WORLD TRADE ORGANIZATION

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Committee on Sanitary and Phytosanitary Measures

ANNUAL REPORT ON THE PROCEDURE TO MONITOR THE PROCESS OF INTERNATIONAL HARMONIZATION

NOTE BY THE SECRETARIAT[1]

1 INTRODUCTION

1.1. At its meeting of 15-16 October 1997, the SPS Committee adopted a provisional procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations, as provided for in Articles 3.5 and 12.4 of the SPS Agreement. The Committee extended the provisional monitoring procedure in 1999, 2001, and 2003, and revised the procedure in October 2004.[2] In 2006, the Committee agreed to extend the provisional procedure indefinitely, and to review its operation as an integral part of the periodic review of the operation and implementation of the Agreement under Article 12.7.[3] The procedure was reviewed as part of the Third Review of the Agreement[4], and again in the context of the Fourth Review.[5]

1.2. At its meeting of 1-2 March 2018, the Chairperson reminded Members that the Committee had agreed in the November 2017 Committee meeting to circulate the convening airgram one week earlier than the previous practice. This meant that the original deadline for raising agenda items under the procedure to monitor the use of international standards, which was ten days before the meeting, no longer coincided with the deadline for raising issues under other agenda items. In this regard, the Chairperson suggested that Members respect the earlier deadline for submitting issues under the monitoring agenda item, which in practice would mean that Members would submit all agenda items up to, but not including, the day on which the notice convening the meeting was to be issued.

1.3. The Committee has previously considered nineteen annual reports on the monitoring procedure.[6] These reports summarize several standards-related issues that the Committee has considered and the responses received from the relevant standard-setting organizations.

2 NEW ISSUES

2.1. Since the 2017 Annual Report, five new issues have been raised under this procedure: (i) non-use of Codex guidelines and principles on official import and export certificates; (ii) the relation of the World Health Organization and the Food and Agriculture Organization to Codex Alimentarius; (iii) OIE's new chapter on porcine reproductive and respiratory syndrome (PRRS); (iv) unnecessary delays in adoption of Codex Food Additive Standards; and (v) risk management related to the global movement in plant seeds.

[1] This document has been prepared under the Secretariat's own responsibility and is without prejudice to the position of Members or to their rights and obligations under the WTO.
[2] G/SPS/14, G/SPS/17, G/SPS/25 and G/SPS/11/Rev.1.
[3] G/SPS/40.
[4] G/SPS/53.
[5] The draft report of the Fourth Review is contained in document G/SPS/W/280/Rev.2.
[6] These were circulated as G/SPS/13, G/SPS/16, G/SPS/18, G/SPS/21, G/SPS/28, G/SPS/31, G/SPS/37, G/SPS/42, G/SPS/45, G/SPS/49, G/SPS/51, G/SPS/54, G/SPS/56, G/SPS/59, G/SPS/60, G/SPS/GEN/1332, G/SPS/GEN/1411, G/SPS/GEN/1490 and G/SPS/GEN/1550.

2.1 Non-use of Codex guidelines and principles on official import and export certificates

2.2. At the July 2017 Committee meeting, the United States raised concerns regarding the impact on trade caused by official import and export certification requirements that were not based on Codex guidance developed over more than two decades, and also not based on scientific justification and risk. The United States regretted the proliferation of new proposed requirements for official certificates – particularly for low-risk products. These requirements increased the burden on exporters and regulatory agencies in the exporting country, and importers and officials in the importing country, with no identifiable public health or food safety benefit. The United States called upon Members to reflect on this concern, to consult with their exporters and consider whether and how the Committee might support the work of Codex by advancing the understanding and use of the relevant Codex principles and guidelines in this area.

2.3. Canada shared the concerns of the United States and encouraged Members to follow the Codex Guidelines for Design, Production, Issuance and Use of Generic Official Certificates (CAC/GL/38-2001) when establishing their official certification requirements. According to these guidelines, official certificates should be required only where attestation and essential information were necessary to ensure food safety and fair practices in food trade; and that importing countries should consider alternative means to achieve this objective.

2.4. At the March 2018 Committee meeting, the United States reiterated its concerns regarding the potential negative impact on trade arising from unnecessary official export certification requirements that were not based on Codex guidance developed over more than two decades, and also not based on scientific justification and risk. The United States regretted the proliferation of new proposed requirements for official certificates – particularly for low-risk products. These requirements increased the burden on exporters, importers, consumers and governments, with often no identifiable public health or food safety benefit. The United States noted the ongoing work in APEC, and further called upon Members to reflect on these issues, to consult with their exporters and consider whether and how the Committee might support the work of Codex by advancing the understanding and use of the relevant Codex principles and guidelines in this area.

2.2 The relation of the World Health Organization and the Food and Agriculture Organization to Codex Alimentarius

2.5. At the November 2017 Committee meeting, the United States recalled the SPS Committee procedure to monitor the process of international harmonization (G/SPS/11/Rev.1), highlighting that this procedure should help to identify, for the benefit of the relevant international organizations, where a standard or guideline was needed, or was not appropriate for its purpose and use. In this regard, the United States drew Members' attention to the recent discussions that had taken place at the Codex Alimentarius Commission in July 2017, regarding the relation of the WHO and FAO to Codex. The United States acknowledged the critical importance of the institutional support provided to Codex by the WHO and FAO, such as through the scientific advisory bodies, while also recognizing the unique role of Codex in the support of public health and trade, and the need for Codex to independently issue standards with support from its members.

2.6. The United States noted that Codex effectively carried out its mandate, by maintaining an inclusive, open and transparent standards development process and by relying on scientific and technical advice from a wide range of perspectives from the public and private sector, as well as international organizations. The United States further stated that while WHO and FAO routinely provided inputs to Codex for further consideration by its membership, Codex ultimately made its determinations based on science, and consistent with the views of its members. The United States urged WHO and FAO to jointly reinforce the independence of Codex, including its responsibility to make decisions that were both science-based and consistent with the views of its members. Due to the differences in mandate and procedures of the WHO and FAO, the United States noted that any ambiguity regarding the independence of Codex posed a concern, since any undue influence could adversely impact the appropriateness of Codex standards in ensuring fair practices in the trade of food.

2.7. The United States further underscored the need for Codex to remain a member-driven, science-based, transparent and inclusive organization in order to ensure the appropriateness of its standards for their purpose and use in protecting public health and ensuring fair trade. The United

States urged WHO and FAO to provide sustainable funding to enable Codex standards to meet their health and trade objectives.

2.8. Canada recalled that Codex had been jointly established by the FAO and WHO with a specific mandate to develop food standards to protect the health of consumers and to ensure fair practices in trade of food products. Canada recognized the different mandates of each of the three organizations and indicated its support for their respective work, while highlighting the complementary and synergistic nature. Canada further underscored that any work undertaken by Codex should be within the purview of its mandate, while also recognizing the importance of taking into account the policies of FAO and WHO in its work, and the need for Members to strengthen their national coordination structures on FAO, WHO and Codex.

2.9. At the March 2018 Committee meeting, the United States recalled that at the November 2017 SPS Committee, it had outlined its concerns regarding the relationship between Codex and its parent bodies, FAO and WHO. The United States noted that while it supported a close working relationship between Codex and its parent bodies, it also sought to heighten recognition of the difference in mandates and procedures of the three organizations. The United States underscored the dual mandate of Codex to protect the health of consumers and ensure fair practices in the food trade. Critical to this dual mandate was its inclusive, open and transparent standards development process, which relied on scientific and technical advice from public and private sector, as well as international organizations. The United States further highlighted that the SPS Agreement recognized the international standards and guidelines developed by Codex, setting Codex standards apart from those developed by FAO or WHO. The United States encouraged Members to support Codex's independent, member-driven development of science-based standards.

2.10. Canada recalled that Codex had been jointly established by the FAO and WHO, while highlighting the specific mandate of Codex and underscoring the different mandates of each of the three organizations. Canada noted that the 40th Session of the Codex Alimentarius Commission (2017) had concluded that WHO and FAO policies were to be taken into account, as appropriate, in accordance with the need to respect the unique and specific mandate of Codex. Canada recognized the importance of expert scientific advice to Codex work and further indicated that the FAO/WHO Scientific Advice Programme had been operating with an annual deficit. Several needs had been identified, such as finding a sustainable funding solution; inviting the WHO to increase its contribution to Codex; and supporting the establishment of a blind trust fund designed to enhance contribution to scientific advice activities. Canada also called upon WHO and FAO, as the parent bodies, to provide predictable and appropriate funding for Codex scientific advice activities.

2.11. Argentina appreciated the work undertaken by WHO and FAO in various areas, including keeping Members aware of new and emerging issues. Argentina referred to the Codex Procedural Manual which was agreed upon by Members and the two parent bodies, noting the inherent member-driven process by which decisions were to be taken in Codex, while bearing in mind the opinion of the two parent bodies, other international organizations and interested stakeholders. Argentina emphasized the different mandates and procedures that guide Codex, FAO and WHO, and further underscored the need for Codex to concentrate on its dual mandate of protecting consumer health and promoting fair business practices in food trade, unless Members decided otherwise. Argentina further highlighted that, as the international standard-setting body for food safety recognized under the SPS Agreement, Codex's mandate and procedures should be respected and not undermined.

2.12. Chile reiterated the need to secure funding for the risk assessment activities being undertaken, and underscored the importance of Codex and its role in developing international standards in the food safety area.

2.13. The European Union indicated its commitment to provide financial support to the Codex risk assessment bodies (i.e. JMPR, JECFA and JEMRA), through a grant agreement of 402,000 euros during the period 2018-2020. The European Union further urged Members and the two parent bodies to consider more sustainable financing mechanisms to fund Codex scientific work, such as funding from the WHO's core budget.

2.3 OIE's new chapter on Porcine Reproductive and Respiratory Syndrome (PRRS)

2.14. At the November 2017 Committee meeting, the United States recalled that at the July 2017 SPS Committee meeting, it had thanked the OIE for its new chapter on PRRS which had been adopted at the May 2017 General Session of the World Assembly. The United States highlighted that this new PRRS chapter provided science-based guidelines to ensure safe trade in live swine and their products, as well as clarity on the nature of actions to effectively manage risks associated with PRRS. The United States further observed that several WTO Members continued to implement PRRS-related import restrictions which appeared not to reflect the new OIE guidelines and which were impacting US exporters. The United States indicated that it was closely monitoring the implementation of the new guidelines, as well as engaging in bilateral discussions with several Members. The United States urged Members to fully implement the OIE guidelines and to expeditiously remove PRRS-related restrictions that did not reflect these guidelines.

2.15. Canada shared the concerns of the United States and underscored the role of science-based international standards in contributing to a transparent and predictable trading environment for Members. Canada further noted that the recommendations in the chapter would help Members manage the risk of international transmission of PRRS and specifically highlighted the conclusion of the OIE Scientific Committee which found that meat is not a pathway for the transmission of PRRS virus and that the disease would not spread with the measures included in the new standards. Canada encouraged all Members to follow the recommendations included in the new chapter as a basis for their sanitary measures to address PRRS.

2.16. The European Union echoed the concerns of the United States and reiterated that the new OIE chapter on PRRS was based on science, while urging all OIE member countries to fully implement these guidelines. The European Union also recalled that the OIE was currently in the process of setting up an observatory on the implementation of OIE standards by its member countries. The European Union indicated its support for this project and further encouraged the OIE to include the PRRS guidelines in its observatory work.

2.4 Unnecessary delays in adoption of Codex Food Additive Standards

2.17. At the March 2018 Committee meeting, the United States drew Members' attention to the challenge being faced in the Codex Committee on Food Additives (CCFA), where 1,200 food additive provisions were being blocked by certain Codex members, unless a note (i.e. Note 161) was appended specifying that the standard was "subject to the national legislation of the importing country…". The United States indicated that each of the substances in the blocked provisions had already been reviewed by the Joint Expert Committee of Food Additives (JECFA) and found to be safe. These roadblocks had hampered CCFA's ability to establish international standards for food additives, particularly in relation to provisions for colours and sweeteners. Recalling that Codex standards were not mandatory or binding, and that all Codex standards were subject to national legislation, the United States argued that inserting Note 161 might call into question the standard itself, or other Codex standards that did not contain the note, as well as damage the overall status of Codex standards. In addition, the United States was of the view that insertion of the note was not consistent with the role accorded to Codex, by the SPS Agreement, to foster international harmonization of standards.

2.18. The United States observed that in order to make progress in CCFA's work, Codex had adopted 400 food additive provisions containing this note over the past several years, however, certain countries had decided not to use food additive standards that contained Note 161, resulting in additives being banned without scientific justification. The United States further emphasized the far-reaching consequences of this issue, noting that many countries relied on the Codex General Standards for Food Additives as the basis for their national standards, and as such, the lack of adoption of these food additive provisions could prevent countries from permitting foods with these safe additives. The United States observed that this issue eroded the scientific foundation of Codex, and further urged Members to eliminate the use of Note 161, as well as to facilitate adoption of standards for safe additives. Finally, the United States requested Codex to provide the Committee with further information on this issue, in accordance with paragraph 9 of the Committee Decision contained in document G/SPS/11/Rev.1.

2.19. Argentina shared the concerns of the United States and reminded the Committee that in order for an additive to be included on the list of Codex permitted substances, a scientific risk evaluation of the substances had to be first undertaken by JECFA. This ensured the scientific foundation for decisions taken by CCFA. In this regard, Argentina underscored that the use of Note 161 was contrary to the spirit of Codex and its role as the international standard-setting body for food safety, as recognized by the SPS Agreement. Argentina considered that the inclusion of Note 161 could lead Members to reject the approval of additives, and to believe that they were exempted from undertaking a scientific risk assessment. Finally, Argentina highlighted the wide-ranging effects of this issue which deserved the attention of the Committee.

2.20. Codex informed the Committee that CCFA was developing a discussion paper to address the ongoing challenges being faced in relation to a number of issues, such as addressing the backlog of provisions in the General Standards on Food Additives, and availability of limited resources to CCFA. A draft version of this discussion paper was available on the Codex website and would be discussed in the upcoming March 2018 CCFA session. Codex invited Members and Observers to submit comments on the draft discussion paper.

2.5 Risk management related to the global movement in plant seeds[7]

2.21. At the March 2018 Committee meeting, Indonesia raised a concern regarding risk management in global trade and movement of plant seeds, observing that in the absence of appropriate phytosanitary measures, there was a possible risk of pathogens being transferred through plant seeds moving across national borders. This was due to the number of countries involved in the production, processing and packaging stages. In particular, Indonesia highlighted the possible risks associated with the export of seeds to Indonesia, which might not originate from exporting countries, but from transit countries. Indonesia stated that there was need for an international standard on pest risk analysis, as an initial step to identify the health status of imported plant seeds. Indonesia explained that it had circulated an official letter to all NPPO bodies of its trade partners, requesting the completion of a form which would provide technical information on the health of plant seeds. Indonesia urged Members to provide this information which would facilitate its risk analysis process and allow a transparent procedure for the trade of plant seeds. Indonesia indicated that its risk analysis process was endorsed by ISPM 38 on the International Movement of Seeds. Indonesia noted that the process did not create an unnecessary burden to the transboundary movement of seeds between Indonesia and its trading partners.

2.22. Nigeria highlighted that the requirements for a pest risk analysis on the movement of seeds were already contained in the ISPM. Nigeria also informed the Committee of the upcoming commodity standards that would regulate the bulk shipment of grains and commodities. With the introduction of this new standard, issues related to the movement of seeds for planting, as well as bulk shipment of commodities would be addressed by ISPMs.

3 PREVIOUS ISSUES

3.1. Since the 2017 Annual Report, there was further discussion on three issues previously raised under this procedure regarding: (i) application of ISPM 13 on notifications of non-compliance; (ii) use of the Codex international standard on glyphosate; and (iii) HPAI restrictions not consistent with the OIE International Standard.

3.1 Application of ISPM 13 on notifications of non-compliance

3.2. At the July 2017 Committee meeting, Senegal referred to the non-notification of non-compliance of products in international markets, contrary to ISPM 13. Senegal welcomed the efforts of some Members, particularly the European Union in notifying non-conformities, allowing Senegal to follow-up and rectify where required.

[7] This issue was originally raised under the agenda item 'Other Business'. However, the Secretariat informed the Committee that Indonesia had intended to raise this issue under the agenda item on monitoring of the use of international standards, but had been unable to meet the deadline for submission of agenda items. The Secretariat suggested that the information provided by Indonesia still be included in the annual report on monitoring which would be prepared for the Committee's consideration at the July 2018 meeting. The Committee agreed to this suggestion.

3.3. Madagascar supported Senegal's request that all Members respect the non-compliance notification principle.

3.4. Burkina Faso associated itself with Madagascar and highlighted that in general such notifications were not sent to public services, but to exporters directly, and therefore competent authorities were unable to react accordingly.

3.5. At the November 2017 Committee meeting, Burkina Faso reiterated its concerns regarding the application of ISPM 13, noting the delays in receiving notifications of SPS non-compliance from Members, including from the European Union. Burkina Faso welcomed the COLEACP information note on monitoring RASFF and EUROPHYT notifications which provided transparency in the management of issues related to non-compliance with SPS measures. This would allow countries, especially those with notifications of non-compliance through official inspection structures, to better monitor SPS problems and propose solutions.

3.6. Canada indicated the importance of the IPPC guidelines with respect to the notification of non-compliance in emergency action, as set out in ISPM 13. Canada highlighted the requirements of the importing party to provide a notification to an exporting party in instances where consignments failed to comply with specified phytosanitary import requirements, and to report an emergency action taken upon the detection of a pest posing a potential threat. Canada underscored that such notifications were intended to help investigate the cause of non-compliance and to facilitate steps to avoid its recurrence, thereby helping exporting countries meet importing country requirements. Canada's approach to issuing and receiving such notices was set out in the Canadian Food Inspection Agency's Plant Health Directive D-01-06. Canada encouraged all Members to follow the international standard in order to prevent the spread of organisms that might pose a potential phytosanitary threat.

3.7. The European Union indicated its willingness to have bilateral discussions with Burkina Faso in order to understand its concerns and find a solution.

3.2 Use of the Codex International Standard on Glyphosate

3.8. At the July 2017 Committee meeting, Argentina reiterated its concern regarding the debates in the European Union on the renewal of the authorization for use of glyphosate, a commonly used pesticide. Argentina recalled the extension of the authorization until the end of 2017, urging for its renewal. Argentina expressed concern about the trade impact that a non-renewal of the authorization would have. Argentina emphasized that glyphosate had already been assessed by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR), which was the basis for the MRLs adopted by Codex. Argentina therefore urged the European Union to comply with its multilateral obligations and base its decision on Codex rules and on the scientific reports published by the European authorities EFSA and ECHA.

3.9. Australia, Brazil, Canada, the Dominican Republic and the United States associated themselves with Argentina and stressed the importance of scientific assessment and consistency with international standards, recalling the JMPR re-evaluation of glyphosate and other risk assessments; as well as the negative trade impact that a non-renewal of the authorization of glyphosate would have on producers.

3.10. The European Union clarified that the Risk Assessment Committee of ECHA had concluded that the "available scientific evidence did not meet the criteria to classify glyphosate as a carcinogen, as a mutagen or as toxic for reproduction". The European Union recalled that on 16 May the European Commission had restarted discussions with member States about the possible renewal of approval for ten years. The deadline to decide on the renewal was 15 December 2017, six months after the reception by the Commission of ECHA's formal opinion. The European Union restated its commitment to adopt a science-based decision that ensured the protection of human health and the environment.

3.11. At the November 2017 Committee meeting, Argentina reiterated its concern that some Members were considering the possibility of rescinding the use of glyphosate and thereby no longer applying the Codex MRL. In particular, Argentina noted the ongoing debate within the European Union on the renewal of the authorization of glyphosate use and the increasing

uncertainty regarding the adoption of a decision to renew the licence for its use in the European Union, which would expire on 15 December 2017. Argentina referred to the scientific opinions from EFSA and the European Chemicals Agency (ECHA), as well as risk analyses undertaken by several agencies from various countries, which all concluded that glyphosate could not be classified as being carcinogenic, mutagenic or toxic for reproduction. Argentina also noted that glyphosate had been the subject of various risk assessments carried out by JMPR, which provided the basis for establishing maximum residue limits, for subsequent adoption by the Codex Alimentarius Commission. Argentina acknowledged the concerns of various EU member States and other EU stakeholders, and echoed the need to ensure consumer and environmental protection, but further emphasized the fundamental importance of basing sanitary measures on a scientific risk assessment. In this regard, Argentina noted that glyphosate had been proven to be safe and effective when used correctly by farmers. Argentina further indicated its concern regarding the position of some EU member States to prohibit the use of glyphosate or to renew it for very short periods, even when EU legislation indicated that approval for substances whose uses had been assessed to be safe, could be renewed up to a fifteen year period.

3.12. Argentina stated that a potential decision against the renewal of the approval of glyphosate, despite the conclusions of available scientific assessments which backed the renewal of glyphosate, would lead to serious concerns about the science-based decision-making procedures in the European Union. In addition, Argentina highlighted the possible impact of the non-renewal of the authorization of glyphosate on the advancement of safe agricultural techniques, as well as the effects on international trade and prices of grains, oilseeds and by-products. While Argentina acknowledged the need to control the indiscriminate use of toxic substances, it emphasized the importance of ensuring that SPS measures were based on scientific evidence and not more trade restrictive than necessary. As such, Argentina urged the European Union to comply with its obligations under the SPS Agreement to base decisions on scientific evidence, as set out in Article 3, and to swiftly proceed with the renewal of the authorization of glyphosate, in accordance with EU legislation. Finally, Argentina drew the Committee's attention to the European Court of Justice ruling in Case C111/16, which stated that neither the European Commission nor EU member States could adopt emergency measures, such as the prohibition of genetically modified organisms, if it were not proven that such products may credibly present a grave risk for human, animal health or the environment.

3.13. The United States reiterated its concerns over the fact that some Members had already taken action, or were considering taking action, to withdraw existing glyphosate MRLs or to no longer apply the Codex MRL for glyphosate. The United States observed that some of these measures appeared to lack scientific justification, while noting that glyphosate had been one of the most rigorously studied and evaluated crop protection tools. The United States recalled JMPR's conclusion that neither short-term nor long-term dietary exposure to glyphosate presented a risk to consumers or a public health concern. On this basis, all existing Codex MRLs had been reaffirmed. The United States expressed concern that actions to restrict the use of glyphosate and withdraw glyphosate MRLs would significantly harm international trade without any benefit to public health, and that such actions had the potential to undermine Codex and its standards. In particular, the United States noted the ongoing delays in the European Union to renew the current authorization for glyphosate, and recalled that the European Union had failed to reach a renewal decision last year, despite the conclusions by both EFSA and JMPR that glyphosate was unlikely to be a human carcinogen. The United States explained that a short 18-month extension had been provided, in lieu of a 15-year renewal decision, in order to allow a third independent opinion by ECHA on glyphosate. In March 2017, the ECHA had corroborated the findings of EFSA and JMPR. The United States recalled the European Union's subsequent statement in the March SPS Committee meeting, where it had restated its commitment to adopt a science-based decision on glyphosate renewal. However, the United States expressed concern that EU member States appeared to be ignoring the findings of international and European scientific authorities, as they had failed to reach a qualified majority at the October 2017 Standing Committee on Plants, Animals, Food and Feed (PAFF).

3.14. With the pending December 2017 expiration of the EU authorization, the United States reiterated its concern that EU member States had yet to reach a decision on the renewal of glyphosate and that non-renewal could lead to the lowering of glyphosate MRLs to default levels in the European Union. The United States further noted the potential impact on crop production techniques, world trade of grains and oilseeds, and the estimated net global losses to the sector, nearly US$7 billion dollars according to a third party impact assessment, if authorization for

glyphosate use was withdrawn or MRLs lowered. The United States stated that separating production throughout the entire supply chain for exports to the European Union was unwarranted from a risk stand point, and also not feasible. In concluding, the United States observed that the European Union's decision had the potential to undermine regulatory authorities around the world (EFSA, ECHA, JMPR), and could embolden those who rejected the validity of independent and objective scientific evaluations as the basis of regulatory approvals. The United States urged the European Union to avoid further delay and to base its glyphosate renewal decision on the scientific findings published by European and international authorities.

3.15. The Chairperson drew the Committee's attention to the report submitted by Codex in G/SPS/GEN/1577/Add.1, which provided some information on glyphosate.

3.16. The European Union thanked the United States and Argentina for the detailed information provided to the Committee, and confirmed that the current glyphosate approval was valid until the end of 2017. The European Union explained that there were ongoing discussions with EU member States on the renewal of the approval, on the basis of the positive opinions by EFSA and ECHA, and that all relevant information was available on the European Union's glyphosate webpage.

3.17. Australia, Brazil, Canada, Colombia, Peru, New Zealand and Uruguay echoed the concerns of Argentina and the United States, and stressed the importance of scientific, risk-based decision-making, as well as the importance of following the Codex standard. The potential impact of the EU decision on world agricultural production and exports to the European Union, as well as the potential pest and disease issues that might arise, were also noted. Members encouraged the European Union to take into account the conclusions of the various scientific risk assessments, including by European authorities, in its decision-making process. Australia also raised several queries in relation to the likely timeline for the EU decision, the expected period of re-approval, how this information would be communicated to trading partners, and whether a comment period would be provided if glyphosate approval was restricted or not renewed. Australia further requested the views of the EU Commission on its import tolerance setting process if glyphosate was not approved for EU use, bearing in mind the conclusions of the European Union's risk assessment of glyphosate and the cut-off criteria indicated in EU Regulation No. 1107/2009.

3.3 HPAI restrictions not consistent with the OIE international standard

3.18. At the November 2017 Committee meeting, the European Union shared its concerns regarding inconsistencies in the application of OIE international standards on regionalization in relation to HPAI outbreaks. The European Union highlighted its strict and transparent system of control, characterized by its effective early detection and eradication of avian influenza. The European Union explained that it applied the same policies and guarantees to its intra-European Union trade, as to its exports to non-European Union countries. In the event of an outbreak of a contagious animal disease, the potentially affected parties were immediately notified via several channels, including directly by the Commission and via the OIE's WAHIS. The European Union also noted that in the event of a prolonged disease outbreak, regular status reports were published on the European Commission – DG SANTE website. In addition, audit reports were published on the control systems in EU member States and non-EU countries importing to the European Union. The European Union assured trading partners of its transparent approach to sharing information on the animal health situation in EU member States and further noted that the information it had provided so far, objectively demonstrated the robustness of its measures, which guaranteed that safe trade could continue without the need for country wide bans. These measures, which were legally binding in the European Union and based on OIE international standards, were aimed at containing the disease in the infected zone, while allowing trade of safe products from the rest of the European Union and exports to non-EU countries.

3.19. The European Union underscored that a country-wide ban was not required whenever there was an HPAI outbreak, as this type of measure was not science-based nor was it relevant in the context of the European Union's single market. In addition, the actions of some Members in targeting bans on wild birds only and on heat-treated products were disproportional to the level of risk and were not in line with OIE international standards. The European Union expressed its concerns regarding Members' classification of some bans as temporary, even though these bans had not been lifted or had been kept in place for extended periods. The European Union also noted that some Members did not provide information on the various steps of their recognition process for regionalization or did not inform Members of missing information required for the completion of

the process and subsequent lifting of bans. The European Union called upon Members to comply with the regionalization obligations under the SPS Agreement and to follow OIE international standards, and allow trade of all safe products, especially from non-affected zones. The European Union further requested Members to immediately lift all bans, no later than three months after the application of stamping out procedures and disinfection of all affected premises, and to refrain from imposing trade restrictions in cases where HPAI was detected in wild birds. The European Union indicated its continued support for the Committee's thematic sessions on regionalization, which provided a forum to further discuss the proper implementation of OIE international standards.

3.20. The United States shared the concerns of the European Union, and informed Members that it had regained country-wide freedom from HPAI, consistent with the OIE guidelines, in August 2017. The United States reminded Members of the importance of the HPAI guidelines in facilitating safe trade in life poultry and poultry meat. In particular, the United States highlighted that the OIE guidelines for avian influenza stated that free status could be regained quicker in a previously free country, if it applied a stamping out policy that included disinfection of all affected establishments and provided that the appropriate surveillance had been undertaken. The United States noted that some AI-related restrictions on imports from the United States had been lifted, and acknowledged the European Union, Japan and South Africa for their actions in that regard. However, the United States observed that not all Members were following the OIE guidelines, nor did they offer scientific justification for deviating from the international standards. The United States reminded Members of their obligations under Articles 2 and 3 of the SPS Agreement, and urged Members to swiftly lift HPAI-related restrictions on US exports.

3.21. At the March 2018 Committee meeting, the United States reminded Members that the OIE guidelines for avian influenza stated that free status could be regained quicker in a previously free country, if it applied a stamping out policy that included disinfection of all affected establishments and provided that the appropriate surveillance had been undertaken. The United States also highlighted that restrictions on poultry meat or products subject to treatment that mitigated the HPAI virus were not scientifically justified. The United States reminded Members of their obligations under Articles 2 and 3 of the SPS Agreement, and urged Members to swiftly lift HPAI-related restrictions on US exports.

3.22. The European Union shared the concerns of the United States, highlighting its strict and transparent system of control. The European Union explained that it applied the same policies and guarantees to its intra-European Union trade, as to its exports to non-European Union countries. In the event of an outbreak of a contagious animal disease, the potentially affected parties were immediately notified via several channels, including directly and via the OIE's WAHIS. The European Union also noted that in the event of a prolonged disease outbreak, regular status reports were published on the European Commission – DG SANTE website. In addition, audit reports were published on the control systems in EU member States and non-EU countries importing to the European Union.

3.23. The European Union expressed regret that some Members applied country-wide bans, whenever there was an outbreak, and noted that this type of measure was not science-based. The European Union also noted that some Members did not provide information on the various steps of their recognition process for regionalization or did not inform Members of missing information required for the completion of the process and subsequent lifting of bans. The European Union urged Members to immediately lift all bans, no later than three months after the application of stamping out procedures and disinfection of all affected premises. The European Union indicated its continued willingness to further discuss the proper implementation of OIE international standards.

3.24. Chile supported the concerns raised and recalled Chile's previous experience with an outbreak of low pathogenic avian influenza (LPAI) in one particular region. Chile highlighted its actions undertaken to address the issue and the response of its trading partners. In particular, Chile noted that in the case of HPAI, a free status could be regained three months after the application of the OIE stipulated eradication measures, and further requested the OIE to provide information on its guidelines for LPAI.

4 RESPONSES RECEIVED FROM THE RELEVANT STANDARD-SETTING ORGANIZATIONS

4.1. There have been no further responses received from the relevant standard-setting organizations since the last annual report.