ensure safety in light of heavy consumption of alcohol by Chinese consumers. China had notified the draft twice, in January 2009 and in July 2011, and had responded to the comments raised by Members.

Chinese quarantine and testing procedures for salmon (STC 319)

Raised by:	Norway
Supported by:	European Union, Switzerland, United States of America
Dates raised:	June 2011 (G/SPS/R/63, paras 19-24), October 2011 (G/SPS/R/64, para. 196), March 2012 (G/SPS/R/66, paras. 44-46), July 2012 (G/SPS/R/67, paras. 40-42), October 2012 (G/SPS/R/69, paras. 40-41), March 2013 (G/SPS/R/70, paras. 3.34-3.36), June 2013 (G/SPS/R/71, paras. 4.22-4.24), October 2013 (G/SPS/R/73, paras. 3.42-3.43)
Relevant document(s):	G/SPS/GEN/1090
Status:	Not reported
Solution:	
Date reported as resolved:	

2.24. In June 2011, Norway stated that after years of steady increase in its exports of fresh salmon to China, exports had dropped significantly due to testing and quarantine procedures implemented by China on 13 December 2010. These were followed by strengthened inspection and quarantine procedures as stated in Notice No. 9 2011, which had not been notified to the WTO. The Norwegian monitoring programmes, in operation since 1998, showed no presence of illegal substances in the fish products and had consistently documented low levels of contaminants. China's measures did not seem to be based on scientific principles or a risk assessment, and Norway requested an explanation for these measures and how they complied with the SPS Agreement.

2.25. The United States supported Norway and expressed their concern that China had implemented AQS1Q Order No. 9, Notice on Strengthening Inspection and Quarantine on Imported Salmon, in February 2011, without having notified the measure. The stated objective of this notice was to safeguard consumer health, however no risk assessment had been provided. The United States requested a copy of China's risk assessment, and requested that China rescind AQS1Q Order No. 9's documentation requirements until the measure had been notified. China was also asked to explain how the requirement for the exporter's vessel name and number related to ensuring that wild salmon was safe for human consumption.

2.26. The European Union also called for transparency in all SPS matters.

2.27. China clarified that since 2010, the entry and exit inspection and quarantine bureaus in China had detected fish lice, pathogenic micro-organisms and excess veterinary drug residues in imported chilled salmon. In an attempt to protect their consumers, China had published a notice to strengthen the inspection and quarantine of imported salmon, based on the Administrative Measure for Inspection, Quarantine and Supervision on Import and Export of Feed and Feed Additives and its revision and amendment measures of imports and exports of aquatic products, which were notified to the WTO. The measures taken were covered by these laws and regulations without any new element and therefore it was unnecessary to make another notification. China had already responded to Norway's concerns when it raised them in March 2011, during Norway's visit to China's AQSIQ and hoped that those replies addressed its concerns. China was open to further bilateral discussions with the European Union and the United States on this topic.

2.28. Norway stressed that ensuring seafood safety is a major objective of Norwegian authorities, who monitor the presence of undesirable substances, microorganisms and parasites in wild-caught and farmed seafood, as well as fish feed. Norway had been performing a risk assessment on seafood, based on studies of the most commercially important fish species in Norway. Stakeholders often held conflicting views on food safety and on the benefits of seafood and it was important to distinguish between fact and fiction. Norway was keen to further collaborate in this area with China.

2.29. China observed that Norway's concerns focussed on the detailed testing methods, however these purely technical matters had to be discussed among scientists. In March, scientists from both countries had held detailed discussions on this issue, and almost all of Norway's concerns had been clarified. China was disappointed with the lack of Norwegian efforts to resolve this issue, as when any cargo was identified to be carrying disease the problem was supposed to be rectified by

the exporter. China welcomed Norway's and other interested parties participation in bilateral discussions as this issue had been on-going for two years.

2.30. In October 2011, Norway provided an update on recent developments in China's measures on salmon, in particular the new testing and quarantine measures on fresh salmon. The measures introduced in December 2010 by the implementation of AQSIQ Order Number 9 had led to a 70% reduction in the volume of Norway's exports of fresh salmon to China. Norway had requested bilateral consultations between the relevant technical experts, and urged China to agree to hold this meeting before the end of 2011. China indicated that the sharing of written documents and data was as important as physical talks, but Norway had not yet provided the necessary information. However, there had been smooth discussions on this issue in AQSIQ in Beijing.

2.31. In March 2012, Norway reiterated concerns about the new testing and quarantine measures introduced by China in December 2010, directed specifically at fresh, chilled salmon from Norway. These measures were further strengthened in February 2011 by the implementation of AQSIQ Order No. 9 and had led to a dramatic reduction in the volume of Norway's exports of fresh salmon to China. SPS measures should be supported by a scientifically based risk analysis, but to date, Norway had not received a copy of China's risk assessment on salmon. Norway urged China to agree on a date for bilateral consultations at an expert level as soon as possible.

2.32. The European Union supported the need for transparency and good communication in this matter, and underscored the importance of open and direct contact with trading partners on measures of concern.

2.33. China repeated the explanation provided in June 2011 regarding the detection of fish lice, pathogenic micro-organisms and excess chemical residues, among other issues, in imported salmon, and the measures it had taken to strengthen the inspection and quarantine of imported salmon. These import inspection and quarantine procedures were not aimed at any particular Member, but quarantine issues were detected in numerous shipments of salmon from Norway. China was willing to adjust the relevant measures once Norway had addressed the quality issues.

2.34. In July 2012, Norway noted that after December 2010, China had begun to report a tenfold increase in the number of notifications of "contaminants" in Norwegian salmon, amounting to a total of 24 in 2011. A large number of these notifications identified a microorganism that was not an issue in Norwegian aquaculture due to the prevailing low water temperatures. Active co-operation between technical experts from both parties was necessary to discuss and clarify the issue and ultimately normalize trade, but it had not been possible to hold such technical bilateral meetings despite Norway's numerous requests. However, Norway was encouraged that during the recent Trade Policy Review, China agreed to address the issue in a meeting between relevant technical experts.

2.35. Switzerland shared the concerns raised by Norway and requested China and Norway to meet in order to resolve the issue.

2.36. China observed that Norway was one of the main suppliers of salmon to China; however, in recent years more and more shipments of unqualified salmon were being detected. In 2011, 19 shipments of salmon were deemed as unqualified for the Chinese market. The diseases found in shipments of salmon from Norway were considered to pose food safety risks by the Chinese National Food Safety authorities and their presence was prohibited in food products. China was in the process of revising the limits on pathogens in food products and would set new food safety standards. The new draft standard had been notified to the WTO for comments. China remained committed to continue bilateral discussions with Norway.

2.37. In October 2012, Norway reiterated that these measures posed serious challenges to Norway's trade of fresh salmon to China, as the quarantine measures implied that all consignments of fresh salmon would be tested and retained in custody awaiting the test results. The obligations under the SPS Agreement required that SPS measures be supported by a science-based risk analysis, not more trade restrictive than necessary and applied in a transparent manner. The measures applied to salmon from Norway appeared not to be proportional to the situation and Norway requested China to provide the risk analysis that supported the testing and quarantine measures. Norway recognized the communication between AQSIQ and the Norwegian

Embassy in Beijing, but requested AQSIQ to agree to the request for technical consultations on this issue, in line with Article 5 of the SPS Agreement.

2.38. China reiterated that in recent years its inspection authorities had detected pathogenic germs and excessive veterinary drug residues in imported salmon. Based on the results of a risk assessment, Chinese experts were of the opinion that the importation of salmon, especially chilled, fresh and farm-raised salmon, posed a high food safety risk. In order to protect the health of Chinese consumers, AQSIQ decided in early 2011 to further strengthen the inspection and quarantine of salmon imported into China from all countries. The relevant measures were based on existing laws and regulations and were not new measures which needed to be notified to the WTO. Norway was one of the main suppliers of salmon to China, however, Norway had failed to meet China's inspection requirements in recent years. In 2011, 24 cases of unqualified aquatic products from Norway were reported, of which 19 cases involved salmon. China remained committed to continue bilateral discussions with Norway and looked forward to further communication in relation to the Sino-Norway Memorandum of Understanding on SPS.

2.39. In March 2013, Norway reiterated its concerns regarding Chinese testing and quarantine measures for salmon, introduced in December 2010, and urged China to respond positively to its request for technical consultations with experts on this issue.

2.40. China indicated that since 2010, Chinese inspection and quarantine authorities had detected parasites, lice, pathogenic microorganisms and veterinary drug residues exceeding standards in imported salmon from Norway and other countries. In January 2011, for the protection of consumer health, China had strengthened inspections and quarantine on imported salmon, in accordance with the Chinese food safety law. The media had recently reported on a type of amoebic parasite found in a Norwegian fish farm and which was suspected to be present in another four Norwegian fish farms. This parasite could infect marine fish, including salmon, with the amoebic gill disease, which had already impacted Norway in 2006 and had devastating effects on the growth of salmon in the fish farms of Ireland and Scotland in 2012. China requested Norway to submit a list of fish farms and fish species that had been infected by the parasite, together with the measures taken by Norway in this regard. Based on the risk analysis of salmon, China would consider gradual adjustments to its measures under the premise of ensuring safety in the future. China expected Norway to continue to take relevant measures to carry out the inspection of exported aquatic products including salmon and to report information on the quality of fish and fish farms to China.

2.41. Norway acknowledged the right of China to perform the necessary testing on seafood and on all products entering the country. However, Norway noted discrepancies between the outcomes of the inspections in Norway and the findings reported by China in its statement. For this reason, Norway emphasized the need for actual cooperation on a technical level to resolve this issue.

2.42. In June 2013, Norway reiterated its concern regarding China's testing and quarantine measures on salmon exported from Norway. In addition to these measures, China enforced a licensing system in a manner that de facto established quantitative restrictions on the import of salmon from Norway. While this system was probably outside the purview of the SPS Committee, it helped to illustrate the overall pattern of restriction. Although Norway generally had quite fruitful co-operation with the Chinese authorities regarding food safety and imports, it had yet to receive a response from China despite multiple requests for technical consultations on this issue. Norway recalled that at the SPS Committee meeting in October 2012, China stated that it had requested information from Norway regarding the issue of amoebic gill parasite. However, Norway had been unable to verify that such a request was ever received by Norwegian authorities. As such, Norway asked China to provide the necessary information in writing so that it could comply with China's request. Norway expressed its desire to move this issue towards positive resolution.

2.43. China responded that its entry and exit inspection and quarantine agencies had detected carcinogenic microbes and veterinary drug residues in salmon imported from Norway. These products, especially chilled, ready-to-eat salmon, posed a substantial threat to the health of consumers. As such, since 2011, the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) had enhanced inspection and quarantine measures on imported salmon from all countries and areas. In light of the detection of parasitic infections in salmon in recent years, China would consider adjusting its import measures based on quality and risk analyses of salmon to ensure the safety of its consumers.

2.44. Norway stated that there was a discrepancy in Chinese and Norwegian testing results and this pointed to the need for co-operation at a technical level. Norway requested that such a meeting take place in order to work with China towards a solution.

2.45. In October 2013, Norway recalled that it had raised this concern several times in the past, however, the quarantine and testing measures introduced by China in 2010 were still applied to Norwegian salmon. Norway repeated the need for technical consultations and hoped to see a prompt positive resolution to this issue.

2.46. China explained that its entry-exit inspection and quarantine services had detected pathogenic microorganisms and excessive veterinary drug residues in salmon, including frozen salmon. Upon risk analysis, experts had considered that the pathogenic bacteria found in the ready-to-eat frozen salmon posed a substantial threat to consumer health. As such, since 2011, the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) had enhanced inspection and quarantine measures on imported salmon from all countries and areas. China expressed concern about infectious salmon anaemia (ISA) that had intensively occurred in Norwegian salmon since 2012, and feared that Norwegian salmon could be the source of *Listeria monocytogenes*. China stated its willingness to continue communications with the Norwegian authorities.

Import conditions related to phthalates (STC 345)

Raised by:	European Union
Supported by:	
Dates raised:	March 2013 (G/SPS/R/70, paras. 3.2-3.3), June 2013 (G/SPS/R/71, paras. 4.29-4.30)
Relevant document(s):	Raised orally.
Status:	Not reported
Solution:	
Date reported as resolved:	

2.47. In March 2013, the European Union raised concerns regarding China's recent measures on phthalates in spirits and wine. Some ports in China had requested a testing report on phthalates and had applied the migration limit of the food contact material as the maximum residue limit. On the basis of these limits, some EU consignments had not been released. The measure was applied without any lead time and the testing had been excessive and had only targeted imported products at such frequency. The European Union had been informed that China was only now developing a standard for phthalates for food and that the testing had been performed in order to have data to set the appropriate level for the risk assessment in China. The European Union indicated its willingness to share any scientific aspects of risk assessment and testing methods on phthalates. At the same time, the European Union requested China to withdraw the current temporary measure, to base its decisions on science and to inform other trading partners with sufficient time, of any new, appropriate and justified measures.

2.48. China stated that according to the results of the food safety risk monitoring conducted by its authorities, alcohol in imported distilled spirits might have been contaminated by phthalates. To tackle the problem, China had established expert panels and had organized meetings to discuss the issue. A seminar on the testing and risk assessment of phthalates was scheduled to be held in April. China was willing to discuss its measures on phthalates in food with the European Union and other relevant Members.

2.49. In June 2013, the European Union reiterated its concern regarding China's import measures on phthalates in spirits and wine. In bilateral discussions China had indicated that the two territories shared the same legal framework regarding phthalates. Despite this, there had been a disruption in trade and an unnecessary delay of EU consignments into China based on recent measures. China had said it was undertaking a risk assessment on phthalates in food and would base its risk management measures on the results. The European Union was willing to share any scientific information that could aid China in this process. Further, the European Union urged China to remain transparent in this process and consistent with its own legal framework.

2.50. China observed that it had discovered a risk of phthalates in both domestic and imported distilled spirits, and AQSIQ had been monitoring phthalates in imported spirits since January 2013. In some of those spirits, China had discovered phthalate levels which exceeded the temporary maximum put in place during the investigatory period. Spirits with levels that exceeded the temporary maximum were not permitted onto the Chinese market. China had established expert panels to conduct risk assessments on phthalates in food, and an EU-China workshop on risk assessments for phthalates in food was held on 17 April 2013. China would continue working with the European Union and related Members to find an effective solution to this issue.

Import policy on swallow nests (STC 360)

Raised by:	Indonesia
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, para. 3.9-3.10)
Relevant document(s):	G/SPS/N/CHN/472
Status:	Not reported
Solution:	
Date reported as resolved:	

2.51. In October 2013, Indonesia raised concerns regarding the effects that China's registration requirements for foreign food-producing enterprises, notified in August 2011 (G/SPS/N/CHN/472), had on its exports of edible bird nests. Indonesia, the world's largest bird nest producer, had signed a protocol with China on the inspection, quarantine and hygiene requirements for the importation of bird nest products in April 2012. Since then, Indonesia had striven to comply with the Chinese requirements, among others on traceability. The Indonesian Agricultural Quarantine Agency had conducted feasibility assessments in eight bird nest processing plants, and invited the Chinese authorities to conduct a verification visit. No response had been received from China. Indonesia characterized China's registration requirements as complicated and burdensome, and urged China to bring its measures in line with WTO rules.

2.52. China noted that since the conclusion of the protocol, it had actively engaged with Indonesia, urging it to comply with the protocol and to inform China accordingly. China invited Indonesia to provide a veterinary and sanitary certificate model, certificates of origin, and documents on its control systems in order to resolve the problem as soon as possible.

Import restrictions in response to the Japanese nuclear power plant accident (STC 354)

2.53. See paragraphs 2.296. to 2.300.

2.2.2 Animal Health

General import restrictions due to BSE (STC 193)

2.54. See paragraphs 2.301. to 2.345.

Import restrictions on beef due to BSE (STC 363)

Raised by:	Brazil
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.14-3.18)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.55. In October 2013, Brazil raised concerns regarding import restrictions by China on beef, stemming from a notification of Bovine Spongiform Encephalopathy (BSE) by Brazil in December 2012. Brazil had provided detailed information on the unique case and the implemented risk

mitigation procedures to the OIE and all concerned WTO Members, including China. The case had affected only one native cow which had not entered the food or feed chain, and the OIE had maintained Brazil's classification as a country with negligible risk for BSE. Brazil believed the import restrictions infringed Articles 2, 3, 5, 8, 13, and Annex C of the SPS Agreement, and urged China to withdraw its restrictions.

2.56. China noted that the BSE case had occurred in 2010 but that Brazil had failed to notify China in accordance with a bilateral protocol signed by the two countries, which required immediate notification of any animal disease of quarantine significance, including BSE, and subsequent suspension of exports. According to China, there was no accurate pathogenesis of atypical BSE and the risks associated with the outbreak were unclear. China expected further information from Brazil in order to complete a risk analysis.

2.57. Brazil noted that it had provided and would continue providing all the information requested by China, especially as regards the bilateral protocol between the two countries.

2.3 Costa Rica

2.3.1 Food safety

MRLs for veterinary medicines in live animals (STC 349)

Raised by:	Panama
Supported by:	
Dates raised:	March 2013 (G/SPS/R/70, paras. 3.55-3.56)
Relevant document(s):	G/SPS/N/CRI/69, G/SPS/N/CRI/136
Status:	Not reported
Solution:	
Date reported as resolved:	

2.58. In March 2013, Panama expressed its concern with regard to the notification submitted by Costa Rica on National Directive SENASA-DG-D003-2011 on MRLs for medicines in live animals (G/SPS/N/CRI/136). Although the Directive was notified in January 2013, it had been in place since November 2011. Panama asked Costa Rica to explain how it had provided for a reasonable period of time for Members to make comments; how those comments were taken into account; and how its trading partners had been informed about the content of the Directive. Given that the MRLs established by the new Directive were taken from the Codex Alimentarius for liver tissues (limit of 100ìg/k) and from the FDA for muscle tissues (limit of 10ìg/k), Panama also requested Costa Rica to explain how it performed the calculations to obtain an accurate quantitative measurement of a single tissue, when the sample analysed was a processed product that might contain mixed portions of different tissues.

2.59. Costa Rica replied that an SPS notification was required only when new measures were not based on international standards. Given that Costa Rica's new Directive set the same MRLs that were established by the Codex Alimentarius and by the FDA, there was no need to notify it in advance, or to provide a timeframe for comments before the implementation of the Directive. However, for transparency purposes, Costa Rica had decided to notify the measure in January 2013. Costa Rica also explained that its trading partners had been aware of Costa Rica's MRLs for veterinary medicines since 2008 when the Central American Regulation on Residues and Veterinary Medicaments was notified to the WTO (G/SPS/N/CRI/69). The Regulation established that the MRLs for veterinary medicines were those set by the Codex Alimentarius, or by the FDA when they were not listed in the Codex Alimentarius. With regard to processed products, Costa Rica noted that no MRLs were set for animal by-products by the Codex Alimentarius, or by any other international agency, hence MRLs of raw material had to be taken as parameters. In this case, the raw material for processed meat products would be the muscle tissue. Costa Rica highlighted the specific case of the Ivermectin dewormer that was a very dangerous active principle for human health because of its high lipid solubility, its persistence in the animal body and its ability to cross the nerve barriers. Costa Rica had established the MRL for Ivermectin in muscle tissue at 10ìg/k to protect consumers' health. This MRL allowed the identification of animals that were treated with the medication and which were sent to slaughter too early without

complying with the established withdrawal period. An HPLC method with fluorescence detection was used to test the Ivermectin levels in liver and muscle tissues. Additionally, fortified samples were used to ensure control alongside the use of good laboratory practices.

2.4 European Union

2.4.1 Food safety

Application and modification of the EU Regulation on Novel Foods (STC 238)

Raised by:	Colombia, Ecuador, Peru
Supported by:	Argentina, Benin, Bolivia, Plurinational State of, Brazil, Chile, China, Costa Rica, Cuba, El Salvador, Honduras, India, Indonesia, Mexico, Paraguay, Philippines, Uruguay, Venezuela, Bolivarian Republic of
Dates raised:	March 2006 (G/SPS/R/40, paras. 21-29), June 2006 (G/SPS/R/42, paras. 35-37), October 2006 (G/SPS/R/43, paras. 140-143), February 2007 (G/SPS/R/44, para. 64), April 2008 (G/SPS/R/49, paras. 48-52), October 2008 (G/SPS/R/53, paras. 19-23), October 2009 (G/SPS/R/56, paras. 53-55), June 2011 (G/SPS/R/63, paras. 32-35), October 2011 (G/SPS/R/64, paras. 72-73), March 2012 (G/SPS/R/66, paras. 50-52), July 2012 (G/SPS/R/67, paras. 56-58), October 2012 (G/SPS/R/69, paras. 26-28), March 2013 (G/SPS/R/70, paras. 3.37-3.39), October 2013 (G/SPS/R/73, paras. 3.52-3.54)
Relevant document(s):	G/SPS/GEN/681, G/SPS/GEN/699, G/SPS/GEN/700, G/SPS/GEN/713, G/SPS/GEN/714, G/SPS/GEN/733, G/SPS/GEN/735, G/SPS/GEN/1087, G/SPS/GEN/1117, G/SPS/GEN/1137, G/SPS/GEN/1218
Status:	Not reported
Solution:	
Date reported as resolved:	

2.60. In March 2006, Colombia raised concerns on the application of the EC Regulation on Novel Foods (Regulation No 258/97) and with the draft project of the European Commission to amend the regulation, foreseen to enter into force in 2007. The amendment could directly affect the trade potential of traditional and exotic foods. Some traditional and exotic products already had substantial presence in the US and Japanese food markets, and European consumers were now becoming interested in these food products. It was important to recall, however, that these traditional foods had been consumed in South America for thousands of years. This was in contrast to genetically modified products which could be considered as real Novel Foods. Increased trade in traditional and exotic products also had important socio-economic impacts, as the export of these products represented a measure to decrease extreme rural poverty in South America and had potential to address specific social and environmental issues, such as providing alternatives to both the growing of narcotic crops and to the illegal felling of protected forests.

2.61. Colombia was aware of the importance of protecting consumer health. However, the amount of information on the safety of these traditional food products required by the EC regulation and the costs to undertake scientific studies were not proportional to health risks and were excessive especially for small scale farmers and exporters. The proposed amendment of Regulation 258 would result in a non-tariff barrier to trade with negative effects on the introduction of traditional foods into European markets, contrary to Articles 2.2 and 5.6 of the SPS Agreement. Colombia requested the European Communities to consider the following points regarding the amendment of the Regulation 258/97: (i) the non-application of Regulation 258 to exotic, traditional products with a history of safe consumption in their region of origin; (ii) greater transparency and clarity in the procedures and definition, giving credit to a safe consumption history of food in the country of origin; requirements, tests, and procedures in proportion with the nature of the foods concerned and the risks they could imply for consumers; and (iii) all exotic traditional products to remain in the public domain and no private entity to be granted privileged access to the European market.

2.62. Ecuador reported that the amendment would also affect the trade potential of traditional and exotic food from its country. In light of Ecuador's great biodiversity, over the last decade international organizations like UNCTAD had been promoting the development of new export

products ("Bio-Comercio"). In Ecuador also the export of traditional and exotic foods had major socio-economic impacts and related closely to efforts to overcome rural poverty. Ecuador invited the European Communities to consider carefully Colombia's recommendations regarding the amendment. The amendment of the regulation and its impacts were of importance for many developing countries.

2.63. Peru added that currently, within the Convention on Biological Diversity, countries were discussing measures and mechanisms for the preservation and sustainable use of biodiversity. Contrary to that approach, the application of Regulation 258 would restrict greater sustainable use of traditional and exotic products, by diminishing their export potential. Peru stressed the high costs and the long period of time needed for products to be registered under Regulation 258 to allow them to enter the European market. Peru also supported Colombia's recommendations regarding the amendment (G/SPS/GEN/681).

2.64. Brazil, Chile, Costa Rica and Paraguay reported that their exports had also been affected by Regulation 258/97. Benin requested more information on how a product was considered as "novel". Argentina and Mexico both indicated that they were still in the process of analysing the implications of the regulation. El Salvador, Honduras, India, Uruguay and Venezuela and expressed their interest in the topic and shared the concerns of Colombia, Ecuador and Peru.

2.65. The European Communities confirmed that Regulation 258/97 was being reviewed and recognized that some modifications were needed. A 40-page document which might answer a lot of questions would be circulated as an SPS document shortly. The document set out clearly the purpose and scope of the regulation, which was targeted at new food technologies, including genetically modified products. As the food industry was investing in different new technologies, Regulation 258 aimed to reassure European consumers of the safety of those technologies. The vast majority of applications for authorization of Novel Foods had been from within the European Communities. The European policy was aimed at striking the right balance between encouraging technical innovation and ensuring that consumers are protected. Some products marketed as "products of biodiversity" had in the past turned out to be unsafe and harmed the users. Dealing with such products was thus in the interest of all stakeholders, considering the damage to the image of products if they were marketed in an unsafe manner. The European Communities invited interested stakeholders to submit comments and make their views known.

2.66. In June 2006, Peru raised further concerns regarding the EC novel food regulation. In Peru's view, one of the major problems of the EC regulation was that it did not distinguish between new foods that had not been consumed before anywhere, and those that were new only to the European Communities, which was the case for most of the traditional exotic products originating from developing countries. Peru requested that the European Communities provide information showing that it was necessary to apply this measure to traditional exotic products, in accordance with the provisions of the SPS Agreement. Peru considered that the regulation constituted an unnecessary and unjustified barrier to trade due to the cost and time required to gain approval for Novel Foods, even if they had a history of safe consumption in their countries of origin, and requested the exclusion of traditional exotic products from the novel food category. Peru also requested that the European Communities explain how special needs of developing countries had been taking into account in accordance with Article 10 of the SPS Agreement (G/SPS/GEN/713).

2.67. Bolivia, Brazil, Colombia, Ecuador, India, Paraguay and the Philippines shared the concerns raised by Peru. Ecuador indicated that a study on the impact of the novel food regulation was about to be finalized. Preliminary results of this study showed that this regulation could have negative economic and social consequences for Ecuador's production system by having an effect both on current exports and on products with export potential in the European Communities that were currently marketed in other countries (G/SPS/GEN/714). Bolivia and Colombia highlighted that some of the products were currently being promoted inter alia by policies supporting alternatives to narcotic crops, some of which were funded by the European Communities or its member States. The Philippines indicated that the effects of the novel food regulation and of EC regulations on genetically modified food were still being evaluated.

2.68. The European Communities stressed that the concerns expressed were being taken seriously, and that the novel food regulation was currently under review (G/SPS/GEN/699 and G/SPS/GEN/700). The original intention of the novel food regulation had been trade-creating; its purpose was to authorize trade in Novel Foods. In addition, products that had already been traded

prior to 1997 had been exempted. The regulation had been targeted mainly at EC companies. The regulation had been successful in that new foods were being approved on the basis of safety assessments. A statement that a product had been consumed for centuries was not sufficient. The European Communities highlighted that very few applications for approval of traditional exotic products had been received, so that there were very few case studies. Traditional exotic products was a broad category including some items where there had been safety concerns. In the context of the review of the regulation, the European Communities indicated that it would be helpful to receive more information on these products, including a clear definition of the products at issue whether they had been approved in other export markets, and safety-related data available, as well as information on the socio-economic impact.

2.69. In October 2006, Colombia, Ecuador and Peru reiterated concerns relating to EC Regulation 258/97 on Novel Foods (G/SPS/GEN/733 and G/SPS/GEN/735). They considered that the regulation constituted a non-justified barrier to trade in these products as it was not flexible and made no distinction between novel (GMO) foods and traditional foods with no known risks. They noted that exotic products originating from Latin America were not the result of any type of genetic modification but rather formed part of the biodiversity of the region and were consumed traditionally. Also there were inconsistencies in the way this regulation was applied throughout the European Communities. The European Communities had not considered the fact that many of the traditional products had been marketed in a number of countries with very strict sanitary standards as they posed no health risks to consumers.

2.70. The European Communities was requested to promptly review Regulation 258/97, and to exclude from its scope of application exotic traditional products resulting from biodiversity. The European Communities was also encouraged to take into account scientific assessments and relevant evidence from other countries and competent international organizations when risk assessments were made, and to establish different procedures for foods of known risk and no known risk in the European Communities. The European Communities was also requested take into account the history of the product, the consumption patterns and traditional knowledge relating to its use and preparation, so as to provide for greater flexibility in the application of the regulation and facilitate the entry of exotic traditional products into the European market.

2.71. Bolivia, Brazil and the Philippines shared the concerns of Peru, Ecuador and Colombia. The Philippines highlighted the fact that the regulation could become an unjustified non-tariff barrier to the EC market in view of the unclear technical distinction between these products and other products. The Philippines expressed hope that progress would be made on the issue and a mutual solution found as soon as possible.

2.72. The European Communities reminded the Committee that the issue had been discussed in the SPS Committee on previous occasions and there had been various exchanges of communications between the Members concerned. The European Communities acknowledged the problem with traditional products, which were not in the EC market prior to 1997 and noted that the regulation was not discriminatory as EC producers had to undergo similar risk evaluations. Nonetheless, the European Communities imported an enormous volume of foods and vegetables. They reiterated the request that the Members concerned submit data on the volume of trade and risk assessments carried out in other developed countries. The European Communities indicated that the EC Commission was putting forward a new proposal that addressed the genuine concerns of Members. A public consultation had been held on the matter and the European Communities appreciated the contributions from the concerned Members.

2.73. In February 2007, Peru noted that although it had not requested that this issue be on the agenda for this meeting, it would welcome an update from the European Communities on current developments. The European Communities indicated that the Novel Foods Regulation was being revised. It had initially been designed to cover a full range of Novel Foods, from GMO foods to products of biological diversity. Following public consultations and the consideration of the views and comments received, revised legislation was being prepared. The European Communities anticipated that the result would be a two-tiered process, with products that had a long history of safe use subjected to less rigorous procedures than other Novel Foods. The European Communities was looking to address the concerns identified by trading partners, while ensuring consumer safety.

2.74. In April 2008, Colombia, speaking on behalf of Bolivia, Chile, Costa Rica, Ecuador, Mexico, Paraguay and Peru recalled the concerns previously expressed regarding the proposed revision of the EC Regulation 258/97, as contained in COM(2007)872. The proposed regulation had been notified to the TBT Committee, however these Members considered that it was appropriate to continue to consider this issue in the SPS Committee. These Members welcomed the proposed recognition of traditional food products from third countries, resulting from their biodiversity and with a history of safe use for large proportions of the populations of these countries. This recognition could facilitate trade, which was particularly important as the production of these traditional products was often part of programs to diversify agricultural production and exports.

2.75. Colombia noted that a number of concerns remained. The proposed definition of a traditional foodstuff was that it had been part of the diet of a large part of the population for at least one generation. This definition could restrict those products that were part of the dietary traditions of certain subpopulations or regions of the country. It would also be useful to clarify how a "generation" was to be defined. Another concern was that requests for authorization would have to come from commercial operators, hence excluding such requests from the competent governmental authorities or producer associations. These Members suggested that information regarding safe use of the traditional food in other countries should also be considered. The concerned Members recognized that although the proposed process had been considerably simplified, a period of five months was still foreseen for consideration of a request, and they suggested that three months should be sufficient. These Members remained concerned that the definition of a novel food remained a product that had not been consumed in the EC market prior to 1997, which seemed to bear no relation to the scientific evidence regarding the safety of a product.

2.76. Brazil indicated that it supported the concerns raised by Colombia on behalf of eight countries. Brazil was still analysing the relevant documents, but considered the issues raised by Colombia to be very important.

2.77. The European Communities noted that it was currently revising legislation, in particular the provisions on traditional products and products of biological diversity, in response to concerns raised by various developing countries. A much simplified procedure was now being developed. A range of legitimate and reasonable concerns had been expressed, and these should be communicated directly to the relevant EC services, since the legislation was currently under consideration. While the concern was that the EC legislation might be a barrier to trade in traditional products, this should be seen in the broader context: the European Communities was by far the world's largest importer of fruits and vegetables, especially from developing countries, hence the import regime in general was extremely import friendly.

2.78. In October 2008, Peru requested that there should be a notification to the SPS Committee regarding the modification of the EC Novel Foods Regulation. Many exporting Members failed to understand the content of the regulation, why some products were banned while others were not. Also, the regulation gave exporting countries, many of which were developing countries, the burden of proof that their products were safe and complied with the EC Regulation. Brazil, Colombia, Costa Rica, Cuba, Ecuador, Mexico, Paraguay and the Philippines shared Peru's concerns regarding the EC Regulation on Novel Foods.

2.79. UNCTAD reported that it was contributing to the review of the EC Regulation on Novel Foods in three specific areas: (1) revising the procedure, which required more scientific clarification; (2) facilitating dialogue between the European Communities and developing countries; and (3) analysing legal aspects of current regulations in the context of multilateral agreements.

2.80. The European Communities stated that the existing legislation was too ambitious in covering a whole range of Novel Foods. For this reason, the European Communities planned to revise the regulation, as had been notified to the TBT Committee. This proposal had been under negotiation in the EC Parliament and Council. However, there were concerns regarding the approval of some products. For instance, matters became complicated when exporters requested the classification of food supplements as Novel Foods, rather than whole fruits and vegetables. However, the revised procedure was expected to be more flexible, and some Novel Foods had already been approved for entry into the EC market.

2.81. The European Communities noted that in this specific case, the legal advice had been to only notify the proposed revision to the TBT Committee since it covered approval procedures for Novel Foods in general. This did not preclude that the issue could be discussed at the SPS Committee. In response to a query, the Secretariat clarified that it generally recommended that draft regulations with any SPS content should be notified to the SPS Committee, even if these regulations were also notified to the TBT Committee.

2.82. In October 2009, Peru recalled that the entry of traditional exotic products to the EC market had been seriously affected by the EC regulation on novel foods. The measure contravened the activities that the European Communities themselves had been undertaking to support small producers and to open the EC market to new and exotic products. Various exotic products had been certified by the Health and Environment Authority of Peru, which certified the safety and compliance with a HACCP system, and these products were fit for human consumption and could be marketed internationally. Peru expressed concern about the continuous loss of business opportunities due to this measure and asked for an update on the modification progress. Brazil, Colombia, Ecuador, and Mexico supported Peru's concerns regarding the EC regulation on Novel Foods.

2.83. The European Communities stated that on 15 January 2008, the EC Commission had submitted to the Council and the European Parliament a proposal for the revision of the Novel Food Regulation. The proposal was notified to WTO Members in March 2008 under the TBT Agreement. The revised procedure was expected to be more flexible and some novel foods had already been approved for entry into the EC market. The reference period for establishing a history of safe food use had been changed to a period of 25 years, and consumption data could originate from any third country and not necessarily from the country that submitted the application. The possibility to apply for a novel food authorization had also been opened to any interested party. The proposal kept the main rules currently applicable to novel goods, but simplified EC market access for traditional foodstuffs from third countries which had a history of safe use and put in place proportionate regulatory measures. The proposal was still under negotiation and its adoption was foreseen for July 2010.

2.84. In June 2011, Peru again raised concerns about Regulation 258/97, that particularly affected trade in Peruvian traditional foods that were safely sold in the United States and Japan (G/SPS/GEN/1087). Colombia shared the concern of Peru, as this regulation was an unjustified barrier to trade of traditional foods and consequently impeded economic activities. In 2009, the European Union had agreed to change this regulation in a way that would take into account traditional foods. This modification had not been implemented, however, because of disagreements that the European Council and the European Parliament had regarding products of cloned animals, although there was general agreement on traditional foods. Colombia encouraged the European Union to separate these issues and resolve the matter of traditional foods by the end of 2011. Brazil, Chile, China, Costa Rica, Indonesia, Mexico and Paraguay supported the concerns raised by Peru and Colombia.

2.85. The European Union stated that foods were considered novel under the present Regulation 258/97 if they were derived from new technological processes or if they had no significant history of consumption in Europe. On 15 January 2008, steps were taken to update the existing novel food rules in an effort to facilitate applications for novel food authorizations and to simplify market access to the European Union for traditional foodstuffs from third countries which had a history of safe food use. However, the initial proposal submitted to the co-legislators was not adopted. The main stumbling blocks related to provisions regarding food from cloned animals and nanotechnology. Any new regulation would contain a centralized and quicker authorization procedure for novel foods and specific measures for traditional foods, as agreement had indeed already been reached on this issue between the European co-legislators.

2.86. In October 2011, Peru recalled its concerns about Regulation 258/97 (G/SPS/GEN/1117). Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico and Paraguay shared the concerns raised by Peru.

2.87. The European Union reiterated the explanation that it had provided in June 2011 regarding the definition of novel foods and the current process of revision of the regulation.

2.88. In March 2012, Peru recalled its previously raised concerns about the EU Novel Foods regulation (258/97) that restricted foods which were not marketed in the European Union before May 1997 (G/SPS/GEN/1137). The Regulation did not distinguish between foods and ingredients that were new in the strict sense and traditional products derived from the biodiversity of developing countries. The EU measures were unnecessary and excessive as they applied to products that had a history of safe consumption in other markets and presented no risk for consumer health. Recalling the provisions of the SPS Agreement, Peru urged the European Union to refrain from applying Regulation No. 258/97 to traditional products with a history of safe consumption outside the EU market.

2.89. Cuba supported the concerns of Peru and indicated that the measure was discriminatory. Colombia also supported Peru's concerns and urged the European Union to accelerate the modification of the regulation on novel foods, highlighting the unnecessary and unjustified effect that the delay was having on the access of traditional products to the EU market. Argentina, Brazil, Chile and Paraguay indicated that they shared the concerns and were closely following the issue.

2.90. The European Union restated the observations presented during the 2011 June and October meetings.

2.91. In July 2012, Peru once again recalled its concerns about the EU novel foods regulation. Peru considered that its traditional products were a sign of the sustainable use of its biodiversity and argued that this regulation particularly affected trade in traditional foods. This regulation had negative economic and social impacts, including the loss of trade revenue, the administrative costs faced by importers and the potential effect on the general health of consumers worldwide as a result of the decrease in consumption of traditional products with high nutritional value. Peru urged the European Union to refrain from applying Regulation No. 258/97 to traditional products or to facilitate the entry of products with a history of safe consumption outside the EU market.

2.92. Cuba supported the concerns of Peru and indicated that the measure was discriminatory, highlighting the unjustified effect that the measure was having on the access of traditional products to the EU market. Colombia and Ecuador also supported Peru's concerns and urged the European Union to implement the reforms to the regulation on novel foods.

2.93. The European Union explained that revision of the novel foods rules had started in January 2008 in an effort to facilitate applications for novel foods authorizations and to simplify EU market access for traditional foodstuffs from third countries with a history of safe use. However, the co-legislators had not agreed to the proposed revision and the European Union was now engaged in preparing the next steps in the hope of facilitating the consensus necessary to allow a revised novel food regulation to be adopted into law. The European Union would make public the next steps it was taking once these were agreed. The Commission was currently preparing a legislative proposal based on the overall agreement reached with EU co-legislators, with adoption expected in 2013. Any new regulation on novel foods would contain a centralized and quicker authorization procedure for novel foods and specific measures would be put in place for traditional foods from third countries to access EU markets. A related legislative proposal on animal cloning was planned to be adopted by the Commission in 2013, based on the results of an impact assessment which was currently underway.

2.94. In October 2012, Peru reiterated its concern that the application of Regulation 238/97 continued to restrict access of traditional products into the European Union. Regulation 238/97 was in practice an unnecessary and unjustified barrier to trade, not adopted on the basis of an appropriate risk assessment taking into account scientific evidence, thus contrary to Article 5 of the SPS Agreement. Peru reiterated its request that the European Union exclude from the regulation traditional products arising from biodiversity and remove the unjustified hindrances to trade.

2.95. Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador and Venezuela supported Peru's concern and asserted that Regulation 238/97 constituted an unnecessary barrier to trade because it targeted products that were not widely traded in the EU market before 1997 without considering the history of safe consumption in other countries. Colombia regretted the EU delay in reforming this Regulation to bring it into compliance with WTO obligations. Brazil, Chile and Costa Rica reiterated their interests in developments regarding the reform of this Regulation.

2.96. The European Union recalled that at the last meeting it had provided a detailed explanation on the state of play of the Novel Foods dossier; it was now engaged in preparing a new legislative proposal on Novel Foods, expected to be adopted in 2013. The European Union would keep Members informed on the progress of the novel food negotiations, on future measures applicable to traditional foods from third countries, and would notify the new draft legislation to the WTO for comments. In order to help producers, importers and those responsible for placing products on the EU market a Novel Food Catalogue had been created, and a document indicating how interested operators may establish whether a food or food ingredient had a history of consumption in the European Union. The European Union remained committed to work with concerned partners towards an amicable solution of this matter.

2.97. In March 2013, Peru reiterated its previously raised concern with regard to EU Regulation 258/97 on Novel Foods whose application restricted access to the EU market for products which were not marketed in the European Union before May 1997 (G/SPS/GEN/1137). Peru considered the Regulation to be an unjustified trade barrier for Peruvian traditional products derived from biodiversity, due to the high costs of the application required to access the market and to the time required for market access approval. The EU measure was contradictory to international co-operation and technical assistance efforts for market development and for capacitation of small and medium producers. For example, camu camu (*Myrciaria dubia*), a sylvan fruit native to the western Amazon basin, was traded in countries like Japan and the United States and was listed in the Codex Classification of Foods and Feeds, but banned in the European Union. Peru requested information on the status of the new EU legislative proposal on Novel Foods and asked the European Union to reconsider those traditional products arising from biodiversity with a history of safe consumption outside the EU market.

2.98. Chile, Colombia, Ecuador and Paraguay echoed Peru's concern and looked forward to the EU legislative proposal to revise the regulation. Colombia and Paraguay urged the European Union to take into account the history of safe consumption of such products.

2.99. The European Union stated that the new legislative proposal was still taking shape and was due later this year. Specific measures for traditional foods from third countries to ease their access to EU markets would be proposed. The overall purpose of the proposal was to streamline the approval procedure and provide for a centralized system of authorization. The new draft, once finalised, would be sent to all EU trading partners via notification under both the SPS and the TBT Agreements to allow any comments and concerns to be taken into account. The European Union remained open to discuss the matter in more detail.

Maximum residue levels of pesticides (STC 306)

Raised by:	India
Supported by:	Argentina, Brazil, Pakistan, Thailand
Dates raised:	October 2010 (G/SPS/R/61, paras. 17-19), March 2011 (G/SPS/R/62, paras. 56-58), June 2011 (G/SPS/R/63, paras. 36-37), October 2011 (G/SPS/R/64, paras. 67-68), March 2012 (G/SPS/R/66, paras. 56-58), July 2012 (G/SPS/R/67, paras. 38-39), October 2012 (G/SPS/R/69, paras. 31-32), March 2013 (G/SPS/R/70, paras. 3.31-3.33), June 2013 (G/SPS/R/71, paras. 4.25-4.26), October 2013 (G/SPS/R/73, paras. 3.23-3.25)
Relevant document(s):	G/SPS/N/EEC/196/Add.2, G/SPS/N/EEC/196/Add.10, G/SPS/N/EEC/382, EU Revised Plant Protection Regulation 1107/2009, EC Regulation 396/2005, G/SPS/GEN/1139/Add.1
Status:	Not reported
Solution:	
Date reported as resolved:	

2.100. In October 2010, India referred to three EU notifications on the adoption of Maximum Residue Limits (MRLs) for certain pesticides (G/SPS/N/EEC/196/Add.2, G/SPS/N/EEC/196/Add.10 and G/SPS/N/EEC/382) within the framework of the EU Revised Plant Protection Regulation 1107/2009. EC Regulation 396/2005 established the legislative framework for MRLs of pesticides in or on food and feed of plant and animal origin, which was notified by the European Commission

in April 2005. India was concerned that the MRLs for a number of chemicals were set at the "limit of detection" (LOD). This was the residue limit which could be detected using analytical methods/testing procedures available in Europe. Different climatic conditions in India required a different use of pesticides in agricultural production. No scientific evidence had been provided to justify the setting of the MRL at the LOD, especially for imported products. For some substances, the MRLs in EU cereals was much higher than the approved level of the same substance in rice. The setting of MRLs at the LOD had impacted India's exports of agricultural products to the European Union, and India requested the European Union to provide the validated testing methods it used to arrive at the LOD as well as the scientific basis and risk assessment for the MRLs. India considered that the EU MRLs resulted in the violation of Articles 2.2, 2.3, 3.1, 5.1 and 5.4 of the SPS Agreement.

2.101. Thailand shared India's concerns, observing that in the recent EU notifications the proposed MRLs for some chemicals were much lower than the levels set by Codex. Brazil and Pakistan also shared India's concerns about the EU procedure for establishing MRLs.

2.102. The European Union explained that the new legislation on pesticide residues was in place since 1 September 2008. MRLs had undergone a common EU consumer intake assessment carried out by the European Food Safety Authority (EFSA) to make sure that all classes of consumers, including vulnerable ones such as babies and children, were sufficiently protected. The validated analytical methods used by the European Union could be found on the website of the EU Reference Laboratories for Residues of Pesticides. The model used for estimating the dietary intake of 27 EU consumer groups was available on the EFSA website. The risk assessment methodology used for setting the MRLs came from the framework established by the Codex Alimentarius, as described by a 2002 Joint FAO/WHO Meeting on Pesticide Residues' (JMPR) report. An LOD was set when there was a safety concern for consumers from the use of a pesticide at high levels or when there was no authorized use on a specific crop within the European Union or third countries. The proposed revision of the EU MRLs had been notified to the WTO in 2003, 2005 and 2007, and all WTO Members and stakeholders had also been informed about all the individual values that were proposed. The MRLs were fixed and published in the Official Journal if no reaction to the notifications had been received. Nevertheless, applicants in and outside the European Union could apply to have import tolerances set for higher MRLs in specific cases. Although the European Union was aware of the different geo-climatic conditions in India, data on the safety of imported products was still necessary.

2.103. In March 2011, India stated that the European Union had harmonised its pesticide residue levels under Regulation No. 396/2005 on MRLs for pesticides on food and feed of plant and animal origin. A default level of 0.01 mg/kg had been applied on many chemicals, and the European Union had claimed that the MRLs had been set at the Level of Determination (LOD). However, without a validated test, it was not clear how the LOD was set and consequently the scientific evidence for the MRL had not been provided despite substantially higher levels for the same chemicals existing in other countries. India re-stated its concerns relating to: (i) non-harmonization with international standards; (ii) lack of risk assessment; (iii) misuse of Article 5.7 of the SPS Agreement; (iv) lack of attempt to minimize negative trade effects; and (v) European laws and regulations.

2.104. The European Union noted that trading partners could apply for higher MRLs by providing scientific evidence. With respect to the commodities of interest to India, the European Union had indicated that given the economic significance of those commodities, it was prepared to modify the relevant MRLs. India had already submitted an application for a higher MRL which was under evaluation and, pending the outcome of that evaluation, an import tolerance would be set.

2.105. In June 2011, India recalled that the European Union had previously indicated that its trading partners could apply for higher MRLs by providing scientific evidence. However, the application of the precautionary principle in the case of chemicals that had been used for decades without any negative effects resulted in an unjustified trade barrier. The MRLs had been set at the level of detection (LOD) without a risk assessment. The LOD was the limit below which residues could not be detected by using sophisticated analytical methods, virtually a zero tolerance, and imported food items containing small traces of pesticides were being adversely affected. In addition, the European Union had not made, or not shared, any scientific assessments that justified the default MRL for some pesticides. The default MRLs created distrust as private labs were being used to run the assessments and at times they used testing methods which were not in

line with the European Commission guidelines on method validation and quality control procedures for pesticide residue analysis in food and feed. Furthermore, the aggressive business behaviour by private labs in approaching exporting countries like India for pre-screening services was a cause for concern. India requested that the European Union provide the scientific justification for the current MRLs for certain pesticides, rather than shifting the burden of proof onto exporters by requiring that they provide justifications when applying for higher MRLs. India urged the European Union to take effective steps to remove these trade restrictive measures.

2.106. The European Union stated that since 2008, a new legislative framework had been in operation which completed the harmonization and simplification of pesticide MRLs and eliminated all technical barriers to trade. The full details of the EU policy on pesticides had been presented at the March SPS Committee meeting. Trading partners could apply for an MRL that was greater than what was foreseen in the EU legislation by providing scientific evidence justifying the higher level. Regarding the commodities of interest to India, the European Union was prepared to modify relevant MRLs assuming that the requisite information was provided. India had in fact already submitted an application for a higher MRL for Isoprothiolane on rice which was being evaluated by EFSA, however, further information was required from India. As far as grapes were concerned, data from 2011 indicated that no obstacles had been identified.

2.107. In October 2011, India recalled that the European Union had previously claimed to have a non-discriminatory, open, transparent and predictable procedure for setting MRLs. However, India questioned the scientific basis for using the level of detection (LOD) method and for setting MRLs for certain pesticides at default levels of 0.01 mg/kg, as well as the validation testing methods used by the European Union to arrive at the level of detection. The EU method of setting MRLs was discriminatory as it affected the trade of certain products and did not conform to the SPS Agreement. India had been informed that a Member could apply for a higher MRL, however the EU procedure was lengthy, costly and burdensome. India urged the European Union to replace its ad hoc discriminatory, opaque, and unscientific measures with more predictable and science-based ones.

2.108. The European Union recalled its statement at the June 2011 meeting and noted that setting the MRLs at the default level for some pesticides facilitated trade, in contrast to a zero-tolerance approach. Trade had not been interrupted as a result of this legislation, and particularly not in commodities of interest to India. In line with the EU legislation, India had applied for a higher MRL for Isoprothiolane on rice, and submitted complementary information. An opinion from the EFSA was expected in the first quarter of 2012, and on the basis of this evaluation, the European Union would decide whether a higher MRL could be safely set.

2.109. In March 2012, India reiterated that no Member should set MRLs without scientific justification. India welcomed the EU MRL for Isoprothiolane in rice, and sought clarification on the status of an import licence application for Tricyclazole by Dow Agro Sciences. India urged the European Union to replace default MRLs for a variety of pesticides, as the default levels of 0.01 mg/kg, meant that imported foodstuffs containing even the smallest trace of pesticides (e.g., Cerbandazim) were banned in the European Union. India requested the scientific justification for fixing any MRLs at the level of detection, and recalled that under Article 12.6 the Committee could invite a relevant international body, such as Codex, to examine the scientific basis of a standard set by the European Union.

2.110. Pakistan stressed the importance of this issue for developing countries, and expressed hope that it would be soon resolved.

2.111. The European Union recalled that in September 2008 it had introduced a new legislative framework on pesticide residues (Regulation EC 396/2005) under which many pesticides MRLs had been set at the default level in order not to hinder trade. Trading partners that felt that a higher MRL was necessary should submit an application, with the appropriate scientific justification. The European Union would set a higher MRL where this was scientifically justified, as had been done for Isoprothiolane, where the MRL in rice had been raised to 5 mg/kg from its default level. This was done on the basis of a scientific opinion from EFSA, which stated that authorized use at that level would not pose a public health concern. The European Union also noted that EFSA strongly recommended that studies be carried out to investigate the effect of processing on the nature of Isoprothiolane residues. Following a decision by the EU member States, it was agreed that the MRL

would therefore be fixed on a temporary basis on the understanding that it may be reviewed in the light of the results of the requested study on processing.

2.112. In July 2012, India reiterated that no Member should set MRLs without scientific justification, as doing so violated the SPS Agreement. India requested the European Union to provide scientific justification for fixing any MRLs at the Level of Determination (LoD) for pesticides such as Carbendazim. The developer of Tricyclazole (Dow Agro Sciences) had filed an application for an import tolerance in accordance with Art. 6 (4) of Regulation (EC) No. 396/2005, however, it was unclear whether the data submitted was acceptable or not. India requested the European Union to clarify the situation and to work constructively on resolving the issue as the uncertainty and unpredictability adversely affected India's exports.

2.113. The European Union recalled that Regulation (EC) No 396/2005, which had entered into force in 2008, essentially stated that before an MRL could be set for a pesticide, its safety must be confirmed on the basis of a scientific assessment. In the spirit of the SPS Agreement, when drawing up this legislation, the European Union had sought to eliminate any inappropriate technical barriers to trade in the setting of MRLs by setting MRLs, for many pesticides - not in use in the European Union - at the default level. By doing this, the European Union, de facto, had also established a 'tolerance' - albeit a very low one - for pesticides that were not in use in the EU territory, and for which it was not in position to verify their safety or otherwise. The modification of such tolerance levels was not possible unless solid scientific data demonstrated the safety of the product. India could apply for an import tolerance in cases where it believed that an MRL higher than the default level was warranted. This procedure had been used successfully by India to apply for a higher import tolerance for Isoprothiolane, a pesticide used by India in the production of rice, a major export crop of interest to India. The case of Isoprothiolane demonstrated that the procedure in place was non-discriminatory, transparent, delivered results and offered predictability to exporters.

2.114. In October 2012, India noted that no solution had yet been found to this concern. The European Union continued to set MRL levels at the Limit of Detection (LOD) for pesticides such as Carbendazim and Isoprothiolane, without any scientific justification contrary to the provisions of the SPS Agreement. India reiterated its request for the European Union to provide scientific justification for fixing MRLs at the limits of detection without scientific evidence.

2.115. The European Union stated that trading partners must follow the EU procedure for requesting the setting of MRLs based on actual use of a pesticide. Where a pesticide was not used within the European Union or was unknown, the European Union set the MRL at the lowest analytical level rather than apply a zero tolerance approach, to give traders some legal certainty. Before setting an MRL for a pesticide, the scientific opinion of EFSA was sought on each occasion. The European Union reiterated that its legislation was balanced, non-discriminatory, based on sound scientific assessments and predictable. The European Union suggested that India provide a list of the chemical substances used in India that it considered were not harmful to human health, so that the same could be the subject of an EFSA risk assessment.

2.116. In March 2013, India again requested the European Union to provide scientific justification for fixing MRLs for pesticides at the level of detection (LOD). The burden of proof could not be shifted to the exporting country. India asked the European Union to provide updates on the import allowance level for pesticides such as Tricyclazole for which India had submitted data and urged the European Union to work constructively on resolving this issue.

2.117. Argentina shared India's concern and recalled its position on this point in G/SPS/W/211.

2.118. The European Union stated that it had done its utmost to address India's concerns by providing a comprehensive overview of the legislation in place in the European Union, organizing several meetings with Indian representatives and providing technical support with respect to MRL-setting and testing (see G/SPS/GEN/1139/Add.1). The European Union was not in a position to know whether pesticides that were unknown or not used in the European Union were safe or not, without the benefit of a proper risk assessment. In the absence of solid, scientific data that demonstrated the safety of a given pesticide, the European Union could not set arbitrary MRL values. If India would provide a list of the chemical substances used in India that it considered were not harmful to human health, the European Union and India could work together to

understand the extent of the concerns and seek to resolve them. Tricyclazole may no longer be used in the European Union, as the scientific information on its toxicity was not sufficient to assess the risk to operators and the environment. The European Union had notified to the SPS Committee its intention to reduce the MRL for Tricyclazole, which was followed by an application from India to maintain the MRL on rice. This application was under assessment by EFSA and the outcome was expected shortly. The European Union reminded India that the decision-making procedure on the setting of import tolerances was balanced, transparent and predictable, and fully in line with the SPS Agreement.

2.119. In June 2013, India raised its concern over the EU MRLs of pesticides. The EU MRLs for imported foods and agricultural products did not follow any international standards and had no scientific basis, and were therefore in contravention of the SPS Agreement. India requested that the European Union provide scientific justification for its MRLs and that it change those levels that were not scientifically justified. India also requested an update within regard to tricyclazole.

2.120. The European Union noted India's concern, and regretted that there was little new to say with regard to this issue. When there was no use of a particular substance within the European Union and no third country had requested the European Union to set an import tolerance, it was the EU practice to set MRLs at the lowest analytical level - the level of determination. This practice was widespread and followed elsewhere in the world. With regard to tricyclazole, in 2011 there had been a proposed reduction of the MRL from its current level of 1 mg/kg to 0.01 mg/kg. A request for an import tolerance for rice was filed by one of the manufacturers of tricyclazole upon which the European Food Safety Authority had issued an opinion on 18 April 2013 that the request was not properly justified and therefore the European Union was considering lowering the existing MRL to the limit of determination (0.01 mg/kg) for rice. The European Union invited India to work with the EU authorities to resolve any concerns regarding tricyclazole and MRLs generally.

2.121. In October 2013, India reiterated its concern over EU MRLs of pesticides claiming that the EU MRLs for imported foods and agricultural products did not follow international standards and had no scientific basis, and were therefore in contravention of the SPS Agreement. India requested that the European Union provide scientific justification for its MRLs and that it adjust those levels that were not scientifically justified. India also requested an update with regard to tricyclazole.

2.122. Argentina shared India's concerns and highlighted the work undertaken by Codex on pesticides. There was a need to base new MRLs on Codex standards. Establishment of MRLs of pesticides without a scientific basic was in contradiction to the SPS Agreement and has become an unnecessary restriction on trade damaging agricultural exporting countries, such as Argentina.

2.123. The European Union stated that its policy regarding pesticides was to provide a maximum level of safety for European consumers while remaining open towards its trading partners. The EU system was transparent and had proved to be effective as the European Union remained the world's largest importer of agri-food products. India's allegations were evidently unfounded and incorrect as could be seen by virtue of the increase in rice exports from India to the European Union, which had doubled in tonnage in the past year. The European Union was open to continue cooperating closely with India and to consider any specific requests to modify the MRLs for pesticides used in India, insofar as those pesticides had been proven to be safe on the basis of adequate scientific data.

EU renewal of GMO approvals (STC 353)

Raised by:	Argentina
Supported by:	
Dates raised:	June 2013 (G/SPS/R/71, paras. 4.5-4.6)
Relevant document(s):	EC Regulation 1829/2003
Status:	Not reported
Solution:	
Date reported as resolved:	

2.124. In June 2013, Argentina raised its concerns over the EU renewal procedures and processes for GMO approvals. Argentina contended that risk assessment reviews should only be undertaken

in cases of new scientific justification. Further, as the entire EU approval process took approximately four years, granting a licence for only ten years was impractical and without scientific justification. The EU process was already overly burdensome and the new requirements were unclear, adding to the heavy burden of seeking GMO approval. Argentina asked the European Union to clarify and rectify their GMO approval process.

2.125. The European Union responded that it was not intending to adopt legislation as was done for the food/feed new authorizations but rather to prepare a guidance document which would complement Articles 11 and 23 of Regulation 1829/2003 already providing general guidance on the renewal process. The European Food Safety Authority was currently working on this more detailed guidance which should be available in autumn 2013, before the first renewal request expected in March 2014.

2.4.2 Animal Health

Prohibition of use and sale of treated seeds (STC 350)

Raised by:	United States of America
Supported by:	
Dates raised:	March 2013 (G/SPS/R/70, paras. 3.57-3.58)
Relevant document(s):	G/SPS/N/EU/39
Status:	Not reported
Solution:	
Date reported as resolved:	

2.126. In March 2013, the United States noted that on 1 March 2013, the European Union submitted notification G/SPS/N/EU/39 regarding the prohibition of the use and sale in the European Union of seeds treated with plant protection products containing the active substances Clothianidin, Thiamethoxam or Imidacloprid. The European Union had provided an unusually short comment period of only 11 days. Given the complexity of this technical measure, the United States asked the European Union to extend the comment period to the recommended 60-days, to allow trading partners to review and provide comments.

2.127. The European Union explained that the short deadline was due to reasons connected with the legislative process and to the great priority of the issue for the European Union. Increasing bee mortality was an issue of concern worldwide and the proposal was based on science and justified by a very clear analysis published by EFSA last January. The proposal restricted the use of the three substances only on crops that were attractive to bees and provided derogations when the application of the substances took place after flowering. At this stage, the actual trade effects of the proposal were considered to be very limited, if not negligible. The measure envisaged a temporary suspension of these substances for a 2-year period, during which time new scientific data would be brought to light and studied. The European Union welcomed an open and constructive dialogue with its trading partners with an interest in the proposal and stated that comments could be submitted at any time.

EU temperature treatment requirements for imports of processed meat products (STC 351)

Raised by:	Russian Federation
Supported by:	
Dates raised:	June 2013 (G/SPS/R/71, paras 4.1-4.2)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.128. In June 2013, Russia raised concerns about the EU requirement that bovine and porcine meat products be heat-treated to 80 degrees Celsius and asked that the European Union bring its

requirements in line with international standards, which only required heat-treatment to 70 degrees Celsius. Russia urged the European Union to finalize the legislative process under way that would bring the EU requirements into line with OIE recommendations.

2.129. The European Union noted that it was free from African swine fever (ASF, except for one island) and foot-and-mouth disease (FMD), both of which occur in Russia. The heat-treatment requirement of 80 degrees Celsius was applied to prevent the introduction of both diseases via the import of animal products. The request of Russia to use heat treatment to 70 degrees Celsius for a minimum of 30 minutes for previously deboned and defatted meats was in line with OIE standards for the inactivation of FMD, but not for ASF. The European Union would thus amend its measures only in the case of species that are not susceptible to ASF. The process of amending the existing import rules, to thereby meet the request of Russia, had already begun, and a proposal was expected to be adopted soon.

2.4.3 Plant Health

EU quarantine measures on certain pine trees and other products (STC 348)

Raised by:	Russian Federation
Supported by:	
Dates raised:	March 2013 (G/SPS/R/70, paras. 3.14-3.17), June 2013 (G/SPS/R/71, paras. 4.44-4,45)
Relevant document(s):	Part A of Appendix 3 of EU Council Directive 2000/29
Status:	Not reported
Solution:	
Date reported as resolved:	

2.130. In March 2013, Russia expressed its concern that Part A of Appendix 3 of EU Council Directive 2000/29 prohibited imports into the European Union of Pinus, Picea and Tsuga plants, among others, from non-European countries. Russia considered that this restriction was not compliant with Articles 3 and 5 of the SPS Agreement. Furthermore, the European Union had categorized the Russian territory into two areas and had applied the import ban to the so-called "Asian" side of Russia but not to the "European" side, which was discriminatory and not compliant with Article 2 of the SPS Agreement. No justification had been provided by the European Union in support of this measure. This discriminatory treatment had a high cost for Russia's economy, in particular for exporters of *Pinus Sibiricus*, for whom the redirection of their product to other markets had resulted in additional costs and lower product quality. Russia urged the European Union to provide scientific evidence to justify its measure and to remove its restriction.

2.131. The European Union noted that under the European plant health legislation there were very few cases where plant imports were prohibited. In such cases, each plant required an individual risk assessment which demonstrated that there were no plant health concerns in order to obtain a derogation. In March 2011, following a request from Russia to export Siberian Pine trees to the European Union, the European Union provided Russia with its justification for the import prohibition with a list of the quarantine pests considered to be relevant in that particular case. If Russia wished to export pine trees to the European Union it had to submit a full dossier explaining how Russia intended to guarantee that the EU requirements for plants of the *Pinus* species were fulfilled. Although the matter was first raised a number of years ago, the European Union had thus far received very limited information from Russia. The European Union highlighted that this matter, amongst others, was to be discussed bilaterally with Russia. In this context the European Union drew the attention of the Committee to its concerns with respect to the notification practices of Russia since acceding to the WTO. The European Union indicated that it was willing to engage in a constructive dialogue to resolve trade irritants on both sides. On the issue of the specific trade concern, the European Union recalled the necessity for submitting a complete dossier to support a derogation from the import prohibition on plants of the *Pinus* species.

2.132. Russia stated that the European Union should not justify its measures by bringing to light other difficulties experienced in its bilateral relations with Russia, and reiterated its request for

scientific evidence, as the information referenced by the European Union was not in Russia's possession.

2.133. The European Union replied that it made no link between the current specific trade concern of Russia and other issues on their bilateral agenda. The European Union had already provided its justification for the import prohibition in place, together with a list of the relevant quarantine pests, and thus, now looked forward to receiving the relevant Russian dossier to justify a derogation to the existing prohibition.

2.134. In June 2013, Russia reiterated its concern that EU Council Directive 2000/29 prohibited imports into the European Union of *Pinus* plants, among others, and seed potatoes from Russia. Russia claimed that the restriction was not based on scientific evidence and Russia was not aware of any justification for the measure. The EU requirement to provide a technical dossier to obtain a derogation to the restriction was not provided for in any international standard or agreement and was therefore considered discriminatory. Given the strong trade impact of the measure, Russia urged the European Union to remove its restriction.

2.135. The European Union noted that the request of Russia for a derogation to be able to export potatoes and coniferous plants to the European Union had been intensively discussed in a bilateral setting, and technical discussions with EU member States had started. Nevertheless, to obtain the derogation, a technical dossier was needed. The EU request for information in order to carry out a specific risk assessment on this trade request from Russia was fully legitimate. The European Union repeated its engagement to find a satisfactory solution and looked forward to receiving the necessary technical information from Russia that would allow it to proceed.

EU import requirements for orchid tissue culture plantlets in flasks (STC 355)

Raised by:	Chinese Taipei
Supported by:	Senegal
Dates raised:	June 2013 (G/SPS/R/71, paras. 4.12.4.14)
Relevant document(s):	Council Directive 2000/29/EC, Annex 4
Status:	Not reported
Solution:	
Date reported as resolved:	

2.136. In June 2013, Chinese Taipei raised its concerns regarding the EU import requirements for orchid tissue culture plantlets in flasks, contained in 2000/29/EC Annex 4, Points 32.1, 32.3, 34, 36.1, 45.1 and 36. These required the inspection and pest-free conditions for up to six pests. However, the risk of pests for tissue culture plantlets in flasks produced under sterile conditions - like those produced in Chinese Taipei - was much lower than the risk associated with plantlets raised in greenhouses. The EU requirements were, therefore, not scientifically justified. Chinese Taipei had asked the European Union in October 2012 and January 2013 to amend its regulations based on scientific evidence. The European Union responded in February 2013 that the risk assessment of the pest *Bemisia tabaci* was on-going and that relevant rules would be amended upon completion of that assessment. When the final assessment was published in April 2013, however, it made no mention of tissue culture plantlets and no amendments had been made. In April 2013, Chinese Taipei had reiterated that tissue culture plantlets grown under sterile conditions posed a much lower risk than their counterparts grown in greenhouses, and that, specifically, there was no risk of *Bemisia tabaci* in those plantlets grown under sterile conditions. Chinese Taipei explained that the European Union had countered that this issue was not technical, but rather legislative in nature, and had asked Chinese Taipei for additional information on official controls and certification processes related to tissue culture plantlets in order to facilitate discussion among EU experts. Tissue culture plantlets from Chinese Taipei were exported worldwide and no other Member required additional inspections for insect pests on plants cultivated under sterile conditions. Furthermore, many EU member States produced tissue culture plants for export under similar conditions and the techniques and procedures for these plants were clearly understood. The EU additional requirements placed a heavy burden, both in terms of money and labour, on Chinese Taipei, and were not consistent with Articles 2.2 and 5.2 of the SPS Agreement, as well as Articles VII.2.(a) and (g) of the IPPC. Chinese Taipei urged the European

Union to bring its import requirements in line with existing scientific evidence and risk assessments.

2.137. Senegal expressed its surprise at the suggestion of a pest-risk in plantlets produced under sterile conditions, and asked the European Union if pests had been found in such plantlets which could justify its measures.

2.138. The European Union explained that this issue had been the subject of intensive bilateral discussions, the most recent of which occurred one week prior to the 57th SPS Committee meeting. The EU policies and procedures had been in place since 2002 and no trade problems had been experienced during that time, excluding the present trade concern. The recently published assessment of the European Food Safety Authority regarding *Bemisia tabaci*, a known vector of certain plant disease, would be discussed with EU member States in the coming days. The European Union had requested that Chinese Taipei provide a technical dossier outlining the cultivation of orchids in sterile plantlets and additional information regarding official controls and the certification process, and understood that this dossier was forthcoming. Upon its receipt, the European Union would be able to fully consider the issue and work bilaterally with Chinese Taipei to develop a successful conclusion to this trade concern.

Phytosanitary measures on citrus black spot (STC 356)

Raised by:	South Africa
Supported by:	Argentina
Dates raised:	June 2013 (G/SPS/R/71, paras. 4.15-4.17)
Relevant document(s):	G/SPS/N/EEC/46, G/SPS/N/EEC/47
Status:	Not reported
Solution:	
Date reported as resolved:	

2.139. In June 2013, South Africa raised concerns regarding the EU restrictive import measures on South African citrus exports infested with citrus black spot. This issue had been on-going since 1992. During the July 1997 SPS Committee meeting, South Africa had circulated a statement, G/SPS/GEN/26, in regard to the EU notifications of modifications of phytosanitary measures on citrus black spot (G/SPS/N/EEC/46 and G/SPS/N/EEC/47). At that time, South Africa contended that the EU measures were not scientifically justified and lacked a technical basis, as infested fruit did not pose a significant pest risk. Unfortunately the issue remained unresolved. The EU measures not only lacked scientific basis, but had also had an excessively negative effect on trade and, as such, were in contravention of the SPS Agreement. As previously noted in the SPS Committee, this issue had been raised in the context of the IPPC dispute settlement procedure, and bilateral talks were set to continue on this matter. South Africa was still waiting for the results of an EU pest-risk analysis regarding *Guignardia citicarpa* that was supposed to have been completed in 2011. South Africa urged the European Union to finish its pest risk analysis and to implement measures that had a scientific basis.

2.140. Argentina supported South Africa's position, as it was also a large exporter of citrus to the European Union. Argentina urged the European Union to complete its risk analysis swiftly and to put in place measures that were scientifically-based and not unduly restrictive of trade.

2.141. The European Union confirmed that this matter was the subject of the IPPC's first dispute settlement procedure and noted that its territory was free from citrus black spot, hence the restrictions in place reflected the EU desire to maintain this freedom. Detections of citrus black spot on South African fruit sent to the European Union had been on the rise therefore the European Union decided that after a certain number of interceptions action may be taken. The European Union assured South Africa of close cooperation before any such decision was made. The European Union underlined that the European Food Safety Authority was assessing whether citrus fruit itself could transmit citrus black spot disease. The draft pest-risk analysis should be available in July 2013, and would be open to public consultation. The European Union hoped that the discussions, both bilaterally and at the IPPC, and the expected forthcoming scientific information, would result in a solution that was agreeable to all involved.

2.4.4 Other concerns

EU Court of Justice ruling regarding pollen derived from GMOs (STC 327)

Raised by:	Argentina
Supported by:	Canada, Mexico, Paraguay, United States of America, Uruguay
Dates raised:	October 2011 (G/SPS/R/64, paras. 44-46), June 2013 (G/SPS/R/71, paras. 4.36-4.38)
Relevant document(s):	Raised orally.
Status:	Not reported
Solution:	
Date reported as resolved:	

2.142. In October 2011, Argentina stated that on 6 September 2011, the European Court of Justice (ECJ) had adopted a new interpretation of the scope of EC Regulation No. 1829/2003, considering pollen derived from GM crops as an ingredient of honey and not a natural component. This was in conflict with the Codex standard for honey. The ruling resulted in legal uncertainty, which lead European importers to interrupt purchases of honey produced in Argentina pending the implementation of the ruling, to the detriment of the very small scale beekeepers and regional economies that depended on this activity. Argentina requested the European Union to promptly take all necessary measures to remove the uncertainty caused by the ECJ judgment, and to ensure that implementation of the ECJ judgment did not restrict honey imports.

2.143. Canada, Mexico, Paraguay, the United States and Uruguay shared the concerns of Argentina. Mexico expressed its appreciation for having been invited for further discussions in Brussels on the implementation of the ECJ decision. Brazil emphasized that the EU policy regarding GMOs was trade restrictive and observed that it faced similar problems concerning red beans.

2.144. The European Union observed that honey containing GM pollen had previously been considered to be outside the scope of the relevant legislation. Following the ruling, GM pollen in honey must be explicitly authorized before entering the EU market, and imported honey products which contained GMOs that were not authorized for use in pollen would not be allowed. Even though the specific GM crop in this case (MON 810) had been authorized in the European Union for more than ten years, it had not been authorized for uses which included pollen. The European Union was taking steps to fill the existing regulatory gaps until EFSA provided an opinion on the safety of the MON 810 pollen in honey, and was considering how to ensure the proper implementation of the ruling without unnecessarily disrupting the supply of honey to EU consumers. It would be holding open dialogues with its member States, all interested third countries and other stakeholders.

2.145. In June 2013, Argentina reiterated its concern regarding the ECJ ruling of September 2011 that defined pollen as an ingredient of honey, while Codex and the EU Directive 2001/110/EC considered pollen as a natural component of honey. In light of this new definition, honey that contained GMO-derived pollen was subject to a pre-authorisation process and should be labelled in order to be marketed throughout the European Union. The European Commission's proposal to modify Directive 2001/110/EC on honey was being discussed in the EU Parliament and the Council. Argentina stressed that the implementation of the ECJ ruling should be based on scientific evidence, be the least trade restrictive as possible and be consistent with the WTO SPS Agreement.

2.146. The United States shared Argentina's concern and noted that the ECJ ruling posed a potential barrier to trade. The United States therefore encouraged the European Commission to act expeditiously on its intention to amend Council Directive 1002/110/EC to clarify that pollen was a natural constituent of honey, as stated by Codex, and not an ingredient. The United States also encouraged the Standing Committee on the Food Chain and Animal Health (SCFCAH) to vote, at the earliest opportunity, to authorise the application to include pollen.

2.147. The European Union reported that the proposal to amend the Honey Directive was working its way through the legislative process. According to this proposal, pollen would be considered as a natural constituent of honey and, as such, would not need to be mentioned in the list of ingredients. Nevertheless, the EU GMO legislation would continue to apply and the presence of

authorised GMO pollen in honey should continue to be labelled if it exceeded the threshold of 0.9% of the total amount of honey.

2.5 France, European Union

2.5.1 Food safety

Ban on Bisphenol A (STC 346)

Raised by:	United States of America
Supported by:	
Dates raised:	March 2013 (G/SPS/R/70, paras. 3.4-3.5)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.148. In March 2013, the United States expressed concern regarding a French law adopted in December 2012 on food packaging made with Bisphenol A (BPA). The legislation required all food packaging made with BPA to be accordingly labelled. In addition, food packaging made with BPA would be prohibited after 1 January 2015. The United States indicated that this measure would have a significant negative effect on trade, due to the wide range of products that would be subject to the law. Given the serious nature of the potential trade concerns, the United States strongly urged the European Union to notify this ban to the SPS or the TBT Committee at its earliest convenience and to provide a scientific risk assessment to support the restriction.

2.149. The European Union explained that its member States could adopt national measures in areas where no legislation existed at an EU-wide level, if they were in conformity with the Treaty on the Functioning of the European Union. In particular, the Treaty allows the adoption of national measures if they are deemed necessary in view of protecting the health and lives of the citizens. France had justified its national measures on these grounds and had adopted its law on the basis of the hazard assessments conducted by the French Agency for Food, Environmental and Occupational Health and Safety (ANSES). Two reports on BPA were issued by ANSES: one report on the use of BPA in products and another that identified hazards for human health. The French legislation stipulated that from 1 January 2013 BPA could not be used in any materials and articles containing food intended for infants and children up to, and including, three years of age. From 1 January 2015, it introduced a complete ban of the use of BPA in all food contact materials, and a labelling provision for pregnant women and young children in the interim period. The European Union was now awaiting the outcome of EFSA's on-going risk assessment on the use of BPA in all food contact applications, the first conclusions of which were expected to be available before the summer. The European Union indicated that once it had all the relevant information on which to base its decision, including the EFSA opinion and information on the availability of safe alternatives, it would decide on the French national measure and on BPA in food contact materials in the European Union.

2.6 India

2.6.1 Animal Health

Import conditions for pork and pork products (STC 358)

Raised by:	European Union
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.4-3.6)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.150. In October 2013, the European Union noted that it had for several years been urging India to align its import conditions on pork and pork products with international standards. Currently, (a) India requested that the exporting country certify freedom from a number of diseases for which the OIE had not set an international standard, yet India had not provided a science-based justification for these import conditions; (b) India required exporting countries to have country freedom without contemplating the possibility of trade from established disease-free regions; (c) specifically with regard to import conditions for processed meat of pork origin, India required that the exporting country certify that meat was processed so as to achieve an internal temperature of not less than 70°C for 30 minutes, without allowing any alternative treatments. These requirements by India were not based on the relevant OIE and CODEX standards. The European Union further noted that under the SPS Agreement, import conditions should not be stricter than the measures applicable to the domestic market, and Indian legislation allowed non-heat treated processed pig meat within its domestic market.

2.151. The European Union urged India to bring its measures in line with the international standards or, alternatively, to provide a science-based risk analysis for each of the diseases for which India applied import conditions stricter than the international standards and also for its requirement to import only heat-treated processed pork meat. The European Union also urged India to recognise the principle of regionalisation, which was effectively applied in the European Union, instead of requiring country freedom for certain diseases.

2.152. India noted that a technical expert committee had been established within the Department of Animal Husbandry, Dairying and Fisheries. This committee reviewed all the technical aspects concerned in order to reach a decision on the relevant veterinary certificates. One meeting of the committee had already been held and another was scheduled to take place.

2.6.2 Plant Health

Import restrictions on apples, pears and citrus (STC 347)

Raised by:	Argentina
Supported by:	Chile, European Union
Dates raised:	March 2013 (G/SPS/R/70, paras. 3.6-3.13)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.153. In March 2013, Argentina raised concerns regarding India's import restrictions on fresh apples and pears which were put in place on 1 April 2004. India had alleged that its authorities must conduct a pest risk analysis (PRA) for those products. Argentina submitted the required information to India in 2004, while requesting that access to India's market for Argentine exports not be disrupted until the results of the PRA were known. In the minutes of the Joint Commission meeting of July 2006, India agreed to prioritise completion of the risk analysis required for market access prior to the following harvest of December 2006. In this meeting Argentina submitted the response to comments communicated by the Department of Agriculture & Cooperation (DAC) on the PRA-related issues. Argentina had invited India to inspect its production zones, and in November 2007 a technical inspection was carried out by the DAC. On this occasion, Argentina submitted additional information, as documented in the minutes of the bilateral meeting of November 2007. This matter was the subject of a bilateral meeting in the margins of this SPS Committee. In December 2008, comments were requested from India concerning the information presented in the 2007 bilateral meeting. In April 2009, India indicated that the pest risk analysis for pears and apples was being processed. However, despite repeated requests by Argentina, there had been no formal response from India on the outcome of this process. In order to help resolve this issue, Argentina proposed a Memorandum of Understanding (MOU) with India on SPS issues but this had not materialized since 2006.

2.154. During the Joint Commission meeting held in New Delhi in July 2006, Argentina had also submitted a technical dossier for the risk analysis of citrus products. As recorded in the minutes,

India agreed to promptly undertake a pest risk analysis for citrus fruits and to set up a bilateral working group on SPS issues to expeditiously finalize the pending risk analysis and the SPS MOU. At the 2007 technical meeting, Argentina provided comments to the risk analysis document undertaken for citrus. In 2008 and 2009 there was an exchange of technical information. Since then, Argentina had not received any official response from India to the comments provided despite repeated requests in 2010 and 2011.

2.155. Argentina requested India to allow effective access of apples, pears and citrus into the Indian market in order to comply with its formal commitments and, thus, remedy the lengthy trade interruption of apples and citrus that amounted to nine years - without being based on scientific evidence - and that caused commercial damage to its producers as a result of lost market share.

2.156. Chile supported Argentina's concern and reported that it had faced the same problems relating to its fruit exports to India. Although Chilean export and safety conditions had been improved, Chile had not received any information from India regarding the specific requirements for obtaining market access. Chile requested a response from India to the questions it had submitted in writing.

2.157. The European Union also supported Argentina's concern and noted the lack of transparency in the approval process for exports of new plant and fruit commodities to India. The absence of a list of regulated pests in India eliminated the predictability of the conditions under which trading partners might be able to export. The European Union noted India's lack of resources to process the many pending export applications for various export commodities which the European Union had great interest in exporting to India.

2.158. India explained that imports of apples, pears and citrus fruit were governed by the existing pest risk analysis guidelines that prescribed specific MRLs for pesticides in line with international standards. All fruit products were therefore free to be imported to India if they met these specific tolerance limits.

2.159. Argentina clarified that its concern dealt with the phytosanitary requirements for the imports of fruit and not with the prescribed MRLs. It awaited the results of the pest risk analysis in pears and apples, as well as a response to its comments on the pest risk analysis conducted for citrus fruits, in order to know the exact conditions required for imports of fruit.

2.160. India indicated that no trade ban had been imposed on imports of fruit coming from Argentina and that according to its database, Argentina had been exporting fruit to India and no import restrictions were in place.

2.7 Hong Kong, China

2.7.1 Food safety

Import restrictions in response to the Japanese nuclear power plant accident (STC 354)

2.161. See paragraphs 2.296. to 2.300.

2.8 Indonesia

2.8.1 Animal Health

Import restrictions on poultry meat (STC 286)

Raised by:	Brazil
Supported by:	
Dates raised:	October 2009 (G/SPS/R/56, paras. 14-15), October 2011 (G/SPS/R/64, paras 79-80), October 2013 (G/SPS/R/73, paras. 3.47-3.48)
Relevant document(s):	Indonesian Decree 50/Permentan/OT.140/9/2011
Status:	Not reported
Solution:	
Date reported as resolved:	

2.162. In October 2009, Brazil raised concerns about restrictions on Brazilian poultry meat due to Indonesian legislation that was not in accordance with international standards. Although Indonesia claimed to accept the principle of regionalization, it had not presented any sanitary reasons for the restrictions on Brazilian poultry meat. Throughout 2009, Brazil and Indonesia had consulted on this trade barrier and Brazil had provided information showing that its poultry meat and by products complied with the relevant international standards and even with Indonesia's regulations. Brazil requested the sanitary justification for the restrictions, or that the restrictions be lifted.

2.163. Indonesia expressed his authorities' willingness to have bilateral meetings with Brazil to find solutions on the issue.

2.164. In October 2011, Brazil observed that it fulfilled all OIE requirements related to poultry meat and exported poultry products to more than 170 countries, but the Indonesian market remained closed. In October 2009, Brazil had questioned the scientific basis of Indonesia's prohibition, but despite several bilateral meetings, the Indonesian market remained closed to Brazilian chicken, duck and turkey meat. Regarding chicken meat, Indonesia had recently issued Decree 50/Permentan/OT.140/9/2011, which prohibited, without any scientific justification, imports of whole chicken and mechanically separated chicken meat products. In relation to duck and turkey meat, although Indonesia had agreed to send a mission to Brazil to approve establishments, it had not responded to repeated requests from Brazil to set a date for the mission.

2.165. Indonesia replied that the issue had been discussed extensively during the meeting of the bilateral Agriculture Working Group, and during the Brazil-Indonesia Joint Commission in October 2011. During the consultations, Indonesia had informed Brazil that it needed more time to ensure internal coordination before sending the inspection mission to Brazil, and that the Indonesian Ministry of Agriculture would conduct its technical research in 2012.

2.166. In October 2013, Brazil reiterated its concerns over Indonesia's restriction on Brazilian poultry meat exports. Brazil exported poultry products to more than 170 countries and met all the relevant OIE requirements. In May 2009, Brazil had expressed its interest in exporting poultry meat to Indonesia and had since held bilateral consultations with Indonesian sanitary authorities. In October 2009, Brazil had had raised a concern about this prohibition, which did not seem to have scientific basis, and had reiterated that concern in 2011. Despite several bilateral meetings since then, import restrictions on poultry meat remained. Brazil submitted specific questions on Indonesia's recently enacted regulations in the context of the difficulties faced by Brazil's poultry meat exporters in general, and chicken meat exporters in particular, and requested that Indonesia confirm that the new regulations did not provide for legal restrictions to poultry imports. Furthermore, Brazil requested Indonesia to provide an exhaustive list of regulations applicable to imports of poultry, and explain the reasons for delays in the approval procedures of health certificates for poultry meat.

2.167. Indonesia reiterated that, in principle, it did not prohibit poultry meat imports provided safety and halal food requirements were met. Revised regulations setting out the requirements for poultry meat imports rules had been approved in 2013. Under the revised legislation, exporting

countries must be free from highly pathogenic avian influenza (HPAI), Newcastle disease, and duck viral hepatitis, for a period of at least 90 days. The exporting poultry establishments must also implement a halal food system, which meant that the establishment exclusively produced halal products. The halal requirement applied to all slaughterhouses in the country of origin and imports of poultry products must pass the document inspection and field certification on the implementation of animal health systems and safety assurance for animal products, both at the level of establishments and country of origin. Indonesia assured that it would continue to work closely with Members to overcome this issue.

2.8.2 Plant Health

Indonesia's port closures (STC 330)

Raised by:	China, New Zealand, United States of America, European Union
Supported by:	Argentina; Australia; Canada; Chile; Japan; Korea, Republic of; South Africa; Chinese Taipei; Thailand; Uruguay
Dates raised:	March 2012 (G/SPS/R/66, paras. 19-25), July 2012 (G/SPS/R/67, paras. 49-55), October 2012 (G/SPS/R/69, paras. 45-48), March 2013 (G/SPS/R/70, paras. 3.40-3.43), June 2013 (G/SPS/R/71, paras. 4.39-4.43), October 2013 (G/SPS/R/73, paras. 3.26-3.29)
Relevant document(s):	G/SPS/N/IDN/48, G/SPS/N/IDN/49, G/SPS/N/IDN/53, G/SPS/N/IDN/54, G/SPS/N/IDN/54/Corr.1
Status:	Partially resolved
Solution:	
Date reported as resolved:	16 October 2013

2.168. In March 2012, the United States raised concerns about Indonesia's plan to close several entry ports for imports of fruit and vegetables, including the main port of Jakarta (Tanjung Priok), originally scheduled for 19 March, but postponed until 19 June 2012. The port closure would threaten 90% of fresh fruit and vegetable exports to Indonesia, and the measure was not done in a transparent manner. The United States indicated its willingness to work with Indonesia to resolve any legitimate phytosanitary concerns Indonesia had with respect to fruit and vegetable imports, while also facilitating trade in these products. The United States urged Indonesia to notify these trade restrictions to the Committee and to provide scientific evidence to support them.

2.169. The European Union agreed that unnecessary trade disruption would occur from the port closure and recalled that any SPS measure should be no more trade restrictive than required and in line with the SPS Agreement. The European Union similarly encouraged Indonesia to notify its draft measures to the WTO and to allow sufficient time for formal comments from trading partners and related discussions.

2.170. Australia also expressed concerns with Indonesia's revised horticultural regulation, which was of major commercial interest to Australian exporters, and indicated its willingness to work collaboratively with Indonesia to resolve this issue. Chile indicated that it was closely following the concern and awaited the notification of Indonesia in order to work bilaterally on the issue. South Africa joined with other Members to request that Indonesia notify this regulation to the Committee with the necessary reasoning and documentation. South Africa indicated its willingness to cooperate with Indonesia to find a solution

2.171. Canada voiced concern that similar port closures could occur in the future for other commodities, for example, food of animal origin, which could have a negative impact on Canada's exports to Indonesia.

2.172. New Zealand noted particular concerns that the Jakarta seaport had not been included on the list of accepted entry points as 90% of NZ horticulture exports entered through that port. The port closures would result in higher costs and longer transport times, affecting the quality, value and shelf life of the perishable horticultural products. New Zealand requested justification for the implementation of this regulation and while noting Indonesia's comments regarding port capacity, observed that restricting the number of ports for horticulture imports would compound the problem by diverting trade to fewer and smaller ports. Although the delay in the implementation of

the regulations was welcomed, New Zealand requested that the regulations be rescinded as trade to Indonesia would otherwise not be viable. New Zealand looked forward to working constructively with Indonesia and highlighted the need for a transparent approach.

2.173. Indonesia reported that the Ministry of Agriculture had published new regulations No. 15 and No. 16 of 2012, which postponed the enforcement of regulations No. 89 and No. 90 from 19 March until 19 June 2012. The postponement of enforcement of the regulations was in order to provide sufficient time for stakeholders and trading partners to set up infrastructure such as warehouses, cold storage and transportation, so as to prevent distortion in the distribution of fresh fruits and vegetables. Both new regulations provided specific policies for several ports. As of 19 June 2012, all horticulture products should only enter through four ports -- the Belawan Sea Port in Medan, Makassar Sea Port, Tanjung Sea Port in Surabaya and Soekarno-Hatta Airport in Jakarta -- and should no longer enter through the Port of Jakarta (Tanjun Priok). The rationale for these new regulations was based on: (i) the identification of 19 cases threatening Indonesia's agriculture by the quarantine inspection and food security at Tanjung Priok; (ii) the limited ability of the quarantine and food safety laboratory to conduct examinations at Tanjung Priok; (iii) the absence of quarantine installations at entry ports; and (iv) inadequate number of quarantine inspectors in relation to the number of products to be examined. Indonesia indicated that it would notify and circulate the regulation as soon as possible.

2.174. In July 2012, New Zealand reported on fruitful discussions with Indonesia that had addressed and resolved some of the concerns related to the importation of NZ horticultural products. Indonesia should provide better clarity about its trade measures that may affect agricultural products through timely notifications under the relevant WTO agreements, and engage in consultations on these regulations with relevant WTO Members.

2.175. South Africa supported the request that regulations pertaining to the closure of the port be notified to the WTO. Indonesia's notification about the regulations in May 2012, however, did not provide a specific timeframe for Members to comment before the regulations were implemented on 19 June 2012. South Africa had nonetheless provided comments on the regulations, but received no response from Indonesia. Indonesia was also asked to clarify media reports on the reinstatement of imports through Jakarta harbour for products from some Members, and to elaborate on what basis the exemption was made. South Africa wished to discuss the matter with Indonesia bilaterally on an urgent basis, in light of the start of South Africa's export season.

2.176. The European Union shared the concerns raised by New Zealand and stated that despite the new regulations implemented by Indonesia to open up additional ports for imports, the situation had not improved significantly. Indonesia had granted a few countries preferential access to the main entry port of Jakarta based on country recognition, but had not granted such access to the European Union despite its high food safety and plant health standards. This was clearly a trade restrictive measure and it created a competitive disadvantage for EU exporters as bringing fruits and vegetables via other ports meant longer travel times, increasing costs and raised difficulties for the quality of the highly perishable products. Additionally, the measure had not been notified to the WTO. The European Union urged Indonesia to lift the unnecessarily trade restrictive measures and to implement measures in line with the SPS Agreement, including giving advance notification through the SPS notification system, allowing comments and allowing sufficient time for economic operators to adapt to any new measures.

2.177. Japan expressed interest on the measures related to the port closure put in place by Indonesia and stated its willingness to work closely with the Indonesian government on this issue. Australia shared New Zealand's concerns and thanked Indonesia for its constructive bilateral engagement on a range of SPS-related issues. Australia also encouraged Indonesia to notify all measures to the relevant WTO Committees. Korea also supported the concerns raised by New Zealand and welcomed Indonesia's recent decision to postpone the implementation of the new import regulation on horticultural products until September. Korea sought bilateral discussions with Indonesia to find a solution.

2.178. Indonesia clarified that the previous regulations of concern had been revoked and replaced by the decrees of the Ministry of Agriculture No 42/2012 and 43/2012, which had been notified to the WTO in July 2012 (G/SPS/N/IDN/53, G/SPS/N/IDN/54 and G/SPS/N/IDN/54/Corr.1). These concerned plant quarantine actions for the import of certain fresh fruits and/or fresh vegetables, and fresh plant products in the form of fresh bulb vegetables, into the territory of Indonesia

effective 19 June 2012. Since the March 2012 SPS Committee meeting, Indonesia had conducted constructive bilateral and technical meetings in Jakarta with interested Members and had addressed most of the issues bilaterally, but remained open for further bilateral discussions.

2.179. In October 2012, China expressed concern with Indonesia's amended plant quarantine measures for the importation of fresh fruits and vegetables, which entered into force in June 2012 and was notified to the WTO in July 2012. The requirements included the accreditation of food safety and control systems and the designation of four ports - not including Jakarta's Tanjung Priok sea port - for entry of fruits and vegetables. The restriction on use of Indonesia's major trading ports would negatively impact trade with China, as 90% of Chinese fruit and vegetable exports entered Indonesia through Jakarta. China had a long history of trade in fruits and vegetables with Indonesia and its regulatory system monitored risks from fruit and vegetable exports. China questioned the scientific justification for the measure, as the pests highlighted by Indonesia did not occur in China. The international practice was for the importing country to first strengthen its inspection system at ports of entry to ensure the safety of imported food and vegetables, before implementing a process to accredit the food safety control systems of the exporting country. China had submitted a formal application for accreditation of its food safety control system and encouraged Indonesia to schedule an inspection visit to review China's quarantine systems.

2.180. The European Union echoed China's concern with Indonesia's restrictive quarantine measures for the import of fresh fruits and vegetables, and fresh plant products in the form of fresh bulbs. At the last WTO SPS Committee, Indonesia had stated that it had addressed most of the issues bilaterally and had provided access to the main entry port of Jakarta to a number of countries based on country recognition. Only a limited number of countries had been granted preferential access to Indonesia, while other countries could only use a limited number of entry ports and remained excluded from using the main port in Jakarta. Despite bilateral discussions with Indonesia, EU exports remained unnecessarily blocked or exposed to higher costs, and Indonesia had provided no justification for these trade restrictive measures and the discriminatory preferential access. The European Union urged Indonesia to lift the unnecessarily trade restrictive measures and to implement measures in line with the SPS Agreement, including giving advance notification, so that comments of trading partners could be taken into account before trade disruptive measures were imposed.

2.181. Thailand echoed the concerns of China and the European Union, indicating that it was a major exporter of fruits and vegetables to Indonesia and that its exports had been negatively affected. Thailand requested Indonesia to remove the measure in order to minimize barriers and strengthen trade.

2.182. Indonesia recognized that the publication of its Ministry of Agriculture Regulation No 42/2012 and 43/2012 had raised concerns among some Members regarding the limitation of ports of entry for certain fresh fruits and vegetables, and fresh plant products in the form of fresh bulb vegetables. Indonesia had not closed its ports for the importation of horticulture products, but was seeking to prevent the spread of plant diseases and pests through effective management and regulation. Its largest sea port, Tanjung Priok, did not have appropriate facilities to implement quarantine measures such as the physical examination and detention of horticultural products. To prevent the spread of plant diseases and pests, and given the high volume of activity at Tanjung Priok, imports had been re-routed to other ports which had the requisite infrastructure. These ports were Belawan Sea Port in Medan, Makassar Sea Port, Tanjung Sea Port in Surabaya and Soekarno-Hatta International Airport in Jakarta. Indonesia was taking measures to improve the quarantine installation facility in Tanjung Priok, including by establishing an integrated system between the quarantine, customs and other relevant agencies; developing and improving existing infrastructure to accommodate imported commodities in the port area during quarantine inspections; and providing specifically for the entry and exit of containers. The first stage of this improvement programme should be finished by the end of 2013. These comprehensive steps were deemed necessary based on the results of a 2010-2011 assessment carried out by plant quarantine officials, which identified 15 exotic plant diseases that never previously existed in Indonesia. In most cases these plant diseases were found in horticulture products entering Tanjung Priok port. Indonesia remained concerned about the increasing number of interceptions that posed a serious threat to its plant and consumer protection.

2.183. In March 2013, China expressed concern with Indonesian Regulations 89, 90, 42 and 43 (G/SPS/N/IDN/48, G/SPS/N/IDN/49, G/SPS/N/IDN/53, G/SPS/N/IDN/54), issued in December 2011, that revised the inspection and quarantine measures for imported fresh fruits and vegetables. The regulations required accreditation of food safety and control systems and permitted the entry of fresh fruit and vegetables only through four specific Indonesian ports that did not include the Priok Sea port of Jakarta. This restriction negatively affected trade with China, as 90% of Chinese fruit and vegetable exports to Indonesia, entered through Jakarta. China also voiced concern regarding Decrees No. 30 and No. 60 (G/SPS/N/IDN/58), issued in 2012 that required a safety licence, issued by the Ministry of Trade, for the import of certain fruit and vegetable products. Since Indonesia had delayed the granting of these licences, the export of Chinese agricultural products to Indonesia had experienced a sharp decline. The Ministry of Trade of Indonesia had also restricted the import volume licence and required that fruit and vegetable products be inspected at the ports of the country of origin before exporting. From August to November 2012, China had invited Indonesia four times to verify the Chinese inspection and quarantine safety system. Indonesia had systematically requested investigations of the pest-free area for fruit flies of garlic in China. Given that garlic is not a host of fruit flies, China invited Indonesia to verify its inspection system more generally, not limiting the investigation to garlic. In December 2012, Indonesia responded that it would not conduct an investigation in China without feedback on the proposed investigation on fruit flies in garlic. China had successfully established a safety system for the export of fruit and vegetables, and exported fruit to over 18 countries, including the European Union, the United States, Canada, Australia and Japan. China hoped that both sides would further strengthen their inspection services under the framework of the SPS Consultation and Co-operation Memorandum of Understanding that China and Indonesia had signed in December 2008, and quickly resolve the inspection and quarantine problem.

2.184. The European Union supported the concern raised by China, highlighting that the denial of access to the port of Jakarta significantly increased the costs of exports to Indonesia. Indonesia justified its measure by stating that it had found an increasing number of interceptions that posed a serious threat to its plant and consumer protection, however, Indonesia had never reported interceptions on any EU products. Despite several bilateral discussions with Indonesia, the European Union had not received any clarification that would justify these trade restrictive measures or explain the discriminatory preferential access to the port of Jakarta for only a few countries. The European Union urged Indonesia to lift these unnecessarily trade restrictive measures without delay, and to only set SPS measures with a view to minimize any negative trade effects in a non-discriminatory manner.

2.185. Argentina, Chile, Korea, Chinese Taipei and Uruguay also reported that the port closure was affecting their trade and stated their willingness to hold consultations with Indonesia to find a swift solution on this matter. Chile indicated that it had provided Indonesia with the necessary information to confirm that its products were free from fruit flies and other pests, but had not received any response. Argentina noted that this issue should be solved as swiftly as possible as the concerned products (fruits) were seasonal and perishable products.

2.186. Indonesia highlighted its strong bilateral trade ties with China and emphasized that China represented the biggest supplier of agricultural products to Indonesia. The Indonesian government was still in the process of developing port infrastructure in Jakarta, including inspection facilities for quarantine and custom agencies. The new inspection system should be finalized by the end of this year and in the meantime trading partners should use the other specified ports after fulfilling the required food safety investigation and certification procedures. Indonesia urged Members to get information on how to obtain accreditation through their embassies in Jakarta.

2.187. In June 2013, China expressed concern with Indonesia's plant inspection and quarantine measures for fresh fruit and vegetables that required inspection before export, access into the country only through minor ports and quota restrictions. China had established an inspection and quarantine supervision system for its exported fruit and vegetables and had never received any indication from Indonesia with regard to pest problems in Chinese fruit. Jakarta's port closure increased transport costs, affected the preservation of the products and reduced market competitiveness. China asked Indonesia to cancel the requirement of third party inspection after mutual recognition of the newly established supervision system carried out by competent authorities of China and Indonesia. China also encouraged Indonesia to implement the agreement signed by both parties in Jakarta in May 2013 and to conduct field investigations to grant certification for eight kinds of fruit and vegetable products. Finally, China requested that Indonesia

eliminate the quotas for fruit and vegetable products from China, to promote smooth development of trade between the two countries.

2.188. The European Union shared the concerns raised by China, highlighting that Jakarta's port closure significantly increased the costs of exports to Indonesia. Indonesia had claimed that its measure was justified by interceptions that posed a serious threat to its plant and consumer protection, however, Indonesia had never reported interceptions on any EU products. Despite several bilateral discussions, the European Union had not received any clarification that would justify Indonesia's trade restrictive measures or explain the discriminatory preferential access to the port of Jakarta. The European Union therefore urged Indonesia to lift these unjustified and discriminatory restrictions on EU products.

2.189. South Africa also shared China's concerns that Jakarta's port closure and the mandatory use of SGS certification hampered trade flows into Indonesia and increased transport and certification costs. Despite submitting all required information with regard to the safety of its exports, South Africa had not received a favourable response from Indonesia. South Africa therefore requested that Indonesia lift these unjustified and discriminating measures.

2.190. Chile, Korea and Chinese Taipei also shared China's concerns and hoped that the problem would soon be resolved. Chile reported that it had obtained a bilateral meeting with Indonesia after providing all information required on its fruit exports.

2.191. Indonesia noted that this issue was in the process of being resolved bilaterally with China. A meeting with the Ministry of Agriculture of Indonesia had taken place on 22 May 2013 and the two countries had agreed to complete an extendable protocol of import and export inspection and quarantine requirements for agricultural and food products. Indonesia explained that its measures had been adopted to ensure consumer safety, as in the past, exotic quarantine pests were intercepted in potatoes imported from one of the Members who had now raised a concern against Indonesia. Indonesia also noted that the port of Jakarta would be re-opened as soon as the port infrastructure and the inspection facilities for quarantine and customs agencies were ready.

2.192. In October 2013, China noted that since December 2011, Indonesia's Department of Agriculture had issued successive ministerial orders (G/SPS/N/IDN/48, G/SPS/N/IDN/49, G/SPS/N/IDN/53, G/SPS/N/IDN/54) amending the inspection and quarantine requirements for imported fresh fruits and vegetables. China asserted that these orders, requiring accreditation of control systems, limiting the number of import licences, requiring that exports come from zones free from fruit fly, and limiting the point of entry to specific ports excluding Jakarta's main port Tanjung Priok, seriously affected its fruit and vegetable exports. The two countries had traded for years on the basis of established inspection and supervision systems, and Indonesia had never informed China about any pest- or food safety- related problems. China had proposed a mutual recognition agreement on the inspection and quarantine of fruits and vegetables to Indonesia on 25 April 2013, and urged Indonesia to study it as soon as possible. China also requested Indonesia to remove quota limitations on Chinese fruits and vegetables, and to provide scientific justification for its measures.

2.193. Chile noted that it had engaged in bilateral negotiations with Indonesia, and hoped that this issue would be resolved before the next meeting of the Committee.

2.194. The European Union shared the concerns raised by China, noting that trade in certain horticultural products continued to be unnecessarily hampered because of the closure of several entry points, including Tanjung Priok. The opening of that port to some countries based on receipt of information on their food safety and plant health conditions, but not to others, appeared discriminatory. The European Union had provided all the requested information on the EU food safety and plant protection systems as requested, but Indonesia continued to maintain the entry restriction.

2.195. Indonesia recalled several pest outbreaks it had suffered in the past, including papaya infestation by *Paracoccus* sp. and spread of *Globodera rostochiensis* in potato, and noted that in addition to pests, some imported fresh produce posed a food safety threat, exceeding permitted mycotoxin and chemical limits. Indonesia's quarantine facilities were limited and the workload too great for plant quarantine officers. Tanjung Priok port was undergoing necessary facility

improvements in an effort to mitigate SPS risks. This risk mitigation, Indonesia stressed, was carried out in accordance with Article 6 of the SPS Agreement. Indonesia was not closing the port completely, but opening it under certain conditions. It had also amended its horticultural and animal product regulations, eliminating certain verification requirements in the country of origin, and requiring that registered importers should import at least 80% of the volume of their import permit to maintain their status as a registered importer.

2.9 Japan

2.9.1 Food safety

Japan's MRLs applied to sesame (STC 321)

Raised by:	Paraguay
Supported by:	Argentina, Ecuador, India, Indonesia, Mexico
Dates raised:	June 2011 (G/SPS/R/63, paras 30-31), March 2013 (G/SPS/R/70, paras. 3.44-3.49), October 2013 (G/SPS/R/73, paras. 3.49-3.51)
Relevant document(s):	G/SPS/GEN/1091, G/SPS/GEN/1220
Status:	Not reported
Solution:	
Date reported as resolved:	

2.196. In June 2011, Paraguay expressed concerns that Japan's MRLs for pesticides in sesame were more restrictive than those applied to other similar products, and had a negative impact on trade (G/SPS/GEN/1091). The application of an across-the-board uniform limit was inconsistent with the principles of the SPS Agreement.

2.197. Japan observed that there were no Codex MRLs for sesame. Japan applied a uniform limit of 0.01 ppm as this was unlikely to damage human health based on the concept of acceptable exposure that had been scientifically assessed by JEFCA. These uniform limits had been notified to the WTO. The European Union also imposed the same uniform limit. Japan could establish MRLs for compound/commodity combinations which were not registered in its legislation, in response to exporting country applications for import tolerances. Japan invited Paraguay to file an application for an import tolerance with the Ministry of Health Labour and Welfare, and to provide the necessary data for assessment. Paraguay should be aware, however, that the MRL set by the European Union for the compound in sesame was 0.05 ppm.

2.198. In March 2013, Paraguay reiterated its concern regarding Japan's application of MRLs for pesticide in sesame that had resulted in the rejection or quarantine of some sesame shipments from Paraguay. Paraguay had been making efforts to ensure the quality of its products and was implementing specific regulations and risk mitigation plans for producers to adapt to market requirements. However, adapting to MRL requirements that were much lower than those of similar products and of other international markets would imply high costs. Japan required a limit of 0.01ppm for sesame, while for similar products like broccoli, maní, rice and wheat, the limit was set at 0.05ppm or above. Paraguay requested Japan to make a specific regulation for sesame based on scientific evidence and equivalent to those of similar products. Paraguay reiterated its willingness to work with the Japanese government to solve this issue.

2.199. Ecuador, Indonesia and Mexico supported Paraguay's concern and recalled that MRLs must be based on science and international standards.

2.200. Japan explained that it needed data and information from Paraguay to change the MRL for pesticides in sesame. Japan had requested this data from Paraguay immediately after Paraguay raised this issue in the Committee meetings held in June 2011, but until now it had not received this data. Japan reiterated its willingness to address this issue with the Paraguayan government.

2.201. Ecuador and Argentina reminded Japan that the burden of scientific proof to justify an SPS measure must be borne by the country applying the measure and not the other way around. India highlighted the fact that if there are no international standards and if Members do not have a

justification based on data, they have no right to set arbitrary MRLs that are especially harmful for developing countries.

2.202. Paraguay agreed that the burden of proof must be borne by the country applying the measure and noted that accommodating Japan's specific request for evidence was not easy, given the large number of sesame producers in the country. Nevertheless, Paraguay reiterated its willingness to work with Japan to solve this issue.

2.203. Japan repeated its need for co-operation and input from other Members to be able to base its MRL on scientific data.

2.204. In October 2013, Paraguay reiterated its concerns over Japan's application of MRLs to sesame and maintained that uniform limits were inconsistent with the SPS Agreement since they were not based on scientific principles and were maintained without sufficient scientific evidence. Carbaryl and Imidacloprid were not included in the MRL table for sesame prepared by the Japan Food Chemical Research Foundation. Paraguay understood that under Japanese regulations, the uniform tolerance limit for pesticides not listed in such table was of 0.01 mg/kg, however, Japan allowed higher tolerance limits for other imports, such as sunflower seed, rapeseed, and other oilseeds. Paraguay believed that the limits were arbitrary and inconsistent with the concept of appropriate level of protection, as higher limits existed for routinely consumed products such as rice and spinach. Codex has not established MRLs for sesame, but has established limits for Carbaryl and Imidacloprid in food products consumed by humans, including several products classified in the oilseed group together with sesame. Some demanding markets, such as the European Union, had set tolerance limits at 0.05 mg/kg. Paraguay had taken steps to ensure the quality and safety of sesame, by ensuring that exports were accompanied by the relevant laboratory reports indicating that they complied with Japanese regulations. Paraguay appreciated the bilateral meeting with Japan and hoped that a satisfactory solution would soon be found.

2.205. Ecuador shared Paraguay's concern. When international standards did not exist, the relevant SPS measures must be based on scientific evidence. The approach of applying MRLs to positive lists was not in line with the SPS Agreement and had negative consequences for exports of cocoa from Ecuador. The burden should not be on the exporter to verify that MRL limits were safe as this directly contravened the SPS Agreement. Ecuador expressed its willingness to continue consultations on this issue.

2.206. Japan reiterated that it set individual MRLs for substances in food based on scientific data. A scientific justification was provided by the Food Safety Commission on each occasion, before any MRL was fixed, and Japan notified Members promptly before doing so. MRLs were set based on scientific data, such as residue trial data, using Good Agricultural Practices; meaning that even if the same pesticide were used, the MRL varied depending on commodities and environments. Japan claimed that this practice followed the international standard. However, the system prescribed that when there was no use of a substance in Japan, and no request had been submitted by a Member for an import tolerance to be set, and there was no relevant international standard, the MRL was set at the uniform level of 0.01 ppm. Japan did not use these pesticides for sesame, thus it was not familiar with the international standards on Carbaryl and Imidacloprid. Japan had requested Paraguay to submit scientific data, including residue trial data, so that the necessary scientific assessments could be carried out. Japan was able to detect Carbaryl and Imidacloprid at 0.01 mg/kg. Japan further expressed its availability to expand on any additional information such as method of analysis or sampling plans used in import checks.

Restrictions on shrimp due to anti-oxidant residues (STC 342)

Raised by:	India
Supported by:	
Dates raised:	October 2012 (G/SPS/R/69, paras. 24-25), March 2013 (G/SPS/R/70, paras. 3.53-3.54), June 2013 (G/SPS/R/71, paras. 4.31-4.32), October 2013 (G/SPS/R/73, paras. 3.39-3.41)
Relevant document(s):	Raised orally.
Status:	Not reported
Solution:	
Date reported as resolved:	

2.207. In October 2012, India expressed concern regarding Japan's introduction of mandatory testing for residue levels of Ethoxyquin, an anti-oxidant commonly used as a preservative in feed for aquatic animals. In 2005, Japan had notified a measure based on its Food Sanitation Act that regulated a positive list of agricultural chemicals and additives in food. This defined permissible residue levels of Ethoxyquin at 0.01 ppm for some products, but did not include MRLs in shrimp. Japan's new MRLs for shrimp was too stringent compared to the Codex MRL of 3 ppm, was not based on scientific evidence and did not take into account the objective of minimizing negative trade effects.

2.208. Japan observed that no Codex standard for Ethoxyquin in shrimp had existed at the time it changed its legislation. As India had not requested the establishment of a specific MRL for this product, the default tolerance level of 0.01 ppm applied. A risk assessment for Ethoxyquin in shrimp was currently underway, so the default level was applied in the meantime. Japan remained committed to continuing consultations with India to resolve this matter.

2.209. In March 2013, India raised concerns regarding the systemic issue of setting arbitrary MRLs at the level of determination or detection, without scientific evidence. On 1 August 2012, Japan had introduced limits for residues of the pesticide Ethoxyquin in shrimp with a threshold level set at 0.01ppm, the level of determination. In contrast, the MRL for Ethoxyquin in fish, including salmon, trout, eel and tuna, had been set at 1ppm. Furthermore, Codex had only set MRLs for Ethoxyquin for pears, at 3 ppm. No other Member had prescribed MRLs for Ethoxyquin in shrimp and no other international agencies had regulated Ethoxyquin in fish. There was also no scientific evidence on the toxicity or carcinogenicity of the pesticide. India was the largest supplier of shrimp to Japan and this measure had an adverse effect on its exports. India urged Japan to base its decisions on scientific principles. Information was also requested on the status of the MRL review undertaken by the Food Safety Commission of Japan.

2.210. Japan explained that in response to India's request, it had conducted a risk assessment to review the existing MRLs for Ethoxyquin in shrimp. There was concern that Ethoxyquin was genotoxic and Japan's Ministry of Health, Labour and Welfare was now conducting additional studies to generate data on the genotoxicity. India would be informed as soon as the data was available. Ethoxyquin was also under review for genotoxicity by the European Food Safety Authority.

2.211. In June 2013, India raised its concern over Japan's MRLs of Ethoxyquin in shrimp. India understood that there had been evidence raising concerns over the genotoxicity of Ethoxyquin, but did not understand why the MRLs for fish (1 ppm) were higher than those for shrimp (0.01 ppm). India had experienced a substantial economic loss due to Japan's MRLs, which were without scientific justification.

2.212. Japan reiterated that it set individual MRLs in food based on scientific data. The MRL in fish was based on residue trial data for fish, but there was no such data for shrimp. Furthermore, as there was no Codex standard for Ethoxyquin in shrimp, nor had any foreign country requested that Japan set a specific maximum level in shrimp, the uniform limit of 0.01 ppm had been applied. Japan was reviewing the uniform limit pursuant to a request for a specific limit from India, received September 2012. Multiple reports from Japanese authorities, as well as the European Food Safety Authority, had raised concern about the potential genotoxicity of Ethoxyquin. Japan reiterated that it would continue to review the status of this limit and consider new data and

reports as they became available. Japan expressed its desire to continue working with India on this issue through bilateral channels.

2.213. In October 2013, India noted that Japan had been examining consignments of shrimp for Ethoxyquin levels since August 2012. India asserted that the Ethoxyquin levels in these consignments was extremely low, ranging from 0.02 ppm to 0.05 ppm, according to the information provided by the relevant Japanese authority. India noted that Japan had fixed a provisional MRL of 0.01 ppm on finfish claiming that they did not have sufficient data to fix a final MRL on fish. India suggested that a provisional MRL be fixed also for shrimps based on preliminary study results, until reliable data could be obtained. India urged Japan to expedite their consideration and to indicate the timeframe for a final decision on this issue.

2.214. Japan stated that it had been conducting risk assessments and, in the process, the concern about genotoxicity of Ethoxyquin had been raised. Japan had prepared a draft assessment report which it had made available to the public, and it was in the process of evaluating the comments submitted. Japan had proposed a draft MRL of 0.2 ppm based on the assessment report. Japan was willing to continue working with India on this issue through bilateral channels.

2.215. Codex informed the Committee that Ethoxyquin had been placed on Codex's priority list for evaluation and thus would be considered at the international level.

2.9.2 Animal Health

General import restrictions due to BSE (STC 193)

2.216. See paragraphs 2.301. to 2.345.

Restrictions related to FMD (STC 332)

Raised by:	Argentina
Supported by:	
Dates raised:	July 2012 (G/SPS/R/67, paras 16-17), October 2013 (G/SPS/R/73, paras. 3.30-3.31)
Relevant document(s):	Raised orally.
Status:	Not reported
Solution:	
Date reported as resolved:	

2.217. In July 2012, Argentina expressed concerns about Japan's undue delay in responding to Argentina's requests for recognition as an FMD-free area without vaccination, and Japan's failure to open its market to deboned fresh and mature beef meat. Argentina's first request dated to April 2003. After no response, in March 2004, Argentina submitted to Japan's Ministry of Agriculture, Fishery and Forestry (MAFF) a specific report concerning the FMD-free area without vaccination and a technical proposal for risk mitigation in the import of meat from FMD-free areas with vaccination. Japan refused to address both subjects at the same time and instead proposed to first focus on the recognition of the FMD-free area without vaccination and afterwards discuss the exportation from the FMD-free area with vaccination. In June 2005, Argentina sent a technical mission to Japan to formally request recognition as an FMD-free area in line with Article 6 of the SPS Agreement. On that occasion, the MAFF authorities stated: (i) the need to conduct a technical mission of experts from the National Institute of Animal Health to Argentina, which took place in December 2007, and (ii) that Argentina had to reply to a lengthy questionnaire, which was only received after more than three years (in December 2008) and which, among other things, proposed to follow eight steps to advance the procedure (including that of carrying out a risk analysis for both areas). In January 2010, Argentina had replied to the questionnaire for the risk analysis of the FMD-free area without vaccination, submitting additional technical information. Since then, no replies had been received from Japan to enquiries, meetings and notes submitted on several occasions during 2010 and 2011. Argentina was officially recognized by the OIE as a country free of FMD with three areas: one area FMD-free without vaccination (Patagonia) and two areas FMD-free with vaccination (north region and the border region). In spite of this fact and despite the intense efforts undertaken for almost ten years, Japan had not yet formally recognized

these areas. Bearing this in mind and considering Articles 2.2, 5.1, 3, 6 and 8, among other provisions of the SPS Agreement, Argentina requested that Japan conclude without undue delay the on-going proceedings in line with the international standards.

2.218. Japan responded that an additional questionnaire would soon be sent to Argentina to request further information necessary for the development of a risk assessment. Japan's SPS measures were based on a risk assessment taking into account the OIE Terrestrial Animal Health Code and the disease-free status officially recognized by the OIE. It was important to take fully into account the available scientific evidence and to ensure transparency in the process of risk assessment, and Japan would continue to work closely with Argentina to resolve this issue.

2.219. In October 2013, Argentina referred to its position taken in July 2012, and reiterated its call for a prompt solution to the matter.

2.220. Japan explained that it was completing an import risk analysis in accordance with the standard approval procedures, consisting of 12 steps. Argentina's beef was at step three and Japan was waiting for additional inputs from Argentina.

Import restrictions on beef due to BSE (STC 364)

Raised by:	Brazil
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.14-3.18)
Relevant document(s):	
Status:	Not reported
Solution:	
Date reported as resolved:	

2.221. In October 2013, Brazil raised concerns regarding import restrictions by Japan on beef, stemming from a notification of Bovine Spongiform Encephalopathy (BSE) by Brazil in December 2012. Brazil had provided detailed information on the unique case and the implemented risk mitigation procedures to the OIE and all concerned WTO Members, including Japan. The case had affected only one native cow which had not entered the food or feed chain, and the OIE had maintained Brazil's classification as a country with negligible risk for BSE. Brazil believed the import restrictions infringed Articles 2, 3, 5, 8, 13, and Annex C of the SPS Agreement, and urged Japan to withdraw its restrictions.

2.222. Japan noted that its Food Safety Commission had conducted a risk assessment based on the BSE-related scientific information submitted by Brazil, but would need additional information on BSE measures in Brazil. Japan would move forward as expeditiously as possible once provided with the requested information.

2.9.3 Plant Health

Quarantine requirement for blueberries (STC 366)

Raised by:	Argentina
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.21-3.22)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.223. In October 2013, Argentina raised concerns regarding the interruption of its fresh blueberry exports to Japan in November 2010, when the Japanese Ministry of Agriculture had imposed the requirement of a negotiated quarantine treatment for fruit flies. Argentina had submitted technical information in April 2011, and in October 2012 it had proposed methyl

bromide as a quarantine treatment for fruit fly. In January 2013, Japan had indicated that it would carry out a pest risk analysis on the basis of the information provided and would evaluate the proposal of methyl bromide quarantine treatment for fruit fly and inform Argentina of its results. In June 2013, Argentina requested to know the state of progress of the evaluation of said quarantine treatment, expecting a prompt answer. Noting the importance of blueberry farming in domestic employment, income and value of Argentine fruit exports, Argentina asked Japan to give priority to the proposed quarantine treatment.

2.224. Japan explained that it had imposed an import ban on blueberries based on a pest risk analysis, and that its competent authorities were in the process of examining Argentina's proposed quarantine treatment. Japan had 138 outstanding requests with regard to plant quarantine, and sought understanding for its current situation.

2.10 Korea, Republic of

2.10.1 Food safety

Strengthened import restrictions on fishery products with regard to radionuclides (STC 359)

Raised by:	Japan
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, pars. 3.7-3.9)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.225. In October 2013, Japan expressed concerns regarding Korea's fishery import restrictions, including a ban on imports from eight prefectures and additional testing and certification requirements in all cases where radioactive Cesium was detected, even in quantities below the Korean limit of 100 Bq/kg. This requirement applied exclusively to Japanese products; Korean and other trading partners' products could be distributed as long as the radioactive Cesium level remained below 100 Bq/kg.

2.226. Japan reiterated that contaminated water at the Fukushima Daiichi nuclear power station had been detected only within an area of 0.3 square kilometres inside the port, and that the problem of contaminated water should not be equated with the safety of Japanese fishery products. Japan's central and local governments had taken measures to prevent the distribution of fishery products where required, and the amount of samples exceeding the limit of 100 Bq/kg had drastically decreased both in the Fukushima prefecture (from 53% in March/June 2011 to 2.2% in July/September 2013) and elsewhere (from 6.5% to 0.4% during the same periods). Japan recalled that SPS measures must not arbitrarily or unjustifiably discriminate between trading partners and urged Korea to provide a scientific basis for its measures or explain concretely how the available scientific evidence was insufficient to carry out a risk assessment.

2.227. Korea indicated that its measures were in accordance with Article 5.7 of the SPS Agreement, as a result of insufficient scientific evidence and the potentially far-reaching cumulative effects of radioactive contamination on human health. Korea was reviewing the information provided by Japan but needed more time to come to a final determination.

2.10.2 Animal Health

General import restrictions due to BSE (STC 193)

2.228. See paragraphs 2.301. to 2.345.

2.11 Malaysia

2.11.1 Food safety

Import restrictions on pork and pork products (STC 323)

Raised by:	European Union
Supported by:	Canada, United States of America
Dates raised:	October 2011 (G/SPS/R/64, paras. 32-35), October 2012 (G/SPS/R/69, paras. 55-56), October 2013 (G/SPS/R/73, paras. 3.37-3.38)
Relevant document(s):	Raised orally.
Status:	Not reported
Solution:	
Date reported as resolved:	

2.229. In October 2011, the European Union indicated that it had concerns with Malaysia's import restrictions on pork and pork products, imposed 1 July 2011. In bilateral discussions, however, the European Union had received guarantees that the restrictions would shortly be lifted. The European Union would continue to work closely with Malaysia to ensure that EU exports could resume in line with WTO obligations.

2.230. Canada shared the EU concerns as its pork and pork product exports had also been banned since 1 July 2011 without notification. Malaysia had not advised Canada about the revision to its import requirements or the ban, and Canada had received conflicting information from Malaysia with respect to import requirements for pork. Canada encouraged Malaysia to base import conditions on science, and consider a systems approval approach for pork imports, rather than a plant-by-plant approval.

2.231. The United States also expressed concerns that the new import requirements had been imposed without valid scientific evidence. The United States had been told in June 2011 that it could continue to export pork and pork products if it submitted an establishment questionnaire by 1 July 2011; however, imports had been stopped. The United States would continue to work with Malaysia to facilitate an audit of US food safety systems, but expected a successful audit that would allow all federally inspected pork establishments to be eligible to export to Malaysia.

2.232. Malaysia observed that bilateral consultations on this issue were on-going with the affected Members and it hoped to resolve the issue as soon as possible.

2.233. In October 2012, the European Union indicated that it still had concerns with Malaysia's import restrictions on pork and pork products. In recent bilateral discussions, Malaysia had indicated that it had addressed some of the outstanding EU concerns and would continue to follow-up closely with the European Union to find a rapid and durable solution. The European Union welcomed the positive signal and would continue to engage in constructive dialogue with Malaysia, with a view to rapidly resolving the issue through a transparent import process in Malaysia that guaranteed sustainable trade.

2.234. Malaysia reported that bilateral discussions were on-going and that it hoped to find a mutual solution to the matter as soon as possible.

2.235. In October 2013, the European Union continued to be confronted with trade restrictions on pork and pork products in Malaysia despite having raised its concern at prior meetings of the Committee. Malaysia imposed animal health related conditions for several animal diseases which deviated from OIE standards and were not based on a risk assessment. The process of approval for foreign abattoirs was unnecessarily lengthy and burdensome, and applications for approval were often not addressed by the Malaysian Department of Veterinary Service. In addition, EU exporters were confronted with a non-automatic import permit system which was unnecessarily lengthy and burdensome, and not transparent. The European Union was pleased to report that Malaysia had expressed its commitment to find a solution to the matter during a bilateral meeting held earlier during the week.

2.236. Malaysia noted that there had been bilateral discussions and positive developments on both sides, and hoped to find a rapid solution to the issue.

2.12 Russian Federation

2.12.1 Food safety

Non-recognition of testing laboratories for meat products (STC 361)

Raised by:	India
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.12-3.13)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.237. In October 2013, India raised its concern regarding the inability to export bovine meat and agricultural products to Russia. It had requested Russian veterinary experts to inspect Indian units and laboratories, and a delegation from the Customs Union Authorities of Kazakhstan (SVPSGO) had conducted site visits, including to meat-processing units, in October 2011. India had compiled with all of the requirements identified in the report issued as a result of such visits and sent all the relevant information to the SVPSGO in January 2012. However, Russia had still not recognised the units and laboratories. Consequently, the export of bovine meat and egg powder to Russia had not resumed, although India's track record in the export of boneless bovine meat to over 16 countries worldwide was unblemished. India appreciated Russia's willingness to hold bilateral consultations and expert-level discussions.

2.238. Russia stated that the inspections identified a number of inconsistencies with respect to sanitary and veterinary requirements. Given such inconsistencies and the epizootic situation in India, it was premature to schedule expert consultations. Russia was ready to engage in further bilateral consultations to find a mutually beneficial resolution.

Import restrictions on confectionary products (STC 368)

Raised by:	Ukraine
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, paras. 13.1-13.2)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.239. In October 2013, Ukraine raised concerns about the non-transparent manner in which Russia had banned imports of confectionary products on 29 July 2013. This measure, based on the Resolution of the Federal Service on Customers' Rights Protection and Human Well-being Surveillance of Russia (No.01/8612-13-23), had not been notified and Russia's SPS Enquiry Point did not provide the relevant information requested by Ukraine on 8 August 2013. No official evidence concerning the alleged presence of contaminants (such as benzopiren) had been officially submitted to Ukraine. Despite bilateral consultations the import ban was still in place. Ukraine believed that the measure was unnecessary and unjustifiably strict, maintained without sufficient scientific evidence, and applied in a discriminatory manner, contrary to Annex C of the SPS Agreement. Ukraine requested Russia to provide an official detailed justification of its measure, or to immediately lift the ban and to bring its measure into line with the SPS Agreement and with its accession commitments.

2.240. Russia indicated that the reason for suspending Ukrainian confectionary product imports was largely outside the scope of the SPS Agreement. Not all imports of confectionary products had

been suspended, but only of one particular brand from Ukraine. The ban was related to the long-term detection of labelling violations in these particular goods, and the fight against deceptive trade practices. The indication of the product categories did not correspond to the definitions in the Russian technical regulations. Russia had already held three rounds of consultations with the competent authorities of Ukraine, and an action plan developed to restart imports of confectionary products. Russia had provided an answer to Ukraine's request for notification but apparently this had not been satisfactory to Ukraine. A second set of answers by the competent authority made it clear that the measure in place was the same as that applied to domestic products. Russia considered that this trade concern had been resolved.

2.13 Saudi Arabia, Kingdom of

2.13.1 Food safety

Import conditions on poultry (STC 365)

Raised by:	European Union
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.19-3.20)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.241. In October 2013, the European Union raised concerns regarding a poultry import ban and general unjustified delays and unclear import conditions in Saudi Arabia. The poultry ban had been maintained for more than ten years without scientific justification, despite positive steps towards a solution. Saudi Arabia referred to national and Gulf Cooperation Council (GCC) standards, but did not specify which rules applied to the import of specific products, including poultry or poultry meat. The "GCC Guide for Food Import Control" referenced by Saudi Arabia had only been notified to the WTO in draft form, in 2011. The European Union also considered that Saudi Arabia's approval fees exceeded the related costs, noting that Saudi Arabia required EU member States to cover all the costs of inspection visits, and also to pay a fee of EUR 20,000 per establishment.

2.242. Saudi Arabia expressed its willingness to work with the European Union towards a solution, and noted that lifting the ban was a matter of priority.

2.14 South Africa

2.14.1 Animal Health

Import restrictions on beef due to BSE (STC 362)

Raised by:	Brazil
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.14-3.18)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.243. In October 2013, Brazil raised concerns regarding import restrictions by South Africa on beef, stemming from a notification of Bovine Spongiform Encephalopathy (BSE) by Brazil in December 2012. Brazil had provided detailed information on the unique case and the implemented risk mitigation procedures to the OIE and all concerned WTO Members, including South Africa. The case had affected only one native cow which had not entered the food or feed chain, and the OIE had maintained Brazil's classification as a country with negligible risk for BSE. Brazil believed the

import restrictions infringed Articles 2, 3, 5, 8, 13, and Annex C of the SPS Agreement, and urged South Africa to withdraw its restrictions.

2.244. South Africa explained that it had forwarded a proposed health certificate for consideration by the Brazilian authorities in October 2013.

2.245. Brazil thanked South Africa, and hoped for a prompt lifting of the restrictions.

2.15 Chinese Taipei

2.15.1 Food safety

Import restrictions in response to the Japanese nuclear power plant accident (STC 354)

2.246. See paragraphs 2.296. to 2.300.

2.16 Turkey

2.16.1 Food safety

Prohibition of certain food additives in traditional foods (STC 367)

Raised by:	Japan
Supported by:	Chile, European Union, United States of America
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.55-3.58)
Relevant document(s):	G/SPS/N/TUR/31
Status:	Not reported
Solution:	
Date reported as resolved:	

2.247. In October 2013, Japan expressed concerns regarding Turkey's new measures which prohibit the use of several additives in some of its traditional foods. Recognizing the importance of traditional foods, Japan noted that Turkey's regulations do not provide a description of kofte. Japan requested that Turkey provide a scientific justification, in terms of food safety, for the prohibition of the use of glutamic acid which is listed in table 3 of the Codex General Standard for Food Additives. If the objective of the prohibition was to preserve traditional culture, then Turkey should bring this matter to the attention of the TBT Committee.

2.248. The European Union also indicated its serious concerns with respect to Turkey's new measures on food additives, highlighting procedural and content-related shortcomings. Furthermore, Turkey did not provide a meaningful opportunity for trading partners to comment, since the measures were notified after their entry into force. The European Union urged Turkey to notify its measure under the TBT Agreement and to clearly define which products fell within the category of traditional products. The European Union also questioned Turkey's claims that its new requirements on food additives complied with EU legislation and that they were in line with the CODEX General Standards.

2.249. The United States expressed its support for the statements made by the European Union and Japan. Chile also shared Japan's concern and underscored the importance of following international standards and of providing 60 days to comment on notifications.

2.250. Turkey recalled that it had notified its new regulations under G/SPS/N/TUR/31. As a candidate country to the European Union, Turkey had aligned its animal and plant health legislation so as to comply with the EU regulations on food additives. However, additional provisions covering traditional Turkish products had also been introduced. This was done in order to protect the originality of these products, taking into consideration consumption habits and traditional ingredients. Some of the additives prohibited for use in these traditional products were listed in annex 6 of the Codex General Standard for Food Additives. The traditional products themselves contained glutamic acid as part of their own substances and did not require glutamic

acid as an additive. The products were specific to Turkey and should not differ from the familiar taste nor cause a consumer reaction in the domestic market. Additionally, Turkey reported that monosodium glutamate was prohibited in fermented Turkey sausages and pastrami. With regard to bread, any food additive other than ascorbic acid was prohibited in products. Additives would be permitted for products which were subject to international trade in order to protect their specialties. Turkey's regulation generally complied with the EU regulation, with the following exceptions: (i) some food additives were banned in some traditional foods; (ii) no food additives could be used in non-pre-packaged breads; (iii) pig origin additives could not be used in foods, food additives, food enzymes and food flavourings in consideration of religious sensitivities (iv) the origin of the food additives must be stated on the labels to take into account the preferences of vegetarians; and (v) if the additive was of animal origin, the animal name must be stated on the labels.

2.16.2 Animal Health

Requirements for importation of sheep meat (STC 340)

Raised by:	Australia
Supported by:	
Dates raised:	October 2012 (G/SPS/R/69, paras. 19-20), March 2013 (G/SPS/R/70, paras. 3.18-3.19), June 2013 (G/SPS/R/71, paras. 4.27-4.28), October 2013 (G/SPS/R/73, paras. 3.35-3.36)
Relevant document(s):	Raised orally.
Status:	Not reported
Solution:	
Date reported as resolved:	

2.251. In October 2012, Australia raised concerns about the undue delay by Turkey in providing information regarding its measures on the importation of sheep meat, requested in April 2011. Australia recalled Turkey's obligations under the SPS Agreement to act in a transparent manner and to ensure that any SPS measure be based on scientific evidence, only applied to the extent necessary, and not unjustifiably discriminate between Members.

2.252. Turkey responded that its authorities were still working on the requirements and certification procedures for the importation of sheep meat, and that these would be in line with the SPS Agreement. Turkey also committed to sharing the outcomes with Australia as soon as these were completed.

2.253. In March 2013, Australia reiterated its concern with regard to the undue delays by Turkey in responding to its request for information on the import ban on sheep meat, which it first raised in April 2011. Australia highlighted that it was a safe and reliable supplier of sheep meat to approximately 100 countries and that it consistently met the relevant international SPS standards for trade in sheep meat. Australia reminded Turkey of its obligations under the SPS Agreement, with specific reference to Articles 2, 7 and Annex B of the Agreement. Australia advised that it had held bilateral discussions with Turkey in the margins of the meeting and hoped the issue would be resolved as soon as possible.

2.254. Turkey stated that fruitful bilateral discussions had resulted in the two countries agreeing upon a uniform health certificate model for beef and veal products. Turkey was aligning its national regulations with the EU acquis. Furthermore, a framework Law No. 5996 on Veterinary Services, Plant Health, Food and Feed had entered into forced in 2011, which was notified to the WTO. Turkey was in the process of preparing a uniform model certificate for sheep and goat meat, and was working to determine the minimum health requirements for these products. However, trade of live cattle and sheep continued without any disruptions.

2.255. In June 2013, Australia reiterated its concerns regarding Turkey's requirements for the import of sheep meat. Australia had been seeking information from Turkey regarding its import measures since April 2011, but despite raising this concern at both the 55th and 56th SPS Committee meetings, it had yet to receive a response. Australia was a safe and reliable supplier of sheep meat to some 100 countries and had consistently met all relevant international SPS

measures for such trade. Turkey's measures appeared to contravene its obligations under the SPS Agreement, including Articles 2 and 7 and Annex B. Australia looked forward to the resolution of this issue.

2.256. Turkey responded that it was in the process of aligning its food safety legislation with that of the European Union. It had enacted many implementation measurements, but still needed to propose guidelines for sheep and goat meat. Turkey stated that it would send its model health certificate for sheep and goat meat to Australia and other interested Members once it was prepared.

2.257. In October 2013, Australia reiterated its concerns regarding Turkey's requirements for the import of sheep meat and its June 2013 meeting statement.

2.258. Turkey reiterated that it was in the process of aligning its food safety legislation with that of the European Union. In this context, Turkey had so far prepared certificates for beef, bovine meat, livestock and fishery products, while a uniform model certificate for other animal-origin products, including sheep- and goat-meat, was under process.

2.17 United States of America

2.17.1 Food safety

US proposed rule on good manufacturing practice for human food (STC 352)

Raised by:	China
Supported by:	
Dates raised:	June 2013 (G/SPS/R/71, paras. 4.3-4.4)
Relevant document(s):	G/SPS/N/USA/2502, G/SPS/N/USA/2503
Status:	Not reported
Solution:	
Date reported as resolved:	

2.259. In June 2013, China raised concerns with the US proposed rule on "Current Good Manufacturing Practice and Hazard Analysis and Risk-based Preventive Controls for Human Food", notified in G/SPS/N/USA/2502 and G/SPS/N/USA/2503. Part 117, Subpart C, regarding the preventive control measures put in place and monitored by operators of food enterprises, exceeded international standards without scientific justification and was therefore in contravention of the SPS Agreement. The overbroad nature of this requirement would result in reduced effectiveness and increased labour costs, thus resulting in a barrier to trade. China suggested that instead the United States should require good manufacturing practices and sanitation standard operating procedures, and furthermore employ the equivalence principle. Additionally, China took issue with the inclusion of radioactivity hazard analysis in the draft Part 117.130(b)(4), as the internationally recognized HACCP system only required the identification of biological, chemical, and physical hazards. The probability of such a hazard was extremely low and did not justify the cost of running such monitoring programs within the food industry. The United States could raise the issue of inclusion of radioactivity into the HACCP system at the meeting of the Codex Alimentarius Commission to allow for a more thorough discussion. Lastly, the requirement in the draft Part 117.126 that all food enterprises establish a written safety plan, exceeded the requirements of HACCP and the Codex standards. As such, China requested that the United States provide a scientific basis for these requirements. China suggested that a more gradual approach to the establishment of hazard analysis within food enterprises was appropriate given the varying degrees of risk associated with different products and the disparity in resources among countries.

2.260. The United States thanked China for its comments and recalled that these measures had been notified to the SPS Committee on 30 April 2013, and would be available for comment through 16 September 2013. The United States urged China and other Members, as well as any other interested members of the international community, to provide comments on the proposed rule. Comments should be submitted via the Federal eRulemaking portal, available at: http://www.regulations.gov, in order to ensure that those comments became part of the public record. The docket numbers for the proposed rule in the eRulemaking portal were: FDA-2011-N-

0920 for preventive controls for human food, and FDA-2011-N-0921 for produce safety. Comments made outside of the public record could not be considered by the FDA in the process of finalizing the proposed rules.

Accreditation of third-party bodies to conduct food safety audits and to issue certifications (STC 357)

Raised by:	China
Supported by:	Belize, Brazil, Korea, Republic of
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.1-3.3)
Relevant document(s):	G/SPS/N/USA/2570
Status:	Not reported
Solution:	
Date reported as resolved:	

2.261. In October 2013, China raised concerns regarding the US proposed FSMA-related rule allowing for accreditation of third-party auditors/certification bodies to conduct food safety audits of foreign entities and to issue food and facility certifications (G/SPS/N/USA/2570). China noted that the statistics provided by the United States had demonstrated a generally safer level of imported foods than foods domestically produced in the United States. China requested the United States to provide scientific justification for proposing this overly burdensome and costly rule on imported foods. China considered that the proposed rule discriminated unjustifiably between foreign and domestic sources of supply and went beyond international standards without scientific justification. China urged the United States to accept the results of internationally accredited certification/audit bodies, and queried how the United States would recognize the equivalence of foreign food safety programmes, systems and standards. Referencing Article 13 of the SPS Agreement, China enquired what measures the United States would take to ensure that third-party auditors/certification bodies were WTO-compliant, and recalled that under Article 10 of the SPS Agreement, Members are to take into account the special needs of developing country Members in the preparation of SPS measures. China urged the United States to seriously fulfil its WTO obligations, take concrete steps to base its rule on the disciplines of the SPS Agreement and the relevant international standards, to ensure that the final rule would not create unnecessary obstacles to international trade.

2.262. Belize, Brazil and Korea shared China's concerns. Brazil noted in particular the role of private third-party auditors and certification bodies, and, with reference to Article 13 of the SPS Agreement, queried how the United States would ensure that such bodies complied with the relevant provisions of the SPS Agreement. Brazil also requested more information on how the United States would recognize the equivalence of foreign systems.

2.263. The United States recalled that it had provided information on the proposed rule in the Committee and elsewhere, including in China, and invited Members to submit their comments through the Federal eRulemaking Portal (http://www.regulations.gov) by 26 November 2013. The comment period had been extended to 120 days, to ensure that Members had enough time to provide their comments.

2.18 Viet Nam

2.18.1 Food safety

Ban on offals (STC 314)

Raised by:	United States of America, European Union
Supported by:	Australia, Canada, Chile, New Zealand
Dates raised:	March 2011 (G/SPS/R/62, paras. 28-31), June 2011 (G/SPS/R/63, paras. 60-63), October 2011 (G/SPS/R/64, paras. 57-60), March 2012 (G/SPS/R/66, paras. 39-41), July 2012 (G/SPS/R/67, paras. 31-35), October 2012 (G/SPS/R/69, paras. 33-35), March 2013 (G/SPS/R/70, paras. 3.50-3.52), June 2013 (G/SPS/R/71, paras. 4.18-4.21), October 2013 (G/SPS/R/73, paras. 3.32-3.34)
Relevant document(s):	Raised orally.
Status:	Not reported
Solution:	
Date reported as resolved:	

2.264. In March 2011, the United States expressed concerns about Viet Nam's implementation of a temporary ban on the importation of offal products as of 7 July 2010. While Viet Nam had cited food safety concerns for the implementation of the ban, in spite of repeated requests from several trading partners, Viet Nam had neither notified the WTO of this measure, nor had it provided any scientific justification for the ban. The United States had raised this issue bilaterally in the margins of previous Committee meetings and at Transpacific Partnership meetings, but was yet to see any change in the ban.

2.265. Canada supported the concerns of the United States. Canada was informed of the ban only after it had been imposed, and was not provided any scientific explanation for the action. This action had resulted in the immediate ban of trade valued at 4.2 million Canadian dollars in 2009. Canada had made numerous requests for Viet Nam to remove the ban, and the Canadian embassy in Viet Nam had been informed that Viet Nam intended to partially lift the ban. However, Viet Nam had subsequently introduced additional SPS requirements on offal imports, which Canada hoped were science-based.

2.266. The European Union, New Zealand and Australia supported the concerns expressed by the United States and Canada.

2.267. Viet Nam responded that the emergency measures taken to temporarily suspend the importation of offals were in response to grave public health concerns. According to a 2009 WHO report, eight million Vietnamese people had health problems related to food. Viet Nam was aware of the concerns raised by its trading partners and was looking for solutions. However, as a developing country with limited resources, it would take some time to strengthen the inspection procedures and provide uniform guidelines. Viet Nam had already lifted its temporary ban on offals from poultry and pork and was currently in discussion with the United States and other trading partners to find adequate solutions for both Viet Nam's human health situation and trade.

2.268. In June 2011, the United States expressed concerns that Viet Nam continued to restrict trade in offal as of July 2010 without providing any scientific justification or notification. Viet Nam had since lifted its ban on hearts, livers, and kidneys derived from cattle, swine, and poultry, but the ban on all other offal products continued. To date, no scientific justification had been provided for the ban, despite many requests for such information, and the United States urged Viet Nam to lift its unjustified ban immediately.

2.269. The European Union expressed similar concerns and indicated that the ban seriously affected EU exports of offal. The ban was not consistent with Viet Nam's obligations under the SPS Agreement, as the measure had not been notified; no scientific justification had been provided despite requests from trading partners, and there were no similar measures on domestic offal, thereby discriminating against foreign imports. The recent revision of the ban, which would allow resumption of imports of some red offal, was a positive step, but the ban on other types of offal

remained in place. Viet Nam was urged to immediately lift its ban on all offal or, alternatively, to provide a risk assessment and scientific justification. Viet Nam should refrain from implementing such measures in the future, and comply with the transparency requirements and other obligations under the SPS Agreement.

2.270. New Zealand supported the systemic concerns expressed by the United States and the European Union, specifically with regard to the lack of notification and scientific justification, and requested Viet Nam to lift the ban as soon as possible.

2.271. Viet Nam responded that there was no formal regulation banning imports of offal. During 2009 and early 2010, imported frozen animal and animal products were found to violate the food safety requirements of Viet Nam; within that time period, Viet Nam detected and disposed of 94 tons of meat, 42,57 tons of offal, and 234,000 chickens. In order to protect Vietnamese consumers, the government issued Letter 1152 requesting relevant agencies to better control imported animal products. The Ministry of Agriculture and Rural Development (MARD) enacted Circular 25 on registration and management to control the import of animal products, and Circular 29 on criteria for testing and control to regulate the level of contaminants in animal products. To continue trade in animal offal, the MARD Department of Animal Health enacted an official letter on 23 March 2011 to guide the import of red offal. On 1 June 2011, the MARD sent Letter 1528 to Viet Nam's customs offices to inform them of the decision to allow trade in red offal. According to data from the Department of Animal Health, from March to May 2011 Viet Nam imported 170 tons of red offal from the United States and Canada. Viet Nam still banned all trade in white offal and intended to conduct a risk assessment on white offal. Viet Nam was willing to meet bilaterally with interested Members, and sought more information and data with which to conduct the risk assessment with the goal of opening trade in white offal.

2.272. In October 2011, the European Union indicated that Viet Nam's ban continued to seriously affect EU exports of offal, and recalled that Viet Nam had previously indicated its intention to conduct a risk-assessment. Viet Nam claimed to have taken these measures because imported frozen animals and animal products were found to violate its food safety requirements. However, Viet Nam had indicated that no violations were found on EU products, and as such import bans on EU offal were not justified. Moreover, since there were no similar measures on domestic offal, the measure discriminated against foreign imports. The European Union welcomed Viet Nam's partial lifting of the ban on red offal, and looked forward to Viet Nam's commitment to lift the ban by end of 2011.

2.273. The United States shared concerns about Viet Nam's restrictions on offal without any scientific justification or notification being provided to the WTO or trading partners. After months of discussions, MARD had provided an official indication in July 2011 that it would lift its ban on red offal, and later on products derived from cattle. However, all other products, such as stomachs and intestines derived from cattle, swine, and poultry, remained banned. The United States urged Viet Nam to lift all of the bans on offal immediately.

2.274. New Zealand repeated its support of the systemic concerns expressed by the European Union and the United States, specifically with regard to the lack of notification and scientific justification.

2.275. Viet Nam reiterated that the temporary measure was geared at protecting human health from risks arising from contaminants, toxins or disease-causing organisms in food, and that the measure did not aim to impose trade restrictions. In light of the concerns of its trading partners, Viet Nam was considering how to prevent a negative trade impact from the measure, and had already lifted the ban on red offals. However, as a developing country with limited resources, the Vietnamese authorities needed time to collect the information for risk assessments. Viet Nam urged trading partners to provide relevant information and technical cooperation to facilitate the process.

2.276. In March 2012, the European Union expressed its continuing concerns with Viet Nam's ban on imported offals, and particularly white offals. Although Viet Nam had previously stated that the temporary measure was to protect human health, it had not yet provided a risk assessment. This measure had affected EU exports but there was no indication of any safety problems with EU offals. The ban was neither justified nor proportionate and since there were no similar

measures on domestic offal, the measure discriminated against foreign imports. The European Union urged Viet Nam to immediately lift any remaining restrictions on imports of offals.

2.277. The United States shared the EU concerns and observed that the measure had not been notified nor information provided to trading partners to support the purported safety concerns. While the ban had been lifted on red offal, all other offal products, known as white offal, such as stomachs and intestines, remained banned. Viet Nam was urged to provide a scientific assessment or to immediately lift the ban on all offal.

2.278. Viet Nam reiterated the objectives of the temporary measure. In light of the concerns of trading partners and to facilitate the trade of food products, including offal, Viet Nam had issued a number of documents, such as Food Safety laws, to facilitate the control and regulation of food imports. The ban on red offal had been lifted and the ban on white offal remained because of the lack of a clear definition of offal in international standards. Viet Nam's experts were working in close cooperation with trading partners to clearly define offal and to discuss other related issues in order to find appropriate solutions. Once again Viet Nam urged interested trading partners to provide relevant information and technical cooperation to facilitate the completion of the research process.

2.279. In July 2012, the United States recalled that in July 2010, Viet Nam imposed a temporary ban on the importation of offals from all countries, including the United States. The measure was never notified to the WTO and no scientific data had been provided that justified Viet Nam's food safety concerns. After months of discussions, in April 2011 Viet Nam provided official notification that it would lift the ban on imports of pork and poultry hearts, livers and kidneys (red offal), and in May 2011, for the same products derived from cattle, but this was not done. In November 2011, Viet Nam indicated that it would complete a regulatory review within three months of the offal trade suspension. Having received no information on the status of the review, in May 2012 the United States again sent a letter to Viet Nam. The United States remained concerned by Viet Nam's continued ban on offal products derived from cattle, swine and poultry and urged Viet Nam to immediately lift all of the bans on offal.

2.280. The European Union supported the concerns raised by the United States. The ban had only been partially lifted for red offals in 2011, and Viet Nam had indicated that further lifting of the ban was pending the outcome of the risk assessment. The European Union welcomed Viet Nam's recent communication that the ban would soon be lifted.

2.281. New Zealand expressed a systemic concern as the measure of concern had not been notified nor scientific justification provided, and requested that the ban be lifted as soon as possible. Australia welcomed the fact that Viet Nam had lifted the ban on red offal but expressed disappointment that trade in white offal was still prohibited as it had a significant impact on Australian trade.

2.282. Viet Nam recalled the objectives of the measure and noted that it had strengthened its technical regulations and improved its human capacity to facilitate the quality control of food and food stuff; as a result, the import of red offal had resumed in 2011. The reopening of its market to white offal was under consideration and Viet Nam remained open to bilateral discussions with its trading partners.

2.283. In October 2012, the European Union stated that Vietnam had clarified that the ban was temporarily imposed due to food safety concerns and had lifted the ban on red-offal following bilateral discussions and confirmation that no problems were detected in offal imported from the European Union. However, the ban on white offal remained, and without a risk assessment. The European Union urged Vietnam to rapidly find a solution in order to lift the unjustified measure.

2.284. Australia, New Zealand, and the United States also noted that the existing ban on white offal was affecting their trade and requested Vietnam to lift the ban.

2.285. Viet Nam recalled that this was a temporary measure to protect human health. Limitations of resources and human capacity had delayed the removal of the ban on white offals, however the issue was under consideration. Viet Nam appreciated the relationship with its trading partners and was willing to work with them to find an amicable solution.

2.286. In March 2013, the European Union expressed its continuing concern with the import ban on offal imposed by Viet Nam for almost three years. Viet Nam had, in the past, clarified that the ban was temporarily imposed due to food safety concerns detected in imported offal. However, Viet Nam had also confirmed that no problems were detected in offal imported into Viet Nam from EU countries. In addition, Viet Nam had not provided any risk assessment to justify the ban, despite several requests. Although the ban on red-offal had been lifted, a ban remained in place on white offal, which continued to impact EU exports. The European Union indicated its willingness to work together with Viet Nam to find a speedy solution and further urged Viet Nam to lift the unjustified measure.

2.287. The United States recalled that the temporary ban on the importation of offal imposed by Viet Nam, in July 2010, was never notified to the WTO and that no scientific data had been provided to justify the ban. In April 2011, Viet Nam provided official notification that it would lift the ban on imports of pork and poultry hearts, livers and kidneys (so-called "red offal"), and in May 2011, of these same products derived from cattle. However, this was not done. In November 2011, Viet Nam had committed to complete a regulatory review within three months to lift the offal trade suspension. However, in May 2012, having received no information on the status of the review, the United States sent a letter inquiry to Viet Nam. The United States remained highly concerned by Viet Nam's continued ban and urged Viet Nam to immediately lift the ban on US offal products.

2.288. Viet Nam explained that the measure was adopted in response to a number of cases of contaminated offal imported into Viet Nam between 2010 and 2011. During the bilateral work with the United States and other trading partners, Viet Nam had gained important knowledge about the hygiene and food safety control systems of these countries and a report had to be prepared based on this information. Viet Nam hoped to lift the ban within a few months. A new safety law required establishments that intended to export white offal to Vietnam to obtain accreditation. Viet Nam would work further with the European Union and the United States to reopen the market for white offal in the future.

2.289. In June 2013, the European Union reiterated that Viet Nam's ban on white offal was not proportionate, as Viet Nam had confirmed that there were no problems with imports of any offals from the European Union. During previously held bilateral discussions, as well as within the SPS Committee, Viet Nam had expressed its intention to lift the ban. Three years on, however, the ban remained. The European Union was willing to continue to work towards a resolution to this issue, and urged Viet Nam to rapidly lift this unjustified ban.

2.290. The United States expressed its solidarity with the European Union in regard to Viet Nam's ban on selected offal products. This ban raised serious questions about Viet Nam's compliance with its WTO obligations. The United States urged Viet Nam to lift this ban immediately and to ensure that any new regulations were transparent, science-based and not unduly restrictive of trade.

2.291. Australia expressed support for the EU and US positions and raised its concern that, without a risk-assessment, the ban was unwarranted. Australia appreciated Viet Nam's repeal of the ban on red offal, but urged it to move forward in regard to white offal products.

2.292. Viet Nam noted that the bans were put in place out of concern for public safety. New import measures were being considered by the Ministry of Agriculture, Development and Customs and Viet Nam would look to interested trading partners assist in this process.

2.293. In October 2013, the European Union welcomed the lifting of Viet Nam's ban on red offal, and appreciated information from Viet Nam indicating that the ban on white offal had also been lifted. However, Viet Nam had imposed several new import conditions on white offal, including additional registration requirements and a restriction to use only three points of entry into the country. Viet Nam had not notified trading partners about this change in import conditions, which the European Union considers overly burdensome and lengthy.

2.294. The United States also thanked Viet Nam for its announcement on removing trade restrictions on offal, but expressed concern at possible additional conditions and attestations required by Viet Nam for specific products. The United States requested a complete list of the Vietnamese import requirements and the scientific justification to support those requirements.

2.295. Australia and Chile shared the concerns expressed by the European Union and the United States, and urged Viet Nam to work with trading partners to establish import conditions based on scientific principles.

2.19 Certain Members

2.19.1 Food safety

Import restrictions in response to the Japanese nuclear power plant accident (STC 354)

Raised by:	Japan
Supported by:	
Dates raised:	June 2013 (G/SPS/R/71, paras. 4.7-4.11)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.296. In June 2013, Japan raised concerns over restrictions on Japanese food exports in the wake of the Fukushima incident. Following the incident, Japan had been closely monitoring food products for the presence of radionuclides and, as of April 2012, had imposed a food intervention exemption level of 1mSv/year - equivalent to the Codex standard. However, the dietary exposure estimates from total diet studies were far below 1 mSv/year across all studies - including those completed in Fukushima Prefecture. Based on this scientific data, Japan requested all Members to lift any import restrictions on Japanese exports. Japan thanked those Members that had already lifted most or all such measures, but noted that China, Hong Kong, China and Chinese Taipei continued to maintain import bans on many Japanese food exports. Japanese foods placed on the market were safe for human consumption without any extra control measures; nonetheless, Japan was willing to certify compliance with the radionuclide regulation for each consignment as a provisional measure. Hong Kong, China and Chinese Taipei had already begun to analyse the monitoring data provided by Japan, and Japan looked forward to the opportunity the meet with China regarding this trade concern.

2.297. Chinese Taipei explained that although Japanese food exports contained acceptable trace levels of radionuclides, those levels still raised concern for Chinese Taipei and its consumers, consumer protection groups, and legislators. In order to assuage these concerns, Chinese Taipei requested further information from Japan, including about its surveillance methodology and control measures. Chinese Taipei also requested that foods exported from the five restricted prefectures be accompanied by a certificate of origin and a pre-export laboratory report certifying that they had been tested for radioactivity. The relevant supplementary documents had been received from Japan on 13 June 2013 and were under review. Chinese Taipei expressed its desire to continue normal communications and co-operation with Japan in the future.

2.298. Hong Kong, China explained that its import restrictions were based on public health concerns over food imported from the five affected prefectures in Japan. It was waiting for further information from Japan in order to fully assess the threat level presented by Japanese imports. Hong Kong, China stated that it would continue to monitor information from Japan and other relevant international organizations and would adjust its import measures according to any new updates.

2.299. China responded that it only restricted the import of products produced in seriously nuclear-contaminated areas and those products seen as high-risk. The detection of nuclear contamination in food and agricultural products in Japan had been on-going. China requested that Japan urge its relevant departments and enterprises to take measures that would ensure all food and agricultural exports were uncontaminated by nuclear matter and could satisfy the Chinese national standards.

2.300. Japan explained that the detection of nuclear contamination in agricultural and food products noted by China only occurred in products that were not legally released to the market. Japan continued to monitor these products.

2.19.2 Animal Health

General import restrictions due to BSE (STC 193)

Raised by:	United States of America, European Union
Supported by:	Canada, Switzerland, Uruguay
Dates raised:	June 2004 (G/SPS/R/34, paras. 37-38), October 2004 (G/SPS/R/35, paras. 85-86), June 2005 (G/SPS/R/37/Rev.1, paras. 75-76), February 2007 (G/SPS/R/44, para. 29), October 2008 (G/SPS/R/53, paras. 24-28), February 2009 (G/SPS/R/54, paras. 11-12), June 2009 (G/SPS/55, para. 47), October 2009 (G/SPS/R/56, para. 46), March 2010 (G/SPS/R/58, paras. 35-36), June 2010 (G/SPS/R/59, para. 44), October 2010 (G/SPS/R/61, para. 24), March 2011 (G/SPS/R/62, para. 65), June 2011 (G/SPS/R/63, paras. 73-74), October 2011 (G/SPS/R/64, paras 98-99), March 2012 (G/SPS/R/66, paras. 28-31), July 2012 (G/SPS/R/67, paras. 45-48), October 2012 (G/SPS/R/69, paras. 49-52), March 2013 (G/SPS/R/70, paras. 3.20-3.24), June 2013 (G/SPS/R/71, paras. 4.33-4.35), October 2013 (G/SPS/R/73, paras. 3.44-3.46)
Relevant document(s):	Raised orally.
Status:	Partially resolved
Solution:	Solutions notified regarding certain Members
Date reported as resolved:	

2.301. In June 2004, the European Communities raised concerns about unjustified import restrictions on EC exports due to concerns about BSE. To satisfy consumer demands, the European Communities had adopted comprehensive measures to address risks relating to BSE. These measures applied both to products intended for consumption within the European Communities, and to those destined for export. The system of geographical assessment used in the European Communities had successfully identified countries in which the disease was still present. The European Communities called on other countries to replace import bans, which exceeded OIE recommendations and yet did not fully address potential internal risks, with specific import requirements in accordance with OIE standards. Many products, such as semen, embryos and dairy products, could be traded with predefined guarantees. Members were urged to take into consideration OIE recommendations for international trade and to stop discriminating among Members with similar BSE conditions.

2.302. Canada recalled that at its last meeting the OIE had reconfirmed that some products, such as semen, embryos, hides, and milk, did not contribute to the transmission of BSE. Hence the imports of these types of products did not provide a potential pathway for introduction of the disease.

2.303. In October 2004, the European Communities informed the Committee that several WTO Members had reviewed their bans on EC beef and small bovine ruminant products and replaced them with specific requirements in accordance with OIE standards. The European Communities urged all those Members who had not yet done so to align their regulations in accordance with OIE standards. The United States noted that some Members were reviewing their import restrictions on US beef and also urged all those Members who had not done so to align their regulations in accordance with OIE standards.

2.304. In June 2005, the European Communities reported that the number of countries that had lifted their respective bans on EC bovines and bovine products in accordance with OIE standards had been regularly growing, including also non-Members of the WTO. According to the revised BSE chapter of the Terrestrial Animal Health Code, many bovine derived products, including deboned skeletal muscle and blood products, could be safely traded regardless of the BSE status of the exporting country. The European Communities invited the remaining WTO Members to replace their import bans with specific import requirements in accordance with OIE standards.

2.305. In February 2007, the United States expressed concern that US ruminant and non-ruminant products continued to face BSE-related restrictions. Although there had been some progress and a number of Members had removed measures, US products continued to face overly

restrictive measures which exceeded the OIE standards. The United States had undertaken extensive surveillance and put in place interlocking safeguards, nonetheless many restrictions remained in place. The United States asked Members to review the evidence now available and to revise their requirements accordingly.

2.306. In October 2008, the European Communities recalled the concerns previously raised by Canada regarding Korea's restriction on beef imports. The European Communities also had concerns regarding restrictions maintained by other WTO Members on beef exported from the European Communities even though these beef products were considered safe and in compliance with the BSE chapter of the OIE Terrestrial Animal Health Code.

2.307. Canada shared the EC concerns and asked Members to base their measures on the BSE chapter provisions of OIE Terrestrial Animal Health Code. In May 2007, Canada was officially recognized by the OIE as controlled-risk for BSE and this was reconfirmed in May 2008. Canada was grateful to the increasing number of WTO Members that restored full or partial access for beef and cattle. Canada urged other Members to resume full trade in beef and cattle based on the OIE designation.

2.308. Uruguay supported the concerns of the European Communities and Canada. With regard to animal health regulations applied to trade, Uruguay stated that all WTO Members should conform to the OIE designation and to the standards of the three sisters in general. Switzerland also supported the EC concern on restrictions due to BSE.

2.309. The representative of the OIE urged Members to abide by the standards enacted by the OIE.

2.310. In February 2009, the European Communities drew attention to the OIE standard for BSE, which did not recommend trade restrictions on de-boned beef from animals aged less than 30 months. The European Communities met this standard, but its exports were still facing trade restrictions. National restrictions maintained despite the OIE Code undermined this standard that had been adopted after long negotiations, thus damaging the credibility of the OIE. The OIE was planning to update the Code, because there was compelling evidence that the age requirement was not necessary, but the European Communities questioned whether this was worthwhile if Members did not apply the standard in any case. Trade in beef was important, and BSE issues were among the concerns most frequently raised in the SPS Committee. The European Communities appealed to Members to make greater efforts to base their measures on the relevant OIE standards. Jordan was now accepting the OIE Code, as did the European Communities, and others should follow this example.

2.311. OIE explained that the BSE standards had been democratically adopted by OIE members, and were in fact very conservative. The OIE was considering removing the age requirement, and relaxing the restrictions on gelatine. There was still a wide margin of safety built into the standards, and it was worrying that there was a lack of willingness on the part of Members to apply them.

2.312. In June 2009, the European Communities again drew attention to restrictions on bovine meat and related products still imposed by many Members. The European Communities requested that unjustified and discriminatory restrictions be removed. The OIE Code stated that no bans were necessary even if a country reported cases of BSE. EC measures to control BSE were exemplary and went far beyond OIE requirements, and the European Communities urged Members to establish fair, non-discriminatory and transparent rules for the import of bovine products.

2.313. In October 2009, the European Communities recalled that they had repeatedly raised concerns about unjustified restrictions by some WTO Members on imports of bovine, ovine and related products allegedly in response to transmissible spongiform encephalopathy. Any measures should be based on the relevant international standards. While many were aligning their processes to OIE recommendations, other Members still required unnecessary certification, applied burdensome and lengthy procedures and discriminated between countries without scientific basis. EC measures to eradicate and control BSE were comprehensive and offered every guarantee that EC exports were safe. The European Communities urged Members to fully take into consideration the latest OIE BSE guidelines and to establish fair, non-discriminatory and transparent rules.

2.314. In March 2010, the European Union reported that certain WTO Members still maintained unjustified import restrictions arguably to protect against Transmissible Spongiform Encephalopathies (TSE). The European Union urged Members to lift any unnecessary, disproportionate, or discriminatory restrictions which negatively affected EU exports. The OIE recommendations on BSE, which were reviewed in May 2009, included the possibility to import meat or even live animals from countries having a "negligible", "controlled", or "undetermined" BSE risk status, as long as the OIE rules on surveillance and control were followed. In addition, for certain products under specific conditions, such as de-boned skeletal muscle meat, milk and milk products, semen and embryos, there should be no BSE import requirements regardless of the BSE risk or the age of the cattle population of the exporting country, zone or compartment.

2.315. Switzerland supported the concerns raised by the European Union, stating that WTO Members should base their measures on the OIE recommendations and available data on BSE.

2.316. In June 2010, the European Union reported that certain WTO Members still maintained unjustified import restrictions to protect against TSE. The European Union urged Members to lift any unnecessary, disproportionate, or discriminatory restrictions which negatively affected EU exports. The European Union recalled that OIE had issued BSE standards based on scientific risk assessments and defined the conditions under which commodities could be safely traded. In May 2010, additional wording was inserted in Article 11.6 of the OIE Terrestrial Animal Health Code to clarify that, providing the commodities had been imported in accordance with those conditions, the status of the importing countries would not be affected. The European Union recalled the OIE recommendations, and observed that some Members had recently announced new measures which, without any scientific justification, deviated from OIE standards. The European Union urged Members to align themselves with the OIE process and to process applications from the European Union.

2.317. In October 2010, the European Union noted that restrictions of imports due to BSE remained of great concern and urged Members to lift any unnecessary, disproportionate and discriminatory restrictions. A number of WTO Members continued to impose unjustified import restrictions, such as allowing imports only from countries that had a negligible risk status according to the OIE classification or where no cases of BSE had been notified at all. There had been, however, some positive developments. The Philippines had announced the lifting of import restrictions on beef from most of EU member States, and Egypt was now allowing imports of de-boned beef from animals younger than 48 months. The European Union urged Members to quickly align their requirements with the OIE standards, and to establish fair, non-discriminatory, transparent and scientifically sound import requirements.

2.318. In March 2011, the European Union urged Members to lift unnecessary restrictions negatively affecting EU beef exports. The OIE standard highlighted that there should not be restrictions on some bovine products regardless of the BSE-risk status of the country. Unfortunately, several unjustified restrictions from Members only allowed imports from countries with a negligible BSE-risk assessment. In addition, there had also been a number of discriminatory practices and inconsistencies in the level of protection of some countries. The European Union urged Members to align their requirements with OIE standards and acknowledged the many countries that had started the assessment process to allow imports.

2.319. In June 2011, the European Union expressed concerns that several Members had not yet implemented the OIE standard on BSE and continued to impose bans or trade restrictions on EU beef products. These Members should either implement the OIE standard, or else share their scientific risk assessment. To date, the European Union had not seen any scientific justification for restrictions that went beyond the OIE standards. The European Union welcomed the implementation of the OIE standards by several Members, as well as the process begun by the United States and Australia, which would eventually allow the import of EU beef products. The European Union urged Members to fully take into account the OIE standards and establish fair, non-discriminatory, transparent, and scientifically based rules.

2.320. Canada was pleased to note that a large number of Members had approved the import of Canadian beef based on the OIE standards, and joined the European Union in asking Members to base their measures on OIE standards.

2.321. In October 2011, the European Union recalled that it had repeatedly raised concerns that several Members continued to impose bans or restrictive conditions on products from EU member States allegedly because of BSE, but without respecting the international standards as required by the SPS Agreement. The OIE standard on BSE was very well developed and provided details regarding the disease and conditions for the safe trade of bovine products. This meant that there was no need for additional risk assessments or for any trade restrictions at all on the well-defined safe products, such as deboned meat, regardless of the BSE risk status of the country. Despite having raised this same concern for a long time, no one had ever provided a scientific risk assessment that would justify any deviation from the international standard. In this regard, the European Union urged, in particular, China, Japan and South Korea to bring their requirements into line with the international standards and the SPS Agreement. The European Union welcomed recent developments in Australia and urged Australia to finalize this process quickly. The United States was also moving towards the adoption of comprehensive BSE rules and the European Union expected to see this process rapidly lead to US requirements fully in line with the OIE standard and a tangible outcome for trade. The European Union urged all Members to fully align their BSE-related requirements with the OIE standards and thus establish fair, non-discriminatory, transparent and scientifically justified requirements.

2.322. Japan and Korea both expressed their understanding of the EU concern and indicated that they would continue discussions on this issue in bilateral meetings. China indicated that it sought further information from the European Union in order to finish its risk analysis. There was a fruitful dialogue between both Members, and China called on the European Union to provide further information and maintain its close relationship with the Chinese scientific panel.

2.323. In March 2012, the European Union recalled that it had repeatedly raised concerns about the continued bans or restrictive conditions on bovine products from EU member States - allegedly because of BSE - that did not respect the international standards as required by the SPS Agreement. The OIE standard on BSE provided details regarding the disease and conditions for the safe trade of bovine products. Despite the long history of this concern, no Member had ever provided a scientific risk assessment that would justify any deviation from the international standard. The European Union urged, in particular, China, Japan and South Korea to bring their requirements into line with the international standards and the SPS Agreement, and Australia to quickly finalize its assessment process. The recent steps by the United States to align its import conditions with the OIE standard were welcomed, and a fast implementation of conditions in line with OIE standards was expected. The European Union urged all Members to fully align their BSE-related requirements with the OIE standards and thus establish fair, non-discriminatory, transparent and scientifically justified requirements.

2.324. Korea indicated its willingness to continue bilateral discussions on this issue.

2.325. China recalled its cooperation with the European Union, including in 2011 a joint BSE prevention and control training that resulted in a productive exchange on the relevant science and technology, and the standards of the OIE. Although no consensus was reached on certain issues, China would continue to bilateral discussions on the relevant technical issues.

2.326. Japan reported that it had already started discussions with the European Union, and that its Food Safety Commission Risk Assessment Body was requested in December 2011 to conduct a risk assessment on beef imports from France and the Netherlands. This risk assessment was conducted in a neutral and fair manner on the basis of scientific data. The Food Safety Commission would assess the risk of beef from the other EU member States when the necessary information was verified, including through onsite investigation and collection of data.

2.327. In July 2012, the European Union observed that many trading partners continued to impose unjustified bans or restrictions relating to BSE, although more than half of these countries did not benefit from official BSE classification by the OIE as did the EU member States. The European Union urged Korea to make tangible and predictable progress to bring its import conditions into line with the OIE standards. This request was particularly urgent as Korea had opened its market to other trading partners which had the same BSE status as most of the EU member States. China was still keeping its market closed, claiming a lack of scientific information, although there was sufficient evidence regarding the EU BSE situation. The European Union requested China to provide the scientific risk assessment that would justify deviations from the OIE standard, or to immediately start the administrative procedures to implement the

international standards. The European Union requested Japan to continue progress on pending applications so that trade could soon resume. The European Union noted the recent steps taken in the United States towards bringing its requirements into line with the OIE standards, and urged all Members to fully align with the OIE standards and establish fair, non-discriminatory, transparent and science-based rules.

2.328. China indicated that bilateral talks had taken place with the European Union on the BSE issue at various levels. China had repeatedly presented its views on BSE and emphasized that no international organization could deny countries the right to present their views based on science. A lot of work had been carried out by China on risk analysis regarding BSE.

2.329. Japan recalled that its food safety committee had started the risk assessment of beef from France and the Netherlands, and this was being discussed by experts. As for other EU member States, additional consultations were needed. Japan remained open for further co-operation with the European Union to resolve the issue.

2.330. Korea noted the on-going active communication between Korea and the European Union on the issue at the technical level. Additional discussions at the technical level were needed, and were in the interest of both sides.

2.331. In October 2012, the European Union observed that many trading partners continued to impose unjustified bans or restrictions relating to BSE, although some of these countries did not benefit from official BSE classification by the OIE as did the EU member States. The European Union once again urged Korea to make tangible and predictable progress to bring its import conditions into line with the OIE standards and requested China to quickly proceed with pending market access applications. The European Union welcomed the recent developments in Japan, where the risk assessment with regard to imports of beef had been submitted for public consultation. As a result of the scientific outcome, the European Union looked forward to beef exports being resumed in the near future. The European Union noted the recent steps taken in the United States and Australia towards bringing their requirements into line with the OIE standards, and urged all Members to fully align with the OIE standards and establish fair, non-discriminatory, transparent and science-based rules.

2.332. China indicated that the issues surrounding BSE were particularly sensitive and technical, involving not only the proper handling of animal health and husbandry, but also directly affecting China-EU co-operation and trade. China had provided thorough information to the European Union in relation to its scientific justification. Recognizing the importance of the issue particularly for exports from the Netherlands and Ireland, China had jointly organized co-operation activities with the European Union including technical exchanges among experts, seminars and technical visits. These exchanges focused on topics related to the science, technology and the OIE standards. However, no consensus had been reached on some issues. China would continue co-operation exchanges with EU technical experts in a scientific and pragmatic manner in order to solve the relevant technical problems. China had signed an MOU with Ireland for the establishment of a joint working group on BSE.

2.333. Korea indicated that it was actively engaged in bilateral discussions with the European Union, including discussions this same week, and would continue to have discussions with the European Union in this regard.

2.334. Japan reported that the risk assessment process was underway, specifically for beef from France and the Netherlands. Japan would continue close consultations with the European Union and its member States.

2.335. In March 2013, the European Union welcomed the notification from Thailand on the alignment of its SPS measures with the international standards on BSE, and appreciated that Japan had authorised access of bovine meat from EU member States. Nevertheless, many trading partners continued to impose unjustified bans or restrictions relating to BSE, although some of them did not benefit from official BSE classification by the OIE as did EU member States. Furthermore, in some cases EU products faced discrimination compared to other trading partners with a similar or even less favourable risk status. China was still keeping its market closed, despite the detailed information provided about the EU animal and food safety system, and had not

provided a risk assessment to justify its measure. The European Union urged China to bring its import conditions into line with the OIE standards and to remove the unjustified restrictions against EU beef and beef products. The European Union welcomed the process in Korea to assess applications received from some EU member States and urged Korea to proceed in a speedy manner to ensure market access for EU beef, given that Korea had opened its market to other trading partners which had the same BSE status as EU member States. The European Union noted the on-going processes in the United States and Australia towards aligning their import conditions with the OIE standards and looked forward to effective market access without any further delay. The European Union urged all Members to fully align with the OIE standards and establish fair, non-discriminatory, transparent and science-based rules.

2.336. China indicated that in its many bilateral discussions it had repeatedly informed the European Union on its policies regarding BSE. BSE was still a high risk disease in the EU area, as in the last three years approximately 90 BSE cases had been reported. In addition, BSE continued to be a very sensitive and complicated issue for which scientific knowledge was insufficient to be able to interpret the transmission mechanism of the disease worldwide. The recent horse meat issue in the European Union further reinforced its lack of confidence in the EU control system for animal and animal products. China's BSE restrictive measures, put in place in 2004, were based on a risk analysis and the changes in its trading measures for Canadian beef in 2012, were based on the results of its risk assessment. China invited EU member States to exchange information on technical issues and indicated that it would review its measures concerning BSE according to the outcomes of future risk assessments.

2.337. The European Union could not accept that the horse meat issue be linked with the effectiveness of its oversight system, given the very detailed explanation that it had provided to the SPS Committee under a previous agenda item. The information provided clearly showed how the European Union had quickly and transparently identified a case of fraud and this issue was being addressed with full determination.

2.338. Korea indicated that it had closely discussed this issue with the EU delegation and had already started a risk analysis on beef from EU member States. Korea would proceed carefully with the risk analysis in order to protect consumer's health, and would continue to have close dialogue with the EU delegation.

2.339. Japan reported that its Food Safety Commission had completed an evaluation report in October 2012 and on the basis of its findings had lifted the ban on imports of cattle aged up to 30 months from the United States, Canada, France and the Netherlands. The European Union thanked Japan for the changes in its measures and for its continued engagement in the process.

2.340. In June 2013, the European Union reported that the General Session of the OIE had positively evaluated and recognised the EU risk status related to BSE. The European Union appreciated Brazil's relaxation of its BSE-related import measures and encouraged Brazil to bring these conditions further in line with the OIE standard and to notify these changes to allow partners to provide comments. Unjustifiable trade restrictions were still in place in a number of other countries and the European Union urged China to base its measure on the OIE standard and lift the ban on EU beef. The European Union welcomed the on-going work carried out by Korea and urged Korea to deal swiftly with all EU applications. The US and Australia's on-going process to align their BSE import conditions with OIE standards was appreciated and closely followed by the European Union and further progress towards real trade market access was now expected without undue delays.

2.341. Korea noted that it had been conducting a risk analysis on imported EU beef and had been in close dialogue with the European Union on the matter. Korea looked forward to continued co-operation with the European Union to move the process forward in a timely manner.

2.342. China recalled that BSE continued to be a very sensitive and highly technical issue for which scientific knowledge was still insufficient. A risk analysis was carried out with the co-operation of relevant EU member States, but experts of both parties had failed to reach consensus. Further research, communication and discussion were necessary. China expressed its willingness to continue cooperating and communicating with EU technical experts.

2.343. In October 2013, the European Union highlighted the importance of this concern as it related to one of the basic requirements under the SPS Agreement: that SPS measures adopted by Members be based on the relevant international standards. The European Union appreciated Singapore's relaxation of its BSE-related import measures and encouraged Singapore to bring these conditions further in line with the OIE standards and to notify these changes so that trading partners could provide comments. The European Union also noted in this regard that it had been three years since it had submitted its application to Australia and that Australia had not provided any scientific justification for the delay in finalizing its risk assessment. The European Union called upon Australia to finalize the process, which should lead to effective market access without undue delays.

2.344. China noted that the latent period of BSE was long and as there were no cases in China, an import prohibition of bovine cattle and related products was in place as a safety measure. According to Chinese legislation, it could conduct inspection and quarantine activities only after the BSE ban on certain EU member States had been lifted. Since 2010, OIE had released reports that a number of EU member States (France, Portugal, Spain, the United Kingdom, etc.) still suffered from BSE and China noted that these had not applied for the ban to be lifted in China. Technical exchanges, including a seminar on BSE jointly held with the European Union, and the assignment of a technical person to participate in BSE prevention training had taken place. In March 2012, EU beef exports had been discussed at the 7th China-EU Summit. Although the experts on both sides had not reached consensus, a joint expert team had been established with relevant members in order to overcome technical issues.

2.345. Korea acknowledged the European Union's concern and emphasized that its government had been conducting import risk analysis on some EU member States' beef. Responses to questionnaires were awaited so as to proceed with the IRA process in a timely manner while conducting a close dialogue with Members in this regard.

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