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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<sup>1</sup>

**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.<sup>2</sup> 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.<sup>3</sup> The procedure was reviewed as part of the Third Review of the Agreement<sup>4</sup>, and again in the context of the Fourth Review.<sup>5</sup>

1.2. The Committee has previously considered twenty-one annual reports on the monitoring procedure.<sup>6</sup> These reports summarize several standards-related issues that the Committee has considered and the responses received from the relevant standard-setting organizations. This current report includes the issues that were considered in the June and November 2019 Committee meetings.<sup>7</sup>

**2 NEW ISSUES**

2.1. Since the 2019 Annual Report, one new issue has been raised under this procedure: (i) Codex task force on antimicrobial resistance.

**2.1 Codex task force on antimicrobial resistance**

2.2. At the November 2019 Committee meeting, the United States expressed its commitment to addressing AMR through sound science and collaboration in Codex. The US statement has been circulated as document [G/SPS/GEN/1751](#).

2.3. Argentina highlighted its interest in this topic and referred to its intervention under item 2(a) of the agenda of the meeting,<sup>8</sup> providing information on its National Programme for Antimicrobial Resistance (AMR) Surveillance in animals for human consumption and drawing attention to its submitted document [G/SPS/GEN/1742](#). Argentina shared the concerns related to the developments in the Codex task force on antimicrobial resistance, since the impact of antimicrobials on the environment was not clear, and more research on the topic was necessary. Argentina also agreed

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<sup>1</sup> 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.

<sup>2</sup> [G/SPS/14](#), [G/SPS/17](#), [G/SPS/25](#) and [G/SPS/11/Rev.1](#).

<sup>3</sup> [G/SPS/40](#).

<sup>4</sup> [G/SPS/53](#).

<sup>5</sup> The draft report of the Fourth Review is contained in document [G/SPS/W/280/Rev.2](#).

<sup>6</sup> 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](#), [G/SPS/GEN/1550](#), [G/SPS/GEN/1617](#) and [G/SPS/GEN/1710](#).

<sup>7</sup> This report would also normally include the issues discussed in the March 2020 SPS Committee meeting, however this meeting was postponed. See document [JOB/SPS/5/Rev.1/Corr.1](#).

<sup>8</sup> [G/SPS/R/97/Rev.1](#), paragraph 2.3.

with the United States on the need to have a national risk surveillance and mitigation system for human, animal, and plant life and health. No action should be taken before enough scientific evidence was available.

2.4. Australia supported the joint work of WHO, the OIE, and FAO in setting international standards for AMR. Australia highlighted the need of retaining access to effective antimicrobials to protect animal health and of basing measures to prevent and reduce AMR on international standards supported by scientific data, since doing the opposite could distort trade. Australia reiterated its commitment to an effective and robust system for the prevention and containment of AMR, evident in its adoption of one of the most conservative approaches to the use of antimicrobials in livestock production in the world. Nevertheless, Australia recognized the importance for its livestock sector of retaining access to antimicrobials to treat, prevent and control diseases because of their significance for animal health and welfare, biosecurity and production. Australia was concerned that any measures to restrict access to the prophylactic use of antimicrobials in food animals would have significant adverse impacts on exports of livestock animal products. Australia encouraged Members to adhere to their international obligations, since unilateral procedures had the potential to undermine collaborative global efforts. Finally, Australia confirmed its participation in the seventh meeting of the intergovernmental task force on AMR to discuss, and potentially finalize, the revised Codex Code of Practice to Minimise and Contain AMR and draft Guidelines on Integrated Monitoring and Surveillance of Foodborne AMR.

2.5. Codex recalled its prior intervention regarding the circulation of the Guidelines on Surveillance and the Code of Practice for comments from Codex members and observers and underscored their importance for progress in the upcoming session.

2.6. The European Union expressed concerns regarding the discussion of the work of the Codex task force in the Committee and questioned the relationship of this issue with the current item of the agenda, the monitoring of the use of international standards. The European Union recalled talks on the lack of a hierarchical relationship between the Committee and ISSBs.

2.7. The United States called Members' attention to the Committee's mandate in Article 12.4 of the SPS Agreement, as well as the direction given in [G/SPS/11/Rev.1](#), that the Committee should help identify, for the benefit of relevant international organizations, where standards, guidelines or recommendations were needed, or where existing ones were not appropriate. The United States welcomed further engagement about the potential trade impact of Codex standards and guidelines under development and considered that the Committee's mandate was clear.

### **3 PREVIOUS ISSUES**

3.1. Since the 2019 Annual Report, there was further discussion on three issues previously raised under this procedure regarding: (i) ASF restrictions not consistent with the OIE international standard; (ii) HPAI restrictions not consistent with the OIE international standard; and (iii) Use of the Codex international standard on glyphosate.

#### **3.1 ASF restrictions not consistent with the OIE international standard**

3.2. At the July 2019 Committee meeting, the European Union drew the attention of Members to inconsistencies in the application of OIE international standards, in this case regarding ASF. The European Union noted that several WTO Members did not follow the OIE Terrestrial Code recommendations that had been developed and adopted with the support of those same Members, on surveillance, designation of containment and disease-free zones, and for the identification, treatment and certification of tradable products. ASF was a very serious disease but it could be managed effectively to make sure that legitimate trade did not the cause any outbreak. The European Union had demonstrated through its strict regionalisation policy, that the disease had not been transmitted via commercial trade. In addition, the European Union was transparent on its disease control measures and provided information through the web sites of the EU Commission, of the EU member States and of the OIE, and through bilateral contacts with trade partners. The European Union strongly urged WTO Members to align their import measures with the SPS Agreement and with international standards, and stood ready to work with Members to remove country-wide bans.

3.3. In November 2019, the European Union drew Members' attention to inconsistencies in the application of OIE international standards, in this case regarding ASF. The European Union noted that several WTO Members did not follow the OIE Terrestrial Code recommendations that had been developed and adopted with the support of those same Members. The European Union had demonstrated through its regionalization policy, that the disease had not been transmitted via commercial trade. In addition, the European Union was transparent on its disease control measures and provided information through the websites of the EU Commission, of the EU member States and of the OIE, and through bilateral contacts with trade partners. The European Union strongly urged WTO Members to align their import measures with the SPS Agreement and with international standards and stood ready to work with Members to remove country-wide bans.

### **3.2 HPAI restrictions not consistent with the OIE international standard**

3.4. At the July 2019 Committee meeting, the European Union praised those Members that recognized EU regionalization measures, trusting the European Union's effective and transparent system of control and eradication of animal diseases like AI. Regarding regionalisation for HPAI, the European Union highlighted the inconsistency in the application by some WTO Members of the OIE international standards, and their obligations under the SPS Agreement's Article 6 and Annex C. Country-wide bans after a disease outbreak were not scientifically justified, and there was no justification to wait one year or more to restore the disease-free status, instead of the three months defined by the OIE Code. The veterinary services of all EU member States worked in a transparent manner and the audit and analysis service of the European Commission published regular public audit reports. The European Union reiterated its call to all Members to respect their regionalisation obligations; allow trade of all safe products from non-affected zones; lift all bans after regaining freedom three months after the application of stamping-out, cleaning and disinfection of all affected premises; refrain from imposing trade restriction in case of HPAI in wild birds; and refrain from imposing trade restriction in case of detected HPAI.

3.5. The United States underscored the importance of OIE guidelines related to HPAI and their contribution to facilitating safe trade in live poultry and poultry products. The United States highlighted that according to OIE guidelines for HPAI, 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, provided the country carried out appropriate surveillance. The OIE provided an incentive for Members to implement an effective stamping out policy and to conduct robust surveillance to provide clear evidence and guarantees of eradication of HPAI. The United States expressed concern that restrictions on poultry meat or products subjected to treatment, such as heat treatment that mitigated the HPAI virus, lacked scientific justification. The United States had been free of HPAI per OIE guidelines since August 2017. While many trading partners had lifted their HPAI-related restrictions on US poultry imports, some restrictions remained in place, which the United States urged Members to lift.

3.6. The OIE brought Members attention to Chapter 10.4 of the Terrestrial Animal Health Code, Infection with Avian Influenza Viruses, which was under a comprehensive revision because of a lack of compliance noted by OIE members. The revision sought to remove misunderstandings in the interpretation of standards. A draft of the revised chapter had been circulated to OIE members for comments and the OIE meeting in September 2019 would advance that work. OIE recommended Members to contact their national OIE delegates in order to make comments and follow the progress of the revision before it was proposed for adoption in 2020 or 2021.

3.7. In November 2019, the European Union praised those Members that had recognized EU regionalization measures, trusting the European Union's effective and transparent system of control and eradication of animal diseases such as AI. Regarding regionalization for HPAI, the European Union highlighted the inconsistency in some WTO Members' application of the OIE international standards and their obligations under the SPS Agreement's Article 6 and Annex C. Country-wide bans after a disease outbreak were not scientifically justified, and there was no justification to wait one year or more to restore the disease-free status, instead of the three months defined by the OIE Code. The veterinary services of all EU member States worked in a transparent manner and the trading partners of the European Union could be assured that they would be fully aware of the animal health situation in all EU member States. The European Union reiterated its call to all Members to respect their regionalization obligations; allow trade of all safe products from non-affected zones; lift all bans after regaining freedom three months after the application of stamping-out, cleaning and

disinfecting affected premises; refrain from imposing trade restriction in case of HPAI in wild birds; and refrain from imposing trade restrictions in case of detected LPAI.

3.8. The United States underscored the importance of OIE guidelines related to HPAI and of Members respecting the application of regionalization in case of HPAI and reaffirmed its strong cooperation with the European Union in this area.

### **3.3 Use of the Codex international standard on glyphosate**

3.9. At the July 2019 Committee meeting, the United States drew attention to Members' restrictions or proposed restrictions on the use of glyphosate. It noted that scientific and regulatory authorities worldwide had re-evaluated and reconfirmed the authorization status of glyphosate as a crop protection tool, including at the May 2016 JMPR special session to re-evaluate glyphosate due to concerns resulting from the hazard report of the International Agency for Research on Cancer (IARC), and the availability of new toxicology and epidemiology studies. JMPR concluded that dietary exposure to glyphosate did not present a risk to consumers and reaffirmed existing Codex MRLs for glyphosate. In April 2019, the US Environmental Protection Agency (EPA) published its proposed interim registration review decision for glyphosate, concluding that there were no risks to public health when glyphosate was used in accordance with its current label, and that glyphosate was not likely to be carcinogenic to humans. The United States urged Members to base their regulatory actions on glyphosate on sound science and risk-based principles.

3.10. Canada agreed with the United States on the importance of basing measures on international standards, guidelines and recommendations and specifically Codex standards. Establishing science-based pesticide MRLs helped ensure that pesticides were being used properly by growers and provided consumers with access to a safe food supply. Canada noted that JMPR had conducted a thorough toxicological evaluation and had found that glyphosate was unlikely to be genotoxic at anticipated dietary exposure, and was also unlikely to pose a carcinogenic risk to humans from exposure through diet. Similar reviews had been undertaken by a number of Members, including Canada, making glyphosate one of the most rigorously evaluated pesticides in the world. Canada's findings supported the continued registration and safe use of products containing glyphosate. Canada underlined the importance of Members taking timely regulatory decisions based on science and risk, taking into account the advice of the international standards setting bodies, in particular Codex.

3.11. Brazil, Paraguay, Senegal, the Russian Federation and Uruguay encouraged Members not to deviate from established Codex standards for glyphosate.

3.12. Paraguay also elaborated that Codex standards enabled developing countries, without the resources to carry out their own risk analysis, to meet their international requirements in terms of safety. Uruguay urged Members to adhere to the available scientific evidence, in order to avoid creating unjustified barriers to international trade.

3.13. Australia informed Members that the Australian Pesticide and Veterinary Medicines Authority (APVMA) had undertaken a review of recent evidence presented in formal legal actions around the world, and found no grounds to take regulatory action in Australia. Australia's risk-based scientific approach to regulation ensured that each agricultural chemical was thoroughly and independently assessed taking into account extensive scientific information. The APVMA had considered the WHO IARC report, along with an examination of many other scientific trials and studies. Like other regulators, the APVMA had determined that glyphosate was safe to use when used in accordance with label directions. The APVMA advised Australian stakeholders that discussions in the media did not represent the facts or the science accurately.

3.14. Codex noted that Members were well informed of the JMPR evaluation outcomes in May 2016 and the CCPR decision based on JMPR's scientific advice.

3.15. In November 2019, the United States raised concern over actions by Members to restrict the use of glyphosate or withdraw glyphosate MRLs without clear scientific justification. The US statement has been circulated in document [G/SPS/GEN/1752](#).

3.16. Brazil noted that plant protection products were essential technological tools in agriculture for the maintenance of a sustainable level of production, contributing to food safety, food security and environmental sustainability, although there were concerns about the use of chemicals in food. Brazil considered that some decisions lacked a scientific basis and were implemented with a hazard-based approach. Brazil emphasized the importance of harmonization and of basing phytosanitary policies and measures on Codex work. When Codex standards were not compatible with Members' levels of protection, they should define MRLs based on scientific evidence and appropriate risk assessment. Brazil underscored that no evidence justifying the non-authorization of glyphosate or lower MRLs than those suggested by Codex had been identified. Therefore, Brazil was concerned about Thailand's decision to ban the use of glyphosate and the potential impact on 95% of Brazil's exports to Thailand. Brazil explained that this tool enabled sustainable agricultural production, such as no-tillage agriculture, prevented soil erosion, reduced water loss by evaporation, increased the level of organic matter in the soil, reduced the use of fossil fuels, reduced the cost of production, allowed better microbiological balance in soils, decreased greenhouse gas emissions, and enabled better pest and disease control. There was no relationship between banning glyphosate and increasing sustainability or production safety.

3.17. Australia, Canada, Paraguay, and Uruguay reiterated their statements from the previous meeting. Paraguay also stressed that Codex standards enabled developing countries that lacked resources to carry out their own risk analysis to meet safety requirements. Uruguay supported the work of JMPR and Codex and their commitment to providing scientific evidence derived from adequate risk assessments.

3.18. Argentina underscored the importance of respecting the principles of the SPS Agreement that required basing measures on a risk analysis and scientific evidence. Argentina referred to the risk analysis undertaken by Codex to ensure safe MRLs for glyphosate in different crops.

3.19. Canada expressed its concern that several Members were proposing or considering bans on glyphosate seemingly without a scientific basis, inconsistent with the established Codex MRLs. Canada noted that the work undertaken by the Codex Committee on Pesticide Residues (CCPR) and JMPR provided scientifically sound guidance to support national regulatory measures.

#### **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.

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