WORLD TRADE ORGANIZATION

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Committee on Sanitary and Phytosanitary Measures

SPECIFIC TRADE CONCERNS

NOTE BY THE SECRETARIAT[1]

Revision

At the 15-16 March 2000 meeting of the Committee on Sanitary and Phytosanitary Measures (the SPS Committee), the Secretariat was requested to prepare a paper summarizing the specific trade concerns (STCs) 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 G/SPS/GEN/204/Rev.17). The STCs in the 18th 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 the tracking of issues raised over time.[3] In preparing this document, the Secretariat has largely relied on the SPS Information Management System (SPS IMS).[4]

The 18th revision of G/SPS/GEN/204 is divided into two sections:

a. General overview of Specific Trade Concerns; and

b. Specific Trade Concerns discussed in 2017.

Section 1 of the document contains summary statistics and graphs for all the STCs raised in the SPS Committee between the first regular meeting of 1995 and the last regular meeting of 2017. The STCs are categorized as relating to food safety, animal or plant health. This section also includes a summary table which identifies for each STC according to the assigned number, the Member(s) maintaining the measure, the Member(s) raising the concern, as well as information on whether the STC has been reported to have been resolved.

Section 2 of the document contains information regarding all STCs which were raised in the SPS Committee in 2017. This includes (1) STCs raised for the first time in 2017; and (2) STCs which were previously raised and discussed again in 2017. Additionally, this section lists STCs for which there was no substantive discussion in the Committee during 2017, but where Members reported that a previously raised issue had been resolved, partially resolved or where substantive action on the issue occurred in another WTO body during 2017 (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 and obligations under the WTO.

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

[3] An "issue" in this document refers to a trade concern raised by a Member, which then receives a "specific trade concern (STC)" sequential number. When the same issue is raised by more than one Member, it falls under the same STC number. Also, when Members raise issues covering similar measures maintained by more than one Member, they are grouped under the same STC number. This explains the different number of STCs, issues and measures counted in this document.

[4] http://spsims.wto.org.

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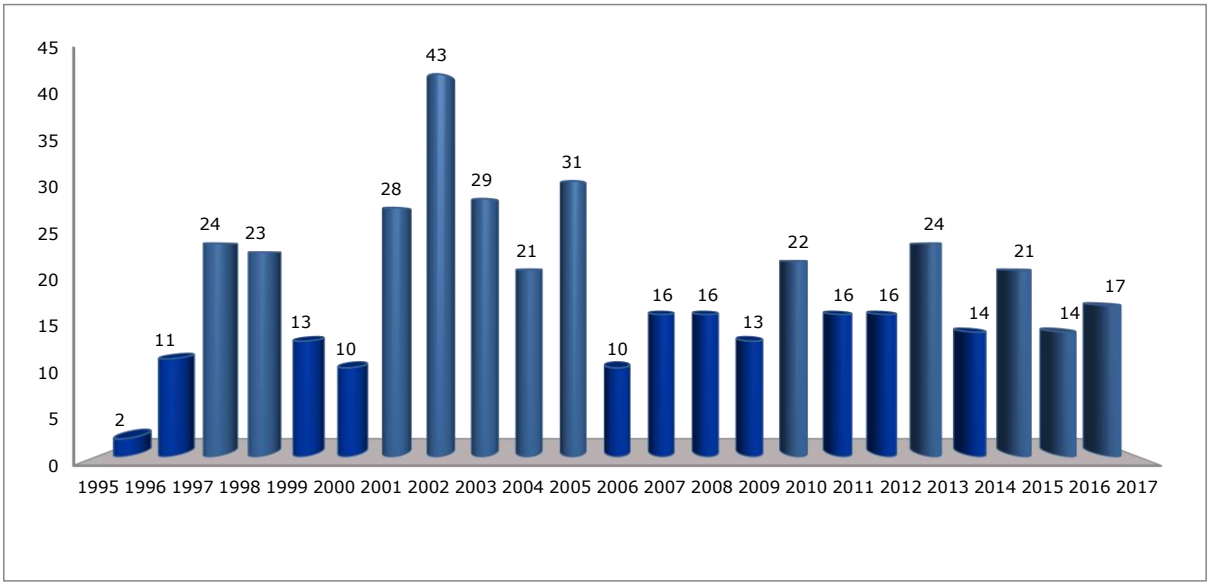
1 GENERAL OVERVIEW OF SPECIFIC TRADE CONCERNS

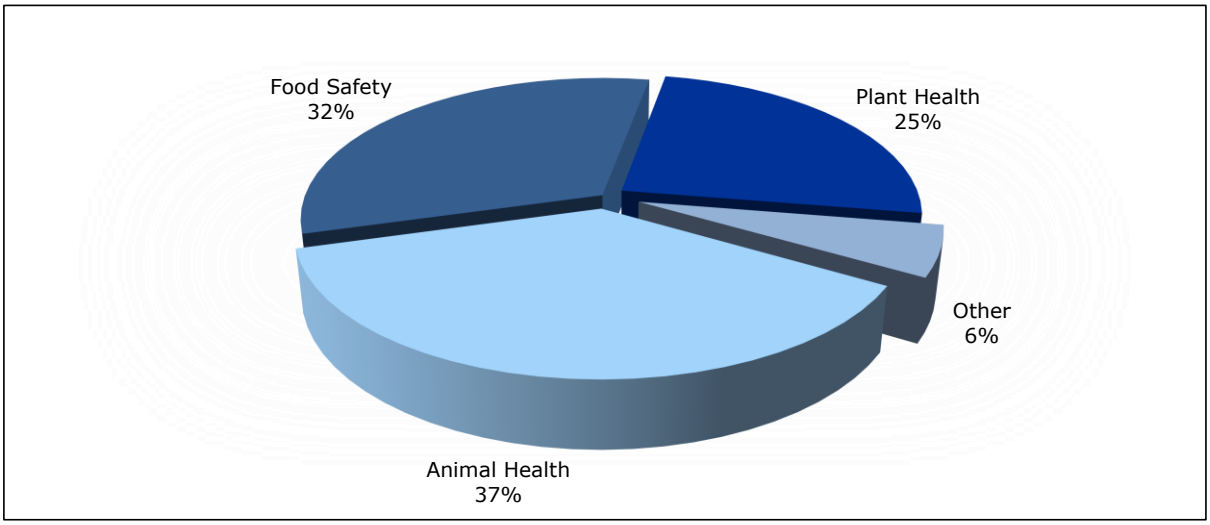
1.1. Altogether, 434 STCs have been raised in the 23 years between 1995 and the end of 2017. Chart 1.1 shows the number of new STCs raised each year. Seventeen new STCs were raised in 2017.

Chart 1.1 – Number of New STCs Raised



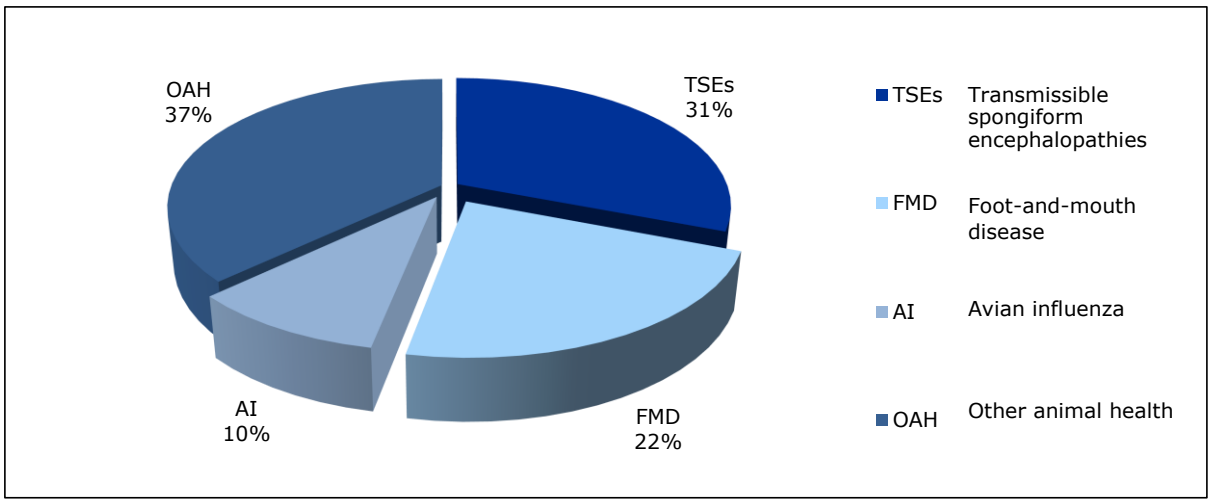
1.2. Chart 1.2a categorizes the 434 STCs raised since 1995 into food safety, animal or plant health or other concerns. Overall, 32% of STCs relate to food safety concerns, 25% relate to plant health, and 6% relate to other issues such as certification requirements, control or inspection procedures. 37% of STCs raised relate to animal health and zoonoses.

Chart 1.2a – STCs by Subject (1995-2017)



1.3. STCs related to animal health and zoonoses are 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 31% of animal health concerns, while 22% relate to FMD and 10% to avian influenza concerns. The remaining 37% relate to other animal health concerns.

Chart 1.2b – STCs Related to Animal Health & Zoonoses (1995-2017)



1.4. Developing countries are participating actively under this agenda item in the SPS Committee meetings. Chart 1.3a indicates that over 23 years, developing country Members have raised 251 issues[5], compared to 242 issues raised by developed country Members, and seven issues raised by least-developed country Members.[6] A developing country Member has supported another Member raising an issue 344 times, compared to 196 times developed country Members supported an issue, and 20 times least-developed country Members supported an issue. 238 measures at issue were maintained by a developing country Member, and 227 measures were maintained by a developed country Member. One issue has been raised regarding measures maintained by a least-developed country Member.

1.5. Chart 1.3b shows the number of new issues raised each year by each category of Member.

1.6. Charts 1.3a and 1.3b reflect the number of issues raised by Members at SPS Committee meetings, which are then numbered under STCs. The same issue can be raised by more than one Member, in which case it is grouped under the same STC number. Therefore, the number of issues raised can be larger than the number of STCs.[7]

[5] On many occasions more than one Member has raised, supported or maintained an issue.

[6] 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. However, the European Union is referred to as the European Community when an STC was raised or discussed before 1 December 2009. The European Union is counted as one Member. Similarly, when one Member speaks on behalf of ASEAN, it is counted as one Member only.

[7] See footnote 3.

Chart 1.3a – Participation in Issues Raised by WTO Members (1995-2017)

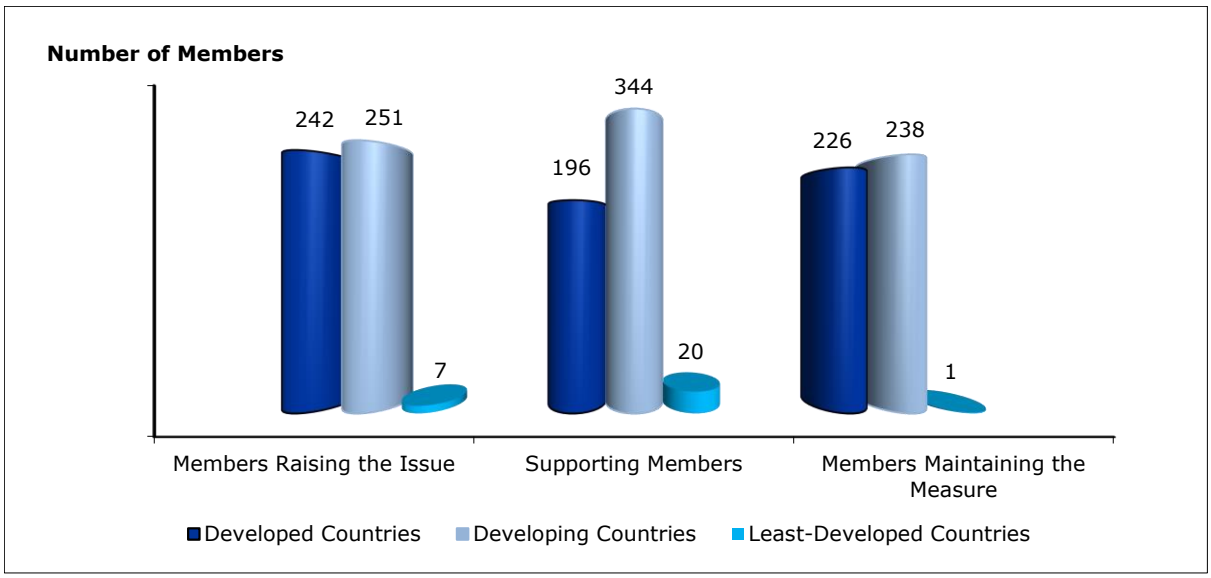
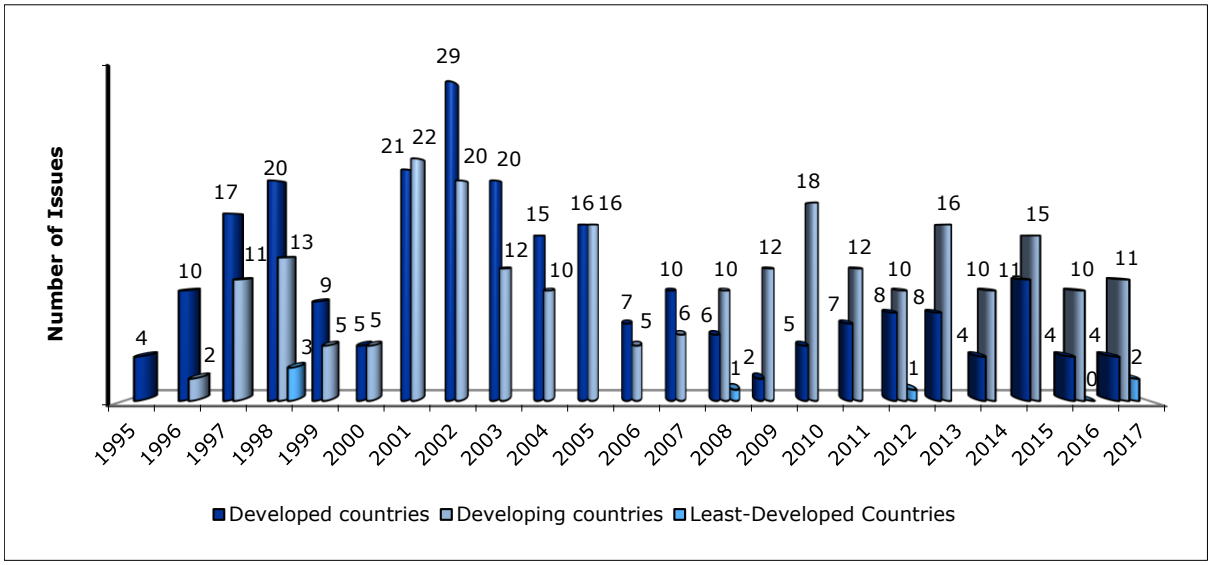


Chart 1.3b – Number of New Issues Raised by Members



1.7. Chart 1.4 shows that out of the 434 STCs raised since 1995, 165 STCs (38%) have been reported resolved, and 34 STCs (8%) have been reported to be partially resolved. In these partially resolved STCs, trade may have been allowed for selected products or by some of the importing Members maintaining the measure in question. In 2017 specifically, 17 STCs were reported as resolved and eight STCs were reported as partially resolved.

1.8. No solutions have been reported for the remaining 235 STCs. Of these, 218 STCs were raised more than one year ago with no reported resolution. However, some of these STCs may have been resolved without the Committee being made aware of these developments.

Chart 1.4 – Resolved STCs

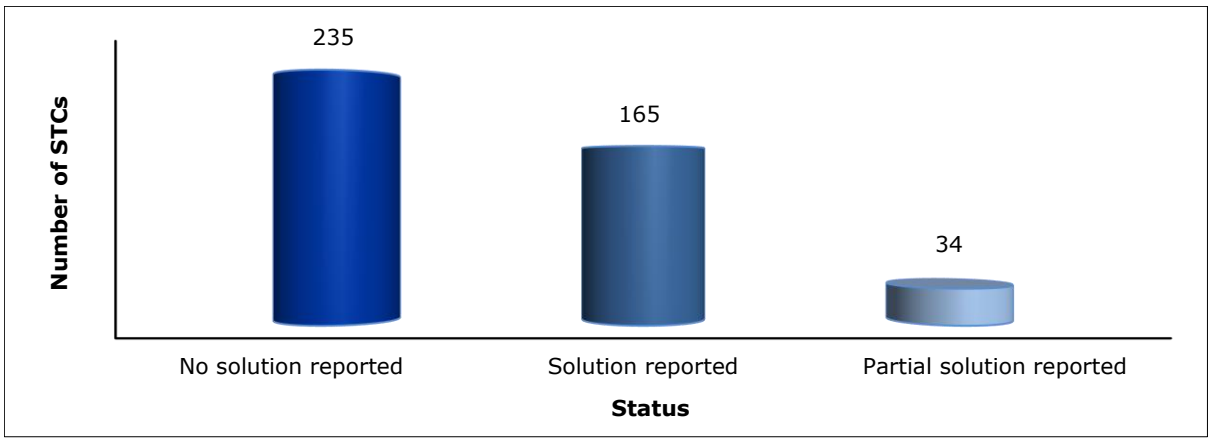


Table 1.1 - List of Specific Trade Concerns (1995–2017)

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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 gelatine 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
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

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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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	Gelatine imports	European Union	Brazil, United States of America	PR
33	Salmonella-related restriction on fishmeal imports	European Union	Chile, Peru	PR
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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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	R
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
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	R
		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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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 gelatine	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
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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
88	Import restrictions due to FMD	Canada, United States of America	Hungary	R
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	EC Directive 2000/42/EC 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
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	PR
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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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 pig meat	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
123	Restrictions on imports of potatoes, onions, fertilised eggs, day-old chicks and meat products	Venezuela, Bolivarian Republic of	Canada, Colombia	R
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 (EC Directive 96/23/EC)	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	R
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	R
138	Pest risk assessment requirements	Argentina	United States of America	R
139	Restriction on pig meat	Australia	European Union	R

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
140	Imports of live ostriches	Brazil	European Union	R
141	Pest risk assessments for imports of plant origin	Brazil	Canada	R
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
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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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
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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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
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	R

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
209	Plant health directive	European Union	United States of America	NR
210	Restrictions on imports of chicken meat	Guatemala	Mexico	NR
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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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	R
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
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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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	PR
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
274	Korea's Livestock Epidemic Prevention Act	Korea, Republic of	Canada	R
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	PR
277	NAPPO draft standard for ships and cargoes from areas infested with Asian gypsy moth	Canada, Mexico, United States of America	China	R

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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	R
286	Import restrictions on poultry meat	Indonesia	Brazil	NR
287	Import restrictions on fresh pork meat and beef	South Africa	Brazil	R
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	R
292	Prohibition of ornamental plants larger than 18 inches	United States of America	Costa Rica	R
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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
300	Regulation (EC) 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	PR
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
316	United States import restrictions on chrysanthemums	United States of America	Costa Rica	NR
317	Mexico's BSE measures	Mexico	Canada	R
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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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	PR
326	Restrictions on table grapes, apples and pears	Thailand	South Africa	PR
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	R
	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 aluminium 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
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	R
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	R

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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	China, 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	R
361	Non-recognition of testing laboratories for meat products	Russian Federation	India	NR
362	Import restrictions on beef due to BSE	South Africa	Brazil	R
363	Import restrictions on beef due to BSE	China	Brazil	R
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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
2014				
369	Import ban on live pigs and pork products due to African Swine Fever	Russian Federation	European Union	NR
370	US imports of meat from Brazil	United States of America	Nicaragua	NR
371	Import requirements for blueberries and avocados	India	Chile	NR
372	Import restrictions on certain types of plant products	Russian Federation	European Union	NR
373	US high cost of certification for mango exports	United States of America	India	NR
374	EU ban on mangoes and certain vegetables from India	European Union	India	NR
375	US non-acceptance of OIE categorization for BSE	United States of America	India	NR
376	Australia's non-acceptance of OIE categorization for BSE	Australia	India	NR
377	Brazil's regulation on international certificates for fish and fishery products	Brazil	China	NR
378	EU withdrawal of equivalence for processed organic products	European Union	India	NR
379	Russia's market access requirements for bovine meat	Russian Federation	India	NR
380	Import restrictions on fruits and vegetables	Russian Federation	European Union	NR
381	Requirements for veterinary certificates	Russian Federation	Ukraine	NR
382	Categorization of compounds as endocrine disruptors	European Union	United States of America	NR
2015				
383	China's measures on bovine meat	China	India	NR
384	General import restrictions due to African swine fever	Certain Members	European Union	NR
385	General import restrictions due to highly pathogenic avian influenza	Certain Members	European Union	R
386	Measures on imports of hibiscus flowers	Mexico	Nigeria	R
387	Chinese Taipei's strengthened import restrictions on food with regard to radionuclides	Chinese Taipei	Japan	NR
388	US proposed rule for user fees for agricultural quarantine and inspection services	United States of America	Mexico	NR
389	Chinese import regime, including quarantine and testing procedures for fish	China	Norway	NR

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
390	The Russian Federation's import restrictions on processed fishery products from Estonia and Latvia	Russian Federation	European Union	NR
391	Malaysia's import restrictions related to approval of poultry meat plants	Malaysia	Brazil	NR
392	China's import restrictions due to African swine fever	China	European Union	NR
393	Korea's import restrictions due to African swine fever	Korea, Republic of	European Union	NR
394	Costa Rica's temporary suspension of the issuing of phytosanitary import certificates for avocados	Costa Rica	Guatemala, Mexico	NR
395	China's proposed amendments to the implementation regulations on safety assessment of agricultural GMOs	China	Paraguay, United States of America	NR
396	EU proposal to amend Regulation (EC) No. 1829/2003 to allow EU member States to restrict or prohibit the use of genetically modified food and feed	European Union	Argentina, Paraguay, United States of America	NR
397	India's amendment to its import policy conditions for apples; Restriction to Nhava Sheva port	India	Chile, New Zealand	PR
398	Viet Nam's restrictions on fruit due to fruit flies	Viet Nam	Chile	R
399	Viet Nam's restrictions on plant products	Viet Nam	Chile	PR
400	Undue delays in the start of Australia's risk analysis for avocados	Australia	Chile	NR
401	Undue delays in Viet Nam's approval process for dairy and meat products	Viet Nam	Chile	NR
402	Undue delays in Australia's approval process for chicken meat	Australia	Chile	NR
403	India's amended standards for food additives	India	European Union	NR
2016				
404	South Africa's revised veterinary health certificates for the import of cattle, sheep and goats from Botswana, Lesotho, Namibia and Swaziland (G/SPS/N/ZAF/40)	South Africa	Namibia	R
405	China's import restrictions due to Schmallenberg virus	China	European Union	NR

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
406	China's import restrictions due to Highly Pathogenic Avian Influenza	China	European Union	NR
407	EU restrictions on exports of pork from the State of Santa Catarina	European Union	Brazil	NR
408	Nigerian restrictions on exports of beef and poultry	Nigeria	Brazil	NR
409	Russian Federation import measures	Russian Federation	Ukraine	NR
410	Costa Rica's regulation on registration, use and control of pesticides and related substances (G/SPS/N/CRI/48/Add.1)	Costa Rica	Israel	NR
411	Russian Federation import restrictions on certain animal products from Germany	Russian Federation	European Union	NR
412	EU MRLs for bitertanol, tebufenpyrad and chlormequat (G/SPS/N/EU/168)	European Union	India	NR
413	Guatemala's restrictions on egg products	Guatemala	Mexico	NR
414	Indonesia's food safety measures affecting horticultural products and animal products	Indonesia	Philippines	NR
415	US seafood import monitoring programme	United States of America	China	NR
416	China's import ban on fresh mangosteen	China	Indonesia	NR
417	India's import requirements for teak tree wood	India	Panama	NR
		2017		
418	Viet Nam's suspension of groundnut seed imports	Viet Nam	Senegal	NR
419	United States MRLs for chlorpyrifos	United States of America	Israel	NR
420	EU non-recognition of regionalization for Avian Influenza	European Union	Russian Federation	NR
421	Chinese Taipei - Thailand's import restriction on papaya seeds	Thailand	Chinese Taipei	NR
422	France's dimethoate-related restrictions on imports	France, European Union	United States of America	NR
423	Brazil's measures on bananas	Brazil	Ecuador	NR
424	Gulf Cooperation Council (GCC) Guide for Control of Imported Foods	Bahrain, Kingdom of; Kuwait, the State of; Oman; Qatar; Saudi Arabia, Kingdom of; United Arab Emirates	United States of America	NR
425	Saudi Arabia's measures on shrimp	Saudi Arabia, Kingdom of	Ecuador	NR

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
426	The Russian Federation's import restrictions on wine	Russian Federation	Montenegro	NR
427	India's fumigation requirements for cashew nuts	India	Senegal	NR
428	EU MRLS for acrinathrin, metalaxyl and thiabendazole	European Union	Peru	NR
429	United Arab Emirates measures on plant protection products	United Arab Emirates	Turkey	NR
430	EU maximum level of cadmium in foodstuffs	European Union	Peru	NR
431	South Africa's import restrictions on poultry due to highly pathogenic avian influenza	South Africa	European Union	NR
432	EU restrictions on poultry meat due to salmonella detection	European Union	Brazil	NR
433	Turkey's restrictions on rough rice imports	Turkey	United States of America	NR
434	India's fumigation requirements for teak tree wood (G/SPS/N/IND/149)	India	Colombia	NR

2 SPECIFIC TRADE CONCERNS CONSIDERED IN 2017

2.1. A total of 32 STCs were brought to the attention of the Committee during 2017, of which 17 were new STCs (Table 2.1) and 15 had been raised previously (Table 2.2). In addition, 30 STCs in 2017 were reported as resolved, partially resolved or where substantive action occurred in another WTO body (Table 2.3).

2.2. Chart 2.1 shows all the STCs raised in the Committee, divided by the subject covered by the STC. Overall, 15 STCs (47%) relate to food safety, seven STCs (22%) relate to plant health and two STCs (6%) relate to other concerns. The remaining eight STCs (25%) relate to animal health and zoonoses, although this category includes issues that are also relevant from a food safety perspective, such as transmissible spongiform encephalopathies (TSEs). Among the eight animal health STCs raised in 2017, three STCs (38%) refer to avian influenza and one STC (12%) to TSEs. The remaining four STCs (50%) refer to other animal health issues. No new STCs refer to FMD.

Chart 2.1 – STCs by Subject – 2017

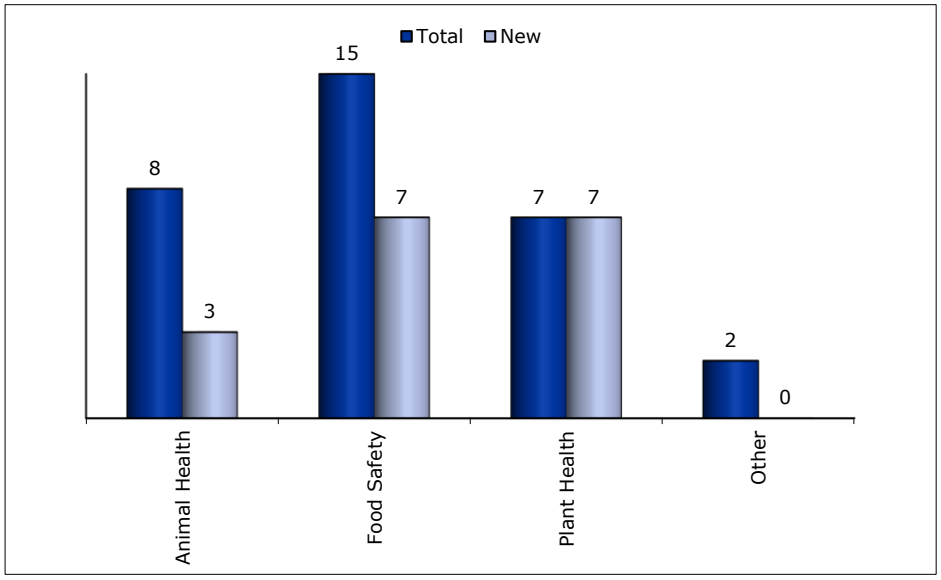


Chart 2.2 - STCs Related to Animal Health & Zoonoses – 2017

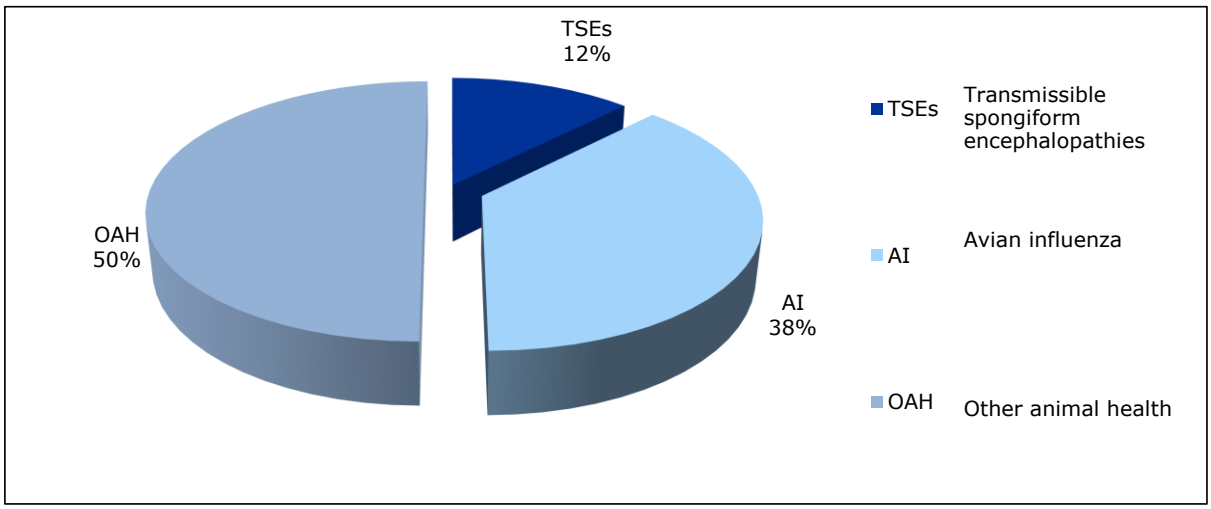
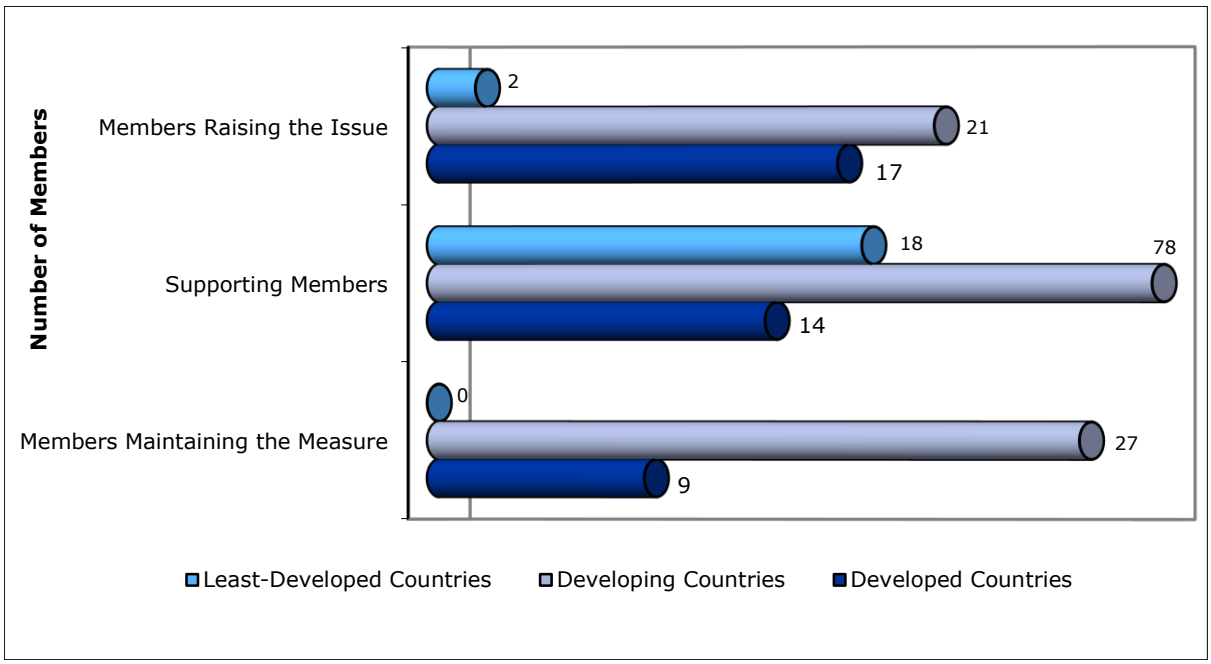


Chart 2.3 - Participation of Members in STCs – 2017



2.3. Of the 32 STCs that were discussed in 2017, 15 were raised by 17 developed country Members[9], while 18 STCs were raised by 21 developing country Members.[10] In 2017, two STCs were raised by two least-developed country Members.

2.4. Six STCs were supported by 14 developed country Members and 13 STCs were supported by 78 developing country Members. Developing and developed country Members have raised or supported the same STC nine times. Five STCs were supported by 18 least-developed country Members.

2.5. In nine STCs, the measure at issue was maintained by a developed country Member, and in 21 STCs it was maintained by a developing country Member. In one STC, the measure at issue was maintained by six developing country Members. One STC was referred to measures maintained by "certain Members", possibly including developed and developing country Members. No STCs regarding measures maintained by a least-developed country Member were raised in 2017.[11]

2.6. In 2017, there were active proceedings in the context of the WTO dispute settlement system with respect to five STCs (185, 286, 359, 369 and 394).

2.7. Table 2.1 presents STCs according to the Member(s) maintaining the measures at issue in the order of the alphabetic list of WTO Members. It provides a summary of the discussions on each STC in the SPS Committee in 2017.

[9] Two of these STCs were raised by two developed country Members.

[10] One of these STCs was raised by three developing country Members; and another by two developing country Members.

[11] STCs can be raised, maintained or supported by more than one Member, which explains the apparent double-counting shown in Charts 2.2 and 2.3 compared with the overall count of the 434 STCs raised since 1995.

Table 2.1 – STCs Raised for the First Time in 2017

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[12]
418	Viet Nam's suspension of groundnut seed imports	Viet Nam	Senegal	NR
419	United States MRLs for chlorpyrifos	United States of America	Israel	NR
420	EU non-recognition of regionalization for Avian Influenza	European Union	Russian Federation	NR
421	Chinese Taipei - Thailand's import restriction on papaya seeds	Thailand	Chinese Taipei	NR
422	France's dimethoate-related restrictions on imports	European Union (France)	United States of America	NR
423	Brazil's measures on bananas	Brazil	Ecuador	NR
424	Gulf Cooperation Council (GCC) Guide for Control of Imported Foods	Bahrain, Kingdom of; Kuwait, the State of; Oman; Qatar; Saudi Arabia, Kingdom of; United Arab Emirates	United States of America	NR
425	Saudi Arabia's measures on shrimp	Saudi Arabia, Kingdom of	Ecuador	NR
426	The Russian Federation's import restrictions on wine	Russian Federation	Montenegro	NR
427	India's fumigation requirements for cashew nuts	India	Senegal	NR
428	EU MRLS for acrinathrin, metalaxyl and thiabendazole	European Union	Peru	NR
429	United Arab Emirates measures on plant protection products	United Arab Emirates	Turkey	NR
430	EU maximum level of cadmium in foodstuffs	European Union	Peru	NR
431	South Africa's import restrictions on poultry due to highly pathogenic avian influenza	South Africa	European Union	NR
432	EU restrictions on poultry meat due to salmonella detection	European Union	Brazil	NR
433	Turkey's restrictions on rough rice imports	Turkey	United States of America	NR
434	India's fumigation requirements for teak tree wood (G/SPS/N/IND/149)	India	Colombia	NR

[12] NR = Not Reported, PR = Partially Resolved, R = Resolved.

Table 2.2 - STCs Previously Raised and Discussed Again in 2017

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[13]
184	Lack of transparency for certain SPS measures	China	Israel; United States of America	NR
193	General import restrictions due to BSE		European Union; United States of America	PR
238	Application and modification of the EU Regulation on Novel Foods	European Union	Colombia; Ecuador; Peru	NR
344	Measures on shrimp	Brazil	Ecuador	NR
354	Import restrictions in response to the Japanese nuclear power plant accident	China	Japan	NR
382	European Union revised proposal for categorization of compounds as endocrine disruptors	European Union	Argentina; China; United States of America	NR
387	Chinese Taipei's import restrictions in response to the nuclear power plant accident	Chinese Taipei	Japan	NR
390	The Russian Federation's import restrictions on processed fishery products from Estonia and Latvia	Russian Federation	European Union	NR
392	China's import restrictions due to African swine fever	China	European Union	NR
393	Korea's import restrictions due to African swine fever	Korea, Republic of	European Union	NR
395	China's proposed amendments to the implementation regulations on safety assessment of agricultural GMOs	China	Paraguay; United States of America	NR
406	China's import restrictions due to Highly Pathogenic Avian Influenza	China	European Union; United States of America	NR
411	Russian Federation import restrictions on certain animal products from Germany	Russian Federation	European Union	NR
415	US seafood import monitoring programme	United States of America	China	NR
416	China's import ban on fresh mangosteen	China	Indonesia	NR

[13] NR = Not Reported, PR = Partially Resolved, R = Resolved.

Table 2.3 - STCs Reported as Resolved, Partially Resolved or Where Substantive Action Occurred in Another WTO Body in 2017

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[14]
48	Import ban on livestock	Turkey	Hungary; United States of America	R
61	Import restrictions on bovine semen	India	Canada; European Union	PR
88	Import restrictions due to FMD	Canada; United States of America	Hungary	R
108	Cut flowers	European Union	Ecuador; Israel	PR
123	Restrictions on imports of potatoes, onions, fertilised eggs, day-old chicks and meat products	Venezuela, Bolivarian Republic of	Canada; Colombia	R
135	Restrictions on beef and pork	South Africa	Brazil	R
137	Import restrictions on meat and meat products	United States of America	Switzerland	R
141	Pest risk assessments for imports of plant origin	Brazil	Canada	R
185*	Restrictions due to avian influenza	India	European Union, United States of America	NR/ DS 430
208	Food and feed hygiene rules	European Union	Canada	R
239	Tolerance levels for soil content on potato tubers	Dominican Republic	Canada	R
264	Maximum residue levels for Ethephon in pineapple	European Union	Ecuador	PR
274	Korea's Livestock Epidemic Prevention Act	Korea, Republic of	Canada	R
276	Maximum residue levels for pesticides in cocoa	European Union	Ecuador	PR
285	Import restrictions on fresh pork meat and beef	United States of America	Brazil	R
286*	Import restrictions on poultry meat	Indonesia	Brazil	NR/ DS 484
287	Import restrictions on fresh pork meat and beef	South Africa	Brazil	R
291	BSE Measures	Chinese Taipei	Canada	R
304	Proposed MRL for 1-Methylcyclopropene in bananas	Canada	Ecuador	PR
317	Mexico's BSE measures	Mexico	Canada	R
325	EU regulations on cadmium in cocoa	European Union	Colombia; Ecuador	PR
326	Restrictions on table grapes, apples and pears	Thailand	South Africa	PR
359*	Strengthened import restrictions on food and feeds products with regard to radionuclides	Korea, Republic of	Japan	NR/ DS 495

[14] NR = Not Reported, PR = Partially Resolved, R = Resolved.

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[14]
362	Import restrictions on beef due to BSE	South Africa	Brazil	R
363	Import restrictions on beef due to BSE	China	Brazil	R
369*	Russia's measures on live pigs and pork products due to African Swine fever	Russian Federation	European Union	NR/ DS 475
394*	Costa Rica's suspension of the issuing of phytosanitary import certificates for avocados	Costa Rica	Mexico; Guatemala	NR/ DS 524
398	Viet Nam's restrictions on fruit due to fruit flies	Viet Nam	Chile	R
399	Viet Nam's restrictions on plant products	Viet Nam	Chile	PR
404	South Africa's revised veterinary health certificates for the import of cattle, sheep and goats from Botswana, Lesotho, Namibia and Swaziland	South Africa	Namibia	R

* Panel proceedings occurred in the context of the WTO dispute settlement system. For more information, see https://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm.

2.1 Australia

2.1.1 Animal Health

General import restrictions due to BSE (STC 193)

2.8. See paragraphs 2.400.-2.467.

2.2 Bahrain, Kingdom of

2.2.1 Food Safety

Gulf Cooperation Council (GCC) Guide for Control of Imported Foods (STC 424)

Raised by:	United States of America
Supported by:	Brazil
Dates raised:	July 2017 (G/SPS/R/87, paras. 4.3-4.4)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.9. In July 2017, the United States expressed concerns on the proposed Guide for Control on Imported Foods (Guide), developed by the Gulf Cooperation Council (notified as G/SPS/N/BHR/164, G/SPS/N/QAT/22/Add.3, G/SPS/N/OMN/44/Rev.1 and G/SPS/N/SAU/14/Add.2). The United States expressed appreciation to GCC members for the extensive bilateral engagement and to Kuwait and the Kingdom of Bahrain for their June notifications on their non-implementation of the Guide until further notice (G/SPS/N/KWT/4/Add.1 and G/SPS/N/BHR/164/Add.1, respectively). The United States urged all GCC members to follow that example to prevent any confusion as to the status of the proposed food safety requirements.

2.10. Brazil shared the concern of the United States and also welcomed Kuwait and Bahrain's notifications, as well as the continued engagement with the GCC.

2.11. Bahrain, on behalf of the GCC, thanked the United States and Brazil for their interest and engagement, and informed that the rest of the GCC members would be notifying their suspension of the implementation of the Guide.

2.3 Brazil

2.3.1 Animal Health

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), March 2014 (G/SPS/R/74, paras. 3.9-3.10), October 2016 (G/SPS/R/84, paras. 3.40-3.41), March 2017 (G/SPS/R/86, paras. 9.1-9.4), July 2017 (G/SPS/R/87, paras. 4.35-4.36)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.12. 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.

2.13. 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.

2.14. 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.

2.15. 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.

2.16. At the March 2014 meeting Ecuador again urged Brazil to complete the risk assessment within a reasonable time and stressed that Ecuador had quarantine mechanisms in place to detect white spot disease in its fisheries. Ecuador offered to provide information and enable inspections from the Brazilian authorities in order to ensure compliance with Brazil's requirements and accelerate the process of risk assessment.

2.17. Brazil noted that the risk assessment was a complex task, but the process was moving forward and Brazil had concluded its public consultations. It was prepared to send an inspection delegation to Ecuador in June, as a follow-up to a questionnaire sent in March.

2.18. In October 2016, Ecuador reiterated its concern regarding Brazil's suspension of shrimp imports from Ecuador. This measure was in effect since 2000 and aimed at protecting Brazil from endemic pathologies such as White spot syndrome virus and Yellow head disease. Both diseases also existed in Brazil. Ecuador emphasized the importance of shrimp exports for its economy, recalling that Brazil had initiated an import risk assessment (IRA) for Ecuadorian shrimp at the beginning of 2011. The first of the four steps of the IRA had only been finalized in June 2013, and the second step had not yet been concluded. Ecuador insisted that it had provided sufficient information to Brazil throughout this time, and noted that in July 2014 a group of technical experts from Brazil had visited various entities in Ecuador. During the last meeting held in July 2016 the Brazilian officials in charge of the technical report recognized that the import risk assessment had exceeded the time usually deemed necessary for such a process. Ecuador recalled that since 2007 a residues and contaminants monitoring plan for all aquaculture establishments had been in place and its shrimp products regularly accessed markets with high SPS standards. Ecuador regretted that despite its bilateral engagement with Brazil on the IRA, half of the process had not yet been concluded after six years, and shrimp exports from Ecuador had been stopped for more than a decade. Ecuador requested that Brazil swiftly provide the timetable for the remaining steps of the IRA, and that the process move forward promptly in order for shrimp exports from Ecuador to regain access to the Brazilian market.

2.19. Brazil responded that in 2015 its health authorities requested that specific mandatory adjustment measures be implemented at the level of the Official Veterinary Services and private sector in Ecuador, and that missing information be shared. Brazil indicated that these measures – disease-specific monitoring plans, submission of samples and controls, training of staff and notification – were compulsory to allow imports of Ecuadorian shrimp into Brazil. Brazil explained that a final report with these various requests had been sent to the competent authorities in Ecuador, requesting a structured action plan integrating the mandatory measures within 60 days of receipt. However, Brazil reported it received Note 4-7-0/2015 from Ecuador past the proposed timeline and still there was no compliance with the established requirements, which justified the delay. Brazil stated that it was waiting to receive the structured action plan containing the requested changes at the official veterinary services and private sector levels. The information in this plan would be used to support the risk assessment phase of the IRA. Favourable results in the IRA, along with the finalized adjustment measures, would pave the way for authorizing shrimp imports from Ecuador.

2.20. In March 2017, Ecuador referred to its previously raised concern regarding Brazil's suspension of shrimp imports from Ecuador following the implementation of Regulation No. 39/99 on 4 November 1999. Shrimp imports were subject to authorization, once a prior risk analysis had been undertaken by the Animal Protection Department in Brazil. Ecuador argued that the measure was not based on scientific evidence or on a risk assessment, as required by Articles 2.2. and 5.1 of the SPS Agreement. Ecuador acknowledged Members' right under Article 5.7 to adopt provisional measures, but highlighted the obligation to obtain the necessary additional information for a more objective risk assessment and to review the measure in a reasonable period of time, whereas the measure at issue did not take into account Article 3.1 of the SPS Agreement or the OIE recommendations, particularly those in Chapters 2.2.2 and 2.2.7 of the Manual of Diagnostic Tests for Aquatic Animals.

2.21. Ecuador recalled that the Brazilian Ministry of Agriculture had established a general procedure for undertaking import risk analysis of fish and fish products, as well as aquatic animals and propagating materials (Regulation No. 14). Ecuador insisted that it had provided sufficient information to Brazil, and noted that a group of technical experts from Brazil had visited various entities in Ecuador. Ecuador underscored that it had implemented a series of measures to guarantee the quality of its shrimp, however, no import risk assessment had been undertaken up to the last Committee meeting in October 2016. Ecuador highlighted the obligation under Annex C(1) of the SPS Agreement for Members to carry out a risk assessment with no undue delay.

2.22. Ecuador had been informed by its Embassy in Brasilia of the circulation of Memorandum Circular 6/2017/DSA-SDA/SDA/MAPA of February 2017, which established a series of animal health requirements for the import of shrimps. Ecuador welcomed this decision which would clarify the conditions under which shrimps could access their market, however, it was currently awaiting official confirmation of this information and further requested Brazil to provide this confirmation in a timely manner. Ecuador also raised a series of questions, which it requested Brazil to transmit to it competent authority, in relation to the product coverage of the Circular and authorization procedures, among others. Ecuador had also learnt of an Executive Decision to transfer the Aquaculture and Fisheries Secretariat of the Ministry of Agriculture to the Ministry of Industry, Foreign Trade and Services. Ecuador expressed its concern that these administrative changes could result in undue delays, similar to delays experienced in 2015 due to the transfer of responsibilities to the Ministry of Agriculture.

2.23. Brazil indicated that it was unable to provide a complete response, since it had not been aware of the content of Ecuador's intervention. However, Brazil noted that the process for the authorization of shrimps from Ecuador was in its final phase and underscored that the process had taken into consideration the submissions from Ecuador, as well as all available scientific evidence. Brazil requested Ecuador to submit a written copy of its questions for onward communication to its capital.

2.24. In July 2017, Ecuador referred to its previously raised concern regarding Brazil's suspension of shrimp imports from Ecuador, and recalled that it had provided Brazil with all the requested evidence but that after almost 20 years there was still no risk assessment. Ecuador also noted that SPS requirements for shrimps had been established in February 2017 and that in May 2017 Brazil had informed Ecuador of its equivalency for the inspection system for shellfish, and that enabled

plants were authorized to export. However, a group of Brazilian producers presented a court action which led to the suspension of the authorization to import shrimps from Ecuador. Ecuador highlighted the importance of exports for its economy and regretted the barriers imposed by Brazil on its most exported products, shrimp and bananas. Ecuador contended that Brazil's measures were not in conformity with various provisions of the SPS Agreement and Article XI of the GATT.

2.25. Brazil underlined its open market for imports of shrimps from Ecuador, as reflected in its letter No. 926/2017 sent on 9 May informing Ecuador's sanitary authorities of the recognition of equivalence of their fish inspection system. Brazil indicated that the plants previously qualified were allowed to export, prior approval of the labelling, while plants that had not yet been authorized to export had to request authorization. Finally, Brazil drew attention to its document "Animal Health Requirements of Brazil for the importation of non-viable crustaceans and derivatives derived from extractive fisheries or aquaculture", of January 2017.

2.3.2 Plant Health

Brazil's measures on bananas (STC 423)

Raised by:	Ecuador
Supported by:	
Dates raised:	July 2017 (G/SPS/R/878, paras. 4.1-4.2), November 2017 (G/SPS/R/88, paras. 3.28-3.29)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.26. In July 2017, Ecuador informed that Brazil had suspended its imports of bananas from Ecuador since 1997, due to alleged phytosanitary reasons. Ecuador reported on the measures taken to resolve the issue, including visits of experts from Brazil to its banana plantations, the signing of agreements, the provision of technical reports and finally a work plan for the export of Ecuadorian bananas to Brazil, stressing the safety of the product. Ecuador affirmed that Brazil's *de jure* and *de facto* restrictions were inconsistent with several provisions of the SPS Agreement. Ecuador remained positive on the implementation of the bilateral agreements on this issue and Brazil's 2014 Normative Instruction No. 3.

2.27. Brazil responded that the Department of Plant Health of the Ministry of Agriculture, Livestock and Food Supply (MAPA) had set up a working group to finalize the risk analysis process regarding diseases that affected bananas originating in Ecuador. Brazil also reported that Ecuador had requested a modification of the applicable Normative Instruction No. 3/2014, upon which Brazil had submitted new text to Ecuador. If this text was agreed upon, Brazil would proceed with the corresponding regulatory process.

2.28. In November 2017, Ecuador reiterated its concern over the import suspension of Ecuadorian bananas to Brazil. Ecuador urged Brazil to comply with its Normative Instruction No. 3 of 21 March 2014, which laid down sanitary and phytosanitary standards for bananas, based on which Ecuador submitted a working plan to Brazil. Ecuador regretted that the import ban had already lasted for more than 20 years.

2.29. Brazil emphasized its bilateral engagement with Ecuador, noting that Ecuador's concern on the ban on shrimps had been resolved. Regarding bananas, Brazil explained that its Ministry of Agriculture was reviewing Ecuador's working plan. Brazil aimed to streamline its standards with its normative instruction on technical standards for banana imports. Brazil also referred to its working meeting with Ecuadorian plant safety authorities and remained positive about swift progress in resolving Ecuador's concern.

2.4 China

2.4.1 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), March 2014 (G/SPS/R/74, paras. 3.11-3.12), July 2014 (G/SPS/R/75, paras. 4.31-4.32), October 2014 (G/SPS/R/76, paras. 3.11-3.12), March 2015 (G/SPS/R/78, paras. 3.18-3.19), July 2015 (G/SPS/R/79, paras. 3.39-3.41), October 2015 (G/SPS/R/81, paras. 3.32-3.33), March 2016 (G/SPS/R/82, paras. 3.24-3.25), June 2016 (G/SPS/R/83, paras. 4.30-4.31), October 2016 (G/SPS/R/84, paras. 3.14-3.15), March 2017 (G/SPS/R/86, paras. 3.10-3.11)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.30. 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.

2.31. 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.

2.32. 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.

2.33. 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.

2.34. 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.

2.35. At the March 2014 meeting, Japan reiterated its concern over import restrictions by China on Japanese food exports, mainly food and feed, following TEPCO's nuclear power station incident. China maintained the ban on all types of food and feed from ten prefectures in Japan and requested the submission of an official pre-test certificate for fruits, vegetables, milk products, medicinal plants and fishery products from all other prefectures. Japan considered that these measures were more trade restrictive than necessary and not based on the relevant international standard. Furthermore, China had not yet approved the form for the requested certificate. Japan requested that China expeditiously finalize its analysis of the proposed certificate, and either accept or specify amendments, if any, to the proposed form.

2.36. China explained that since the nuclear leak incident, serious contamination threats existed to Japan's maritime products. Several adjustments had been made to inspection and quarantine measures since then. China had requested information from Japan in order to conduct a risk assessment. In addition, due to the risk of radioactive contamination of alcoholic beverages, a prohibition had been imposed in accordance with the enhanced inspection and quarantine measures of Japan. Based on the conclusions of its risk analyses, China had permitted a number of imports from two prefectures.

2.37. In July 2014, Japan reiterated its concern over import restrictions by China on Japanese food exports, following TEPCO's nuclear power station incident. China maintained a ban on products from ten prefectures in Japan and requested the submission of an official pre-test certificate for fruits, vegetables, tea, milk, medicinal plants and their products from other prefectures. These measures were more trade restrictive than necessary, not based on the relevant Codex standards and applied in a manner that constituted a disguised restriction on international trade. Japan requested that China promptly accepted the proposed pre-test certificate and lift the import ban on the ten prefectures.

2.38. China explained that since the nuclear leak incident, serious contamination threats existed to Japan's agriculture and maritime products. Several adjustments had been made to inspection and quarantine measures since then. China had received Japan's request to lift the import restrictions and was in the process of reviewing technical data and conducting research and risk analyses. The current measures would be reviewed accordingly.

2.39. In October 2014, Japan recalled its concern over import restrictions by China on Japanese food exports, following TEPCO's nuclear power station incident. Japan regretted that no progress had been made since the July 2014 SPS Committee Meeting, as China maintained a ban on products from ten Japanese prefectures. This ban might not be based on international standards and be more trade-restrictive than required to achieve the appropriate level of protection. In June 2013, Japan had provided China with monitoring results that had demonstrated that Japan's food was safe for human consumption. Moreover, Japan raised its concern that additional prefectures were also subject to import bans on vegetables, fruits, tea, milk, medicinal plants and related products. While China had announced in 2011 that it would lift the import ban on those products, it had since been reluctant to do so, although Japan had proposed pre-test certificates. Japan was concerned that China deliberately avoided any progress on this issue, raising the doubt that China was applying its measures in a manner which might constitute a disguised restriction on international trade. Japan requested China to immediately accept Japan's pre-test certificates, and to lift the import ban without further delay.

2.40. China explained that TEPCO's nuclear power station incident, which had brought great losses to Japan, had posed serious threats to food safety. China had imposed corresponding measures on agricultural and marine products from Japan, based on risk assessment in compliance with international practice. China had already adjusted the inspection and quarantine measures for Japanese food and agricultural products, and continued to apply restrictions only for high-risk products from seriously polluted regions. Following Japan's request, China was currently analyzing the technical data provided and would review the measures accordingly.

2.41. In March 2015, Japan recalled its concern over import restrictions by China on Japanese food exports, following TEPCO's nuclear power station incident. Japan had expressed the same concern three times consecutively since last March and regretted that no progress had been made, since China still maintained a ban on products from ten Japanese prefectures. In Japan's view, this ban was not based on international standards and was more trade-restrictive than required to achieve the appropriate level of protection. Japan reiterated its observations presented in October 2014 in reference to events occurred in June 2013.

2.42. China restated the observations presented during the 2014 October meeting. Furthermore, China expressed concerns about reports by Japanese media about the monitoring procedures for nuclear pollution of the Fukushima Daiichi Nuclear power plant. According to Japanese media, the company responsible for the monitoring had used simple detection methods and had directly discharged nuclear wastewater into the open sea. Additionally, no action had been taken after discovering a high presence of radioactive substances in some drainage channels. China invited Japan to verify the media reporting and noted that China would take measures according to the technical documents provided by Japan and to the experts' assessment results.

2.43. In July 2015, Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station. Japan recalled that despite raising this concern in each Committee meeting since March 2014, no progress had been made. Japan regretted that China maintained a ban on products from ten prefectures without considering additional information provided. Japan had proposed pre-test certificates in June 2011, answered all technical questions asked in August 2012 and shared a comprehensive monitoring result in June 2013. Japan reiterated its concerns that China had deliberately avoided any progress on this issue for more than three years, and that its measures and actions were not in line with the requirement of several articles of the SPS Agreement including Article 2.3, Article 7 and Annex B as well as Article 8 and Annex C. Japan urged China to accept the proposed form of the pre-test certificate and to immediately lift the import ban on the ten Japanese prefectures. Japan stressed that it would consider every effective option for the resolution of this issue.

2.44. China explained that it had been adjusting its measures on Japanese imports in accordance with Japan's nuclear pollution status and its risk analysis results. Import restrictions were currently imposed only for high-risk products from seriously polluted regions. China noted that through smooth bilateral cooperation, exports from Japan had increased each year since 2012, and in 2014 represented more than 85% of the level of exports in 2010. China noted that the monitoring of the Fukushima Daiichi power plant revealed that Japan's control measures were unsatisfactory, especially regarding the treatment of radioactive waste water, which had delayed the lifting of import restrictions. China was currently conducting a risk assessment on the latest status of nuclear pollution, based on updated information received in April 2015.

2.45. Japan appreciated China's comments and welcomed more consultations between the competent authorities of both governments.

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

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

2.48. In March 2016, Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station and reported that at the end of October 2015, a letter had been received from Beijing. Subsequent letters had been sent in response to China's requests, and no further clarifications from China had been received. China maintained the ban on certain products from 37 prefectures. Japan stated that, based on various trade data, demand for Japanese food existed and a removal of the ban could increase exports. Japan looked forward to the resolution of this issue in the near future.

2.49. China reported that there had been no update since October 2015 since the risk assessment was still ongoing. China recalled its interventions in previous meetings on this issue.

2.50. In June 2016, Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports in response to the nuclear power plant accident. Japan recalled that in the March 2016 SPS Committee meeting, China had reported that the risk assessment was still ongoing. Japan queried the timeframe for the completion of the risk. Japan observed that it would be able to cooperate with China to conduct the risk assessment more efficiently if it received more information on the process. Japan highlighted that there had been no easing of China's import restrictions since June 2011, although an increasing number of WTO Members had already lifted or eased their import restrictions on Japanese foods. China's import ban was still stringently imposed on all types of foods and alcoholic beverages from ten Japanese prefectures. Many types of foods were still substantially unauthorized to be imported due to China's requirement that the test results of radioactive strontium 90 and radioactive caesium be included in the export certificates of these products. Japan expressed its concern that, given the current level of technology, approximately one month was required to acquire the test results of radioactive strontium 90, and as such the requirement of this test result made it impossible to export fresh foods such as vegetables and dairy products to China. Japan had sent several letters to Beijing on this issue. Japan emphasized the need for import restrictions to be consistent with the SPS Agreement and further requested China to provide information on the current stage of the risk assessment process and the scientific justification for requiring the submission of test results of radioactive strontium 90.

2.51. China replied that it had provided the Committee with a detailed explanation and clarification in previous SPS Committee meetings, particularly with regard to the rationale, scope and adjustment of this measure. Currently, China was undertaking a study on the updated information supplied by Japan and would adjust its measures on the basis of the risk assessment results.

2.52. In October 2016, Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports in response to the nuclear power plant accident. Japan recalled that there had been no easing of China's import restrictions since June 2011, although an increasing number of WTO Members had already lifted or eased their import restrictions on Japanese foods. China's import ban was still imposed on all types of food and alcoholic beverages from ten Japanese prefectures and on various types of food products from the remaining prefectures. Japan expressed its particular concern with regard to the ongoing risk assessment by China. Japan questioned China's endless risk assessment process, which seemed to be continuously held at the stage of considering the latest data submitted. Japan expressed its willingness to invite the relevant Chinese authorities to assess first-hand the current food safety situation and visit the Fukushima Daiichi Nuclear Power Plant.

2.53. China thanked Japan for providing information on the latest developments of its food safety controls from July and September 2016. China was currently reviewing the updated information and would adjust its measures on the basis of the risk assessment results.

2.54. In March 2017, Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports in response to the nuclear power plant accident. Japan recalled that China's import restrictions on Japanese products since June 2011 were amongst the most stringent measures, while an increasing number of WTO Members had already lifted or eased their import restrictions on Japanese foods. China's import ban was still imposed on all types of food and alcoholic beverages from ten Japanese prefectures and on various types of food products from the remaining prefectures. Japan expressed its particular concern with China's ongoing risk assessment. In November 2016, it had again submitted a large amount of documentation for

China's risk assessment process, which seemed to be continuously held at the stage of considering the latest data submitted. In addition, Japan called upon China to communicate science-based information on food safety matters to avoid misleading interpretations by the public on the safety of Japanese foods.

2.55. China recalled that it had imposed a ban on imports of certain high-risk products from ten nuclear-contaminated areas in Japan after the power plant accident in 2011, in full compliance with the SPS Agreement. China took note of the Japanese and international media reports, comments and studies that generally believed that the Japanese government lacked effective means to deal with radioactive waste, the discharge of which posed risks to the marine environment and public health, that information disclosure was not transparent and that food safety related data were not sufficiently convincing. According to a report released in February 2017, radiation at the nuclear reactor was at its highest since the 2011 meltdown. China urged Japan to promptly communicate accurate and reliable food safety information. The consequences of radioactive leaks on the marine environment, food safety and human health concerned all neighbouring Members, not only Japan. China noted that food safety risk assessment could be a lengthy process, especially on such a technical and complex topic. China urged Japan to take effective measures to ensure its food safety, while continuing bilateral cooperation towards finding a solution.

2.56. Japan recalled that the matter at hand were the levels of radionuclides in food, which according to its measures were safe, and therefore China's attention should focus on food safety instead of environmental matters.

2.57. China responded that food safety was threatened by numerous contaminants which could originate from environmental pollution, and that food safety risk assessment involved the process of identifying, analyzing and characterizing a food-related health risk, including risks that might arise from contaminated water, soil and other aspects of the environment. China encouraged Japan to disclose all factual and accurate information on this issue.

China's proposed amendments to the implementation regulations on safety assessment of agricultural GMOs (STC 395)

Raised by:	Paraguay, United States of America
Supported by:	
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.16-3.18), October 2015 (G/SPS/R/81, paras. 3.42-3.44), March 2016 (G/SPS/R/82, paras. 3.59-3.60), June 2016 (G/SPS/R/83, paras. 4.47-4.48), October 2016 (G/SPS/R/84, paras. 3.52-3.53), March 2017 (G/SPS/R/86, paras. 3.42-3.43)
Relevant document(s):	G/SPS/N/CHN/881
Status:	Not reported
Solution:	
Date reported as resolved:	

2.58. In July 2015, Paraguay raised a concern about the inclusion of some socio-economic aspects in the Chinese risk assessment process for GMOs, contrary to Article 5 of SPS Agreement and to the guidance of the relevant international organizations recognized by the WTO. The amendments to the implementing regulations had been notified in G/SPS/N/CHN/881. Paraguay stated that the measures, which went beyond scientific principles, could lead to arbitrary or unjustified distinctions, and that the inclusion of these elements could undermine the production of safe food. Paraguay therefore requested China to reconsider the amendments to the regulations.

2.59. The United States shared Paraguay's concern, and stressed the importance of notification of such measures to allow trading partners to review proposed changes, provide and discuss comments, and see them being taken into account. The United States highlighted its concerns about the negative impact that policies related to regulatory approval procedures for biotech products could have on the ability of consumers and producers to reap the benefits of advances in technology through trade. The delays and lack of transparency in China's current biotech approval process meant that several products were pending at various stages in the process, despite the SPS Agreement's prohibition on undue delays in approval procedures and its obligation regarding

standard processing periods and for a mechanism to resolve complaints. China was seeking to remove the specific timelines governing its regulatory review process, and was introducing new criteria referring to economic and social considerations. The United States had requested additional information from China in order to better understand the objectives behind the proposed changes. The United States also wished to ensure that the measures would comply with the SPS Agreement, and requested that China delay the implementation of the revisions to allow for a substantive dialogue with its trading partners. The United States further requested that China approve the currently pending events in a timely fashion and that the proposed changes to China's approval system not depart from the key tenets of timely, predictable science-based approvals required by the SPS Agreement.

2.60. China replied that the changes to its regulations aimed to enhance the management of safety evaluations for agricultural GMOs. The draft version of these management measures had been notified on 2 June and was open to comments until 1 August 2015. China indicated that it had not received comments from the United States and Paraguay, but would take any comments into consideration for further modification and improvement of the measures.

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

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

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

2.64. In March 2016, the United States again raised concerns with China's Proposed Amendments to the Implementation Regulations on Safety Assessment of Agricultural GMOs, which amended the requirements for the safety assessment for genetically engineered products, notified as G/SPS/N/CHN/881. The United States stated that China approved only three of the 11 pending products that were poised for final approval. The pending products were subject to technical and administrative questions. The United States viewed this as an attempt to slow down new product approvals by posing procedural questions, imposing regulatory requirements not used by other countries, and by asking questions outside of the contours of scientific evidence. Following the consensus between the Presidents of the two countries and commitments made at the bilateral dialogues in November 2015, the United States expected that China's biotech reviews would move forward with greater transparency, timeliness, predictability and would rely on science as the only

criterion for evaluating the products of agriculture biotechnology. The United States reiterated that China had also committed to revise its regulations, based on comprehensive consultation with domestic and international stakeholders, and to enhance its capability of safety administration and approval of agricultural products. Hence, the United States hoped to see China's concrete actions to achieve greater predictability in the approval process and to ensure that science based decisions were taken when amending its regulatory process, as indicated in G/SPS/N/CHN/881. In this regard, the United States looked forward to China's publication and notification of its final revision to Decree 8 upon completion of domestic procedures. Finally the United States noted that there were 22 products pending at various stages in China' regulatory process, including the eight products mentioned earlier, poised for final adoption. The United States appreciated the Chinese engagement to preserve a harmonious trade relationship.

2.65. China explained that its Proposed Amendments to the Implementation Regulations of Safety Assessment of Agricultural GMOs were aimed at improving the management of GMOs, in response to the rapid development of biotechnology, and social and environmental concerns. China reported that it was reviewing and analysing all comments and would provide Members with feedback through proper channels, while maintaining transparency. Further, China stated that its GMO safety management had always been based on internationally-acknowledged risk analysis principles, including risk assessment, risk management and risk communication. China also indicated that economic and social factors would not affect the scientific conclusions of risk assessment. This process, in turn, would make the decision-making process more transparent, promote development and trade while complying with SPS rules. China hoped to continue the bilateral consultation mechanism and discuss GMO-related concerns thoroughly in order to facilitate trade in a mutually beneficial manner.

2.66. In June 2016, the United States again raised its concern with the approval delay for products of agricultural biotechnology in China, and sought an update from China on its revised regulation on safety assessment of agricultural GMOs. The United States expressed appreciation for the bilateral dialogue that had taken place between Chinese and US officials, and based on this engagement, looked forward to the implementation of concrete action by China to ensure greater transparency, timeliness, and predictability in its approval process of biotech products. The United States requested with some urgency that action be taken regarding the eight products that were poised for final adoption in March 2016.

2.67. China reminded the Committee that a comprehensive system of regulations and technical protocols, all of which could be found on the website of the Ministry of Agriculture, had been put in place in accordance with the importance it attached to the safety management of agricultural GMOs. China declared that this GMO safety management was based on science and law, and that the procedure was clear and transparent. China indicated that the Implementation Regulations on Safety Assessment of Agricultural GMOs was still under revision, that comments from Members were welcome and would be given full consideration, and that further feedback would be given to Members through proper channels.

2.68. In October 2016, the United States again raised its concern with the approval delay for products of agricultural biotechnology in China, and sought an update from China on its revised regulation on safety assessment of agricultural GMOs. The United States expressed appreciation for the bilateral dialogue that had taken place between Chinese and US officials, including the US-China strategic and economic dialogue held in Beijing in June 2016, and looked forward to the implementation of concrete action by China to ensure greater transparency and timeliness, and to rely on science-based risk assessment as the only criterion for the evaluation biotech products. The United States noted that China had taken a number of steps forward, including the issuance in July 2016 of its final revision of the regulation and the first meeting of its reconstituted national biosafety committee. The United States indicated that some uncertainty remained with regards to how these steps would translate into shorter and more predictable timelines for biotech approval. The United States also noted with some urgency that some products were still poised for final adoption, and stressed the importance of ongoing communication with these products' applicants. The United States encouraged China to take action on these pending products in a timely manner.

2.69. China stated that it attached great importance to safety management of agricultural GMOs and its GMO safety management had always been based on internationally recognized risk analysis principles and scientific information. China recalled that it had notified its draft amendment to the implementation regulations on safety assessment of agricultural GMOs to the WTO in June 2015.

The comments received during the 60-day comment period were taken into careful consideration in finalizing the regulation. After fulfilling the WTO transparency requirements fully, the final rules entered into force on 1 October 2016. This amendment aimed at making the GMO safety assessment procedure more streamlined, transparent and science-based. With regards to the delay of the assessment process, China informed the United States that three out of the eleven applications submitted by the United States had been approved. During the process, China always kept the procedure transparent and had provided the United States with the detailed reasons for the non-approval of the eight pending applications. China had asked the United States to continue to provide additional necessary information to allow completion of their approval procedures. China noted that after having received the supplementary information requested, its experts were currently conducting assessments. China invited the United States to make use of bilateral mechanisms in order to further discuss this issue.

2.70. In March 2017, the United States again raised its concern with the approval delay for products of agricultural biotechnology and the lack of transparency and predictability in China's agricultural biotechnology regulatory process. The United States expressed appreciation for the high level bilateral engagement on these issues with China, but regretted that after the revision of its regulation some uncertainty remained with regards to whether and how the revisions would translate into shorter and more predictable timelines for biotech approval. The United States also noted that some products were still poised for final adoption, and stressed the importance of ongoing communication with the products' applicants. The United States encouraged China to take action on those pending products in a timely manner. Finally, the United States appreciated China's engagement and commitment to support beneficial trade in the products of agricultural biotechnology.

2.71. China stated that it attached great importance to safety management of agricultural GMOs, and that its GMO safety management had always been based on internationally recognized risk analysis principles and scientific information. China recalled that it had notified to the WTO its draft amendment to the implementation regulations on safety assessment of agricultural GMOs, and had reflected WTO Members' comments in the final rule. China reported that the implementation regulations on safety assessment of agricultural GMOs had entered into force on 1 October 2016. That amendment would make the GMO safety assessment procedures more streamlined, transparent and science-based. With regards to the assessment process, China informed the United States that the reason why eight applications had not been approved was that they had failed to pass the assessment of China's Safety Committee for Agricultural GMOs - the detailed reasons had been notified to the applicants in writing. China had asked the United States to continue to provide additional necessary information to allow completion of their approval procedures, and that its experts were currently conducting assessments based on the supplementary information received. China invited the United States to make use of bilateral mechanisms to further discuss the issue.

China's import ban on fresh mangosteen (STC 416)

Raised by:	Indonesia
Supported by:	
Dates raised:	October 2016 (G/SPS/R/84, paras. 3.12-3.13), March 2017 (G/SPS/R/86, paras. 3.28-3.30), November 2017 (G/SPS/R/88, paras. 3.30-3.31)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.72. In October 2016, Indonesia expressed its concern regarding China's import ban on fresh mangosteen fruit since February 2013. Indonesia recognized China's right to adopt measures to protect human, animal and plant health, but considered the measures to be more trade restrictive than necessary and discriminatory. Indonesia reported that it had taken actions to resolve the alleged pest and heavy metal contamination detected on its mangosteen fruits. Such actions included field and laboratories verification, as well as negotiations with China on its proposed export protocol. Indonesia further expressed its appreciation to China for a field verification visit

held in August 2014, and hoped to receive the report soon. Indonesia requested that China comply with Articles 2.3, 5.6, 7, 8 and Annex C (1a) of the SPS Agreement in order to resume mangosteen trade between the two countries, and expressed its willingness to continue bilateral engagement.

2.73. China stated that in 2013 it had detected quarantine pests and measured levels of cadmium above the level specified in its standard in Indonesia's mangosteen exports. China said that despite several bilateral consultations, the two sides had not been able to agree on the protocol issues yet. China urged Indonesia to continue to work closely with the competent authority of China with a view to finding a mutually satisfactory solution to the pending issue.

2.74. In March 2017, Indonesia reiterated its concern regarding China's import ban on fresh mangosteen fruit since 2013. Indonesia recognized China's right to adopt measures to protect human, animal and plant health, but noted SPS measures should not be discriminatory nor more trade restrictive than necessary. Indonesia reported that it had taken actions to resolve the alleged pest and heavy metal contamination detected on its mangosteen fruits. Such actions included field and laboratories verification, as well as accommodating China's Draft Export Protocol.

2.75. Indonesia explained that all procedures required for the export of mangosteen fruits to China had been completed, and therefore urged a positive response from China to resolve the issue. Indonesia expressed its willingness to continue bilateral engagement.

2.76. China stated that in 2013 it had detected quarantine paraputo hispidus and other harmful organisms and had measured levels of cadmium in Indonesia's mangosteen exports above the level specified in its standard. China noted that following several inspections and consultations, China and Indonesia had reached consensus on the Protocol of Phytosanitary Requirements for exporting mangosteens from Indonesia to China in September 2016. China reported that it was conducting the relevant internal legal procedures, and urged Indonesia to continue working closely with the competent authority of China with a view to finding a mutually satisfactory solution to the issue.

2.77. In November 2017, Indonesia reiterated its concern regarding China's import ban on fresh mangosteen fruit. Indonesia reported on its corrective actions to resolve the contamination detected on its mangosteen fruit, which had been verified by China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ), resulting in a draft protocol for mangosteen exports. However, Indonesia regretted the protocol had not been signed. Indonesia added that it had engaged in bilateral negotiations with China and had opened its market to garlic and other products from China, aiming at balancing bilateral trade. Indonesia finally requested that China comply with its obligations under the SPS Agreement.

2.78. China responded that in 2013, quarantine pests had been detected on fresh mangosteen from Indonesia, which resulted in an import suspension. China added that following bilateral consultations and an onsite investigation, both parties agreed on a protocol for plant quarantine requirements in September 2016. China urged Indonesia to complete the pending follow-up work and promote the healthy development of trade of agricultural products between China and Indonesia.

2.4.2 Animal Health

General import restrictions due to BSE (STC 193)

2.79. See paragraphs 2.400.-2.467.

China's import restrictions due to African swine fever (STC 392)

Raised by:	European Union
Supported by:	
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.9-3.10), October 2015 (G/SPS/R/81, paras. 3.66-3.67), March 2016 (G/SPS/R/82, paras. 3.41-3.42), June 2016 (G/SPS/R/83, paras. 4.13-4.14), October 2016 (G/SPS/R/84, paras. 3.42-3.43), March 2017 (G/SPS/R/86. paras. 3.33-3.35), July

	2017 (G/SPS/R/87, paras. 4.43-4.44), November 2017 (G/SPS/R/88, paras. 3.35-3-36)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.80. In July 2015, the European Union raised concerns about China's bans due to African swine fever (ASF) and indicated that the vast majority of EU trading partners did not take any import measures against the European Union on African Swine Fever (ASF) grounds because they fully trusted the strict EU control system. China had imposed a ban on EU pork and pork products since February 2014 without applying regionalization, any scientific justification, or clarification on how and when it would recognise the stringent zoning measures put in place in the European Union to allow the prompt resumption of safe trade despite continuously receiving information from the European Union about these stringent control, surveillance and monitoring measures. The European Union had requested several times that China provide a risk assessment justifying the country-wide ban and the non-recognition of the EU zoning measures, but China had failed to respond. The European Union asked China to respect its regionalization obligations under the SPS Agreement and to allow the trade of all safe products.

2.81. China replied that its measures were entirely based on science and safety considerations. It highlighted the threat represented by ASF in the world, and the fact that China was a major pig producer, and as such subject to great losses in case the disease entered the country. China indicated that the measures were in line with relevant Chinese laws and regulations that prohibited imports of relevant animals and animal products from countries infected by ASF. Finally, China stated that it needed to evaluate further the measures taken by the European Union, since a number of cases of ASF had still been detected in recent months in the region of Podlaskie, Poland.

2.82. In October 2015, the European Union again raised concerns about China's bans due to ASF and reiterated the arguments presented in July 2015.

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

2.84. In March 2016, the European Union again raised concerns about China's bans due to ASF. China had imposed a ban on EU pork and pork products since February 2014 without applying regionalization, and without scientific justification or clarification on how and when it would recognize the stringent zoning measures put in place in the European Union to allow the prompt resumption of safe trade. The European Union highlighted that, like China, it was an important pork producer and thus needed to be prudent, citing the free flow of goods through the EU market as an example of guaranteeing safe trade within its own market, but also for its exports. The European Union had requested several times that China provide a risk assessment justifying the country-wide ban and the non-recognition of the EU zoning measures, but China had failed to respond. The European Union asked China to respect its regionalization obligations under the SPS Agreement and to allow trade of safe products.

2.85. China replied that its measures were entirely based on science and safety considerations. It was a major pig producer, and as such subject to great losses in case the disease entered the country. China indicated that the measures were in line with relevant Chinese laws and regulations and stated that it needed to further evaluate the EU measures, since five outbreaks in wild pigs had been reported in 2016, suggesting that the disease might still exist in wild pigs in Poland. China encouraged the European Union to take effective measures to control the spread of ASF.

2.86. In June 2016, the European Union again raised its concern regarding China's country-wide ban on Poland due to the outbreak of ASF in early 2014. Firstly, the European Union noted that the ban must be in line with the SPS Agreement, which required Members to recognize the concept of

pest- or disease-free areas in their legislation, as confirmed by the panel report in India - Agricultural Products (DS430). Secondly, the European Union argued that China had not provided information on its procedures, including its processing period, to recognize regionalization and further urged China to provide this information. Thirdly, the European Union requested China to provide a risk assessment justifying the country-wide ban and non-recognition of the EU zoning measures. The European Union further underscored the effectiveness of its regionalization measures and highlighted its efforts to provide all the necessary evidence to China in order to demonstrate that safe trade could take place. The European Union urged China to respect its obligations under the SPS Agreement and to allow trade of all safe products from disease-free zones without further delay.

2.87. China replied that its measures were entirely based on science and safety considerations, highlighting that before the ASF outbreaks, the trade of pig and pig products between China and the European Union had been smooth. China noted that it was the largest pig producer in the world and as such subject to great losses in case the disease entered the country. Therefore, the ban had been imposed in line with relevant Chinese laws and regulations, as well as the SPS Agreement. China clarified that its measures prohibited the import of relevant animals and animal products from all ASF-infected Members, and were not targeted at any individual Member. In 2016, ASF outbreaks in domestic and wild pigs had been reported in Poland, and as such, China had found it necessary to conduct a further evaluation of the measures taken by the European Union to control the disease, including its inspection range and sampling distribution. China indicated its willingness to continue discussions at a technical level.

2.88. In October 2016, the European Union again raised its concern regarding China's country-wide ban on pork products from Poland due to the outbreak of ASF in early 2014. The European Union noted the lack of transparency demonstrated by China in this case and expressed concerns about the prospects of China lifting the ban in the future. The European Union noted that it was also an important pig producer and, like China, needed to be prudent regarding animal diseases, such as ASF. The European Union stated that the free flow of pig products on its own market had proven, time after time, that it dealt with animal disease outbreaks in an effective manner - also for exports. The European Union noted that the ban was not in line with the SPS Agreement's principle of regionalization and the OIE's concept of disease-free zones, as confirmed by the panel report in India - Agricultural Products (DS430). The European Union argued that China had not provided information on its procedures and anticipated timeline to recognize regionalization and further urged China to provide this information. The European Union declared that the country-wide ban in place was not supported by scientific justification and requested China to provide a risk assessment. The European Union urged China to respect its obligations under the SPS Agreement (namely Articles 3, 5, 6 and 8) and to allow, without further delay, trade of all safe products from disease-free zones.

2.89. China recalled that ASF was one of the most serious infectious diseases for pigs, and that the bans imposed by China on infected countries were based on science and safety considerations. China stated that great importance was attached to this issue and its international obligations were respected. China noted that before the ASF outbreaks, the trade of pig and pig products between China and the European Union had been smooth. In 2016, ASF outbreaks in domestic and wild pigs had been reported in Poland, and as such, China had found it necessary to conduct a further evaluation of the measures taken by the European Union. China reminded Members that it was the largest pig producer in the world and could be subject to great losses if the disease were to enter the country, and that the ban had been imposed in line with relevant Chinese laws and regulations. China reported that a technical group had been established to deal with this issue, and encouraged the European Union to continue exchanging information within the bilateral setting in order to enhance mutual understanding.

2.90. In March 2017, The European Union again raised its concern regarding China's country-wide ban on pork products from Poland due to the outbreak of African swine fever (ASF) in early 2014. The European Union recalled that China had indicated that its measures were science-based and that its laws and regulations prohibited the imports of relevant animals and animal products from countries where African swine fever was present, and that China would evaluate further the measures taken by the European Union. The European Union noted that the ban imposed by China was not in line with the SPS principle of regionalization and the OIE concept of disease-free zones, as confirmed by the Panel Report in Russian Federation - Measures on the Importation of Live Pigs, Pork and Other Pig Products from the European Union (DS475) and earlier by the panel on India –

Measures Concerning the Importation of Certain Agricultural Products (DS430). The European Union urged China to provide information on its procedures and its anticipated timeline to recognize regionalization. The European Union observed China's lack of transparency and that its country-wide ban was not supported by scientific justification. The European Union requested China to provide a risk assessment and to respect its obligations under the SPS Agreement (namely Articles 3, 5, 6 and 8 and Annex C).

2.91. The European Union highlighted the adoption by the Dispute Settlement Body of the Panel Report, as amended by the Appellate Body Report, on Russia – Pigs (EU) (DS475), in which the European-wide and Poland-wide bans on those products were found to be WTO-inconsistent for not being based on international standards, nor on a risk assessment and for failure to adapt SPS measures to the disease-free characteristics of some regions. The European Union welcomed the establishment of a Working Group between China and Poland to discuss the matter and urged China to allow trade of all safe products from disease-free zones without further delay.

2.92. China noted that before the ASF outbreaks, the trade of pig and pig products between China and the European Union had been smooth, and that the bans it imposed on infected Members were based on science and safety considerations. China stated that it attached great importance to the issue and respected its international obligations and that its measure was non-discriminatory and consistent with the SPS Agreement. China reminded Members that it was the largest pig producer in the world and could be subject to great losses if the disease were to enter the country, and that the ban had been imposed in line with relevant Chinese laws and regulations. China found it necessary to conduct a further evaluation of the measures taken by the European Union. China highlighted the 47 ASF outbreaks reported by the OIE in Poland in 2017, and while China noted the measures applied by Poland, it remained cautious on whether the inspection range, sampling distribution and wild boars-catching area could control the disease. China encouraged the European Union to pursue cooperation within the bilateral technical setting in order to further strengthen information exchange.

2.93. In July 2017, the European Union again raised its concern regarding China's country-wide ban on pork products from Poland due to the outbreak of African swine fever (ASF) in early 2014. The European Union thanked China for their bilateral discussions and hoped this would lead to further engagement. The European Union reiterated that China's legislation appeared not to allow for recognition of disease-free areas, despite OIE standards; urged China to provide information on its procedure and the anticipated processing time to recognize the European Union's zoning measures; and requested China to provide its scientific risk assessment for maintaining a country-wide ban instead of accepting importation from disease-free areas in Poland. The European Union stated that they had provided China with all the necessary evidence to demonstrate that there were disease-free areas in Poland and that they were likely to remain disease-free.

2.94. China fully understood the concern of the European Union, but emphasized the acute, virulent and highly contagious insect-borne infectious nature of ASF, with China's pig population accounting for over 50% of the world's pig population. China noted that ASF had become endemic in Poland, according to data that Poland had notified to OIE. Despite Poland's implementation of control measures, including regionalization, it had not effectively blocked ASF from spreading. China was therefore still unable to recognize regionalization and other measures adopted by Poland. China remained open to bilateral technical cooperation and emphasized their joint technical expert group.

2.95. In November 2017, the European Union again raised concerns over China's country-wide ban on pork products from several EU member States due to the outbreak of African swine fever (ASF). The European Union recalled that the issue had first been raised in July 2015, without a positive response from China to date. The European Union stressed its regionalisation measures and the evidence presented to guarantee safe trade, urging China to recognize the concept of disease-free areas and respect its regionalization obligations in compliance with the SPS Agreement and OIE standards. The European Union also requested that China provide information on its procedure to recognize disease-free areas and on its standard processing period, and that China ensure that these procedures were undertaken and completed without undue delay. The European Union was encouraged by recent developments including the organization of a seminar in China with the relevant authorities to discuss a possible way forward and hope that this dialogue will deliver concrete results in the coming months.

2.96. China explained that it had implemented regionalization management measures, but remained cautious regarding major animal epidemic diseases that had never occurred in China, such as ASF, considering its stock density and limited epidemic disease control ability. Recently, African swine fever was still spreading in Europe. According to the rules of the SPS Agreement and China's current protection ability, China had to strictly prohibit imports of animals and animal products with a high risk.

China's import restrictions due to Highly Pathogenic Avian Influenza (STC 406)

Raised by:	European Union, United States of America
Supported by:	
Dates raised:	March 2016 (G/SPS/R/82, paras. 3.9-3.10. See also STC 385), June 2016 (G/SPS/R/83, paras. 4.10-4.11), October 2016 (G/SPS/R/84, paras. 3.33-3.36), July 2017 (G/SPS/R/87, paras. 4.39-4.41), November 2017 (G/SPS/R/88, paras. 3.39-3.42)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.97. In March 2016, the European Union expressed its concern over China's import restrictions on highly pathogenic avian influenza (HPAI). It had raised the issue as a general STC in March 2015 and many Members had lifted their bans rather quickly. China continued to maintain its import policy despite the European Union's regionalization efforts. The OIE standard stated that the measure could be lifted after the application of a stamping out or a regionalization policy. The European Union considered China's policy as over-restrictive and not recognising the concept of pest- or disease-free areas. The European Union also requested China to clarify its procedures to recognise regionalization, especially given that China faced domestic HPAI outbreaks and also implemented its own regionalization policies. The European Union remained open to continue working with China to resolve this issue.

2.98. China explained that the measures had been taken after several EU member States had reported HPAI outbreaks. In accordance with OIE rules, China implemented zoning for low pathogenic avian influenza (LPAI) rather than HPAI. China reaffirmed that its measures were consistent with international practice and the SPS Agreement. Once the risk was under control, China would commence a risk assessment, on which basis it might consider lifting the ban.

2.99. In June 2016, the European Union reiterated its concerns regarding China's import restrictions on HPAI, highlighting that China still maintained a country-wide ban on several EU member States, despite the European Union's regionalization efforts. Recalling China's intervention in the March 2016 SPS Committee reaffirming that its measures were consistent with international practice and the SPS Agreement, the European Union requested China and other Members to lift their country-wide bans and to recognize EU regionalization measures. The European Union reminded the Committee that the OIE standard stated that HPAI measures could be lifted after the application of a stamping out policy. This policy was strictly implemented in the European Union whenever an outbreak occurred. The European Union considered China's policy as overly trade restrictive as it did not recognize the concept of pest- or disease-free areas. Trading partners, including China had been kept informed of the measures implemented to ensure safe trade, as well as other information on latest developments. The European Union requested China to clarify its scientific basis for the country-wide bans and its procedures to recognize regionalization, especially given that China faced domestic HPAI outbreaks and that it also implemented its own regionalization policies. The European Union further urged China to review its import policy in order to comply with its transparency and regionalization obligations under the SPS Agreement. The European Union remained open to continuing discussions with China in order to find a timely solution.

2.100. China explained that the measure had been taken in 2015 after several EU member States had reported HPAI outbreaks. China noted that the outbreak of HPAI in the European Union had still not ended, as an outbreak of HPAI had been reported in France in early 2016. Two of the HPAI

strains (H5N8 and H5N9), previously reported in outbreaks in EU member States in 2015 had never been detected in China. China indicated that it had started the process to remove the ban and in particular, the HPAI ban for Spain had been lifted on the basis of the results of a risk assessment. China noted that its experts would shortly conduct an on-site risk assessment in the Netherlands and further invited EU member States to submit an official note to Chinese authorities indicating their intention to export poultry products to China, following which the ban release procedure would commence, taking into account the risk control measures.

2.101. In October 2016, the United States noted the importance of the OIE guidelines for HPAI to facilitate safe trade, and indicated that the United States would raise a more general concern on the adherence to these guidelines under agenda item 4(e). The United States expressed a specific concern regarding China's HPAI-related restriction on US poultry products, recalling that all HPAI cases in the United States had been successfully resolved in accordance with OIE guidelines since 22 April 2016 and that the United States was free of HPAI since June 2016. The United States noted that it had a strong surveillance and response programme for HPAI. The United States had engaged with China on numerous occasions: providing regular updates on the detection of HPAI, proposing a protocol outlining the management of poultry products if HPAI were to be detected, and inviting technical experts from China to review USDA's HPAI surveillance programme. In light of the HPAI-free situation, the United States called upon China to lift all remaining HPAI-related measures against US poultry products, and promised to continue to inform Chinese officials about the state of HPAI surveillance.

2.102. The European Union reiterated its concerns regarding China's country-wide bans on several EU member States due to HPAI, recalling that it had on previous occasions encouraged Members to recognize OIE standards and efficiency of the EU's regionalization measures. The European Union noted that China had previously declared that it applied regionalization for LPAI but not HPAI, and that bans might be lifted after a risk assessment, which would only start once risks were under control. The European Union disagreed with China's previous statement that China's measures were compatible with international standards. The European Union recalled that almost all WTO Members confronted with occasional outbreaks of HPAI implemented regionalization policies in their management of the disease. The European Union further stated that, in full transparency, it had provided China all the necessary evidence to demonstrate that it had applied the stamping-out policy described in the OIE Code, the existence of HPAI-free areas and that such areas were likely to remain disease-free. The European Union considered that China's decision not to accept zoning in relation with HPAI disregarded the relevant OIE standard, Article 6 of the SPS Agreement and the Panel report of DS430. The European Union called on China to respect its WTO regionalization obligations and remained open to work with China to find a rapid solution.

2.103. With regards to the concerns raised by the European Union, China noted that the measure had been taken in 2015 in order to prevent the spread of HPAI into China after several EU member States had reported HPAI outbreaks. China indicated that it had been conducting HPAI risk assessments with the collaboration of the European Union and made adjustments to its measures accordingly. China stated that the disease was still present in some EU member States, with most recent reports in France and Italy. China continued to perceive the risk of HPAI in the European Union as high and therefore had to take cautious measures to protect safety of the poultry industry and health of the whole population.

2.104. With regards to the US concerns, China noted that numerous HPAI cases had been found in many US states since December 2014 and that the epidemic still continued in 2016, the latest case having been reported in August. China recognized that both the European Union and the United States had made use of bilateral channels to conduct technical communications, and encouraged both Members to continue these discussions with relevant Chinese authorities.

2.105. In July 2017, the United States reiterated its concerns regarding China's highly pathogenic avian influenza (HPAI)-related restrictions on its poultry products, last raised in October 2016. The United States reiterated its request for recognition of pest-free areas and authorization to import heat-treated poultry products, which could not transmit the virus. The United States highlighted its rigorous and effective monitoring system for avian influenza, and its compliance with the transparency obligations, consistent with OIE guidelines. The United States expressed appreciation to Chinese officials for agreeing to participate in an avian influenza workshop in the United States in July 2017 and for conducting an avian influenza system audit in the United States.

2.106. The European Union echoed the United States concern regarding the country bans, which also affected European Union members. The European Union recalled the Thematic Session on Regionalization and expressed its willingness to continue to engage with China on the matter.

2.107. China highlighted the global challenge posed by avian influenza. China underlined its special attention to prevention and control of the avian influenza virus risks, especially on HPAIV, as a major producer and consumer of poultry products. China drew attention to the outbreaks notified by the United States in March and April 2017 and to the consensus reached with the United States that due to the specific epidemic pattern of HPAI, it was necessary to apply compartmentalization. Finally, China indicated that an expert mission of China had been in the United States to conduct an on-site review on the effectiveness of prevention and control measures, and the animal health status. Future steps were to be determined based on the evaluation of the expert group. China remained positive on finding a mutually satisfactory solution.

2.108. In November 2017, the United States reiterated its concern over China's Highly Pathogenic Avian Influenza (HPAI)-related restrictions on poultry products and requested that China follow OIE standards, particularly on regionalization. The United States regretted that despite being HPAI-free according to OIE guidelines, China still maintained the restriction. The United States urged China to remove all HPAI-related import restrictions and promised to continue to maintain its rigorous and effective surveillance for HPAI.

2.109. The European Union echoed the United States concern and the desire to have it resolved, as it faced the same issue.

2.110. China replied that it had found certain problems with the prevention and control system of avian influenza in the United States in July 2017, based on its preliminary risk assessment. China had informed the United States of the problems detected, but had not yet received a response. China urged the United States to provide feedback in writing, as well as the supplementary information requested. China explained that there had been bilateral discussions on biosafety compartmentalization and regionalization methods, and kept an open mind on both methods. China added that it would submit its standards on biosafety compartmentalization in writing to the United States again. Finally, China suggested that both parties coordinate their standards on regionalization and biosafety compartmentalization under the OIE guidelines.

2.111. The United States appreciated China's compartmentalization proposal. However, it noted that each country should be evaluated for recognition of regionalization or compartmentalization separately, following the procedure established by the importing country. The United States added that since both countries were in different stages of the process, it requested that China remove all HPAI-related restrictions on imports from the United States in line with its HPAI-free status, according to OIE standards.

2.4.3 Other concerns

Lack of transparency for certain SPS measures (STC 184)

Raised by:	Israel, United States of America
Supported by:	Australia, Canada, Chile, Costa Rica, European Union, Guatemala, Japan, Mexico, Norway, Singapore, Switzerland, Thailand
Dates raised:	March 2004 (G/SPS/R/33, paras. 32-33), June 2016 (G/SPS/R/83, paras. 4.51-4.55), March 2017 (G/SPS/R/86, paras. 3.44 - 3.49), July 2017 (G/SPS/R/87, paras. 4.49-4.53), November 2017 (G/SPS/R/88, paras. 3.59-3.62)
Relevant document(s):	G/SPS/N/CHN/22
Status:	Not reported
Solution:	
Date reported as resolved:	

2.112. In March 2004, the United States expressed concerns over China's failure to notify nearly 60 regulations covering food, forestry and fishery products issued since 2002. Burdensome

certification requirements for fresh, chilled and frozen aquatic products were imposed by General Administration of Quality, Supervision, Inspection and Quarantine (AQSIQ) Decree 31, which entered into force on 1 July 2003, but were not notified to the WTO. Despite holding bilateral consultations with China, no progress had been made on this issue. The United States urged China to comply with its SPS obligations and to notify new regulations so that Members had an opportunity to comment on them.

2.113. China stressed that it had notified 213 SPS measures since its accession in 2001 and was committed to fulfilling its transparency obligations. The comment period was calculated from the day the Secretariat circulated the notification. There was no obligation to notify AQSIQ Decree 31 as it was an operational rule of a corresponding regulation that had already been notified to the WTO, and imposed no new technical requirements. However, in the interest of enhanced transparency, Decree 31 had been notified in August 2003 (G/SPS/N/CHN/22).

2.114. In June 2016, the United States reiterated its concern, first raised in March 2004, with China's lack of transparency for certain SPS measures. The United States recognized that China had been actively notifying the SPS measures of many of its agencies, and expressed appreciation for these efforts. However, recently many measures issued by some of China's principal regulatory agencies in relation to the implementation of China's 2015 Food Safety Law had not been notified. The United States indicated as an example a recent Chinese measure implementing the new official certificate requirement for imported foods, of which the United States had become acquainted through a letter sent by the AQSIQ to the United States embassy in Beijing on 9 May 2016. The United States urged China to notify this measure, as well as all SPS measures that could impact international trade, in order to allow its trading partners to comment on them, and to take these comments into account upon finalizing the measures. The United States again expressed appreciation to China for the substantive bilateral dialogue on transparency, and looked forward to further cooperation with China to improve food safety.

2.115. Australia reminded all Members that they should notify in accordance with their WTO obligations. While appreciating that it was sometimes difficult to determine whether a measure required notification or not, Australia encouraged Members, when in doubt, to notify.

2.116. The European Union supported the points made by the United States and Australia, and underlined its particular concern about the new Chinese certification regime. The European Union feared that this specific measure would not be justified by any risk assessment, as the products concerned (pasta, confectionary or baked products) were inherently safe, and would impose a disproportionate and unnecessary burden on the importing countries. The European Union looked forward to seeing the Chinese notification for this measure, and to work with China on this issue.

2.117. New Zealand shared the concerns of Australia, the European Union and the United States regarding China's lack of transparency, and especially highlighted Australia's more generic reminder to encourage all Members to notify their SPS measures. New Zealand insisted on the values of the notification system in allowing Members to comment and clarify measures, as well as exchange experiences. New Zealand wondered whether a lack of transparency in notifying SPS measures could be associated with a lack of experience with the notification system, and recalled the value of the mentoring system put in place some years ago, wherein developed Members helped developing Members to manoeuvre the notification system.

2.118. China responded that, from 2013 to 2015, it had submitted 494 regular SPS notifications, providing the 60-day comment period for all the notified measures. China explained that the example provided by the United States on the Official Certificate Requirements for Imported Food did not correspond to non-compliance with the notification requirement, as the Official Certificate Requirements had not been implemented, and the purpose of diplomatic letters was to inform trading partners and collect their comments in advance. China stated that the measure would be notified to the WTO, with the transitional comment period, after further evaluation. China additionally argued that many of its SPS measures criticized for not having been notified were in line with international standards, or did not have a significant effect on international trade, and thus in conformity with Annex B, paragraph 5 of the SPS Agreement. China further explained that according to its administrative legislation procedure, the notification to the WTO came after the online public comment period and first revision of a measure rather than at the same time, in order to provide the WTO with the measure in a more advanced stage. China reminded the United States of its lack of transparency, providing as an example the Seafood Import Monitoring

Program published on the Federal Register on 5 February 2016, which had not been notified to the WTO. China referred to data from the WTO SPS Information Management System (SPS IMS) indicating that the United States had submitted 317 regular SPS notifications between 2013 to 2015, among which only 15 provided for a 60-day comment period. A large number of the measures were notified, sometimes unjustifiably, as trade-facilitating, and therefore did not provide any comment period. China added that the United States seldom notified sub-federal laws or regulations, and thus violated transparency rules.

2.119. In March 2017, the United States reiterated its concern with China's lack of transparency for certain SPS measures. The United States expressed a particular concern with the lack of notification of China's measures related to the implementation of its 2015 Food Safety Law. Further, the United States underlined China's State Council publication on 19 October 2016 of the Revised Draft Implementing Rules for the 2015 Food Safety Law as well as the Chinese General Administration of Quality, Supervision, Inspection and Quarantine (AQSIQ) letter dated 25 April 2016, addressed to the United States embassy and other Diplomatic Missions in Beijing, regarding the new requirement for official certification of all food exported to China, with an attestation that the imported food meets Chinese laws, regulations, and standards, also known as "Announcement #327". The United States noted that this would be inconsistent with relevant Codex guidance, and would be a matter of concern under the SPS Agreement. The United States requested that China delay the envisaged enforcement date of October 2017of the new certificate requirement for imported foods, until the concerns of trading partners had been addressed.

2.120. The United States urged China to notify both the Revised Draft Implementing Rules and the AQSIQ certificate requirement to the WTO, and take its trading partners' comments into account before finalizing the measures. The United States asked that China notify all SPS measures that would have an impact on trade, including newly proposed and future measures that it would develop to implement the 2015 Food Safety Law. The United States expressed appreciation to China for the substantive bilateral dialogue, and looked forward to further cooperation with China to improve food safety in a transparent manner that was science-based and least-trade restrictive.

2.121. The European Union echoed the concerns regarding the notification of the new legislation development in China.

2.122. Japan shared the concern raised by the United States and the European Union, and insisted on the need for more information on such a requirement for new official certificates.

2.123. China responded that the Chinese government took transparency seriously, fulfilling its obligations under the SPS Agreement. China was among Members who had notified the largest number of SPS measures, and was the Member who had most frequently provided a 60-day comment period. Over the past three years, from 2014 to 2016, China had notified a total of 419 regular SPS measures to the WTO, providing the 60-day comment period for all the notified measures. With specific reference to the two food safety measures flagged by the United States, the European Union and Japan, China reported to the Committee that the competent authority of China had already extensively consulted with the relevant stakeholders, including with those from the United States, the European Union and Japan, and had reflected a number of comments in the revised rules. China commended the active effort of the United States, the European Union and Japan in providing comments in the public consultation process. China reported that it would soon notify the food imports certificate requirements, and that the draft Implementing Rules of the Food Safety Law had been placed on the 2017 legislative agenda of the State Council of China, with ongoing consultations.

2.124. China highlighted that transparency was an important obligation shared by all WTO Members. China commented on the lack of transparency by the United States. Referring to data from the WTO SPS Information Management System (SPS IMS), it noted that the United States had submitted 110 regular SPS notifications from 2014 to 2016, among which only 11 provided for a 60-day comment period. China further noted that a large number of the measures were notified as trade-facilitating, often unjustifiably, and did not provide any comment period. China added as a systemic issue that the United States did not notify the acts enacted by its Congress, for example the US Food Safety Modernization Act, and seldom notified sub-federal laws or state regulations. Finally, China encouraged more discussions with the relevant Members with a view to further improving transparency in the SPS area.

2.125. In July 2017, the United States reiterated its concerns over the official certificate requirement for imported foods, originally issued by China's General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) in April 2016, recalling its transparency concerns regarding the lack of notification of this measure. The United States appreciated China's notification as G/TBT/N/CHN/1209 on 19 June 2017, which indicated under description and objective of the measure, the protection of human health and food safety. Therefore, the United States reiterated the request that China notify its measure to the SPS Committee as well. The measure – entitled AQSIQ Food Bureau's Correspondence [2017] No. 83 in the TBT notification – would require a range of imported food products, including low-risk processed, shelf-stable foods, to be accompanied by official certificates. The United States noted that AQSIQ Correspondence No. 83 would apply only to imports and would require official certification of low-risk foods on a shipment-by-shipment basis. Correspondence No. 83 indicated that the official certificate would need to include product and shipment details which were outside the purview of the United States Food and Drug Administration, a requirement which would go into effect on 1 October 2017.

2.126. Given the impact these requirements could have, the United States enquired about (i) the scope of products covered by this measure, noting the importance of using the Harmonized Commodity Description and Coding System developed by the World Customs Organization, and to clarify that duplicate official certificates would not be required; (ii) the scientific justification of the requirements, including data documenting food-borne hazards associated with imported shelf-stable processed foods; how such documented hazards would pose a human health risk to consumers, and evidence showing that shipment-by-shipment official certification was appropriate and proportionate to address the risk; (iii) considering replacing the official certification requirement with a less trade restrictive measure that recognized the primary responsibility of food business operators for compliance, which would be consistent with domestic Chinese requirements, as well as with Codex principles and guidelines; and (iv) the measures that would require the domestic certification of foods manufactured, processed, stored, transported and exported under the supervision of its domestic competent authority. The United States urged China to delay the implementation of this measure to allow for the discussion and resolution of these trade concerns. Finally, the United States appreciated China's willingness to cooperate and they looked forward to a continued engagement.

2.127. Israel shared the concerns of the United States, mainly the significant and unnecessary barriers to trade the measure would cause. Israel hoped that, in addition to the notification to the TBT Committee, China would follow with a notification to the SPS Committee; and requested China to elaborate on the scientific justification and international standards their work was based on and the proportionate level of risk presented by the targeted products. Israel thanked China for its willingness to engage bilaterally.

2.128. Australia, Canada, Chile, Costa Rica, European Union, Japan, Mexico, Norway, Singapore, and Switzerland shared the concerns expressed by the United States and Israel. They underlined, *inter alia*, their concerns over the lack of a notification to the SPS Committee, the scope of the products affected by this measure (including low-risk products), the inconsistency with Codex standards, the possible duplication of certification, and the unrealistic implementation date of 1 October 2017. In particular, the European Union underlined the ambiguity of some of the provisions and the difficulties this would pose for custom authorities. Several Members expressed appreciation of China's constructive bilateral meetings and clarifications.

2.129. China explained that in recent years it had observed a sustained and fast growth of imported food, becoming the largest importer of food and agricultural products. Imported food and agricultural products accounted for around 7.5% of its domestic food consumption, imported dairy products for 17.1% and edible oil for 29.3% of domestic food consumption. China underlined the importance of strengthening cooperation on food safety and therefore drafted the measure at issue. China also noted that the requirement of official certificates did not go against international conventions, and clarified that certificates were not required to demonstrate that the imported food completely met Chinese regulations, but only to prove that the production, processing, storage, transportation and export processes of the food had been under the effective supervision of the competent authorities of exporting countries. In addition, China explained that the certificates could be issued by the competent authorities of exporting countries or regions, or their authorized institutions. China stated that the notified measure had included Members' suggestions and comments and welcomed further feedback on the notification to the TBT Committee

(G/TBT/N/CHN/1209). China explained that the certificates mentioned in the notification included the bilateral sanitary certificate and phytosanitary certificate, which meant that the imported food already covered by these certificates did not require a new certificate. China looked forward to a strengthened communication and cooperation with Members.

2.130. In November 2017, the United States reiterated its concern on China's proposed official certification requirements for imported food. The United States thanked China for its bilateral engagement and for its notification to the WTO of the two-year transitional period for the implementation of the official certification requirement, delaying its entry into force to 30 September 2019. The United States noted that though the notification had been made to the TBT Committee, it indicated the protection of human health and food safety in the description and objective of the measure. The United States therefore requested China to keep the SPS Committee abreast of the measure's developments. The United States also requested a clarification of the scope of the measure, given that AQSIQ Food Bureau's Correspondence No. 83 appeared to require a wide range of imported food products to be accompanied by official certificates on a shipment-by-shipment basis, including processed, shelf-stable food, which would pose little to no risk to food safety and human health. The United States argued that China's proposed requirement was inconsistent with Codex guidelines and principles. Finally, the United States welcomed the clarifications provided by China and the opportunity to work with China on the matter.

2.131. Singapore supported the concern and added that it looked forward to receiving responses to the questions posed to AQSIQ.

2.132. Japan, the European Union, Guatemala, and Thailand also shared the concern of the United States and urged China to provide timely and appropriate information on the revised draft and its implementation, noting that the measure would be disproportionate, go beyond international standards, and be trade disrupting.

2.133. China responded that it had carefully considered the comments submitted by Members and had decided to provide a unified transitional period of two years until 30 September 2019, as notified to the WTO. China explained that the measure had been drafted taking into account the practical situation of other Members, and hoped that Members would provide a sample of certificates attached to food exported to China as soon as possible. The comments received would be delivered back to the capital for consideration.

2.5 European Union

2.5.1 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; Dominican Republic; El Salvador; Guatemala; Honduras; India; Indonesia; Mexico; Nicaragua; 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), March 2014 (G/SPS/R/74, paras. 3.15-3.18), July 2014 (G/SPS/R/75, paras. 4.38-4.40), October 2014 (G/SPS/R/76, paras. 3.6-3.8), March 2015 (G/SPS/R/78, paras. 3.13-3.15), July 2015 (G/SPS/R/79, paras. 3.24-3.26), October 2015 (G/SPS/R/81, paras. 3.19-3.22), March 2016 (G/SPS/R/82, paras. 3.26-3.29), October 2016 (G/SPS/R/84, paras. 3.24-3.26), March 2017 (G/SPS/R/86, para. 9.8)

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, G/SPS/N/EU/64, G/SPS/N/EU/64/Add.1 and G/SPS/N/EU/64/Add.2, G/SPS/GEN/1329, G/SPS/GEN/1361, G/SPS/GEN/1383, G/SPS/GEN/1422, G/SPS/GEN/1444, G/SPS/GEN/1477, G/SPS/GEN/1526
Status:	Not reported
Solution:	
Date reported as resolved:	

2.134. In March 2006, Colombia raised concerns on the application of the EC Regulation on Novel Foods (Regulation (EC) 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 the 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.

2.135. 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 (EC) No. 258/97 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 Regulation (EC) No. 258/97: (i) the non-application of Regulation (EC) No. 258/97 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.

2.136. 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, the export of traditional and exotic foods also had a major socio-economic impact and related closely to efforts to overcome rural poverty. Ecuador invited the European Communities to carefully consider Colombia's recommendations regarding the amendment. The amendment of the regulation and its impact were of importance for many developing countries.

2.137. 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 No. 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 (EC) No. 258/97 to allow them to enter the European market. Peru also supported Colombia's recommendations regarding the amendment (G/SPS/GEN/681).

2.138. Brazil, Chile, Costa Rica and Paraguay reported that their exports had also been affected by Regulation (EC) No. 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 expressed their interest in the topic and shared the concerns of Colombia, Ecuador and Peru.

2.139. The European Communities confirmed that Regulation (EC) No. 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 clearly set out 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 (EC) No. 258/97 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.

2.140. In June 2006, Peru raised further concerns regarding the EC Novel Foods 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 the special needs of developing countries had been taking into account in accordance with Article 10 of the SPS Agreement (G/SPS/GEN/713).

2.141. 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 Foods 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 Foods Regulation and of EC regulations on genetically modified food were still being evaluated.

2.142. The European Communities stressed that the concerns expressed were being taken seriously, and that the Novel Foods Regulation was currently under review (G/SPS/GEN/699 and G/SPS/GEN/700). The original intention of the Novel Foods 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.

2.143. In October 2006, Colombia, Ecuador and Peru reiterated concerns relating to Regulation (EC) No. 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 any 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.

2.144. The European Communities was requested to promptly review Regulation (EC) No. 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 to 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.

2.145. 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.

2.146. 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.

2.147. 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.

2.148. 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 Regulation (EC) No. 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.

2.149. 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 that of 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.

2.150. 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.

2.151. 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.

2.152. 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.

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

2.154. 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. 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.

2.155. 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 that 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.

2.156. 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 Foods 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.

2.157. In June 2011, Peru again raised concerns about Regulation (EC) No. 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 Communities 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.

2.158. The European Union stated that foods were considered novel under the present Regulation (EC) No. 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.

2.159. In October 2011, Peru recalled its concerns about Regulation No. 258/97 (G/SPS/GEN/1117). Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico and Paraguay shared the concerns raised by Peru.

2.160. 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.

2.161. In March 2012, Peru recalled its previously raised concerns about the EU Novel Foods Regulation 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 (EC) No. 258/97 to traditional products with a history of safe consumption outside the EU market.

2.162. 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.

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

2.164. 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 (EC) No. 258/97 to traditional products or to facilitate the entry of products with a history of safe consumption outside the EU market.

2.165. 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.

2.166. The European Union explained that revision of 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 Foods 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.

2.167. In October 2012, Peru reiterated its concern that the application of Regulation (EC) No. 258/97 continued to restrict access of traditional products into the European Union. Regulation (EC) No. 258/97 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.

2.168. Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador and Venezuela supported Peru's concern and asserted that Regulation (EC) No. 258/97 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.

2.169. 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 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.

2.170. In March 2013, Peru reiterated its previously raised concern with regard to EU Regulation (EC) No. 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.

2.171. 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.

2.172. The European Union stated that the new legislative proposal was still taking shape and was due later that 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.

2.173. In October 2013, Peru reiterated its concern over the EU Regulation on Novel Foods, as it restricted the access of traditional biodiversity-based products into the European market. Peru had previously shown the negative effects of this measure on exporters. The proposed amendment of Regulation No. 258/97 would exclude from its scope traditional biodiversity-based products which had previously been safely consumed in their country of origin. The aim of this was to facilitate the export of these products from developing countries. Peru requested information on the status of the proposed amendment to Regulation No. 258/97, which would be an important step to access the European market.

2.174. Chile, Colombia, Costa Rica, Cuba and El Salvador expressed their support for Peru's concerns.

2.175. The European Union confirmed that the European Commission intended to present a new novel foods proposal by the end of 2013. This would take into account the overarching agreement reached by the EU co-legislators on future measures applicable to Novel Foods, including those which were traditional in third countries. The proposal would streamline the approval process and provide specific measures for traditional foods from third countries, intended to ease their access to EU markets for the benefit of consumers whilst ensuring their safety. The draft proposal would be circulated to all Members through notifications under the SPS and TBT Agreements to allow for any comments and concerns to be well taken into account.

2.176. In March 2014, Peru reiterated its concern over the EU Regulation on Novel Foods and requested information on the status of the proposed amendment to Regulation (EC) No. 258/97.

2.177. Ecuador noted that the revised EU legislation, COM(2013)894, still posed barriers to products of biodiversity and sought assurances that it was compliant with Articles 2.2 and 5.6 of the SPS Agreement. The regulation created a disadvantage to small producers because the EU regulations required that the marketing history of traditional biodiversity-based products be disclosed, and this information was rarely available in developing countries. Ecuador suggested that the European Union: (i) replace the existing process with a simplified risk-based authorization procedure; (ii) define clearly the factors to be used to evaluate safety; and (iii) clarify the international standards and procedures on which EFSA would base its decisions and carry out the risk assessments.

2.178. Costa Rica, El Salvador and Nicaragua also expressed support for Peru's concerns.

2.179. The European Union announced that in December 2013, the Commission adopted a proposal for a new regulation on novel foods, accompanied by a further proposal on cloning. The proposed new regulation for novel foods focused on easing market access for traditional foods, including those produced by small producers. The objective was to simplify and streamline approval procedures while ensuring food safety. The proposal was notified to the WTO in December 2013 (G/SPS/N/EU/64) and an exceptionally long comment period (120 days) had been

given. No comments had been received to date and interested Members were encouraged to submit their comments by the 20 April 2014 deadline. The European Union encouraged Ecuador to submit their comments in writing so that they could be considered as part of the notification process.

2.180. In July 2014, Peru reiterated its concern over the proposed amendment of Regulation (EC) No. 258/97 (documents G/SPS/N/EU/64, G/SPS/N/EU/64/Add.1 and G/SPS/N/EU/64/Add.2) and referred to its comments on how to facilitate access to the EU market for biodiversity products from developing countries (G/SPS/GEN/1329). Peru highlighted its concerns on the proposed definitions of: (i) "novel food" - and requested the risk assessment that established 15 May 1997 as the reference date; (ii) "traditional food from third country" – given that the majority of potentially exportable traditional foods derived from primary production; and (iii) "history of safe food use in a third country"- proposing a period of five years without any indication of risk to human health for demonstrating safe use, instead of the 25 year time-period envisaged by the European Union. Peru requested that the European Union revise these definitions to establish criteria that would allow traditional biodiversity products from developing countries real and timely access to the EU market.

2.181. Colombia, Costa Rica and Ecuador expressed their support for Peru's concerns.

2.182. The European Union recalled that in December 2013 it notified the proposal for a new regulation on novel foods, and an exceptionally long comment period (150 days in total) had been given to facilitate interested Members to dialogue with the European Union. The deadline to submit comments had been extended to 20 May 2014, and comments had been received from Canada, China, Costa Rica, Ecuador, Peru and the United States. EU experts were examining the comments and written replies would be provided soon. The European Union explained that the reference date of 15 May 1997 was already applied by the existing Regulation (EC) No. 258/97, and as the new proposal did not change the scope of the EU legislation, this date remained unchanged. A guidance document had been elaborated to explain how to establish the use of a food to "a significant degree". On the definition of "traditional food from third country", this only referred to primary production. Sacha inchi oil could be placed on the EU market, whereas camu camu or rumberry were only known in the European Union to be used in food supplements. The 25 years history of safe use reflected experience gained by one generation of population consuming the food in question, and no toxicological data were required, only compositional data. The new proposals aimed to streamline the pre-market authorization procedure, in particular by faster and more proportionate safety assessments for traditional foods from third countries with a history of safe use. Detailed guidance on all information to be presented as part of the application would be provided. Recommendation 97/618/EC would be replaced by a new scientific guidance elaborated by EFSA by 31 October 2015, and would be subject to public consultation.

2.183. In October 2014, Peru restated its concerns over the proposed amendment of EU Regulation (EC) No. 258/97 (G/SPS/GEN/1361), again requesting the review of several definitions. Furthermore, Peru addressed Article 9 of the proposed amendment, which sets forth the procedure for authorizing the placement of novel food on the EU market, requiring the exporter to present scientific evidence demonstrating the safety of the novel food in question. Peru challenged the consistency of EU's proposed regulation with Articles 2.2 and 5 of the SPS Agreement, which require the importing Member to adopt the least trade-restrictive measure, based on a risk assessment, and requested the European Union to provide the underpinning scientific basis.

2.184. Colombia and Guatemala expressed their support for Peru's concerns.

2.185. The European Union informed the Committee that Members' comments on the new proposed Regulation were being transmitted to the European Parliament and European Council for consideration before its final adoption. Regarding Peru's comments on Article 9, the European Union recalled that one of the main objectives of the proposed Regulation was to facilitate and streamline the authorization of novel foods from third countries. European Commission Recommendation 97/618/EC reflected the scientific considerations underpinning the draft legislation. As it was not possible to anticipate the potential risks associated with novel foods production processes, the European Union noted that a high level of food safety could only be achieved by putting in place a pre-market approval system, compatible with Article 8 and Annex C of the SPS Agreement. The European Union expressed its confidence that the proposed Regulation

was consistent with the SPS Agreement since it provided unified, simplified and shortened authorization procedures. The European Union reiterated its commitment to work closely with all Members to address their concerns and to provide detailed guidance to applicants regarding the authorization and notification procedures.

2.186. In March 2015, Peru reiterated its concerns over the proposed amendment of Regulation (EC) No. 258/97 (G/SPS/GEN/1383). Peru challenged the consistency of the EU proposed regulation with Articles 2.2 and 5 of the SPS Agreement, which require the importing Member to adopt the least trade-restrictive measure, based on a risk assessment, and requested the European Union to provide the underpinning scientific basis. Peru noted how trade statistics for kaniwa (or cañihua) exports showed the detrimental effects of the EU Regulation on Novel Foods on Peru's traditional products derived from biodiversity. While Peru's global exports of kaniwa had increased by more than 317% in 2013 and about 206% in 2014, going to markets such as Australia, Canada and the United States, the marketing of this food in the European market was restricted and its real potential was therefore reduced. Peru also requested the European Union to clarify the scope of the phrase "a large part of the population of a third country", contained in Article 2.2(c). The definition did not specify the percentage or number of people required for this part of the population to be considered "large", nor did it specify whether the population in question should constitute a representative sample of the country's population as a whole or whether it may concern specific areas.

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

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

2.189. In July 2015, Peru reiterated its concerns over the EU proposal for a regulation repealing Regulation (EC) No. 258/97 on novel foods notified in G/SPS/N/EU/64. Peru's traditional biodiversity products with high export potential were being affected by the European Union's current regulation on novel foods, to the detriment of small and medium-sized Peruvian producers and exporters. Peru gave the example of "huito", the marketing of which is restricted in the European Union, as described in document G/SPS/GEN/1422. Peru requested that the European Union indicate the scientific basis for its regulation on novel foods and take into consideration the points raised by Peru at different meetings.

2.190. Colombia, Ecuador, the Dominican Republic, Nicaragua, Guatemala, Costa Rica and Brazil supported Peru's statement, and highlighted the measures' potential adverse effects on trade. They stated that the EU measure was not based on scientific principles and requested more information on its current status.

2.191. The European Union announced that the definitive text of the new regulation was not yet available, although some progress had been made by the co-legislators. It was not possible to anticipate the potential risk associated with all novel foods, production processes and methods, and to address them in an all-encompassing risk assessment. The high level of food safety

pursued by the European Union could only be achieved on a case-by-case basis within the framework of a pre-market approval system, in accordance with Article 8 and Annex C of the SPS Agreement. Regarding "huito", there had been no application for its authorization as novel food. Since the current Novel Foods Regulation had been in place since 1997, but there had been substantial imports of "huito" into the European Union in 2008, there seemed to be no causal relationship between the regulation and the trade of this product into the European Union. Like all other traditional biodiversity foods, "huito" should particularly benefit from the new Novel Foods Regulation, since it was likely to qualify for the simplified, shorter procedure for such traditional foods. The European Union announced that once the regulation was adopted, guidance on all the information to be presented by applicants would be made available for public consultation and an information session would be organized. The European Union remained committed to cooperating on this matter with all interested WTO Members.

2.192. In October 2015, Peru reiterated its concerns on the EU proposed Novel Foods Regulation, as notified in G/SPS/N/EU/64. Peru asserted that the proposed regulation was not compatible with Articles 5.1, 5.2 and 2.2 of the SPS Agreement, since the ban on the marketing of traditional biodiversity products was not justified by scientific evidence (G/SPS/GEN/1444). Peru observed that there was no scientific justification to require exporters to demonstrate safety of each product they wished to export to the European market and emphasized that Peru's traditional biodiversity products with high export potential were being affected by the European Union's current regulation. Peru gave the example of ornamental fish, which were of high importance for vulnerable regions of Peru and exported to over 80 countries, but would be subject to restrictions in the EU market due to this regulation. The proposed regulation did not take into account the needs of developing countries regarding access for biodiversity products and generated high barriers to trade in the European market. Peru requested that the European Union respond to the questions it had submitted. Peru invited the European Union to provide information on the upcoming vote by the European Parliament on this regulation, as well as details on the content of the project, and future steps.

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

2.194. The European Union recalled that the co-legislators, the European Parliament and the Council, had made progress in the negotiations on the regulation and expressed hope that the novel foods legislation could be adopted in the current year. The European Union confirmed that it would hold a special information session to present the new regulation once finalized. After its adoption, a document containing detailed guidance for applicants on the information to be presented would be prepared and subject to public consultation. In responding to the specific queries raised, the European Union indicated that it was not possible to anticipate the potential risks associated with all novel foods, production processes and methods and to address them in an all-encompassing risk assessment. The high level of food safety pursued in the European Union could only be achieved on a case-by-case basis within the framework of a pre-market approval system, in accordance with Article 8 and Annex C of the SPS Agreement. The European Union noted that the proposed regulation was in line with the SPS Agreement as it was based on scientific risk assessment. In addition, the regulation complied with Article 10 on special and differential treatment because it introduced a simplified procedure for the placement of traditional biodiversity foods on the EU market, once their history of safe use in third countries had been demonstrated if no safety concerns based on scientific evidence had been raised. The European Union queried Peru's example of ornamental fish, which was not considered food in the European Union. In addition, the European Union highlighted that Peru currently exported ornamental fish to the European Union on a regular basis.

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

2.196. In March 2016, Peru raised its concerns over the new Regulation (EU) No. 2015/2283 on novel foods, which, like its predecessor Regulation (EC) No. 258/97, restricted the entry into the

European market of certain foods and food ingredients qualified as "new foods" for not being marketed in the European Union before 15 May 1997. Peru expressed its appreciation for the seminar organized by the European Union on the margins of the current SPS Committee meeting, but noted that once again there was no scientific basis to justify the 25-year history period of safe food use. Peru also highlighted the potential adverse impacts the regulations may have on SMEs in developing countries. Peru invited Members to review the examples of products affected by such regulations from previous submissions and cited in G/SPS/GEN/1477. Peru urged the European Union to address its concerns regarding the new regulation, in particular to provide the necessary scientific justification for the regulation.

2.197. Colombia noted that some of its concerns on the new legislation had been addressed in the seminar organized by the European Union, particularly on documentation requirements. However, Colombia remained concerned that the definition of a novel food remained a product not consumed in the EU market before 1997, and about the burden small producers in developing countries would face in complying with the regulation.

2.198. Guatemala also shared the concern, reaffirming that the measure needed a scientific basis and urging the European Union to take into account the implications for small-scale, rural producers.

2.199. The European Union had already informed the Committee under a previous agenda item that the new Regulation No. 2015/2283 had been adopted in November 2015 and would apply from 1 January 2018. Preparations for implementing the new rules were ongoing, including guidance from European Food Safety Autority for applicants seeking authorization. The European Union noted that the proposed regulation was consistent with the SPS Agreement. As it was not possible to the address potential risks associated with novel foods in an all-encompassing risk assessment, the high level of food safety pursued in the European Union could only be achieved on a case-by-case basis within the framework of a pre-market approval system, in accordance with Article 8 and Annex C of the SPS Agreement. The pre-market approval system foreseen in the regulation was based on scientific risk assessment in line with Articles 5, 8, and Annex C. Concerning the 25-year period of consumption, although there was no consensus on an exact period, most experts and regulators considered the period should cover one to several generations; 25 years translated to roughly one generation, which was in the lower-end of this spectrum. In addition, the regulation complied with Article 10 on special and differential treatment because it introduced a simplified procedure for the placement of traditional biodiversity foods on the EU market, once their history of safe use in third countries had been demonstrated, and if no safety concerns based on scientific evidence had been raised. The European Union was confident that the new regulation was fully consistent with the provisions of the SPS Agreement and remained committed to cooperating with all interested Members.

2.200. In October 2016, Peru recalled its concern regarding the new Regulation (EU) No. 2015/2283 on novel foods, which like its predecessor Regulation (EC) No. 258/97, restricted the entry into the European market of traditional biodiversity products not marketed in the European Union before 15 May 1997. Peru considered both regulations not to be based on scientific evidence and a risk assessment and therefore to be inconsistent with Articles 2, 5.1 and 5.2 of the SPS Agreement. As an example, Peru invited Members to review the case of products of stevia, a species native to the tropical region of South America used as a sweetener, described in G/SPS/GEN/1526. In particular, Peru urged the European Union to consider its comments on the implications of implementing its regulation, which constituted an unjustified barrier to trade with negative impacts on small farmers and producers.

2.201. Colombia recognized the European Union's right to protect its population, but highlighted the burden and high costs its small producers would face in complying with the regulation. Colombia urged the European Union to take into account the concerns raised. Costa Rica highlighted that novel foods were a tool for fostering rural development and SMEs growth in countries largely depending on trade of biodiversity products. Guatemala also shared the concerns, and noted that this type of measures discouraged trade of biodiversity products. The measure jeopardized Guatemala's free trade agreements negotiated with the purpose of diversifying its exports. Ecuador requested that the European Union provide the necessary scientific justification for the regulation. Ecuador also highlighted the need to consider special and differential treatment as well as technical cooperation activities.

2.202. The European Union recalled that the new regulation had been adopted and would apply from January 2018. Implementation rules on administrative and scientific requirements for applicants would be finalized by the end of 2017 and duly notified under the SPS Agreement. In addition, two European Food Safety Authority guidance documents for applicants seeking authorisation and for notifications of traditional foods would be published in November. The guidance documents had been subject to public consultation and had been discussed with stakeholders, including non-EU countries, in April 2016. Technical reports on the outcome of these consultations would be published. The European Union was confident that the new regulation was consistent with the SPS Agreement. As it was not possible to anticipate potential risks associated with novel foods or processing methods in one comprehensive risk assessment, the high-level of food safety pursued in the European Union could only be achieved through a pre-market approval scheme, in accordance with Article 8 and Annex C of the SPS Agreement. The European Union considered the new regulation to be in line with special and differential treatment, as it provided for a simplified and faster procedure for traditional biodiversity products, including stevia. The European Union indicated that Peru's application on stevia had not been approved due to lack of information. Concerning the 25-year period of consumption, it translated to roughly one generation, which was on the lower end of the recommended spectrum. The European Union remained committed to continue working with Members and addressing their concerns on this issue.

2.203. In March 2017, Peru referred to its previously raised concern regarding the EU Regulation on novel foods which restricted the entry into the European market of traditional biodiversity products not marketed in the European Union before 15 May 1997. This concern had previously been raised in several SPS Committee meetings. Peru outlined that although the European Union had notified the modifications to the regulation, through bilateral channels, as well as through EFSA, to date no information had been circulated regarding the conformity of these regulations to the SPS Agreement. Peru argued that implementation of this regulation constituted an unjustified barrier to the Peruvian food trade and urged the European Union to provide the scientific justification underpinning the regulation, as well as to align its regulation with the SPS Agreement. Peru reserved the right to include this concern on the agenda of the next Committee meeting.

Categorization of compounds as endocrine disruptors (STC 382)

Raised by:	Argentina, China, United States of America
Supported by:	Australia, Benin, Brazil, Burkina Faso, Burundi, Canada, Central African Republic, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Egypt, The Gambia, Guatemala, Guinea, India, Indonesia, Jamaica, Kenya, Madagascar, Malaysia, Mexico, New Zealand, Nigeria, Pakistan, Paraguay, Peru, Philippines, Senegal, Sierra Leone, South Africa, Chinese Taipei, Thailand, Togo, Uruguay, Viet Nam, Zambia
Dates raised:	March 2014 (G/SPS/R/74, paras. 4.3-4.4), March 2015 (G/SPS/R/78, paras. 3.20-3.22), July 2015 (G/SPS/R/79, paras. 3.50-3.52), October 2015 (G/SPS/R/81, paras. 3.34-3.37), March 2016 (G/SPS/R/82, paras. 3.15-3.20), June 2016 (G/SPS/R/83, paras. 4.32-4.37), October 2016 (G/SPS/R/84, paras. 3.18-3.23), March 2017 (G/SPS/R/86, paras. 3.16-3.20), July 2017 (G/SPS/R/87, paras. 4.19-4.26), November 2017 (G/SPS/R/88, paras. 3.47-3.52)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.204. In March 2014, the United States noted that the European Union planned to publish a roadmap outlining different options and a preliminary impact assessment in its process to assess, classify and regulate endocrine disruptors. The United States urged the European Union to swiftly notify the roadmap, any future proposals and the draft impact assessment, and to take into account comments from Members. The United States requested that the European Union explain its endocrine disruptor assessment program, particularly the timing for public consultations, as well as the timeframe for notifications and the manner in which Members' comments would be taken into consideration.

2.205. The European Union highlighted that several segments of its legislation contained provisions on endocrine disruptors; however, scientific criteria for the identification of endocrine disruptor substances were not yet available. The European Union noted that it had planned to propose scientific criteria to identify endocrine disruptors in its biocidal products regulation and plant protection products regulation by December 2013. However, in light of the potential impacts of a choice of criteria, the European Commission decided to carry out a comprehensive impact assessment to analyse the different policy options available to define criteria for the identification of endocrine disruptors, before making a revised proposal. This process was underway and the next step would be the publication of a roadmap, within the coming weeks, outlining the various policy options for the criteria to be assessed. The impact assessment would follow standard EU guidelines, take into account existing scientific studies and reports, relevant international on-going work on this subject, and the impact on international trade. The European Union further clarified that a public consultation would be launched as part of the process in the course of 2014, enabling all stakeholders and trading partners to provide their input.

2.206. In March 2015, the United States raised concerns regarding the EU public consultation on defining criteria for identifying endocrine disruptors in the context of the implementation of the plant protection product regulation and biocidal products regulation. The United States questioned the scientific evidence considered in developing and selecting each of the options presented in the roadmap and feared that risk might have not been taken into account. Implementation of any hazard-based "cut-off" option that did not consider risk from actual exposure could have severe implications for EU imports of agricultural goods, including those from the United States. Furthermore, banning chemicals and pesticides solely based on endocrine-disrupting properties might incentivize the use of more dangerous products, simply because they do not present endocrine-disrupting properties. The United States encouraged the European Union to explain in a public document how significant stakeholders' comments would be taken into account and urged the Commission to adopt an approach that fully considered the vital role that pesticide chemicals play in food safety and security.

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

2.208. The European Union noted that there was currently no new EU legislative proposal on defining criteria for identifying endocrine disruptors. The European Commission was in the process of conducting a full impact assessment, where all health, environmental and socio-economic aspects, including impacts on international trade, would be addressed. Following the publication of the roadmap in June 2014, a public consultation had been held from September 2014 to January 2015. Over 27,000 responses had been received and published on the EU Commission website, and an analytical report of these responses would be provided in due course. A stakeholders' conference for all interested parties, including third countries, was planned for 1 June 2015, while a dedicated webpage with information on the ongoing impact assessment would be available soon on the DG-SANTE website. In parallel, the necessary studies to support the impact assessment were ongoing. The first one would estimate which substances would be identified under each option for the criteria outlined in the Roadmap, with 700 chemicals being screened. Only when the results of these screenings would be available, the European Commission would launch the studies assessing impacts on health, environment, trade, agriculture and socio-economic effects in general and include them in the impact assessment report that would accompany any legislative proposal. If and when such proposal would be made, the legislative draft would be notified to the WTO to allow Members to present their comments, in line with the transparency obligations of the SPS Agreement that the European Union promoted and would like to reinforce.

2.209. In July 2015, the United States recalled its concerns on EU roadmap outlining possible options for defining criteria to identify endocrine disruptors, specifically as they related to plant protection products. Referring to the public consultation held in Brussels on 1 July 2015, the United States questioned the scientific evidence underlying the options, and the consideration of any hazard-based "cut-off" option instead of risk from actual exposure. It encouraged the European Union to share information on the methodology used in developing EU member States'

impact assessments. The United States requested that the European Union recognize risk-based endocrine programmes developed by other countries. It also request that the European Union keep the Committee informed of relevant developments, and encouraged the European Union to publish the draft legislation, once developed, including any risk and impact assessments carried out.

2.210. Australia, Brazil, Canada, Chile, China, Colombia, the Dominican Republic, Egypt, India, Kenya, Malaysia, Mexico, New Zealand, Nigeria, and Peru also spoke about the revised EU proposal on endocrine disruptors. They urged the European Union to take into account all the comments made during the public consultation and requested that the Committee be informed of any relevant developments.

2.211. The European Union recalled that it was currently conducting an all-inclusive risk assessment, including impacts on international trade, and that the report of the public consultation conducted between September 2014 and January 2015 would be made public in the coming weeks. The European Union also noted that all the relevant information about the impact assessment had been made available on their website. The European Union recalled that two studies were being conducted, one on the identification of the endocrine disruptors and another on the assessment of impacts. Once, and if, a legislative proposal was eventually made, it would be notified to the Committee and comments from Members would be taken into account before adoption of the final regulation.

2.212. In October 2015, the United States restated the observations presented during the 2015 July meeting and thanked the European Union for its report of the public consultation held in Brussels in July 2015 (G/SPS/GEN/1448).

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

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

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

2.216. In March 2016, Argentina again raised its concern with the EU revised proposal for categorization of compounds as endocrine disruptors, both on defining criteria for identifying endocrine disruptors and on the future EU approach to establishing MRLs and import tolerances for said substances. Argentina urged the European Union to adopt a risk-based rather than a hazard-based approach. Argentina requested more information on the socio-economic impact of the EU revised proposal on endocrine disruptors. Argentina also requested an update on information provided at the previous TBT Committee meeting on this topic.

2.217. China shared the concern while commending the European Union for its efforts to protect consumers' health. China urged the European Union to incorporate actual exposure in its regulations, to apply existing Codex standards to minimize trade impacts, and to notify its measures at an early stage to take into account Members' comments.

2.218. The United States reaffirmed the importance of plant protection products and their uses and recalled its concerns about the EU roadmap, which outlined possible options for defining criteria to identify endocrine disruptors. The United States questioned the scientific evidence underlying the options, and the consideration of any hazard-based "cut-off" option instead of risk from actual exposure. The United States encouraged the European Union to share information on the methodology used in developing EU member States' impact assessments as well as an update on the EU's intentions to include socio-economic analysis in the impact assessment. The United States requested that the European Union recognize risk-based endocrine programmes developed by other countries. It also requested that the European Union keep the Committee informed of relevant developments, and encouraged the European Union to publish the draft legislation, once developed, including any risk and impact assessments carried out, for public comment. Additionally, the United States raised a concern regarding Regulation (EC) No. 1107/2009 that sets out a hazard-based approach, rather than risk-based, to determine whether substances should be authorized for use. According to this regulation, pesticides previously deemed safe under a risk-based approach would no longer be authorized if they triggered a hazard "cut-off", as described in Regulation (EC) 1107/2009. The United States urged the European Union to communicate risks accurately to the public and reaffirmed its commitment to collaboration to reduce the potentially severe impacts on trade.

2.219. Canada shared this concern, as in the last three SPS Committee meetings. Hazard identification was an important step in risk analysis, but needed to be placed into the context of exposure. Canada continued to seek clarification on the EU regulations, as the proposed approaches could impede the use of safe crop protection products, thus restricting trade without evidence of increased safety. Canada noted that the EU impact studies would be released later in 2016 and requested clarification on how the studies would be utilized and comments would be managed.

2.220. Brazil, Burundi (on behalf of the African Group), Central African Republic, Colombia, Chile, Dominican Republic, Guatemala, Jamaica, India, Kenya, Madagascar, Mexico, New Zealand, Nigeria, Senegal, Thailand, Togo, Viet Nam, and Zambia also spoke about the revised EU proposal on endocrine disruptors. They encouraged the European Union to, *inter alia*, follow a risk-based approach, minimize any potential trade impacts, adhere to relevant international standards and keep informing the Committee of any relevant developments, especially the forthcoming impact assessments.

2.221. The European Union clarified that the roadmap contained two elements: the approaches to identify criteria and the approaches to regulatory measures. Two options of the latter contained elements of risk assessment. The European Union stated that in response to a judgement of the EU General Court in December 2015, the European Commission had decided to accelerate its on-going impact assessment work in order to be able to present the results in summer of 2016. The report was in its final stages and would be publically available once formally approved. Two regulatory measures were being considered: one containing criteria applied to chemical substances falling under the Plant Protection Products Regulation, and the other containing criteria applicable under the Biocidal Products Regulation. Both measures would be notified to the WTO in draft forms for comments prior to adoption. The European Union recalled that in the impact assessment the potential trade impacts were being evaluated, together with impacts on agriculture, health, environment, and socio-economic impacts. The European Union noted that the methodology used to screen which chemicals may fall under the different options for criteria to identify endocrine disruptors had been developed by the Joint Research Center of the European Commission and had been presented in November 2015. The methodology, results, and contractor's details would be published upon completion. Finally, the European Union highlighted that it was acting in a fully transparent manner and invited Members to visit the dedicated website where all relevant information was available.

2.222. In June 2016, Argentina reiterated its concern with the EU's revised proposal for categorization of compounds as endocrine disruptors, notified in G/SPS/N/EU/166. The hazard-based approach would modify MRLs of previously approved phytosanitary products to default levels that lacked scientific justification, leading to disproportionate and unnecessary trade restrictions. Argentina requested that these levels be based on risk assessments and the possibility to establish MRLs above default levels for substances posing an insignificant exposure risk. Finally, Argentina regretted that the draft regulation setting out scientific criteria for the determination of endocrine-disrupting properties for biocidal products pursuant to EU Regulation

No. 528/2012 had been notified to the TBT Committee (G/TBT/N/EU/384), and not to the SPS Committee.

2.223. The United States raised its concern with three EU policies related to the approval and use of plant protection products. First, the United States joined Argentina's concern that the EU's proposed approach to endocrine disruptors (EDs) would impose unnecessary trade restrictions, and asked the European Union to provide the scientific evidence used to justify the establishment of definitive criteria to identify EDs. The United States regretted that the impact assessment on the EU proposal had been published with no opportunity for public comment. The United States formulated questions on (i) the meaning of "negligible risk" as used in the proposal, including a specific clarification as to whether the European Union would use the current standard to set MRLs under Regulation (EC) No. 396/2005 for substances that did not trigger the "cut-off" criteria; (ii) whether all ED substances designated by the European Union under the World Health Organization/International Programme on Chemical Safety (WHO/IPCS) definition would be eligible for the derogation allowing for an evaluation "in light of current scientific knowledge", provided that they met the negligible risk standard; (iii) the possibility to file an application for an import tolerance, based on a risk assessment, for a substance designated as an ED and not authorized under EU regulation; (iv) whether the registration and MRL-setting of carcinogenic, mutagenic, or toxic for reproduction (CMR) substances would remain hazard-based, and the possible application for an import tolerance of a product ineligible for registration because of the hazard-based "cut off" criteria; and (v) the list of substances the European Union expects to be identified as EDs, and the role of potency and exposure in the identification process. In these questions, the United States highlighted the potential absence of a risk-based approach and use of exposure information. The United States also invited the European Union to organize an information session, in light of Members interest in this topic.

2.224. Second, the United States again expressed its concern with the hazard-based approach set out by Regulation (EC) No. 1107/2009, and asked the European Union to clarify how the hazard-based "cut-off" criteria would be applied to substances approved before 2009 for which the renewal process was expected to begin in 2016. The United States again requested that the European Union place scientifically-justified risk assessments at the heart of the establishment of tolerances for pesticide residues in food. Third, the United States expressed a special concern with the French ban on fresh cherries imported from countries that had approved the use of dimethoate. The United States urged France to notify the ban to the WTO, and to provide scientific justification for it. The United States especially questioned the fact that the ban was based on the pesticide's authorization by the Member rather than on pesticide residues in the cherries. The United States asked France to use less trade-restrictive alternatives such as residue monitoring during import checks, and reaffirmed its commitment to work with both the European Union and other trading partners on these concerns.

2.225. China shared the concerns of Argentina and the United States, and again urged the European Union to incorporate assessment of actual exposure in its regulations, to apply existing Codex standards to minimize trade impacts, and to notify its measures at an early stage to take into account comments from Members.

2.226. Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, Egypt, Guatemala, India, Kenya, Malaysia, Mexico, Paraguay, Chinese Taipei, Uruguay and Viet Nam shared the concern expressed by Argentina, China and the United States. They highlighted, *inter alia*, the importance of this issue and its potential negative trade impacts, and the necessary support of scientific justification and risk assessment in establishing such regulation. They encouraged the European Union to adhere to relevant international standards and to continue informing the Committee of any relevant developments. Many of them joined in the request for an information session. Australia echoed Argentina's concern regarding notification of the proposed biocide regulations through an SPS notification.

2.227. The European Union recognized the international dimension of this issue and fully appreciated the concerns expressed by Members. The European Union again highlighted that the European Commission had proposed to adjust the plant protection products' derogations to base them on scientific evidence, including information on hazard, exposure and risk, to take appropriate decisions on endocrine disruptors in compliance with international obligations. The European Union reminded that the new criteria-setting proposals had been notified via the SPS and TBT channels for full transparency. The European Union further noted that although the

regulation concerning biocides had been notified under the TBT Agreement and not SPS, the European Union was not dogmatic about this choice and was prepared to revise it if necessary. The European Union informed the Committee that the issue of the French ban due to dimethoate concerns was currently under internal discussion. The European Union expressed interest in holding an information session as suggested, and would consider it in due time. The European Union invited all Members to promptly submit their comments in writing.

2.228. In October 2016, Argentina reiterated its concern with the EU's revised proposal for categorization of compounds as endocrine disruptors (EDs), notified in G/SPS/N/EU/166. The EU proposed hazard-based approach would not efficiently assess risks posed by ED substances to humans and the environment. In addition, MRLs for phytosanitary products already approved following a rigorous European Food Safety Authority risk assessment would now be regulated under a mere risk-identification approach inconsistent with Codex standards. Argentina further noted that the proposed hazard-based approach was incomplete as it did not include the essential elements of risk-characterisation, such as potency, severity and reversibility of effects. Such elements were necessary to assess risks to humans or the environment according to the SPS Agreement and the World Health Organization/International Programme on Chemical Safety (WHO/IPCS). Argentina considered that the impact-assessment option selected by the European Commission would have significant agriculture, food safety, trade and socio-economic impacts. Argentina hoped import tolerance derogations for agricultural products would be applied in a transparent and non-discriminatory manner, while avoiding technical obstacles to trade. Argentina requested the European Union to take countries' comments into account before adopting the measure. Finally, Argentina thanked the European Union for the information session held the day before, welcoming any additional information on the proposal.

2.229. China shared the concerns and highlighted that in June 2016, 13 Members had sent a joint letter to the European Union on this matter. China thanked the European Union for notifying the proposed regulation, and for holding an information session and bilateral consultations before the Committee meeting. Considering the potential significant impact of the measure, China requested that the European Union fully fulfil the transparency obligation and provide at least a six-month transition period between adoption and implementation. China asked the European Union to provide replies to the comments submitted and urged it to consider assessment of actual exposure and potency factors, rather than substances themselves in its measure, as well as to apply existing Codex standards to minimize trade impacts.

2.230. The United States expressed its appreciation for the EU information session and for the extension of the comment period for the ED proposals. The United States raised concerns with two EU policies related to the approval and use of plant protection products; namely the EU's recent proposal on EDs published on 15 June 2016 (G/SPS/N/EU/166); and the reauthorisation of pesticides under Regulation (EC) No. 1107/2009. First, the United States expressed its concern that the EU's proposed approach to EDs would impose unnecessary trade restrictions and asked the European Union to provide the scientific evidence used to justify the establishment of definitive criteria to identify EDs. Neither Regulation (EC) No. 1107/2009 nor the impact assessment published on 15 June, identified the scientific evidence considered in the development and selection of EDs "cut-off" criteria. The United States welcomed a revised proposal, soon to be available, that might clarify questions on the derogation process and the application of the WHO/IPCS EDs definition. The United States hoped that the updates for the derogation process would define the meaning of "negligible risk", include the important aspects of exposure and potency, and follow a risk-based approach under which all substances designated as EDs under the WHO/IPCS definition would be eligible to be registered provided they met the "negligible risk" standard. The United States further hoped that these changes would address its previous questions regarding other substances that trigger "cut-off" criteria such as carcinogenic, mutagenic or toxic for reproduction (CMR) substances. The United States further stressed the importance of non-discrimination in the implementation of this measure, and requested that the European Union implement guidelines and processes for risk assessment that were consistent for all substances, in addition to pursuing a transparent and predictable approach throughout the risk management process. The United States noted two key questions that had previously been raised regarding these proposals and were yet to be addressed: (i) the possibility to file an application for an import tolerance, based on a risk assessment, for a substance designated as an ED and not authorized under EU regulation; and (ii) the list of substances the European Union expected to be identified as EDs under the WHO/IPCS definition as well as specific information regarding when and how potency and exposure would be taken into consideration.

2.231. Second, the United States again expressed its concerns with Regulation (EC) No. 1107/2009. The United States reiterated that in the European Union, original approvals appeared to be for ten years, while renewals were for 15 years. Substances approved before 2009 would therefore be scheduled to be renewed in 2019, and the process would begin in 2016. The United States also highlighted that under Regulation (EC) No. 1107/2009, pesticides approved for several years and determined to be safe under a risk-based system would no longer be subject to a risk assessment if a pre-determined hazard criterion was identified. The United States asked the European Union to explain how the hazard-based "cut-off" criteria would be applied in practice to substances undergoing the renewal process. The United States also raised concerns with the important trade impact that the regulation might have in the future, and requested that the measure be based on a risk assessment. The United States finally highlighted the need for close collaboration with trading partners and expressed its commitment to continue working with the European Union on this issue.

2.232. Australia, Brazil, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Egypt, Guatemala, Indonesia, Kenya, Mexico, New Zealand, Paraguay, Chinese Taipei, Thailand, Uruguay and Vietnam shared the concerns expressed by Argentina, China and the United States. They highlighted, *inter alia*, the significance of the issue and the potential negative trade impact while also recognising the European Union's right to protect its citizens. They expressed concern over the hazard-based approach and called on the European Union to adopt a risk-based approach. They all expressed their appreciation to the European Union for the information session held the day before.

2.233. The European Union referred to the information session that had taken place prior to the Committee meeting and where experts from the European Commission had provided detailed information and answered questions from WTO Members on all the elements of the proposals. The European Union informed the Committee that a compilation of the responses to comments received would be circulated and noted that regarding implementation and practical consequences, uncertainty remained as to if and when the proposal would be adopted. The European Union would continue to be as transparent as possible on the matter, and take proportionate and appropriate decisions in compliance with international obligations. The proposals were going through the relevant regulatory procedures and the European Union would consider all the comments received.

2.234. In March 2017, The United States reiterated its concern regarding the European Union's proposal for categorization of compounds as endocrine disruptors (EDs) and amending Regulation No. 1107/2009, which would require the withdrawal of existing authorizations for certain substances without a risk assessment. The United States thanked the European Union for their written responses, while noting that they did not provide scientific justification for the establishment of hazard-based criteria. While the proposed criteria for identifying EDs did not consider potency and exposure factors, they would still be used to both identify hazard and deny authorization for certain pesticides. The United States again asked the European Union to explain how the hazard-based "cut-off" criteria would be applied in practice to pesticides determined to be safe under a risk-based approach and undergoing the renewal process. In particular, the United States expressed concerns with the European Union setting MRLs at low default levels without scientific justification for substances no longer approved under the hazard-based approach.

2.235. The United States also expressed its concern with the European Union's decision in December 2016 to split the proposal into two stand-alone policies: a proposal to establish criteria for identifying EDs; and another one to amend the derogation criteria from "negligible exposure" to "negligible risk". The split approach could impact more importantly on trade if the two policies were not finalized simultaneously. In this context, the United States asked if it would be possible to file an import tolerance for a substance designated as ED or carcinogenic, mutagenic, or toxic for reproduction (CMR), and which did not benefit from the European Union's derogation. The United States again urged the European Union to base its SPS measures on a transparent and risk based approach and highlighted that the proposal would severely impact trade while marginally improving human or environmental health. The United States indicated that it would provide additional written questions regarding the proposed derogation process.

2.236. Argentina echoed the statement made by the United States, emphasizing that the European Union's proposed hazard-based approach would not efficiently assess risks posed by ED substances and did not include essential elements of risk characterization such as potency, severity and reversibility of effects. Argentina questioned the selection of criteria under option 2

rather than option 4, which would have been less trade burdensome while guaranteeing a similar level of human health protection. It shared the concern voiced by the United States regarding the European Union's recent decision to split the original draft regulation notified in G/SPS/N/EU/166 into two proposals, leaving out the derogation process. If the European Union approved the proposal based on this new approach, it would need to notify it, as it would constitute a different measure severely impacting on trade without scientific justification.

2.237. Australia, Brazil, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Guinea, India, Kenya, Madagascar, Malaysia, Nigeria, the Philippines, South Africa, Chinese Taipei, Thailand, Uruguay and Viet Nam shared the concerns expressed by Argentina and the United States, and called upon the European Union to adopt a risk-based approach in compliance with the SPS Agreement. They underlined, *inter alia*, their special concerns over the hazard-based approach, the split of the proposal between identification criteria and derogations, and the importance of this issue and its potential negative trade impacts. In particular, Canada estimated that the proposed regulation could affect 60% of their plant protection products for wheat and soy crops, and up to 75% in the case of canola production. Australia and Kenya also noted that under the proposed regulation, many plant protection products which presented no alternatives would be banned. Many Members expressed their appreciation to the European Union for their transparency efforts, and Australia encouraged the European Union to provide updates on the work of the European Food Safety Authority and European Chemicals Agency in reviewing and prioritizing chemicals as EDs.

2.238. The European Union reiterated its commitment to transparency, recalling that it had duly notified the proposals and circulated a compilation of the responses to comments received in February 2017. The proposals, which were going through the relevant regulatory procedures, had been revised to clarify burden of proof and criteria scope, but no substantial change had been introduced to the proposal originally notified. The decision to split the plant protection products proposal into two separate texts, one on identification criteria and another on the technical amendment to the clause on negligible exposure, was to facilitate decision-making. The European Union encouraged Members to share their statements in writing and reiterated its commitment to continue informing the Committee of further developments.

2.239. In July 2017, Argentina reiterated its concern over the European Union's policy on pesticides which established criteria to identify substances with endocrine disrupting properties, emphasizing the policy's hazard-based rather than risk-based approach and its potential trade impact. Argentina added that the European Union Standing Committee on Plants, Animal, Food and Feed (SCoPAFF) had approved the proposed criteria in July 2017, and that without a veto from the European Parliament and the EU Council of Ministers, the proposal would enter into force in October 2017, to be implemented six months later. Argentina observed that substances currently authorized after having gone through a European Food Safety Authority (EFSA) risk assessment, could later be banned, including substances with an insignificant risk of endocrine disruption - even in contradiction with Codex standards. Argentina also questioned the division of the original proposal into two texts. Argentina further echoed the questions posed by the United States in the past and urged the European Union to provide practical information on the procedure it would follow for the withdrawal of authorizations.

2.240. China reiterated its concern regarding the European Union proposal and questioned the hazard-based approach of the EU proposal. China argued that the proposal would have a severe impact on trade while marginally improving human or environmental health, and expressed a special concern on the division of the proposal. China underscored the market uncertainty created by the reduction of allowed substances.

2.241. The United States reiterated its concern that the pesticide policy in the European Union was insufficiently grounded in science and risk, and could potentially disrupt international trade without providing a meaningful benefit to public health. The United States expressed particular concern over the lack of transparency and predictability in the implementation of the hazard provisions of Regulation (EC) No. 1107/2009 and queried about MRLs that would be set at trade-restrictive default levels. The United States noted cases where the decisions of the European Food Safety Authority (EFSA) failed to take all available data into consideration and differed substantially from the findings of other national and international authorities, resulting in the proposed withdrawal of authorizations for use of these substances for a wide range of food crops. The United States was additionally concerned that measures to withdraw authorizations of

pesticides and prohibit crops treated with those pesticides were being notified to the TBT Committee and the decision to withdraw the corresponding MRL would only be notified to the SPS Committee after the decisions to withdraw authorizations had been finalized. The United States requested that these measures be notified to the SPS Committee when comments and additional data could still be taken into consideration and queried about the procedures for setting MRLs and import tolerances under Regulation (EC) No. 396/2005.

2.242. The United States remained concerned with the division of the draft legal text into two stand-alone components, one proposal to establish criteria for identifying endocrine disruptors and another to amend the derogation criteria. The United States thanked the European Union for engaging in bilateral consultations, looked forward to receiving responses to the questions submitted to the European Union following the March 2017 SPS Committee Meeting, and remained open to sharing those questions with other interested Members.

2.243. Australia, Benin, Brazil, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, The Gambia, Guatemala, India, Israel, Kenya, Madagascar, Mexico, Nigeria, Paraguay, Peru, Senegal, South Africa, Chinese Taipei, Thailand, Togo, Uruguay, and Zambia indicated that they shared this concern and called upon the European Union to adopt a risk-based approach in compliance with the SPS Agreement. Members underlined, *inter alia*, their special concerns over the hazard-based approach; the split of the proposal between criteria to identify endocrine disruptors and the criteria for derogations; the approval of the proposal on the reduction in allowed pesticides and its potential negative trade impact. Australia encouraged the European Union to provide updates on the work of the European Food Safety Authority and European Chemicals Agency in reviewing and prioritizing chemicals as endocrine disruptors.

2.244. Canada expressed concern over the language introduced in the Revised Plant Protection Products Draft criteria, presented on 30 May, referring to "known" and "presumed" endocrine disruptors. Canada requested the European Union to clarify that these terms would not result in a wider scope of endocrine disruptors. Canada also enquired whether the decisions for setting MRLs and import tolerance levels would continue to be made on the basis of risk assessments, as set out in Regulation (EC) No. 396/2005. Canada appreciated the European Union's efforts in developing this proposal as well as the intense consultations that had taken place around the SPS Committee meetings.

2.245. India emphasised that the "hazard based cut-off criteria" approach of the regulation would disrupt international trade without providing a meaningful benefit to public health. Further, this approach would not include a risk assessment, and has left open the scope for the interpretation of "negligible risk" and other terms, which would result in lack of clarity in its implementation.

2.246. The European Union reiterated its commitment to transparency, recalling that it had duly notified its draft acts, received and responded to Members' comments. The European Union recalled the information session of October 2016 and document G/SPS/GEN/1494/Rev.1 about the ongoing review of pesticides MRLs. The proposed criteria had been endorsed by its member States and, barring any objection by the European Council and Parliament, the criteria would be adopted by the European Commission in three months. They would then enter into force 20 days after their publication, and become applicable six months after that date. Regarding concerns raised on the criteria, the European Union recalled that in the absence of these criteria, its legislation would require the application of the so-called interim criteria, leading to more stringent conditions. Finally, the European Union had taken note of specific questions received, in particular those submitted by the United States, and confirmed it would provide responses. With respect to the concerns raised regarding a possible change in the European Union policy on pesticides in general and their MRLs, the European Union confirmed that there had been no such change. The European Union reiterated its commitment to keeping the SPS Committee informed about any future developments.

2.247. In November 2017, Argentina reiterated its concern over the European Union's process to define criteria to identify endocrine disrupting properties. Argentina noted the European Parliament's recent rejection of the draft implementing regulation that would have amended Regulation (EU) No. 1107/2009 Annex 2, which established definitive and specific scientific criteria for the determination of endocrine disruptive properties, as adopted by the European Union Standing Committee on Plants, Animal, Food and Feed (SCoPAFF) in July 2017. Argentina requested an update of the following steps. Argentina was concerned about current discussions in

the European Union about restricting imports of substances on the basis of hazard identification rather than of a comprehensive risk assessment. Argentina reiterated its request that the European Union maintain import tolerances with MRLs above default values, in accordance with its Regulation (EC) 396/2005.

2.248. China echoed the Argentina's concern and recommended that the European Union adopt the Codex standards, in accordance with the SPS Agreement.

2.249. The United States reiterated its concerns on the EU pesticides policy. The United States argued that the EU hazard-based pesticide regulations were insufficiently grounded on science and risk, and would harm global agriculture production, food security and international trade, without making a meaningful contribution to public health. The United States reaffirmed its stance against the hazard-based criteria of the European Union to ban substances identified as endocrine disruptors, and its concern over the effects that the prolonged uncertainty on the matter was having on producers. The United States recalled that the European Union would apply interim criteria in the absence of adoption of the proposed criteria, and therefore asked about the difference between the list of substances that would fall under the interim criteria and those that would fall under the criteria rejected by the European Parliament. The United States emphasised the existence of other approaches that could provide the high level of human health and environmental protection sought by the European Union without disrupting international trade and asked the European Union how it would ensure consistency with the SPS Agreement if it withdrew MRLS without conducting risk assessments or considering import tolerances or relevant Codex MRLs. Finally, the United States looked forward to receiving responses to the written question submitted to the European Union after the March 2017 SPS Committee meeting.

2.250. Canada stated its concern over the EU approach to the categorization of compounds as endocrine disruptors. Canada expressed its disappointment that a regulatory amendment for derogation based on negligible risk had not been introduced in the European Parliament, and the delay and uncertainty this created. Canada sought assurances from the European Union that decisions on setting MRLs would continue to be made on the basis of risk assessments, as set out in Regulation (EC) 396/2005.

2.251. Australia, Brazil, Colombia, Costa Rica, Guatemala, India, Israel, Madagascar, Mozambique, New Zealand, Nigeria, Peru, Senegal, Thailand, Togo, and Uruguay indicated that they shared this concern and called upon the European Union to base its measures on adequate scientific risk assessments and to consider Codex MRLs. They also requested the European Union to keep Members abreast of their next steps on this issue.

2.252. The European Union reiterated its commitment to transparency, noting that all the information regarding this matter was available on the European Commission's website. The proposal on defining the criteria to identify endocrine disruptors for plant protection products had been recently rejected by the European Parliament and the European Commission was considering the next steps. Import tolerance requests for substances falling under the cut-off criteria would be carefully evaluated on a case-by-case basis, considering the objectives of consumer protection as well as the European Union's obligations under the SPS Agreement. Due to transitional measures of Regulation (EC) No. 1107/2009 and the delays in the renewal programmes of the approved active substances, the European Union did not yet have experience on MRL and import tolerance setting for substances falling under the cut-off criteria. The European Union reiterated that its measures were neither discriminatory nor a disguised restriction to trade, but would be applied domestically and internationally. Finally, the European Union undertook to keep Members duly informed about further developments.

France's dimethoate-related restrictions on imports (STC 422)

Raised by:	United States of America
Supported by:	Argentina, Canada
Dates raised:	July 2017 (G/SPS/R/87, paras. 27 – 32), November 2017 (G/SPS/R/88, paras. 3.53-3.55)
Relevant document(s):	STC 382
Status:	Not reported

Solution:	
Date reported as resolved:	

2.253. In July 2017, the Chairperson noted that this concern was first raised in June 2016 as part of the concern regarding the European Union's revised proposal for the categorization of compounds as endocrine disruptors. It was now being raised as a separate specific trade concern, and would thus be so reflected in the IMS.

2.254. The United States reiterated its concern over actions taken by France to ban the importation of fresh cherries from countries that had approved the use of the pesticide dimethoate on cherries. The United States noted that the ban had not been based on a risk assessment of the safety of residues and that the measure had been renewed despite being inconsistent with the November 2016 EFSA decision and the regulation approved in February 2017 by SCoPAFF on MRLs for dimethoate (and its metabolite omethoate). The United States recalled that the European Commission and a majority of member States deemed France's requests for a European emergency measure to be unjustified and highlighted that the measure had a significant impact on trade without achieving a significant public health benefit. The United States further added that the measure had only been notified after its implementation and after the US request. It had then been notified as an emergency measure, without a specified comment period. Finally, the United States questioned the scientific basis for applying the measure only to fresh cherries when other commodities could also contain dimethoate residues. The United States expressed its willingness to exchange scientific information with France on the safety of dimethoate and its metabolites, as well as to explore less trade-restrictive measures.

2.255. Argentina endorsed the statement of the United States, highlighting the measure's lack of scientific justification and that it was more trade-restrictive than necessary, noting alternative measures such as the use of MRLs and the monitoring of residues during import controls. Argentina urged France and other Members imposing pesticide-related restrictions, to act in accordance with the SPS Agreement.

2.256. Canada echoed the United States and remained concerned about the renewal of a temporary restriction as a national emergency measure. Canada recalled that in October 2016 and July 2017 it had asked France for evidence that the current MRL of 0.2 mg/kg was insufficient to protect human health and for alternative appropriate levels of MRL for dimethoate. Canada highlighted the lack of scientific evidence of the measures imposed by France and expressed its general concern regarding bans based on substance authorizations, regardless of residue levels. Canada urged France to conduct a risk assessment to justify the application of a more restrictive MRL than the one applied by the European Union.

2.257. The European Union recalled that on 28 April 2017, France had introduced a protective measure suspending the importation of fresh cherries for consumption from member States and non-EU countries that had approved the use of the pesticide dimethoate on cherry trees. France had justified the measure because of unacceptable toxicological risks posed by the consumption of certain dimethoate metabolites. The European Union clarified that France was particularly concerned by the identification of a possible acute risk by EFSA, leading to France's request to the European Commission for emergency measures to ban the use of dimethoate for cherry trees. In the absence of EU measures, France had introduced a national emergency measure. The European Union finally indicated that new studies had been submitted to EFSA for evaluation, expecting a conclusion in spring 2018.

2.258. The United States thanked the European Union and looked forward to further bilateral discussions. The United States added that plant metabolism studies and toxicological data on relevant dimethoate metabolites had been previously submitted to and reviewed by the United States Environmental Protection Agency (EPA), and that omethoate, the only metabolite that was found to be toxicologically relevant by the EPA for risk assessment purposes (as well as enforcement), had also been evaluated by EFSA, with separate protective MRLs voted and approved by EU member States in February 2017.

2.259. In November 2017, the United States reiterated its concern over actions taken by France to ban the importation of fresh cherries from the United States and other countries that had

approved the use of the pesticide dimethoate on cherries. The United States expressed concern over the decision to restrict imports of commodities based on the authorization of a pesticide in the country of origin rather than based on a scientific assessment of risk, and regardless of whether or not residues of the pesticide were present in the imported commodities. The United States noted that publicly available evaluations from other regulatory authorities had determined that dimethoate metabolites were not toxicologically relevant, as did the draft Rapporteur Assessment Report of the European Food Safety Authority (EFSA). The United States informed it had received from France a response to its comments, but regretted that it referred to data gaps when the United States argued the data was available. Finally, the United States requested France not to renew its ban for a third consecutive year.

2.260. Canada echoed the US concern, requested information about the measures that would apply from 1 January 2018, and encouraged France to adopt measures in line with those of the European Commission, which were scientifically justified and not discriminatory against products from countries where dimethoate was authorised for use. Canada urged France to conduct a risk assessment to determine if the current MRL established by the European Union was insufficient before enacting more trade restrictive measures.

2.261. The European Union referred to the response provided in the July 2017 SPS Committee meeting. To the question on the rationale behind the application of the measure only to fresh cherries when other commodities could also contain dimethoate residues, the European Union stated that it was based on consumption patterns, which were higher for cherries than for other commodities which could contain dimethoate residues. The European Union finally indicated that new studies had been submitted for evaluation to EFSA, with a conclusion expected in spring of 2018.

EU maximum residue levels for acrinathrin, metalaxyl and thiabendazole (STC 428)

Raised by:	Peru
Supported by:	Bolivia, Plurinational State of; Brazil; Colombia; Costa Rica; Dominican Republic; Ecuador; Guatemala; Nigeria; United States of America
Dates raised:	November 2017 (G/SPS/R/88, paras. 3.2-3.5)
Relevant document(s):	G/SPS/N/EU/174; G/SPS/GEN/1586; G/SPS/GEN/1494/Rev.1
Status:	Not reported
Solution:	
Date reported as resolved:	

2.262. In November 2017, Peru raised a concern over the European Union's lowering of MRLs for three pesticides, acrinathrin, metalaxyl and thiabendazole, under Regulation (EU) 2017/1164, which would enter into force on 21 January 2018. Peru stressed that imports of fruits and vegetables into the European Union would be affected, and highlighted the impact this already had on its mango production, as 62% of its exports were destined to the European Union. Peru requested a scientific justification for the measure, which would lower the MRLs for thiabendazole from 5 to 0.01mg/kg, a level more restrictive than the relevant Codex standard of 5mg/kg. Peru explained that the pesticides were used to protect fruits against diseases caused by fungi, in particular anthracnosis, and guarantee their shelf life. Peru presented document G/SPS/GEN/1586, which contained information about the measure's impact on Peruvian exports. Peru finally argued that the measure might be inconsistent with Articles 2 and 5 of the SPS Agreement.

2.263. Bolivia, Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Nigeria, and the United States shared the concern raised by Peru. The United States indicated a particular interest because for sweet potato the thiabendazole MRL would be lowered from 15mg/kg to the default level of 0.01mg/kg, due to a lack of residue trial data on sweet potato. The data was being generated and would be submitted at the earliest possible. The United States explained that no risk to consumers had been identified, and that thiabendazole was used as an emergency crop protection tool to manage black rot for which no viable alternative existed. Without an adequate MRL to support exports to the European Union, sweet potato growers would either lose market access or risk a black rot outbreak, which could be devastating to the industry

and result in unnecessary food waste. The United States planned to submit an import tolerance application and requested an expedited review.

2.264. Colombia emphasized the effect the measure would have on its banana and melon exports. The Dominican Republic requested an explanation of the measure under Article 5.8 of the SPS Agreement because of the measure's impact on mango trade. Costa Rica urged the European Union to consider the Codex MRL for thiabendazole. Members underlined the importance of basing measures on risk assessment and scientific evidence and emphasized that Codex was the reference as the relevant international standard.

2.265. The European Union explained that the proposed MRLs were based on the European Food Safety Authority's (EFSA) identification of dietary intake concerns and data gaps in their assessment of MRLs for thiabendazole in mangoes. The European Union reported that comments received from Members in response to notification G/SPS/N/EU/174 had not presented specific new data for re-evaluation and invited Members to apply for import tolerances for affected products accompanied by substantial new data addressing EFSA's concerns. The European Union noted that some mango producing countries had replaced thiabendazole with alternative substances. Finally the European Union reminded Members that it had provided an information note in June 2016 on the on-going review of EU MRLs, which had been updated in June 2017. It was available on the European Commission webpage on pesticides, and had been circulated as document G/SPS/GEN/1494/Rev.1.

EU maximum level of cadmium in foodstuffs (STC 430)

Raised by:	Peru
Supported by:	Colombia, Costa Rica, Côte d'Ivoire, Dominican Republic, Ghana, Guatemala, Madagascar, Nigeria
Dates raised:	November 2017 (G/SPS/R/88, paras. 3.8 - 3.10)
Relevant document(s):	G/SPS/GEN/1587
Status:	Not reported
Solution:	
Date reported as resolved:	

2.266. In November 2017, Peru raised a concern over the maximum levels of cadmium in chocolates and other cocoa products proposed by the European Union Commission Regulation (EU) No. 488/2014, which would come into force in January 2019. Peru highlighted that it was the second largest exporter of cocoa after Ecuador, and emphasized the importance of cocoa and chocolate exports to its economy. Peru queried whether the measure was based on "as low as reasonably achievable" (ALARA) principles. The risk analysis for substances of this kind should be conducted using the margin of exposure (MOE) approach. Peru reported that the Codex Committee on Contaminants in Food was developing a Codex standard on maximum levels of cadmium in chocolate and other cocoa products, and was expected to publish it in 2019. Peru submitted further details in document G/SPS/GEN/1587.

2.267. Colombia, Costa Rica, Côte d'Ivoire, the Dominican Republic, Ghana, Guatemala, Madagascar, and Nigeria shared Peru's concerns and requested that the European Union consider delaying the implementation of this measure until Codex had developed relevant international standards, or to exclude chocolates from the scope of application of the measure. Colombia also requested assistance to mitigate the trade impact of this measure along with a longer transition period, taking into account the needs of developing country Members. Costa Rica added that intrinsic difficulties in controlling the level of cadmium in cocoa production be taken into account when setting these levels. The ECOWAS representative indicated that ECOWAS members also shared the concern.

2.268. The European Union highlighted its efforts to alleviate the difficulties of trading partners in complying with this measure, such as agreeing to a transitional period of five years in October 2012, which had deferred the application date to January 2019, and setting maximum limits for blended products instead of cocoa beans to facilitate trade. The European Union further elaborated that these limits were based on EFSA recommendations that exposure to cadmium should be

reduced and that in the light of available science, excluding chocolate and cocoa products from this measure would not achieve the desired level of protection.

EU restrictions on poultry meat due to Salmonella detection (STC 432)

Raised by:	Brazil
Supported by:	
Dates raised:	November 2017 (G/SPS/R/88, paras. 3.13-3.14)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.269. In November 2017, Brazil raised concerns over the reinforced border testing controls in the European Union, which had resulted in increased reports of salmonella detections in poultry. Additionally, Brazil pointed out that distinct microbiological criteria for fresh meat products and poultry meat preparations were unjustified, as the two products were similar. Brazil argued there was incorrect risk management and communication, contrary to the principles of the SPS Agreement, and asked the European Union to provide scientific justification for these measures.

2.270. The European Union acknowledged the difference in microbiological criteria for Salmonella for the two product categories as pointed out by Brazil, indicating that the scientific considerations were based on the opinion of the Scientific Committee on Veterinary Measures relating to Public Health on Salmonella in Foodstuffs. The European Union stated that there was no justification to revise the criteria. The European Union added that all shipments from Brazil were subject to pre-export testing as a reaction to the meat fraud scandal, and on the basis of the results of an audit carried out in April 2017. However, despite the pre-export tests, the prevalence of Salmonella found in poultry meat consignments from Brazil at the EU border was close to 8% and this was a matter of concern. The European Union noted its willingness to continue bilateral discussions on this issue.

2.5.2 Animal Health

EU non-recognition of regionalization for Avian Influenza (STC 420)

Raised by:	Russian Federation
Supported by:	
Dates raised:	March 2017 (G/SPS/R/86, paras. 3.8-3.9)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.271. In March 2017, The Russian Federation expressed its concern with the EU's non-recognition of Russian regionalization for avian influenza since November 2016. The Russian Federation had been affected by an outbreak of avian influenza and had applied regionalization to guarantee trade of poultry products in compliance with both its WTO commitments and OIE standards. While the Russian Federation recognized EU regionalization for avian influenza, the European Union banned imports of poultry products from the entire Russian territory, despite establishing zones of control and monitoring as well as promptly sharing information with the European Union. The Russian Federation voiced its special concern with the European Union's stringent interpretation of certain articles from the OIE Terrestrial Code, especially its requirement to submit virus isolates to the EU reference laboratory. In September 2014, following an avian influenza outbreak in Altai, the European Union had refused to resume exports until the virus isolate was sent to the EU reference laboratory. The Russian Federation noted that it

systematically sent virus isolates to its national reference laboratory, which complied with OIE standards. It did not object to submitting the virus isolates to the EU reference laboratory, but considered the mandatory nature of the requirement unnecessarily trade-restrictive. In September 2016, the EU and Russian reference laboratories had signed a memorandum of understanding on the transfer of materials and had since exchanged virus isolates. The Russian Federation hoped that this cooperation would facilitate trade and lead to the EU recognition of Russian regionalization for avian influenza.

2.272. The European Union responded that it was in contact with Russia in order to acquire the relevant information necessary to assess Russia's request for regionalization. The evaluation of the Russian Federation's request for recognition of regionalization would be completed as soon as all necessary information had been received in line with OIE guidelines. The European Union welcomed further bilateral discussion on this matter.

2.6 India

2.6.1 Plant Health

India's fumigation requirements for cashew nuts Indonesia (STC 427)

Raised by:	Senegal
Supported by:	Burkina Faso, Colombia, Kenya, Madagascar, Mozambique, Nigeria, Russian Federation, Togo, Ukraine, United States of America
Dates raised:	July 2017 (G/SPS/R/87, paras. 4.11-4.13), November 2017 (G/SPS/R/88, paras. 3.20-3.25)
Relevant document(s):	
Status:	Not reported
Solution:	
Date reported as resolved:	

2.273. In July 2017, Senegal reported that since January 2017, India mandated the use of methyl bromide fumigation. However, Senegal noted that methyl bromide use had been discontinued by several countries because of its high toxicity and its negative effects on the ozone layer, as reflected in the Montreal Protocol. Senegal explained that it had abandoned the use of methyl bromide in 2002 and stressed that no cases of non-conformity with sanitary requirements had been detected. Senegal noted that in practice the restriction was not being enforced on products from Senegal, and thanked India for its cooperation, but underlined that the measure was still in force and its need for certainty for future shipments.

2.274. Burkina Faso, Kenya, Madagascar, Nigeria and Togo reported that they were also affected by the measure. Togo further indicated that India had also notified of the required use of the fumigant for its timber exports. These Members invited India to apply the principle of equivalence and stressed the negative effects of the use of methyl bromide. The Russian Federation also expressed its interest in this concern and in the implementation of the measure.

2.275. India replied that relaxation of the measure had been extended up to 31 December 2017 to allow fumigation on arrival. India also directed Members to additional information available on the website http://www.agricoop.nic.in/. India requested Senegal to provide bio efficacy data to NPPO India regarding the effectiveness of alternative fumigants.

2.276. In November 2017, Senegal reiterated its concern over India's methyl bromide fumigation requirements for cashew nuts. Senegal noted that methyl bromide use had been discontinued by several countries due to its high toxicity and negative effects on the ozone layer. Senegal reported on the exchange of documents with India and scientific publications regarding the effectiveness of aluminium phosphate as an alternative fumigant, and urged India to accept its use.

2.277. The United States associated itself with the concern expressed by Senegal on the fumigation of imported products with methyl bromide, particularly as it affected peas and pulses. The United States expressed its commitment to continue to find alternatives to methyl bromide

fumigation as a pest mitigation measure, and encouraged India to consider that methyl bromide was not necessary in cases of negligible pest risk.

2.278. Burkina Faso, Colombia, Madagascar, Mozambique, Nigeria, Togo, and Ukraine shared Senegal's concern. Madagascar reported that it had held bilateral discussions with India on the fumigation requirement for agricultural products. Burkina Faso referred to its cashew nuts exports, urging India to accept the principle of equivalence in order to facilitate trade of agricultural products. Ukraine shared the concern as it prohibited the use of methyl bromide for fumigation and had therefore submitted alternatives to India. Togo urged India to accept aluminium phosphate as an alternative fumigant. Colombia supported the systemic concern on India's fumigation requirement and its environmental and trade implications.

2.279. India responded that its phytosanitary requirements were consistent with its WTO obligations. India reiterated that until 31 December 2017, agricultural imports from countries whose products could not be fumigated with methyl bromide at the port of export could be fumigated upon arrival in India. Finally, India had also made a formal request to Senegal for information to consider its request for alternative fumigants.

2.280. The United States commented that India had only responded to Senegal without providing a response to the concerns raised by other Members, and requested that India circulate a document with the fumigation requirement applicable to other Members, in particular to the United States.

2.281. India reiterated that its phytosanitary requirements were consistent with its WTO obligations and that the information was available on its official website http://www.agricoopnic.in.

India's fumigation requirements for teak tree wood (STC 434)

Raised by:	Colombia
Supported by:	
Dates raised:	November 2017 (G/SPS/R/88, paras. 3.17-3.19); See also STC 417
Relevant document(s):	G/SPS/N/IND/149
Status:	Not reported
Solution:	
Date reported as resolved:	

2.282. In November 2017, Colombia raised a concern over India's requirement that teakwood be fumigated with methyl bromide at the port of export, as notified in G/SPS/N/IND/149, with a transition period ending on 31 December 2017. Colombia noted that, as other WTO Members, it did not approve the use of the substance, following the Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer recommendation to gradually eliminate this substance. Colombia elaborated that it had requested that India accept the use of alternatives such as phosphine for teakwood treatment, as it had accepted it for teakwood exports from other trading partners. Colombia argued this would meet the appropriate level of phytosanitary protection, while also complying with the aforementioned international convention.

2.283. Belize, Costa Rica and Liberia shared the concern. Costa Rica mentioned other possible alternatives to methyl bromide fumigation, including the use of sunlight to increase the temperature, crop rotation, the use of other herbicides, and using microorganisms to control weeds and other pests.

2.284. India noted that it had relaxed methyl bromide fumigation requirements until 31 December 2017 and agricultural imports from countries whose products could not be fumigated with methyl bromide at the port of export could be fumigated upon arrival in India. The Montreal Protocol allowed for the use of methyl bromide for quarantine purposes. Additional information was available on the website of India's Department of Agriculture Cooperation and Farmers Welfare, http://www.agricoop.nic.in. India also reported that its NPPO had formally requested Colombia for information to consider its request to use an alternative fumigant.

2.7 Korea, Republic of

2.7.1 Animal Health

General import restrictions due to BSE (STC 193)

2.285. See paragraphs 2.400.-2.467.

Korea's import restrictions due to African swine fever (STC 393)

Raised by:	European Union
Supported by:	
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.11-3.12), October 2015 (G/SPS/R/81, paras. 3.68-3.69), March 2016 (G/SPS/R/82, paras. 3.43-3.44), June 2016 (G/SPS/R/83, paras. 4.15-4.17), October 2016 (G/SPS/R/84, paras. 3.44-3.45), March 2017 (G/SPS/R/86, paras. 3.36-3.38), July 2017 (G/SPS/R/87, paras. 4.45-4.46), November 2017 (G/SPS/R/88, paras. 3.37-3.38)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.286. In July 2015, the European Union raised a concern about the import restrictions on pork and pork products put in place in February 2014 by Korea on African swine fever (ASF) grounds. The European Union repeated that trade could take place safely, and affirmed that Korea disrespected the SPS Agreement regarding regionalization. Korea continuously received detailed information on the control, surveillance and monitoring measures of the European Union. Korea's risk assessment process lacked clarity about the required steps and the use of information provided by the European Union. The European Union called on Korea to respect its regionalization obligations under the SPS Agreement and to allow trade of all safe products. The European Union also restated its availability to continue working with Korea and any other trading partners with a view to finding a rapid solution on this matter.

2.287. Korea responded that it had banned pork and pork products from Poland since the first case of ASF was reported in February 2014, in agreement with Poland. In response to the European Union for regionalization, Korea had implemented the necessary steps to assess the current situation in Poland, and sent experts to have an on-site inspection. The preliminary assessment on ASF had been delivered to Poland and an exchange of views was still under way. As a result, Korea had been consistent with Articles 6.2 and 6.3 of the SPS Agreement and hoped to continue bilateral discussion on the basis of science and data.

2.288. In October 2015, the European Union recalled its concerns regarding Korea's import restrictions on pork and pork products due to ASF taken since February 2014. Korea had continuously received detailed information from the European Union. Korea's risk assessment process lacked clarity about the required steps and the use of information provided by the European Union, in particular on its control, surveillance and monitoring measures. The European Union called on Korea to respect its regionalization obligations under the SPS Agreement and to allow trade of safe products. The European Union also restated its availability to continue working with Korea and any other trading partners with a view to finding a rapid solution on this matter.

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

2.290. In March 2016, the European Union stressed the importance of regionalization and the massive potential trade impact of failing to recognize effective regionalization measures and, in that context, reiterated its concerns regarding Korea's import restrictions on pork and pork products due to ASF. The European Union stated that despite having raised this concern at the July and October 2015 SPS Committee meetings, and having had several bilateral discussions, import restrictions remained. Korea had informed the European Union in October 2015 that it had decided to proceed to the next step of its risk assessment process. However, that risk assessment process lacked clarity about the required steps and the use of information provided by the European Union, in particular on its control, surveillance and monitoring measures. The European Union called on Korea to respect its regionalization obligations under the SPS Agreement and to allow trade of safe products. The European Union also restated its availability to continue working with Korea and any other trading partners with a view to finding a rapid solution to the matter.

2.291. Korea stated that it was reviewing the European Union request for regionalization carefully as it was ASF-free and the disease was highly-contagious. Korea had sent an evaluation questionnaire to the Polish government in December 2015 and was awaiting a response. An EU delegation from DG-SANCO had a technical meeting in Korea with relevant expert authorities. Both sides had exchanged views on this issue, including current risk assessment procedures and potential ways forward. Korea requested that the European Union cooperate fully in order to expedite the risk assessment process.

2.292. In June 2016, the European Union stressed the importance of the recognition of regionalization measures by trading partners, and in that context reiterated its concern regarding Korea's import restrictions on pork and pork products due to ASF. The European Union stated that despite having raised this concern at previous SPS Committee meetings and having had several bilateral discussions, import restrictions still remained. Korea had informed the European Union in October 2015 that, as result of a preliminary risk assessment, it had decided to proceed to the next step of its process and assess the possibility of applying regionalization. The European Union explained that, in practice, this represented the second step in an eight step process which, based on its understanding, would need to be satisfactorily concluded before Poland would be able to export pork meat to Korea from disease-free zones. The European Union emphasized that it regularly provided Korea with detailed information regarding its stringent control, surveillance, and monitoring measures. After two and a half years of deliberation and information sharing, including on-site inspection, Korea had not provided the timeline for concluding the final import risk analysis. The European Union requested Korea to limit its numerous information requests to what was necessary to complete the risk assessment and to allow trade of safe products from disease-free areas in Poland, or provide clarification on the scientific basis for the maintenance of the ban.

2.293. The Russian Federation drew Member's attention to the epidemic ASF situation and called for bilateral cooperation on this issue.

2.294. Korea stated that it was reviewing Poland's responses to the questionnaire which had been submitted in May 2016. Korea noted the highly contagious nature of the disease and the lack of a preventive vaccine to halt ASF spread, while underscoring that it remained ASF-free. Since the March 2016 SPS Committee meeting, Korea and the European Commission had held a bilateral meeting, on the margins of the 84th OIE General Session, to discuss progress in the risk assessment process and the way forward. Korea further indicated that on 24 June, the European Commission had notified the fourth ASF outbreak in pigs in Poland. A comprehensive review of the situation, including this recent information, was currently being undertaken. Korea requested that the European Union cooperate fully in order to expedite the risk assessment process.

2.295. In October 2016, the European Union stressed the importance of the recognition of regionalization measures by trading partners, and in that context reiterated its concern regarding Korea's import restrictions on pork and pork products due to ASF. The European Union recalled that Korea had performed a preliminary risk-assessment and on-site inspection in 2014, followed by the decision in 2015 to perform a risk analysis. The risk analysis had been suspended in August 2016 following FMD outbreaks in Poland. The European Union considered that the risk assessment ought to be pursued, as the European Union had (as always) adapted its regionalization measures in line with OIE standards to ensure that only safe pork products were placed on the EU market and exported to countries outside the European Union. The European Union insisted that it had provided Korea with the necessary information to demonstrate the existence of disease-free areas in Poland and that they were likely to remain so. The European Union therefore urged Korea to

respect its obligations under Articles 3, 6 and 8 of the SPS Agreement and to continue and conclude quickly the import approval procedure by continuing the risk analysis, taking into account the information that had been collected before its suspension, limiting the information requests to what was necessary and providing, in a transparent manner, a timeline for concluding the analysis.

2.296. Korea recalled the highly contagious nature of ASF and the lack of a preventive vaccine to halt its spread, while underscoring that it remained ASF-free. Korea confirmed that it had suspended the risk assessment procedure for recognition of ASF regionalization following the 2016 outbreak of various cases in Poland in pig farms. Two additional areas were affected by this outbreak, and Korea declared that the suspension would hold until the newly affected areas recovered their ASF free status in accordance with the OIE standards. Korea notified Poland in October 2016 that it could resume the import risk analysis procedures if the Polish government requested them for specific regions free from ASF. Korea noted that in light of the possible causes of ASF stated by the European Commission Animal Health Regulatory Committee, the Polish government needed to further review its biosecurity measures. Korea hoped that Poland would succeed in controlling the spread of ASF, and indicated that it would cooperate to resume the process soon.

2.297. In March 2017, The European Union stressed the importance of recognition by trading partners of regionalization measures and reiterated its concern regarding Korea's import restrictions on pork and pork products due to ASF, despite several bilateral meetings. The European Union recalled that Korea had performed a preliminary risk-assessment and on-site inspection in Poland in 2014, followed by the decision in 2015 to perform a risk assessment. The risk assessment had been suspended in August 2016 following ASF outbreaks in Poland. The European Union requested that the risk assessment be pursued, as it had adapted its regionalization measures based on OIE standards to ensure that only safe pork products were placed on the EU market and exported to countries outside the European Union. The European Union insisted that it had provided Korea with the necessary information to demonstrate the existence of disease-free areas in Poland. The European Union therefore urged Korea to respect its obligations under the SPS Agreement and promptly conclude the import approval procedure based solely on collected information necessary to complete the recognition of regionalisation.

2.298. Referring again to the dispute Russia – Pigs (EU) (DS475), the European Union highlighted that the Panel had found that the bans in place were neither based on international standards, nor on a risk assessment. Moreover, given that the European Union had demonstrated that there were regions in Poland which were disease-free and likely to remain disease-free, the Poland-wide ban and the ban on the Baltic States were found to be WTO-inconsistent.

2.299. Korea referred to previous statements by China and the Russian Federation, and reiterated the highly contagious nature of ASF and the lack of a preventive vaccine to halt its spread. Korea reported that it imported more than 300,000 tonnes of pork meat every year, approximately half of which originated from the European Union. Korea further elaborated on the regionalization requirement under Article 6.3 of the SPS Agreement and Article 15.1.3 of the OIE Terrestrial Animal Health Code, and recognised that while they were informed that there had been no new ASF outbreaks in commercial pig farms, outbreaks of ASF in wild boars had been continuously reported to the OIE as recently as March 2017 in the Polish regions of Podlaskie, Lubelskie and Mazowieckie. Korea observed that the ASF-free status had to include the ASF outbreak in wild boars, and therefore had requested Poland to redefine its ASF-free areas or zones according to OIE regulations. Korea urged the European Union to provide a clearly defined ASF-free region, having reviewed the newly affected areas. The same message had been communicated through the Korean Embassy in Poland as well as in bilateral meetings with the European Union on the margins of the SPS Committee meetings.

2.300. In July 2017, the European Union reiterated its concern over Korea's ban on pork and pork products from Poland since early 2014, without taking into account the European Union's regionalization measures. The European Union regretted that despite bilateral meetings, the ban remained in place. The European Union recalled that Korea had performed a preliminary risk assessment and an on-site inspection in December 2014, and had received responses to its questions. The European Union reminded Korea of its obligation to limit the information requested to what was necessary to complete the recognition of regionalization, and to take into account the information it already had; and urged Korea to continue with the risk analysis and the recognition

of regionalization without further undue delays. The European Union remained open to continue working with Korea.

2.301. Korea replied that the import risk analysis had temporarily been suspended due to the unstable outbreak situation in Poland in 2016, including the continuous ASF outbreaks in domestic pigs in August 2016 and the expansion of contaminated areas. In order to resume its import risk analysis, Korea had requested Poland and the European Union to notify the list of ASF-free areas that satisfied OIE standards. These had been specified in May 2017, and Korea had resumed the relevant procedures. However, Korea remained concerned with the increasing outbreaks of ASF in domestic pigs on small-scale farms in Poland. Korea believed that this showed that Poland's ASF control measures still needed to go further in order to contain ASF. Korea was still holding bilateral consultations with the European Union on this matter.

2.302. In November 2017, the European Union reiterated its concern over Korea's ban on pork and pork products from Poland since February 2014, which did not take into account the European Union regionalization measures. The European Union regretted that despite bilateral meetings the import restriction remained. Korea had performed a preliminary risk assessment and an on-site inspection in December 2014, and had received responses to its questions. Korea had indicated that as a result of the preliminary risk assessment, it would proceed with a risk analysis. Finally, the European Union urged Korea to comply with its WTO obligations by putting in place measures that were not more trade restrictive than necessary, applying regionalization, only requesting necessary information to complete the recognition of regionalization, and taking into account information already available

2.303. Korea drew attention to the increasing number of ASF cases in in Poland, with 87 cases recorded in domestic pigs from January to September 2017, a number four times larger than recorded between 2014 and 2016. Korea also reported that the European Animal Health Regulatory Committee had stated that lack of biosecurity measures and illegal transactions in pigs and pork meat were the main causes of ASF in Polish domestic pig farms. Korea expressed its concern that the ASF-free zone in Poland was not effectively managed, and requested pertinent information on the spread of ASF on domestic pig farms, according to OIE standards. Korea hoped the epidemiological situation in Poland would be under control in order to resolve this issue.

2.8 Kuwait

2.8.1 Food Safety

Gulf Cooperation Council (GCC) Guide for Control of Imported Foods (STC 424)

2.304. See paragraphs 2.9-2.11.

2.9 Oman

2.9.1 Food Safety

Gulf Cooperation Council (GCC) Guide for Control of Imported Foods (STC 424)

2.305. See paragraphs 2.9.-2.11.

2.10 Qatar

2.10.1 Food Safety

Gulf Cooperation Council (GCC) Guide for Control of Imported Foods (STC 424)

2.306. See paragraphs 2.9.-2.11.

2.11 Russian Federation

2.11.1 Food Safety

The Russian Federation's import restrictions on processed fishery products from Estonia and Latvia (STC 390)

Raised by:	European Union
Supported by:	
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.4-3.6), October 2015 (G/SPS/R/81, paras. 3.27-3.29), March 2016 (G/SPS/R/81, paras. 3.38-3.40), June 2016 (G/SPS/R/83, paras. 4.42-4.43), October 2016 (G/SPS/R/84, paras. 3.31-3.32), March 2017 (G/SPS/R/86, paras. 3.21-3.24), July 2017 (G/SPS/R/87, paras. 4.33-4.34), November 2017 (G/SPS/R/88, paras. 3.45-3.46)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.307. In July 2015, the European Union indicated that, as of 4 June, the Russian Federation introduced a ban on imports of all fishery products from Estonia and Latvia, allegedly due to deficiencies detected during recent inspections. The European Union stated that the measure had been notified very late, was inconsistent with the SPS Agreement and taken in violation of Russia's WTO Accession commitments, which included not to suspend exports from groups of establishments without having provided first the technical information and scientific justification of the risks detected, and not to take such measures before the expiry of the timeframe provided for the adoption of corrective measures. Indeed, Russia had not provided evidence of immediate risk to consumers caused by deficiencies in the control systems of Estonia and Latvia, which had been regularly inspected by the Russian Federation in recent years, without having identified any major problems. The measures were clearly more trade restrictive than necessary and the ban had been announced before the official reports of the inspections were provided to the competent authorities of Latvia or Estonia. The European Union expressed its willingness to cooperate with the Russian Federation to address their concerns but requested the Russian Federation to lift the ban, to bring its measures in line with international standards, and to respect its WTO obligations.

2.308. The Russian Federation replied that conclusions by Russian experts about deficiencies in the work of the Latvian and Estonian competent authorities overlapped with the results of previous investigations by the European Union, and the presence of a risk was also confirmed by the notifications of the EU Commission in the rapid alert system. Russia stressed the importance and urgency of the report made by the European Union about the safety of food products. An inspection in 2013 had showed that Latvia and Estonia had not taken measures to withdraw unsafe products from the market. According to Russia, the European Union had failed to take necessary measures in relation to establishments where violations were detected and to inform its trade partners. Indeed, between 2013 and July 2015, Russian inspections had revealed more than 2,000 cases of unreliable certification, and yet, no effective measures had been taken against the violators. The Russian Federation had concluded that the guarantees given by the European Union were not reliable. As a result, Russia was forced to impose temporary restrictions, as stated in official letters to the European Union. The measures were not bans, but temporary restrictions, and complied with the SPS Agreement, which allowed Members to adopt measures to protect human, animal or plant health.

2.309. The European Union clarified that they did not dispute Russia's right to take SPS measures, but expected proportionate measures taken in a transparent manner and in accordance with the SPS Agreement.

2.310. In October 2015, the European Union reiterated its concerns regarding the Russian Federation's restrictions on imports of all fishery products from Estonia and Latvia, allegedly due to deficiencies in the safety systems. The European Union stated that the measure had been notified a month after implementation as an emergency measure. This was inconsistent with the

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

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

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

2.313. In March 2016, the European Union reiterated its concerns regarding the Russian Federation's restrictions on imports of all fishery products from Estonia and Latvia. The European Union recalled that in June 2015, the Russian Federation had introduced a ban on all fishery products from the two EU member States. The European Union considered the measures not based on scientific evidence or risk assessment, applied beyond the extent necessary to protect human health, and more trade restrictive than necessary. The Russian Federation had not presented a risk assessment or provided evidence of immediate risk to consumers caused by deficiencies in the control systems of Estonia and Latvia, which had been regularly inspected by the Russian Federation in recent years without having identified any major problems. The European Union stated that the measures did not meet the Russian Federation's WTO accession commitments, which included not to suspend exports from groups of establishments without first having provided the technical information and scientific justification of the risks

detected, and not to take such measures before the expiry of the timeframe provided for the adoption of corrective measures. Furthermore, the Russian Federation had adopted the ban just one day after the submission of the preliminary report of the audit to the competent authorities, in contrast with the reasonable time commitment it had made prior to its accession. With regard to the EU rapid alert system for food and feed (RASFF) the European Union underlined that it was a transparent system which made available, not only to the authorities in the European Union but also to non-EU countries, information on the detection of incompliant products. It was an essential component of an effective and efficient food safety system. It was regrettable to see this information being misused by some trading partners for imposing disproportionate trade bans, particularly when those partners did not apply the same level of transparency to their own products. The European Union noted that Latvia and Estonia had both acted without delay in response to the findings of Russia. One of the actions taken was the immediate withdrawal from the market of the concerned products. Not 20% as Russia has claimed, but 100% of the products had been withdrawn. Furthermore, both EU member States put in place corrective measures within the timeframes Russia set, which was two months. These actions were brought to the attention of Russia in writing. Russia however had not shown any willingness to take into account these corrective actions and the restrictions had not been lifted. The European Union requested the Russian Federation to immediately lift the ban and respect its WTO obligations while expressing its readiness to discuss the matter with the Russian authorities in a constructive and cooperative manner.

2.314. The Russian Federation stated that it looked forward to close cooperation between the regulatory authorities. However, the import requirements of the Russian Federation and the Eurasian Economic Union needed to be followed. The Russian Federation had opened its market to EU member States through its accession obligations and found that EU guarantees had not been reliable as regular detection of banned contaminants, such as poly-aromatic hydrocarbons and benzopyrene, had occurred through monitoring programmes. The Russian Federation claimed that notifications from the EU RASFF to withdraw potentially hazardous products were not timely or effective, as only around 20% were withdrawn and the rest exported. In addition, the Russian Federation had not received responses to questions submitted to Latvian authorities regarding an establishment that had exported potentially unsafe products and whether or not additional testing for benzopyrene had taken place. As mentioned previously, the Russian Federation was closely cooperating with the veterinary services of Latvia and Estonia to assess the safety systems implemented. However, questions remained and the Russian Federation believed that there was a lack of transparency, as RASFF notifications sent to third countries seemed to be simplified, containing no specific information on the establishments or consignments where violations had been detected, which impeded the withdrawal of potentially hazardous products. The Chief Veterinary Officer of Latvia had officially informed the Russian Federation that it was the European Commission which had notified all RASFF registered cases when harmful substances had been detected in EU products to the Russian Federation. No information on excessive levels of benzopyrene in Latvian products had been provided. The Russian Federation would continue cooperating in order to resume imports of canned fish and planned to carry out another round of inspections of processing plants in Latvia and Estonia in March-April 2016. The competent authorities had been notified.

2.315. The European Union noted the Russian Federation's statement and expressed its surprise that the facts presented by the Russian Federation did not correspond to the information it possessed.

2.316. In June 2016, the European Union reiterated its concerns regarding the Russian Federation's restrictions on imports of all fishery products from Estonia and Latvia. The European Union recalled that in June 2015, the Russian Federation had introduced a ban on all fishery products from the two EU member States. The European Union considered that the measures were not based on scientific evidence or a risk assessment, were applied beyond the extent necessary to protect human health, and were more trade restrictive than necessary. The European Union stated that the measures did not meet the Russian Federation's WTO accession commitments, which included not to take temporary suspension measures of imports from a group of establishments before the expiry of the time-frame provided for the adoption of corrective measures. In response to a statement made by the Russian Federation at the previous Committee meeting, the European Union argued that the EURASFF was timely, and that following actions taken by Estonia and Latvia, all concerned products had been withdrawn from the market, contrary to the Russian Federation's claim. The European Union also insisted that the RASFF was a

transparent system which made available, not only to the authorities in the European Union but also to non-EU countries, information on the detection of incompliant products. The European Union noted that it had not received any request for clarification from the Russian Federation on the issue at hand, despite the possibility to do so. The European Union regretted to see the RASFF information being misused by some trading partners for imposing disproportionate trade bans, particularly when those partners did not apply the same level of transparency to their own products. The European Union requested the Russian Federation to immediately lift the ban and respect its WTO obligations while expressing its readiness to discuss the matter with the Russian authorities.

2.317. The Russian Federation stated that it was ready for close cooperation with the Estonian and Latvian regulatory authorities; however, the import requirements of the Russian Federation and the Eurasian Economic Union needed to be followed. The Russian Federation reiterated that the restrictions were temporary and would be reconsidered as soon as the detected violations to the import requirements, of which the competent authorities in Estonia and Latvia were informed, were removed. The Russian Federation noted that relative progress had been made between the Russian Federation and the competent authorities, but this progress was still insufficient as the Russian Federation was unable to obtain information concerning the detection of certain harmful sea contaminants, as well as certain measures expected to prevent the access of dangerous products to the market. The Russian Federation explained that the Estonian and Latvian veterinary services had provided them with an updated list of the establishments authorized to export their products to the Eurasian Union (EAU); however, when specialists were sent from the EAU to inspect these fish processing plants, two out of the three Latvian plants and one out of the ten Estonian plants spontaneously refused to be inspected. The Russian Federation considered this to be evidence that the competent authorities could not guarantee compliance of their products with EAU import requirements.

2.318. In October 2016, the European Union reiterated its concerns regarding the Russian Federation's restrictions on imports of all fishery products from Estonia and Latvia, in place since June 2015. The European Union declared that this ban was inconsistent with various articles of the SPS Agreement as well as with the Russian Federation's WTO accession commitments. The European Union called on the Russian Federation to promptly share the outcomes of the inspections conducted in the summer of 2016. The European Union argued that the withdrawal of some establishments from the auditing list did not, as described by the Russian Federation in previous statements, constitute evidence of non-compliance, but were related to delays in carrying out the audits. The European Union reiterated its call on the Russian Federation to remove the ban while expressing its readiness to cooperate with the Russian Federation in a constructive manner.

2.319. The Russian Federation stated that it was ready to cooperate with the competent authorities from Estonia and Latvia, and recalled that systemic deficiencies in the work of these authorities had led to violation of fishery products safety and given way to the temporary restrictions. The Russian Federation however noted that cooperation was in progress and that a number of entities had been delisted. Re-inspections had been conducted by the relevant authorities of the Eurasian Economic Union members, and had showed that some positive measures had been taken in Estonia and Latvia. However, certain problematic measures relating to the access of dangerous products to the market had not yet been addressed, and the Russian Federation stated that it was waiting for the competent authorities to provide more data. The Russian Federation would inform the Latvian and Estonian authorities about the next steps as soon as it received and considered the relevant data.

2.320. In March 2017, The European Union reiterated its concerns regarding the Russian Federation's restrictions on imports of processed fishery products from Estonia and Latvia. The European Union recalled that in June 2015, following an audit carried out in some establishments in Latvia and Estonia, Russia had introduced a ban on the import of all fishery products from those two EU member States. The European Union stated that the ban was inconsistent with various provisions of the SPS Agreement because it was not based on science, did not respect the necessity principle and was more restrictive than necessary. The European Union also noted that the measures did not respect the Russian Federation's WTO accession commitments.

2.321. The European Union underlined that Latvia and Estonia had acted without delay in response to the findings of the Russian Federation in 2015, and had put in place corrective measures within the timeframes set by the Russian Federation. Those actions had been brought to

the attention of the Russian Federation, which carried out subsequent audits in 2016 to verify the corrective actions. The European Union added that Latvia and Estonia had addressed all the requests from the Russian Federation authorities for information or clarification, but the results of their audits had not been communicated and the bans remained in place. The European Union reiterated its call to the Russian Federation to repeal the ban while expressing its readiness to work with the Russian Federation in a constructive and cooperative manner.

2.322. The Russian Federation responded that the temporary restriction imposed on supplies of canned products from a number of fish processing plants in Latvia and Estonia was well founded. The Russian Federation had informed the SPS Committee of the matter on numerous occasions: The violations in the process of ensuring the safety of fishery products were caused by systematic deficiencies in the work of competent authorities and the establishments of the countries concerned as confirmed by the inspections carried out by the experts.

2.323. The Russian Federation observed that the attention drawn by the Rosselkhozdnadzor to the issue and an additional joint inspection at the fish processing plants of Latvia and Estonia had led to positive measures by the veterinary services. However, some matters remained outstanding. Pursuant to the relevant procedures, the results and conclusions of inspections were being finalized by the competent authorities of the Eurasian Economic Union (representatives of which had also taken part in the inspection). The Russian Federation would transmit the report of the inspection to Latvia and Estonia in the near future, and remained prepared to make all the necessary efforts to find a solution to the issue.

2.324. In July 2017, the European Union reiterated its concerns regarding the Russian Federation's restrictions on imports of all fishery products from Estonia and Latvia. The European Union reiterated that the restrictions were inconsistent with the SPS Agreement and did not respect Russia's WTO accession commitments. The European Union underlined that Latvia and Estonia had acted without delay in response to the findings of the Russian Federation in 2015, and had put in place corrective measures within the timeframes set by the Russian Federation. Those actions had been brought to the attention of the Russian Federation, which carried out subsequent audits in 2016 to verify the corrective actions, but the results of their audits had not been communicated and the bans remained in place. The European Union reiterated its call to the Russian Federation to repeal the ban while expressing its readiness to work with the Russian Federation in a constructive and cooperative manner.

2.325. The Russian Federation responded that the temporary restriction imposed on supplies of fish products in Latvia and Estonia was due to violations in the process of ensuring the safety of fishery products, as confirmed by experts' inspections. The Russian Federation explained that it was working in coordinating with other Eurasian Economic Union member countries and that it was open to further cooperation and discussions.

2.326. In November 2017, the European Union reiterated its concerns regarding the Russian Federation's import restrictions on all fishery products from Estonia and Latvia, which followed an audit of a few establishments by the Russian Federation in 2015. The European Union argued that these measures were inconsistent with the SPS Agreement, unjustifiable on sanitary grounds, and not in compliance with the Russian Federation's WTO accession commitments. The European Union added that Latvia and Estonia reacted without delay to the findings and had put in place corrective measures within the requested time-frame, and had been subsequently audited by the Russian Federation in June 2016. The European Union regretted that it only received the report of these audits the day before the Committee meeting. Estonia and Latvia had held bilateral discussions with the Russian Federation to show their readiness to resolve this concern. The European Union called for an immediate repeal of the measure

2.327. The Russian Federation recalled that the temporary restriction had been the result of onsite inspections that found systemic deficiencies in fish processing. More recent inspections noted the progress made in complying with requirements of the Eurasian Economic Union, but did not fully address the safety concerns. Finally, the Russian Federation awaited responses from Latvia and Estonia to the preliminary report of its inspection.

Russian Federation import restrictions on certain animal products from Germany (STC 411)

Raised by:	European Union
Supported by:	
Dates raised:	June 2016 (G/SPS/R/83, paras. 4.7-4.8), October 2016 (G/SPS/R/84, paras. 3.38-3.39), March 2017 (G/SPS/R/86, paras. 3.25-3.27), July 2017 (G/SPS/R/87, paras. 4.37-4.38), November 2017 (G/SPS/R/88, paras. 3.43-3.44)
Relevant document(s):	G/SPS/GEN/1216
Status:	Not reported
Solution:	
Date reported as resolved:	

2.328. In June 2016, the European Union stated that since February 2013, the Russian Federation had introduced a complete ban on imports of fresh and chilled pig meat, beef and poultry meat from the entire territory of Germany, followed by a ban on imports of finished meat and milk products from three German federal states: Bavaria, Lower Saxony and North Rhine Westphalia. These import restrictions had been implemented due to claims by the Russian Federation that German veterinary services had not undertaken proper controls on the exports of such products. The European Union noted that the restrictions were not based on scientific evidence or a risk assessment and were inconsistent with several provisions of the SPS Agreement. The European Union further indicated that in 2013 it had communicated its concerns with respect to these restrictions in its officially submitted comments on the notified Russian Federation measure, as well as in document G/SPS/GEN/1216. Continuous efforts had been made by German authorities to address the issue, including conducting supervisory controls of the official veterinarians responsible for establishments listed for Russian export, and establishing an export coordination unit as a contact point for the Russian authorities and the private sector. Inspection visits had also been carried out by Russian authorities. Despite all efforts, the restrictions still remained in place. The European Union argued that there was no justification for the restrictions and requested the Russian Federation to promptly repeal these measures. The European Union indicated its willingness to engage in discussions with the Russian authorities.

2.329. The Russian Federation stated that more than 600 German processing plants producing animal products were authorized to export to the Russian Federation under the guarantees of the German competent authorities. However, more than 90% had never been inspected by Russian authorities. The Russian Federation observed that due to several factors, such as unfavourable laboratory monitoring results, border control violations, and errors in the certification of animal products, the Russian authorities had arranged several audits of the processing plants and elements of the system, in order to ensure the safety of animal products exported from Germany. Inspections had been carried out between 2012 and 2015, during which time several restrictions were imposed on imports to the Russian market from individual firms and some regions due to non-compliance with Russian SPS requirements. The Russian Federation noted that it subsequently implemented a ban, following the failure of all German states to meet its SPS requirements. The Russian Federation indicated that although it had informed the German authorities of the recorded violations and requested appropriate measures be taken to prevent export of unsafe products to the Russian market, no proper response had been received from the German veterinarian authorities. The Russian Federation further expressed concerns with the reliability of the guarantees of the German authorities, based on subsequent Russian inspections. Cooperation efforts between the Russian Federation and Germany had resulted in an update of the list of German exporting establishments, delisting more than 300 non-compliant plants. In parallel, measures had been taken to resume imports from establishments which had addressed identified deficiencies and from plants previously subject to restrictions due to laboratory monitoring results. The Russian Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing (Rospotrebnadzor) had been involved in the drafting of guidelines concerning inspection of German plants, in order to facilitate compliance with the Russian requirements. The Russian Federation further noted that consideration of the removal of the ban would be dependent on the implementation of the guidelines by the German Veterinary Services, submission of a document confirming the removal of deficiencies, and re-inspection by officials from the Rospotrebnadzor,

taking into account other ongoing inspections. The Russian Federation emphasized that the upcoming work would heavily rely on collaboration between German and Russian authorities.

2.330. In October 2016, the European Union recalled that since February 2013, the Russian Federation had maintained a ban on imports of pig, beef and poultry meat from Germany, followed by a ban on imports of finished meat and milk products from three German federal states: Bavaria, Lower Saxony and North Rhine Westphalia. These import restrictions had been implemented due to claims by the Russian Federation that German veterinary services had not undertaken proper controls on the exports of such products. The European Union reaffirmed that the restrictions were inconsistent with several provisions of the SPS Agreement. The European Union noted that the German and Russian authorities were working on the issue, and expressed hope that their discussion would result in positive developments. The European Union argued that there was no justification for the restrictions and requested the Russian Federation to promptly repeal these measures. The European Union reaffirmed its willingness to engage in discussions with the Russian authorities.

2.331. The Russian Federation recalled that restrictions had been imposed on certain German export products following the results of inspections carried out between 2012 and 2015, which revealed non-compliance of these products with Russian SPS requirements. The safety guarantee for the importation of these products to the Russian Federation had not yet been confirmed. The Russian Federation recalled that its Rospotrebnadzor had been involved in developing a manual for inspections containing Eurasian Economic Union (EAEU) requirements. The Russian Federation indicated that this manual had been sent to Germany for comments and expected further cooperation with the competent German authorities.

2.332. In March 2017, The European Union recalled that since 2013, the Russian Federation had maintained a ban on imports of pig, beef and poultry meat from Germany, and a ban on imports of meat and milk products from three German federal states. These import restrictions had been implemented due to claims by the Russian Federation that German veterinary services had not undertaken proper controls on the exports of these products. The European Union (i) reaffirmed that the restrictions were inconsistent with several provisions of the SPS Agreement; (ii) regretted that, despite the work done by the German authorities, after four years the bans still remained in place; and (iii) urged the Russian Federation to repeal the measures. Finally, the European Union reaffirmed its willingness to cooperate with the Russian authorities.

2.333. The Russian Federation recalled that temporary restrictions on supplies of livestock and dairy products from Germany were imposed following results of inspections in 2013 and 2015, which had revealed non-compliance with Russian SPS requirements. The Russian Federation announced that it was developing an instruction on the compliance of inspections with the requirements of the Russian Federation and the Eurasian Economic Union.

2.334. The Russian Federation reported that the latest developments had been discussed by the Head of the Russian Rosselkhozdnadzor and the State Secretary of the Federal Ministry of Food and Agriculture of Germany in January 2017 in Berlin, and during the visit of Mr. Helmut Brunner, Minister of Food, Agriculture and Forestry of the Land of Bavaria to Moscow in March 2017. Following those consultations, technical consultations on the issue with representatives of the German Veterinary Services were scheduled for April 2017.

2.335. In July 2017, the European Union recalled that since 2013, the Russian Federation had maintained a ban on imports of pig, beef and poultry meat from Germany, and a ban on imports of meat and milk products from three German federal states. The European Union (i) reiterated that the restrictions were inconsistent with several provisions of the SPS Agreement; (ii) regretted that despite the efforts made by the German authorities, the ban remained in place; and (iii) urged the Russian Federation to repeal these restrictions. The European Union welcomed further discussions with the Russian Federation to find a solution in a timely manner.

2.336. The Russian Federation recalled that the restrictions had been imposed following the detection of unsafe products through laboratory monitoring, border controls and inspections carried out in 2013 and 2015, highlighting systemic non-compliance. Following the discussions in the SPS Committee and bilateral consultations, the parties agreed to introduce guidelines for the inspection of German establishments by the national competent authority, in order to comply with

the regulations of the Eurasian Economic Union (EAEU) and of the Russian Federation. The Russian Federation reported on technical consultations held on 4 April 2017 in Moscow between the Rospotrebnadzor and the competent German authority. The Russian Federation remained convinced that these consultations would facilitate a harmonized approach to ensure the safety of the concerned products.

2.337. In November 2017, the European Union reiterated its concern regarding the Russian Federation's import ban on fresh and chilled pig meat, beef and poultry meat from the entire territory of Germany imposed in early 2013, and the subsequent ban on finished meat and milk products from three German Federal States. The European Union repeated its earlier statements on the inconsistency of the measure with the SPS Agreement and expressed its disappointment that the ban remained in force despite efforts made by Germany and the European Union. The European Union urged the Russian Federation to repeal its measures without further delay.

2.338. The Russian Federation recalled that the temporary import restriction stemmed from the detection of unsafe products and multiple mistakes in animal products certificates found during 2013 and 2015 inspections, and their systemic nature. The Russian Federation also noted the agreement that Germany would implement guidelines to verify its compliance with the requirements of the Eurasian Economic Union and of the Russian Federation, and that draft guidelines were under review by both parties.

The Russian Federation's import restrictions on wine (STC 426)

Raised by:	Montenegro
Supported by:	Moldova, Republic of
Dates raised:	July 2017 (G/SPS/R/87, paras. 4.8-4.10), November 2017 (G/SPS/R/88, paras. 3.56-3.58)
Relevant document(s):	
Status:	Not reported
Solution:	
Date reported as resolved:	

2.339. In July 2017, Montenegro raised a concern over the Russian Federation's measures on imports of wine products. Montenegro stressed that there had been no prior record of non-compliance of its wine products with the Russian Federation's required standards. Montenegro indicated that the import restrictions had been introduced on 26 April without advance and/or official notification. The reason provided for said restriction, according to the official website of the Rospotrebnadzor (the Russian Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing) was related to an increased content of pesticides (Metalaxyl) and phthalate plasticizer particles. Montenegro regretted that despite bilateral meetings and the exchange of information, the restrictive measures continued. Finally, Montenegro requested a joint testing procedure of the confiscated wine, within a reasonable time frame, to clarify the disputed facts.

2.340. The Republic of Moldova supported Montenegro's concern and its proposed joint control, adding that a similar approach could also be of use in addressing its ongoing trade concerns with the Russian Federation.

2.341. The Russian Federation thanked Montenegro for their bilateral meeting, and clarified that its competent authority, Rospotrebnadzor, had detected an incompliance of the affected Montenegrin wine producer with its sanitary and epidemiological legislation and hygienic norms. The Russian Federation recalled that the Rospotrebnadzor had informed the company but that no information had been provided by it or the competent Montenegrin authorities, following which the temporary import restriction had been imposed. The Russian Federation remained open to bilateral discussions with the competent authorities of Montenegro.

2.342. In November 2017, Montenegro reiterated its concern on the Russian Federation's restrictive measures applied to imports of wine from Montenegro, and provided an update on the efforts and actions taken by Montenegro since the previous SPS Committee meeting. Montenegro recalled that the import restrictions had been introduced in 2016 without advance or official notification to the authorities in Montenegro and the companies involved. Montenegro reported

that it had submitted two official letters to the Russian Federation authorities requesting additional information and clarification on the scientific evidence and nature of the imposed restriction, had offered bilateral consultations and indicated that joint control of the wine would offer the best course to resolve the issue. Montenegro pledged its full cooperation to the Russian Federation and its willingness to have the Russian Federation carry out a verification of its wine production compliance with the Russian Federation standards. Montenegro expressed its deep regret for the lack of response on the part of the Russian Federation to its correspondence and the lacking intention to engage in bilateral consultation or undertake corrective measures to lift the existing restriction. Montenegro urged the Russian Federation to lift the restriction and to find a mutually agreed solution including the review of the SPS conformity of Montenegrin wine to facilitate the full return of the exported confiscated wine.

2.343. Moldova referred to its statement made in the July 2017 SPS Committee meeting and reiterated its support to Montenegro's proposal of a joint control of the confiscated Montenegrin wine to ensure a better understanding of the Russian Federation food safety standards and procedures in order to take corrective actions. Moldova urged the Russian Federation to constructively engage in bilateral consultations to find a mutually acceptable solution in line with WTO rules.

2.344. The Russian Federation stated that the temporary import restriction was imposed due to the detection that Montenegrin wines failed to meet the Eurasian Economic Union's and the Russian Federation's requirements. The Russian Federation indicated that Montenegro's communications were currently under consideration, but that they did not provide information about the actions taken by Montenegro to identify cases of contamination of wines imported to the Russian Federation. The Russian Federation expected constructive cooperation with Montenegro in this area.

2.12 Saudi Arabia, Kingdom of

2.12.1 Food Safety

Gulf Cooperation Council (GCC) Guide for Control of Imported Foods (STC 424)

2.345. See paragraphs 2.9.-2.11.

2.12.2 Animal Health

General import restrictions due to BSE (STC 193)

2.346. See paragraphs 2.400.-2.467.

Saudi Arabia's measures on shrimp (STC 425)

Raised by:	Ecuador
Supported by:	
Dates raised:	July 2017 (G/SPS/R/87, paras. 4.6-4-7)
Relevant document(s):	
Status:	Not reported
Solution:	
Date reported as resolved:	

2.347. In July 2017, Ecuador raised concerns over Saudi Arabia's ban on shrimps from Ecuador based on an OIE registry indicating the presence of infectious hypodermic necrosis and infectious hematopoietic necrosis in shrimp in some zones of Ecuador, and the lack of information about diseases such as infectious myonecrosis (IMNV), white tail disease and Taura syndrome (TSV). Ecuador noted that infectious hypodermic necrosis and infectious hematopoietic necrosis were globally present, including in Saudi Arabia. Ecuador explained that IMNV and white tail disease had been monitored but had not been reported in Ecuador, and that TSV has not been reported in laboratory analyses for the past seven years. Ecuador further stressed its national control plan,

which included a periodic analysis of shrimp, the results of which were notified to the OIE every six months. Finally, Ecuador argued that Saudi Arabia's measure was inconsistent with various provisions of the SPS Agreement.

2.348. Saudi Arabia thanked Ecuador for raising this concern and reaffirmed its commitment to remove any unnecessary barriers to trade. Saudi Arabia explained that according to the OIE, Ecuador was not yet free from the infectious hypodermal and haematopoietic necrosis, and that its shrimps' health status was not yet defined with respect to the infectious yellow head virus genotype 1, myonecrosis, Taura syndrome and white tail disease. Saudi Arabia clarified that the import suspension of frozen and chilled shrimps from Ecuador was temporary, until the issue was resolved, and that certain shrimp products from Ecuador were exempt from said measure. Saudi Arabia welcomed the continued cooperation with Ecuador and encouraged further bilateral discussions.

2.13 Chinese Taipei

2.13.1 Food Safety

Chinese Taipei's strengthened import restrictions on food with regard to radionuclides (STC 387)

Raised by:	Japan
Supported by:	
Dates raised:	March 2015 (G/SPS/R/78, paras. 3.9-3.10), July 2015 (G/SPS/R/79, paras. 3.35-3.36), October 2015 (G/SPS/R/81, paras. 3.30-3.31), March 2016 (G/SPS/R/82, paras. 3.21-3.23), June 2016 (G/SPS/R/83, paras. 4.28-4.29), October 2016 (G/SPS/R/84, paras. 3.16-3.17), March 2017 (G/SPS/R/86, paras. 3.10-3.11); See also STC 354.
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.349. In March 2015, Japan expressed its concerns over the import ban imposed by Chinese Taipei on food exports from five Japanese prefectures after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station, as well as over the draft strengthened import regulations that required a pre-test certificate issued by the Japanese Government for almost all Japanese foods from all remaining prefectures. Japan had repeatedly provided Chinese Taipei with comprehensive monitoring results to demonstrate that Japanese food was safe for human consumption. Four years had passed since the nuclear accident in 2011. In the meantime, 13 Members such as Australia and Viet Nam, had lifted their import restrictions. Many other Members, including the European Union, the United States and Singapore had eased their import restrictions based on sound scientific data. Japan believed that the measures maintained by Chinese Taipei were not based on relevant international standards and were more trade-restrictive than required. Japan therefore requested that Chinese Taipei lift the import ban on the five prefectures and withdraw the draft strengthened import regulations notified to the SPS Committee last November.

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

2.351. In July 2015, Japan reiterated its concerns over the import ban imposed by Chinese Taipei on food exports from five Japanese prefectures after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station, as well as over the strengthened import restrictions imposed since 15 May 2015. According to information published by Chinese Taipei, none of the more than

70,000 samples of Japanese food products tested had exceeded Chinese Taipei's limit levels of radioactive cesium, which seemed to confirm the appropriateness of Japan's measures taken after the incident. Japan also noted that Chinese Taipei's import restrictions were not based on science, nor based on the relevant international standards, and were more trade restrictive than required. Japan requested that Chinese Taipei complete its risk assessment and immediately remove its measures. Japan also expressed hope that bilateral consultations would help find a mutually acceptable solution.

2.352. Chinese Taipei confirmed the implementation of control measures consisting in the temporary suspension of inspection applications for food produced in the Fukushima and the other four nearby prefectures since March 2011. However, in March 2015 food products from the restricted prefectures had entered the Chinese Taipei market using false labelling. Consequently, Chinese Taipei had implemented control measures requiring certificates of origin and, for specific food products and prefectures, radioactive examination reports. Chinese Taipei also noted concerns over the continuous leakage of radioactive contaminated water from Fukushima nuclear power plant since 2013. Chinese Taipei reiterated its commitment to bilateral efforts to find a solution to this matter.

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

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

2.355. In March 2016, Japan reiterated its concerns over the import ban imposed by Chinese Taipei on food from five Japanese prefectures after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station. Japan reported that, despite receiving what it regarded as a positive response from Chinese Taipei affirming its commitment to bilateral efforts, as well as high-level leadership meetings held on the margins of the APEC Ministerial Meeting in November 2015, no progress had been made in resolving the issue. Japan noted that the ban was not scientifically justifiable as radioactive residues exceeding standard limits were only found in certain types of food, mostly wild mushrooms and game meat. Japan encouraged Chinese Taipei to move the process forward to resolve the issue as soon as possible.

2.356. Chinese Taipei described the measures in place and stated that they were necessary to address public health concerns, especially given the fact that contaminated water and materials had not been entirely cleaned and contaminated water continued to leak from the plant site. According to recent trade data, consumers were regaining confidence in Japanese products. Chinese Taipei reported that it had set up a joint working group with the Japanese Government and looked forward to cooperating closely with Japan under this joint-working mechanism.

2.357. Japan questioned the relevancy of contaminated water and public concern on food safety. Data from various sources showed a growing demand for Japanese food. Japan thanked other Members who had already lifted or eased their import restrictions.

2.358. In June 2016, Japan reiterated its concerns regarding the import ban imposed by Chinese Taipei on food from five Japanese prefectures in response to the nuclear power plant accident. Japan noted that the ban was not scientifically justifiable as radioactive residues exceeding the regulatory limits were only found in certain types of food. In addition, no residues exceeding the regulatory limits had been found at Chinese Taipei's border, out of the more than 80,000 samples tested to date. Japan further observed that a press release from the authorities of Chinese Taipei had indicated that there was neither a plan nor a timetable to relax the import restrictions on food products from Japan. Japan underscored that import restrictions should be consistent with the SPS Agreement and encouraged further cooperation in addressing this issue.

2.359. Chinese Taipei reiterated that its temporary import ban and radioactive pre-test certificate requirements were necessary to protect public health, especially given the fact that contaminated water and materials had not been entirely cleaned as yet. Chinese Taipei indicated that since the nuclear power plant incident, it had requested further information from Japan, including on its surveillance results and control measures, in order to undertake an evaluation. As a result of the credible control measures implemented by the competent authority of Chinese Taipei, consumers were regaining confidence in the safety of Japanese food products, as demonstrated by increased trade figures. Chinese Taipei indicated its commitment to monitor the effectiveness of Japan's radionuclide management system and ensure a comprehensive evaluation of its relevant control measures. Chinese Taipei looked forward to further cooperating with Japan on this issue.

2.360. In October 2016, Japan reiterated its concerns regarding the import ban imposed by Chinese Taipei on food from five Japanese prefectures in response to the nuclear power plant accident. The ban was not scientifically justifiable as radioactive residues exceeding the regulatory limits were only found in certain types of food. Japan recognized Chinese Taipei's commitment to bilateral discussions and expressed its willingness to continue cooperating with Chinese Taipei towards a satisfactory solution.

2.361. Chinese Taipei recalled that a temporary suspension of inspection applications for food imported from the Fukushima and other four nearby prefectures was in place since March 2011. Food from other prefectures was inspected for radionuclide residues at port of entry on a batch-by-batch basis. In May 2015, Chinese Taipei amended its measures to require radioactive examination reports for specific food products from several prefectures and adopted flexible and pragmatic methods to allow safe trade of Japanese food products. Chinese Taipei remained concerned with radionuclide contaminated water and materials, which continued to leak from the plant site. Chinese Taipei highlighted that the measures implemented, including import restrictions and pre-test certificates, were necessary to address public health concerns. Increased trade figures demonstrated that consumers were regaining confidence in the safety of Japanese food products. Chinese Taipei reiterated its commitment to continue monitoring the effectiveness of Japan's radionuclide management system and ensure a comprehensive evaluation of its relevant surveillance and control measures. Chinese Taipei had appointed an inter-ministerial team to work on this issue, including risk communication, and looked forward to further cooperating with Japan.

2.362. In March 2017, Japan again raised its concern regarding Chinese Taipei's import ban on food from five Japanese prefectures in response to the nuclear power plant accident. Japan recognized Chinese Taipei's efforts since August 2016, including on-site visits to farms and food processing plants as well as to the Fukushima Daiichi Nuclear Power Plant. Chinese Taipei had considered lifting the ban but was still in the process of informing the public. In November 2016, it had held public hearings which had been allegedly held in a hasty manner. Additional hearings that had been scheduled to take place before January 2017 had been delayed. Meanwhile, Chinese Taipei had introduced new labelling requirements after finding that certain food products contained soy sauce from the five prefectures subject to the import ban, in spite of testing negative for radionuclide residues and being regularly imported by Chinese Taipei. Japan urged Chinese Taipei to adopt measures that were consistent with the WTO Agreements.

2.363. Chinese Taipei recalled that it had reviewed its current measures following its cross ministerial expert delegation visit to Japan in August 2016. Chinese Taipei referred to previous statements and reiterated its willingness to cooperate with Japan to solve this issue bilaterally.

2.14 South Africa

2.14.1 Animal Health

South Africa's import restrictions on poultry due to Highly Pathogenic Avian Influenza (STC 431)

Raised by:	European Union
Supported by:	
Dates raised:	November 2017 (G/SPS/R/88, paras. 3.11-3.12)
Relevant document(s):	
Status:	Not reported
Solution:	
Date reported as resolved:	

2.364. In November 2017, The European Union raised concerns over country-wide bans on imports of poultry products from several EU member States due to HPAI, despite most of them have been recognized as free from HPAI for months. The European Union explained that South Africa's decision not to accept HPAI zoning even after it had received relevant evidence disregarded the regionalization obligation under the SPS Agreement. The European Union noted that this situation has significant impacts on EU trade of poultry to South Africa. The European Union highlighted its bilateral engagement with South Africa, including a study visit to the European Union in 2016.

2.365. South Africa acknowledged past discussions with the European Union and the visit to understand the EU regionalization mechanism that took place in 2016. South Africa however expressed concerns regarding the effectiveness of the control and preventive measures in the European Union, and noted it would have another visit to assess these controls.

2.15 Thailand

2.15.1 Plant Health

Thailand's import restriction on papaya seeds (STC 421)

Raised by:	Chinese Taipei
Supported by:	
Dates raised:	March 2017 (G/SPS/R/86, paras. 9.5-9.7), July 2017 (G/SPS/R/87, paras. 4.14-4.16), November 2017 (G/SPS/R/88, paras. 3.32-3.33)
Relevant document(s):	G/SPS/N/THA/158
Status:	Not reported
Solution:	
Date reported as resolved:	

2.366. In March 2017, Chinese Taipei referred to Thailand's import restrictions on papaya seeds. It observed that although a risk assessment had been conducted 9 years ago, and despite repeated requests, no proper response had been received from Thailand. Prior to 2008, papaya seeds had been exported to Thailand. Chinese Taipei observed that Thailand itself did not attribute the ban on papaya seeds to any pest issue in Chinese Taipei, but was simply the result of a regulatory amendment in 2007. Thailand had requested detailed information for conducting a risk assessment prior to reopening its market. However, Chinese Taipei argued that this approach was inconsistent with IPPC ISPM No.2 Framework for Pest Risk Analysis.

2.367. Chinese Taipei had provided detailed historical records of trade, as well as a pest list, in response to Thailand's request in April 2008. Additional data on papaya seed varieties had also been requested in June 2010 and promptly provided. Since then, Chinese Taipei had sought on multiple occasions an update on the progress of the risk assessment, without substantive

response. In March 2016, Thailand further requested supplementary information on three kinds of pests with a risk of being spread by the papaya seed trade: Candidatus phytoplasma solani, Tobacco ringspot virus and Tomato spotted wilt virus. In response, Chinese Taipei had provided in August 2016 scientific evidence showing that there was no record of these pests being spread through the trade of papaya seed, and that these pests had never been found in papaya seeds in its territory. Discussions had taken place on the margins of the SPS Committee and Chinese Taipei indicated that the dossiers of scientific evidence, requested in October 2017, had now been received and would be reviewed by Chinese Taipei's experts, following which feedback would shortly be provided to Thailand's competent authority. Chinese Taipei also indicated that it looked forward to receiving the import protocols.

2.368. Chinese Taipei underscored its efforts to provide the relevant information in a timely manner and urged Thailand to move forward or to provide proper scientific justification, arguing that Thailand's restrictions were inconsistent with Articles 2, 3 and 5 of the SPS Agreement, as well as Article 7.2 of the International Plant Protection Convention. Chinese Taipei encouraged Thailand to comply with its WTO commitments, in particular Articles 5.6 and 5.8 of the SPS Agreement, and to re-open its market to papaya seeds without further undue delay.

2.369. In July 2017, Chinese Taipei referred to Thailand's import restrictions on papaya seeds. Although a risk assessment had been conducted nine years ago, and despite repeated requests, no proper response had been received from Thailand. Prior to 2008, papaya seeds had been exported to Thailand. Chinese Taipei observed that Thailand itself did not attribute the ban on papaya seeds to any pest issue in Chinese Taipei; it was the result of a regulatory amendment in 2007. Thailand had requested detailed information for conducting a risk assessment prior to reopening its market, but Chinese Taipei argued that this approach was inconsistent with IPPC ISPM No. 2 Framework for Pest Risk Analysis. Chinese Taipei had provided detailed historical records of trade, as well as a pest list, in response to Thailand's request in April 2008. Additional data on papaya seed varieties had also been requested in June 2010 and promptly provided. Since then, Chinese Taipei had sought an update on the progress of the risk assessment on multiple occasions, without substantive response.

2.370. Chinese Taipei also indicated that, after introducing the concern under the agenda item "Other Business" at the March 2017 SPS Committee meeting, Thailand had said that papaya seeds risked the spread of the pests Candidatus phytoplasma solani and Tobacco ringspot virus (TRSV). In July 2017, Thailand had indicated that it would remove Candidatus phytoplasma solani from its quarantine pest list and that it would further discuss its proposed risk mitigation measures for TRSV. Finally, Chinese Taipei urged Thailand to promulgate the import protocol for its papaya seeds, and insisted that the current import restriction was inconsistent with several provisions of the SPS Agreement and the IPPC.

2.371. Thailand drew attention to notification G/SPS/N/THA/158 of 2007, according to which prohibited products could only be imported after the completion of their pest risk analysis, providing an exemption to allow existing commodities' trade to continue until their pest risk analysis was completed. For the exemption to apply, however, the NPPO of the exporting country had to submit an import request with evidence of previous imports, which in the case of Chinese Taipei did not include papaya seeds. Thailand added that it had conducted a pest risk analysis for papaya seeds as a new commodity and had finalized its quarantine pest list, as communicated to Chinese Taipei's Department of Agriculture. Thailand announced that it was in the process of drafting the import protocol for papaya seeds, to be sent for approval by its Quarantine Technical Subcommittee. Thailand finally expressed its willingness to work closely on this matter with Chinese Taipei.

2.372. In November 2017, Chinese Taipei reiterated its concern on Thailand's import restriction on papaya seeds imposed since 2008. Chinese Taipei reported that it was currently reviewing Thailand's draft quarantine requirements for its papaya seeds. Chinese Taipei confirmed that the exported papaya seed was free from tobacco ringspot virus (TRSV) and urged Thailand to lift the import restriction and comply with its WTO obligations.

2.373. Thailand explained that the reason for the initial ban on the import of papaya seeds from Chinese Taipei was due to a regulatory amendment. An exemption was granted to existing traded commodities, but Chinese Taipei's request to include papaya seeds in the exemption was received only after the time-frame. Therefore, it faced a delay in its market access. Thailand added that the

draft import protocol for papaya seeds had been approved by its Quarantine Technical Subcommittee. If it was accepted by Chinese Taipei, it would be submitted to Thailand's Pest Quarantine Committee for final approval to resume imports of papaya seeds from Chinese Taipei.

2.16 Turkey

2.16.1 Animal Health

General import restrictions due to BSE (STC 193)

2.374. See paragraphs 2.400.-2.467.

2.16.2 Plant Health

Turkey's restrictions on rough rice imports (STC 433)

Raised by:	United States of America
Supported by:	
Dates raised:	November 2017 (G/SPS/R/88, paras. 3.15–3.16)
Relevant document(s):	G/SPS/N/TUR/203
Status:	Not reported
Solution:	
Date reported as resolved:	

2.375. In November 2017, the United States raised concerns over Turkey's continued restrictions on rough rice imports due to Aphelenchoides besseyi, a nematode that was widespread in Turkey. The United States referred to IPPC standard ISPM No. 5, according to which a plant disease or pest could not be considered a quarantine pest if it was widespread within a given territory and not under official control, and to Article 2.3 of the Agreement on the Application of Sanitary and Phytosanitary Measures. The United States highlighted its efforts to receive market access for rough rice under the same conditions that Turkey applied to its domestic industry. The United States regretted that Turkey had failed to provide scientific justification for the restrictions and requested that Turkey ensure that its rough rice import standards were consistent with its WTO obligations and aligned with international standards.

2.376. Turkey noted that the relevant regulation had been notified as G/SPS/N/TUR/203 and argued that it was in line with Article 7 of the IPPC, which granted countries the right to regulate in order to prevent the introduction and spread of pests in their territories. Turkey stressed its domestic quarantine measures and the limited existence of the organism in Turkey.

2.17 United Arab Emirates

2.17.1 Food Safety

Gulf Cooperation Council (GCC) Guide for Control of Imported Foods (STC 424)

2.377. See paragraphs 2.9.-2.11.

2.17.2 Plant Health

United Arab Emirates measures on plant protection products (STC 429)

Raised by:	Turkey
Supported by:	
Dates raised:	November 2017 (G/SPS/R/88, paras. 3.6-3.7)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	

Date reported as resolved:	

2.378. In November 2017, Turkey raised a concern regarding the United Arab Emirates Ministerial Decree No. 799 of 2005 as amended by Ministerial Decree No. 2364 of 2014, which required, for the registration of a pesticide, a certificate of registration from the country of origin, a certificate of registration in an OECD member State, and a trading certificate of the pesticide from an OECD member State. Turkey asked for the scientific reasons behind these requirements, highlighting that fulfilling these conditions was not always possible and created unjustifiable discrimination between WTO Members. Turkey reported that bilateral meetings with the United Arab Emirates had not led to progress.

2.379. The Chairperson noted that United Arab Emirates were not present at the meeting.

2.18 United States of America

2.18.1 Food Safety

United States MRLs for chlorpyrifos (STC 419)

Raised by:	Israel
Supported by:	
Dates raised:	March 2017 (G/SPS/R/86, paras. 3.5-3.7)
Relevant document(s):	G/SPS/N/USA/2912
Status:	Not reported
Solution:	
Date reported as resolved:	

2.380. In March 2017, Israel expressed its concern regarding the United States proposed rule to withdraw its food pesticide residue tolerances for chlorpyrifos. Following the notification of the proposed text in November 2016 (G/SPS/N/USA/2912), Israel had submitted comments to the United States and discussed the issue bilaterally at various fora. Israel explained that chlorpyrifos was produced in Israel, used on some 20 major crops exported to the United States, and considered an efficient and cost-effective broad spectrum pesticide. It was less disruptive to beneficial insects than alternative pesticides and a good rotational option. Also, for several important pests, growers had limited or no viable alternatives to chlorpyrifos. Israel noted that the United States' decision was based on three studies conducted in residential areas using chlorpyrifos for indoor pest control, which could cause hand-to-mouth contact as well as dermal or inhalation exposure. According to Israel, the results of these studies did not suggest that the relevant Codex MRLs (insecticide ID 17) were unsafe for agricultural products. Israel believed that the United States' deviation from the existing international standard was not scientifically justified. The United States needed to develop individual risk assessments on the use of chlorpyrifos for each agricultural crop of concern, taking into account all available scientific evidence as well as the objective to minimize negative trade effects.

2.381. Ecuador echoed Israel's concern, underlining that chlorpyrifos was broadly used worldwide and in Ecuador since 1989 on a variety of crops, including bananas majorly exported to the United States. Ecuador called for the United States to scientifically justify its measure and highlight the risks to human health, considering that the measure seemed to be based on studies carried out on the agricultural use of chlorpyrifos. Ecuador also asked if the United States would undertake individual risk assessments for different agricultural products based on Codex standards. Finally, Ecuador expressed a special concern with the adoption date of 31 March 2017 and the strong effects that it would have on trade.

2.382. The United States confirmed that all comments received would be considered by the Environmental Protection Agency (EPA) in finalizing the proposed measure. While the United States appreciated that many comments called on EPA to base its residue levels on Codex standards, it recalled the right of Members, in line with the SPS Agreement, to carry out their own

risk assessments. Further information on the scientific assessments used was available in G/SPS/N/USA/2912.

2.18.2 Other Concerns

US seafood import monitoring programme (STC 415)

Raised by:	China
Supported by:	Chile, Russian Federation
Dates raised:	October 2016 (G/SPS/R/84, paras. 3.9-3.11), March 2017 (G/SPS/R/86, paras. 3.39-3.41), July 2017 (G/SPS/R/87, paras. 4.47-4.48), November 2017 (G/SPS/R/88, paras. 3.63-3.65)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.383. In October 2016, China raised its concern regarding the US Seafood Import Monitoring Program (SIMP), published by the National Oceanic and Atmospheric Administration (NOAA) in February 2016. China praised US efforts to combat illegal, unreported, and unregulated (IUU) fishing and seafood fraud. However, China considered the proposed rule to be inconsistent with a number of key principles of the WTO such as transparency, national treatment, scientific justification and least trade restrictiveness. China urged the United States to notify the measure as soon as possible, and to provide Members with at least a 60-day comment period and a 6-month transition period. China also noted that US traceability requirements and catch certification for at-risk species applied only to imported fish and fish products, and not to domestic products. Additionally, the measure was not based on science as it would finally apply to all imported aquatic products, regardless of risk levels, and making no distinctions between aquaculture products and wild capture fisheries. China indicated that the regulation required more information than necessary and overlapped with other rules, including the International Trade Data System (ITDS), which increased costs and generated unnecessary market access delays. China added that the rule would do little to combat illegal fishing. China requested more information and expressed its availability to work closely with the United States with a view to combating IUU fishing and seafood fraud in a WTO consistent manner. China looked forward to seeing the US notification for this measure.

2.384. Chile shared China's concern indicating that it would follow this issue closely and hoped that the measure would be notified soon.

2.385. The United States noted that this issue did not fall under the SPS Agreement. The objective of the proposed rule was to combat IUU fishing and seafood fraud. The proposed rule would require importers to report certain information upon entry into the United States to help trace back the shipment to the catch or harvest point. The United States further explained that the rule had been developed through a transparent process of public notice and comments involving domestic and foreign stakeholders, as well as exporting authorities. The NOAA had received many comments, including from China, which were being considered in the first phase of the programme covering a reduced list of species. The rule would eventually cover all seafood species in subsequent phases. The United States finally highlighted its common objective with China to combat IUU fishing and seafood fraud and expressed its interest in a continued engagement on this issue.

2.386. In March 2017, China raised its concern regarding the US Seafood Import Monitoring Program (SIMP), published by the National Oceanic and Atmospheric Administration (NOAA) in February 2016, which had entered into effect in January 2017 without being notified to the WTO for comments by Members. China stated that the proposed rule was inconsistent with a number of key WTO principles, such as transparency, national treatment, scientific justification and least trade restrictiveness. China also noted that the United States' traceability requirements and catch certification for at-risk species applied only to imported fish and fish products, and not to domestic products. Additionally, the measure was not based on science as it would apply to all imported

aquatic products, regardless of risk levels and without distinction between aquaculture products and wild capture fisheries. China indicated that the regulation required more information than necessary and overlapped with other rules, including the International Trade Data System (ITDS), which increased costs and generated unnecessary market access delays. China added that the rule would do little to combat illegal fishing and urged the United States to postpone its implementation until Members' comments were sought and taken into consideration.

2.387. The Russian Federation shared China's concern regarding the US Seafood Monitoring Program, and noted that it had raised the same issue in the Council for Trade in Goods, and encouraged cooperation between interested Members. The Philippines and Ecuador registered their interest in the matter.

2.388. The United States stated that the issue did not fall under the scope of the SPS Agreement. The objective of the proposed rule was to combat IUU fishing and seafood fraud. The proposed rule would require importers to report certain information upon entry into the United States, to help trace back the shipment to the catch or harvest point, in order to prevent the United States market from being used as a place to sell fraudulently marketed seafood or seafood products produced from IUU fishing. The rule was explained to be part of a new, comprehensive seafood traceability program that also included comparable information requirements for domestic fisheries. The United States further explained that the rule had been developed through a transparent process of public notice and comments involving domestic and foreign stakeholders, as well as exporting authorities. The United States underlined the rule's one-year implementation time-frame, its streamlined requirements for small scale fishers, and an indefinite suspension of requirements for shrimp and abalone. The United States looked forward to a continuing engagement with China and other trading partners on the implementation of the rule, and on combatting IUU fishing and protecting oceans more broadly.

2.389. In July 2017, China appreciated that the United States had revised some of the provisions regarding the United States Seafood Import Monitoring Program (SIMP), published by the National Oceanic and Atmospheric Administration (NOAA) in early 2016. However, China still had some concerns related to transparency, national treatment, scientific justification and least trade-restrictiveness. China highlighted that the traceability requirements and catch-certification for at-risk species applied only to imported fish and fish products, and not to domestic products, and that the measure was not based on science as it would apply to all imported aquatic products, regardless of risk levels and without distinction between aquaculture products and wild capture fisheries. The regulation required more information than necessary and overlapped with other rules, including the International Trade Data System (ITDS), which increased costs and generated unnecessary market access delays. China urged the United States to notify the SIMP to the WTO for comments by Members.

2.390. The United States reiterated that the final rule was not an SPS measure and therefore fell outside the scope of the SPS Agreement. The United States explained that the objective of the final rule was to combat illegal, unreported and unregulated (IUU) fishing and seafood fraud. It thus required domestic importers to report certain information upon entry into the United States and to retain other information that would allow shipments to be traced back to the point of catch or harvest in order to prevent its market from being used to sell fraudulently marketed seafood or seafood products produced from IUU fishing. The United States looked forward to continuing engagement with China on the implementation of the rule, but did not believe the SPS Committee was the appropriate forum for this engagement.

2.391. In November 2017, China reiterated its concern on the US seafood import monitoring programme. China highlighted the differences between the US bills related to the trade of aquatic products, namely the Seafood Import Monitoring Program (SIMP) and the Fish and Fish Product Import Regulations, and the Marine Mammal Protection Act. China urged the United States to consider removing aquaculture products from the bills to promote the healthy development of bilateral trade in these products. China requested updates on the relevant bills under the regional fishery management organizations and the relevant international management organizations.

2.392. The Russian Federation shared China's concern, noting that trade-related measures should be adopted and implemented in a fair and transparent manner, and only after prior consultation with interested Members.

2.393. The United States reiterated that the final rule was not an SPS measure and therefore fell outside the scope of the SPS Agreement. The United States also reiterated that the objective of the final rule was to combat illegal, unreported and unregulated (IUU) fishing and seafood fraud, and thus required the US importers to report certain information upon entry into the United States and retain other information that would allow the shipments to be traced back to the point of catch or harvest in order to protect its market from being used to sell fraudulently marketed seafood or seafood products produced from IUU fishing.

2.19 Viet Nam

2.19.1 Plant Health

Viet Nam's suspension of groundnut seed imports (STC 418)

Raised by:	Senegal
Supported by:	
Dates raised:	March 2017 (G/SPS/R/86, paras. 3.3-3.4), July 2017 (G/SPS/R/87, paras. 4.17-4.18), November 2017 (G/SPS/R/88, paras. 3.26-3.27)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.394. In March 2017, Senegal noted that, as of 11 July 2016, Viet Nam had suspended its imports of groundnut seeds from Senegal following Decision No. 2838/QD-BNN-BVTV, due to the detection of two destructive pests in groundnut seeds exported to Viet Nam. Senegal confirmed that one fumigation company had not respected pre-fumigation procedures and its quarantine authorities had taken corrective measures, including strengthening procedures for issuing quality certificates and establishing a roadmap to further protect plant health. Senegal appealed to Viet Nam, which was a major importer of Senegalese groundnut seeds, to undertake a risk analysis of their measures and remained open to bilateral discussion.

2.395. Viet Nam stated that between February and June 2016 it had intercepted 48 containers of groundnut seeds infected with two regulated quarantine pests absent from its territory. Viet Nam noted that despite alerting the Senegalese authorities of the detection of incompliant consignments, Senegal had not tightened its controls sufficiently. Viet Nam's temporary suspension was in compliance with IPPC and domestic regulation and was aimed at preventing the spread of the two pests in its territory. As bilaterally notified, Viet Nam encouraged Senegal to improve cooperation and provide technical reports to assess the situation. Viet Nam welcomed further bilateral discussion to resolve the matter.

2.396. In July 2017, Senegal reported that after raising the concern in the March 2017 SPS Committee meeting, Viet Nam had requested a more detailed report of the phytosanitary risk analysis applied to the groundnut industry, which had been provided in June 2017. Viet Nam had acknowledged receipt and requested an official translation into English. Senegal noted that no notification of non-conformity had been issued and expressed appreciation for Viet Nam's collaboration on this issue.

2.397. Viet Nam explained that in 2015 it had issued a new list of commodities subject to pest risk analysis before importation. Viet Nam appreciated Senegal's effort to provide information in English and looked forward to deliver a final response to this issue at their next bilateral meeting.

2.398. In November 2017, Senegal reiterated its concern on Viet Nam's provisional suspension on groundnut imports from Senegal and reported on the provisions taken to ensure compliance with the phytosanitary requirements, including an audit by a Chinese quarantine service mission.

2.399. Viet Nam reiterated that there had been detections of groundnuts infested with live insect quarantine pests. Viet Nam reported that Senegal had been notified, and that its temporary suspension was in line with IPPC guidelines. Viet Nam also reported that it was currently reviewing the technical information received from Senegal's National Plant Protection Agency.

2.20 Certain Members

2.20.1 Animal Health

General import restrictions due to BSE (STC 193)

Raised by:	European Union; United States of America
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), March 2014 (G/SPS/R/74, paras. 3.28-3.30), July 2014 (G/SPS/R/75, paras. 4.33-4.37), October 2014 (G/SPS/R/76, paras. 3.26-3.30), March 2015 (G/SPS/R/78, paras. 3.30-3.32), July 2015 (G/SPS/R/79, paras. 3.29-3.30), October 2015 (G/SPS/R/81, para. 3.65), March 2016 (G/SPS/R/82, para. 3.45), June 2016 (G/SPS/R/83, para. 4.12), October 2016 (G/SPS/R/84, para. 3.37), March 2017 (G/SPS/R/86, paras. 3.31-3.32), July 2017 (G/SPS/R/87, para. 4.42), November 2017 (G/SPS/R/88, para. 3.34); See also STC 84.
Relevant document(s):	Raised orally
Status:	Partially resolved
Solution:	Solutions notified regarding certain members
Date reported as resolved:	

2.400. 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.

2.401. In October 2004, the United States also raised concerns on this issue by noting 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.

2.402. 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.

2.403. 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.

2.404. 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.

2.405. 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.

2.406. 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.

2.407. Canada shared the EC concerns and asked Members to base their measures on the BSE chapter provisions of the 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.

2.408. 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.

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

2.410. 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.

2.411. 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.

2.412. 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.

2.413. 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.

2.414. 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.

2.415. 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.

2.416. 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 the 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.

2.417. 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 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.

2.418. 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.

2.419. 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.

2.420. 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.

2.421. 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.

2.422. 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.

2.423. 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.

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

2.425. 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.

2.426. 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.

2.427. 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.

2.428. 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.

2.429. 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.

2.430. Korea noted the ongoing 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.

2.431. 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.

2.432. 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 a MOU with Ireland for the establishment of a joint working group on BSE.

2.433. 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.

2.434. 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.

2.435. 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 ongoing 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.

2.436. 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.

2.437. 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.

2.438. 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.

2.439. 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.

2.440. 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 ongoing 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.

2.441. 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.

2.442. 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.

2.443. 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.

2.444. 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.

2.445. 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.

2.446. In March 2014, the European Union again highlighted the importance of this concern. Unjustifiable trade restrictions relating to BSE were still in place in a number of Members, although OIE standards for safe trade had existed for more than 10 years. The European Union urged China to base its measures on the OIE standards and lift the ban on EU beef. The European Union welcomed the on-going work in Korea and urged Korea to deal swiftly with all EU applications. Australia's and the US on-going processes to align their BSE import conditions with OIE standards was appreciated, but should be completed without delay so as to now permit trade to occur. Australia should move from the eligibility already granted to some EU member States into real trade by setting out all the necessary subsequent steps, including health certificates. The European Union looked forward to tangible results in the near future.

2.447. China noted that the latent period of BSE was long, as it had previously explained.

2.448. Korea indicated that its authorities had been conducting import risk analysis on beef from some EU member States. Responses to questionnaires were awaited so as to proceed with the risk analysis in a timely manner. Korea maintained a close dialogue with the concerned Members in this regard.

2.449. In July 2014, once again, the European Union reiterated this concern. The European Union welcomed the recent opening of China allowing imports of live cattle from one EU member State as well as the announcement to lift the ban for meat from cattle under 12 months of age from another member State, but only after going through a lengthy approval procedure. Therefore, the European Union requested China to rapidly finalize all outstanding EU applications, some of them pending since 2005, and to increase transparency on the procedures required to lift the ban and on the risk analysis justifying it. The European Union welcomed the recent entry into force of the US BSE rule, but urged the United States to complete without further delay the evaluation procedures that would allow actual trade to take place. The European Union noted that Australia's alignment of its BSE import conditions with OIE standards was not yet satisfactory and requested Australia to quickly finalize its processes for effective market access.

2.450. China explained that as a country with a negligible BSE risk status, as recognized by the OIE in 2014, it took a cautious attitude on BSE measures. China had organized BSE risk assessment expert panels and provided questionnaires to applicant countries. For BSE-free countries such as Hungary and Latvia, beef access procedures had been initiated, while for BSE risk countries like France, Ireland and the Netherlands, technical exchanges and consultations were still ongoing. The responses to the questionnaires would be reviewed and measures revised accordingly.

2.451. In October 2014, the European Union reiterated the importance of this concern and urged all Members to align their BSE requirements with OIE standards. The European Union welcomed the growing number of WTO Members recognizing the EU control system and the EU member States' negligible or controlled risk status. The European Union urged China, the USA and Australia to adjust their BSE requirements fully in line with OIE requirements, and to speed up the approval processes of bovine and beef products from the European Union. Furthermore, China's recent lifting of its ban on live cattle imports from one EU member State only suggested differentiation between identical or similar BSE conditions found in several EU member States. The European Union welcomed Saudi Arabia's recent lifting of restrictions on beef imports from the European Union. The European Union raised, for the first time, similar concerns regarding Turkey's import restrictions on beef from the European Union. The European Union had identified in particular testing requirements that were unjustifiable and too trade restrictive. The European Union stated that it was willing to continue to work closely with Turkey to avoid inconsistencies, and to find a quick, comprehensive and practical solution.

2.452. Turkey responded that its bovine import requirements were in line with international rules and that there were no unjustified restrictions on beef imports from the European Union. Importation was allowed from EU member States with negligible BSE risk status.

2.453. China explained that it had taken a cautious approach to BSE measures to protect public health and food safety. In 2014, according to OIE statistics, two BSE cases had occurred in Germany and one in Romania, which had raised doubts that the BSE risk was under control in the region. China had engaged in technical exchanges with the European Union and its member States to solve relevant technical issues. Since the BSE risk status, prevention and control levels were not fully harmonized among EU member States, China had carried out separate risk assessments. China had recently lifted the ban on veal from the Netherlands and had sped up the access approval procedures. Regarding BSE-free countries, China had accelerated relevant beef access procedures by signing a protocol with Latvia and by agreeing on a draft protocol with Hungary. China expressed its willingness to enhance the technical exchanges with the European Union to solve this issue.

2.454. Saudi Arabia thanked the European Union for its comments and co-operation, and emphasized that it would not hesitate to facilitate trade with Members.

2.455. In March 2015, the European Union reiterated the importance of this concern; SPS measures adopted by Members had to be based on relevant international standards. Unjustifiable trade restrictions relating to BSE were still in place in a number of Members, although OIE standards for safe trade had existed for more than ten years. The European Union welcomed the growing number of WTO Members recognizing the EU control system and the EU member States' negligible or controlled risk status. The European Union urged all Members to align their BSE requirements with OIE standards.

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

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

2.458. In July 2015, the European Union reiterated the importance of this long-standing concern and restated the observations presented during the March 2015 meeting. The European Union again urged all Members to align their BSE requirements with OIE standards and welcomed progress made by China and United States by allowing imports from some member States to take place. The European Union urged Australia, Ukraine and Korea to progress rapidly to speed their import approval procedures. The European Union recalled also the international obligations of WTO Members, and its own high level of transparency towards other countries by providing technical information about the EU animal health and food safety system.

2.459. China reiterated the explanation that it had provided in March 2015 and recalled its interest in looking forward to enhanced technical exchange and consultation with the European Union on the prevention and control of BSE and other animal disease.

2.460. In October 2015, the European Union reiterated the importance of this long-standing concern and again urged all Members to align their BSE requirements with OIE standards. The European Union recalled also the international obligations of WTO Members and its own high level of transparency towards other countries by providing technical information about the EU animal health and food safety system. The European Union re-stated that science on BSE is indisputably clear to allow safe trade of many products and regretted, once more, the fact that many countries never provided a risk assessment justifying their deviations from international standards. The European Union looked forward to progress made with regard to the United States and welcomed the beginning of exports from one EU member State to China. The European Union also urged China to complete the procedures that would allow beef imports from all other interested EU member States. Finally, the European Union urged Australia, Korea and Ukraine to speed up their import approval procedures.

2.461. In March 2016, the European Union reiterated the importance of this long-standing concern. A few countries still kept a ban in place, even though the scientific evidence had proven that safe trade of beef could take place regardless of BSE country risk status. The European Union again urged all Members to respect international rules and align their measures with OIE standards. While some Members had lifted the bans, the European Union regretted, once more, the fact that many countries never provided a risk assessment justifying their deviations from international standards. The European Union welcomed the recent lifting of the ban by Japan for two further EU member States, making a total of seven EU member States that could now export beef to Japan. In relation to China and the United States, the European Union welcomed the start of the process for current applications which it hoped would be expeditious. The European Union also welcomed Argentina and Ukraine's lifting of the bans, citing this as a good example of rapid implementation. Finally, the European Union encouraged all Members, such as Australia and Korea, to proceed in a swift manner to lift the bans and hoped that the backlog of applications submitted by EU member States would soon disappear.

2.462. In June 2016, the European Union reiterated the importance of this long-standing concern. A few countries still kept a ban in place, even though the scientific evidence had proven that safe trade of beef could take place regardless of BSE country risk status. The European Union again urged all Members to respect international rules and align their measures with OIE standards. While some Members had lifted the bans, the European Union regretted, once more, the fact that many countries never provided a risk assessment justifying their deviations from international standards. The European Union welcomed the recent lifting of the ban by Japan for two further EU member States, making a total of seven EU member States that could now export beef to Japan. In relation to China and the United States, the European Union welcomed the start of the process for current applications which it hoped would be expeditious. The European Union also welcomed Argentina and Ukraine's lifting of the bans, citing this as a good example of rapid implementation. Finally, the European Union encouraged all Members, such as Australia and Korea, to proceed in a swift manner to lift the bans and hoped that the backlog of applications submitted by EU member States would soon disappear.

2.463. In October 2016, the European Union reiterated the importance of this long-standing concern, recalling its conviction that BSE-related science was solid and that the relevant OIE standards guaranteed safe trade. On the other hand, the European Union recalled that some WTO Members kept longstanding, discriminatory and unjustified bans in place due to BSE arguing the need for a further (and often too long) assessment before imports could take place, even for commodities (e.g. beef) declared by the OIE as safe. All of this was contrary to various principles of the SPS Agreement and the OIE. On a positive note, the European Union welcomed the recent market access granted by the United States to an additional EU member State, as well as the beginning of exports to China from some EU member States. The European Union urged these and other Members - such as Australia, Malaysia and South Korea - to swiftly proceed in order to ensure that beef from the European Union could be exported and hoped that the backlog of applications submitted by EU member States would soon disappear.

2.464. In March 2017, The European Union reiterated the importance of this long-standing concern, recalling its conviction that BSE-related science was solid and that the European Union fully followed the relevant OIE standards that guaranteed safe trade. However, some WTO Members kept bans in place due to BSE, arguing the need for further assessments before imports could take place and which could amount to undue delays and lack of transparency in the approval procedures, contrary to Article 8 of the SPS Agreement. The European Union also stressed the SPS requirement that WTO Members not discriminate between Members where identical or similar conditions prevail, as was the case in European Union member States, following the strict implementation of the European Union's harmonized SPS framework.

2.465. The European Union welcomed the recent market access granted by the United States to an additional EU member State, and the lifting of China's import ban on products from some EU member States. The European Union urged those and other Members - such as Malaysia and Korea - to ensure that beef from the European Union could soon be exported and address the backlog of applications submitted by EU member States.

2.466. In July 2017, the European Union reiterated the importance of this long-standing concern, recalling its conviction that BSE-related science was solid and that the European Union fully guaranteed safe trade of beef. However, it noted that some WTO Members had kept BSE-related bans in place, arguing the need for further assessments, which could amount to undue delays in the approval procedures, contrary to Article 8 of the SPS Agreement. The European Union also stressed that it had a harmonized SPS framework which was strictly implemented in all its member States, and therefore urged Members not to discriminate among its member States. The European Union appreciated the progress made by Australia, the United States and China and encouraged them to finalize all pending applications submitted by EU member States. The European Union also urged other Members, including Malaysia, South Africa and South Korea, to proceed in a speedy manner on pending applications submitted by EU member States. Finally, the European Union reiterated its openness to continue working with all trading partners.

2.467. In November 2017, the European Union reiterated the importance of this concern, recalling BSE-related science on the safe trade of beef regardless of the BSE country risk status, as stated by the OIE. The European Union regretted that after fifteen years, some countries maintained their BSE-related bans, which contradicted their obligations under the SPS Agreement. The European Union also underlined the lack of transparency of some Members' import procedures, noting that

South Korea had not responded to the market access application submitted by EU member States since 2006, urging for an expedient resolution on this issue. The European Union also urged other Members, including Malaysia, to promptly allow imports of safe beef from the European Union. The European Union also urged the United States and China to continue lifting their import bans for all pending EU member States. The European Union also appreciated positive developments in Chinese Taipei and Japan.

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