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.18). The STCs in the 19th 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 19th 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 2018.

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 2018. 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 2018. This includes (1) STCs raised for the first time in 2018; and (2) STCs which were previously raised and discussed again in 2018. Additionally, this section lists STCs for which there was no substantive discussion in the Committee during 2018, 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 2018 (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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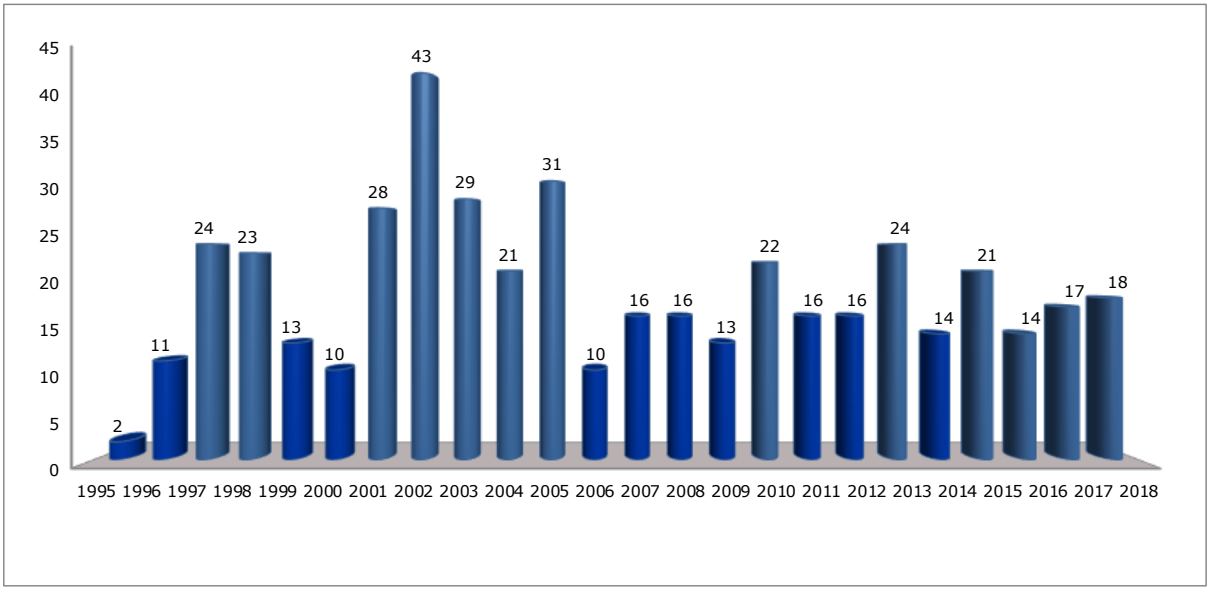
1 GENERAL OVERVIEW OF SPECIFIC TRADE CONCERNS

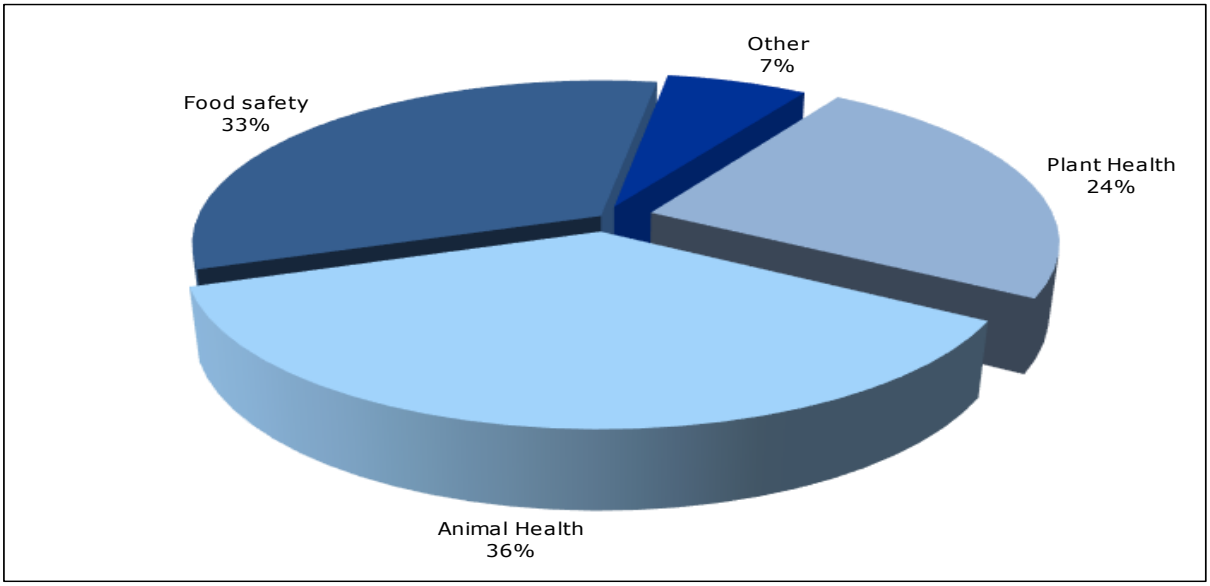
1.1. Altogether, 452 STCs have been raised in the 24 years between 1995 and the end of 2018. Chart 1.1 shows the number of new STCs raised each year. Eighteen new STCs were raised in 2018.

Chart 1.1 – Number of New STCs Raised



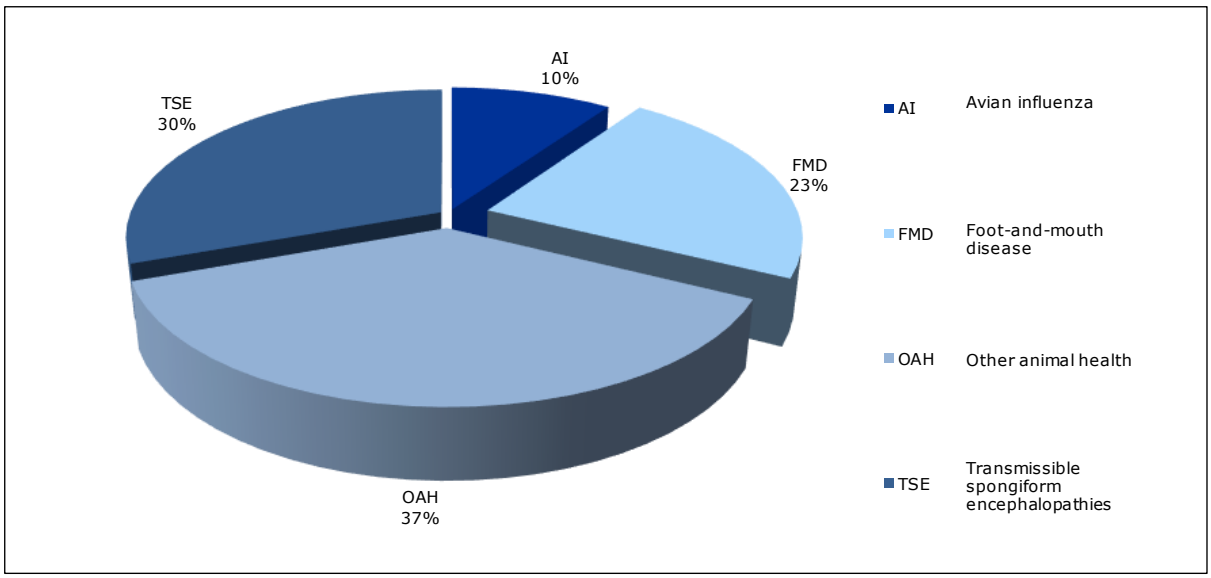
1.2. Chart 1.2a categorizes the 452 STCs raised since 1995 into food safety, animal or plant health or other concerns. Overall, 33% of STCs relate to food safety concerns, 24% relate to plant health, and 7% relate to other issues such as certification requirements, control or inspection procedures. 36% of STCs raised relate to animal health and zoonoses.

Chart 1.2a – STCs by Subject (1995-2018)



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 30% of animal health concerns, while 23% 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 (1995-2018)



1.4. Developing countries are participating actively under this agenda item in the SPS Committee meetings. Chart 1.3a indicates that over 24 years, developing country Members have raised 271 issues[5], compared to 252 issues raised by developed country Members, and nine issues raised by least-developed country Members.[6] A developing country Member has supported another Member raising an issue 388 times, compared to 212 times developed country Members supported an issue, and 22 times least-developed country Members supported an issue. 268 measures at issue were maintained by a developing country Member, and 244 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 (1995-2018)

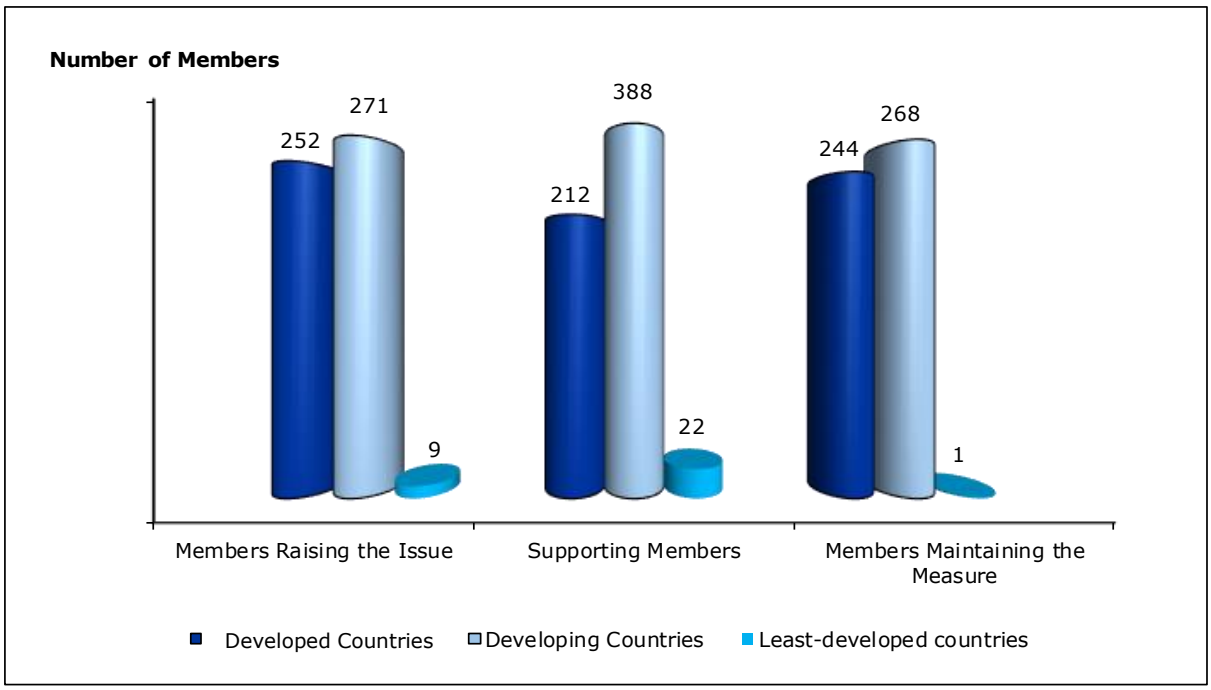
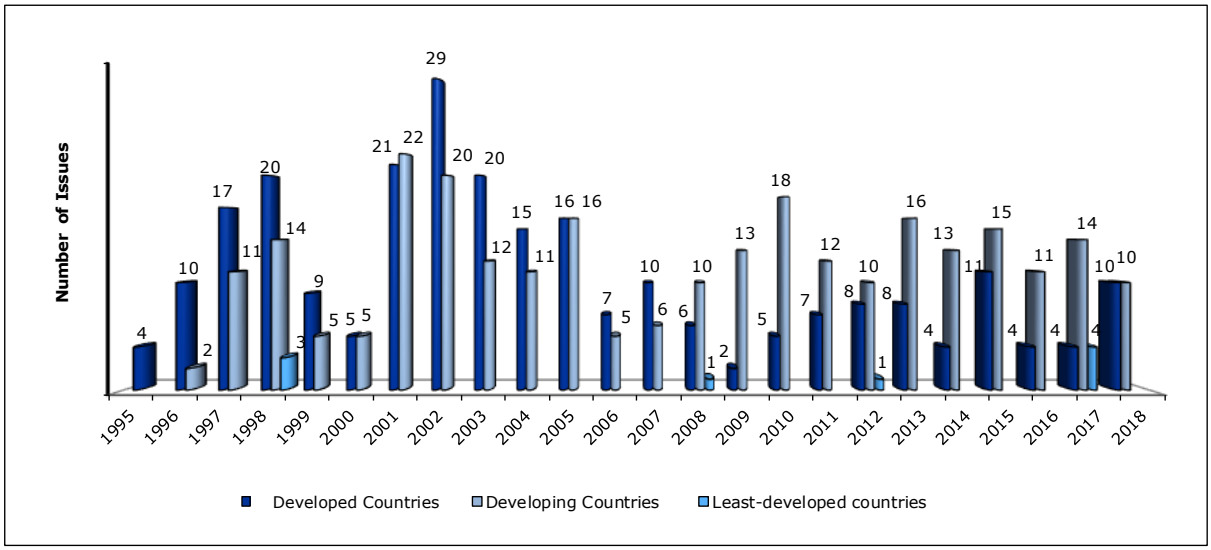


Chart 1.3b – Number of New Issues Raised by Members



1.7. Chart 1.4 shows that out of the 452 STCs raised since 1995, 167 STCs (37%) have been reported resolved, and 33 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 2018 specifically, two STCs were reported as resolved.

1.8. No solutions have been reported for the remaining 252 STCs. Of these, 214 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

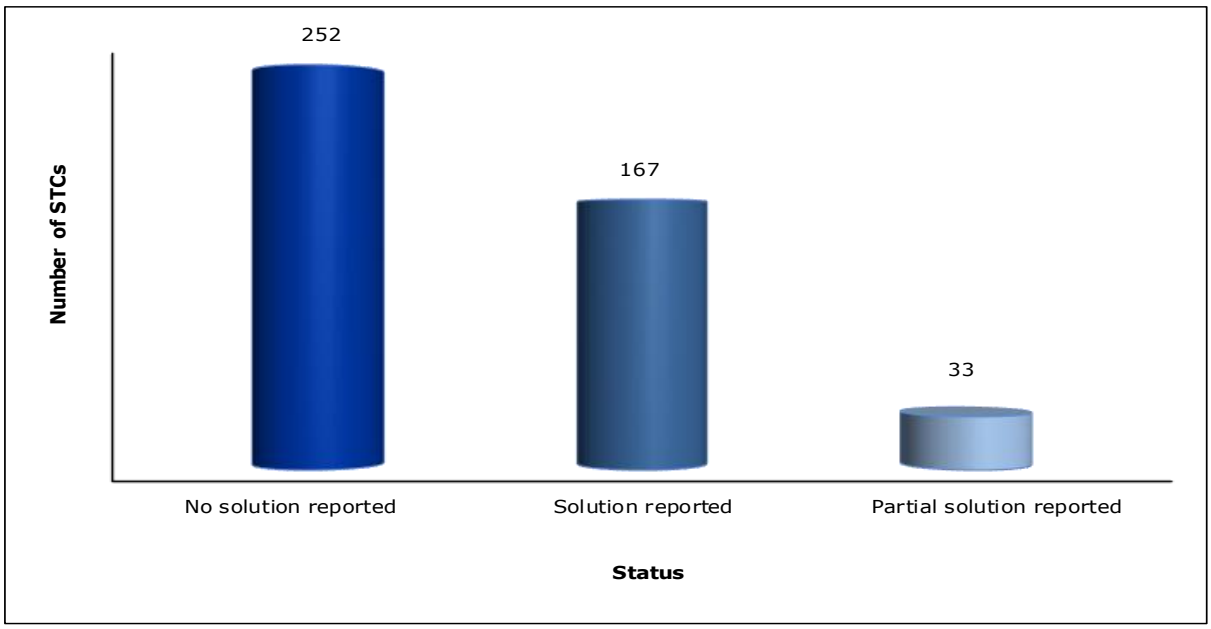


Table 1.1 - List of Specific Trade Concerns (1995–2018)

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	R
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
209	Plant health directive	European Union	United States of America	NR

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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
233	Phytosanitary import legislation	Israel	European Union	R
234	Suspension of importation of live poultry and poultry carcasses	Thailand	Mexico	NR

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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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
	2009			
278	Hygiene standard for distilled spirits and integrated alcoholic beverages	China	Mexico	NR

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

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

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

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

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

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

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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
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
	2018			
435	Viet Nam's draft amendment to Circular 24 on MRLs for veterinary drugs	Viet Nam	United States of America	NR
436	Mexico's market access requirement for casein products	Mexico	India	NR
437	Saudi Arabia's temporary ban on the importation of fish, crustaceans and other aquatic animal products	Saudi Arabia, Kingdom of	Viet Nam	NR
438	Viet Nam's market access requirements for ''white'' offals	Viet Nam	United States of America	NR
439	US import restrictions on apples and pears	United States of America	European Union	NR
440	New Zealand's draft import health standard for vehicles, machinery and equipment	New Zealand	Japan	NR
441	Lack of transparency and undue delays in Indonesia's approval procedures for animal products	Indonesia	European Union	NR
442	EU Commission Decision 2002/994/EC on animal products	European Union	China	NR
443	EU restrictions on poultry meat and poultry meat preparations (Regulation (EU) No. 2018/700)	European Union	Brazil	NR
444	Panama's restrictions on beef and poultry meat	Panama	Brazil	NR
445	The Russian Federation's restrictions on beef and swine meat (G/SPS/N/RUS/145)	Russian Federation	Brazil	NR
446	EU review of legislation on veterinary medicinal products	European Union	Argentina, United States of America	NR
447	New EU definition of the fungicide folpet	European Union	China	NR

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
448	EU MRLs for buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim (G/SPS/N/EU/264)	European Union	Colombia, India	NR
449	The Russian Federation's bluetongue-related import restriction on ruminants	Russian Federation	European Union	NR
450	Viet Nam's import restrictions in the draft law of animal production	Viet Nam	United States	NR
451	Thailand's import fees related to approval procedures for live animals and/or animal products (G/SPS/N/THA/243)	Thailand	United States	NR
452	European Court of Justice Opinion 528/16 on organisms obtained by mutagenesis	European Union	United States	NR

2 SPECIFIC TRADE CONCERNS CONSIDERED IN 2018

2.1. A total of 41 STCs were brought to the attention of the Committee during 2018, of which 18 were new STCs (Table 2.1) and 23 had been raised previously (Table 2.2). In addition, five STCs in 2018 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, 18 STCs (44%) relate to food safety, six STCs (15%) relate to other concerns and five STCs (12%) relate to plant health. The remaining twelve STCs (29%) 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 twelve animal health STCs raised in 2018, two STCs refer to TSEs, two STCs to avian influenza and two STCs to FMD. The remaining six STCs (50%) refer to other animal health issues.

Chart 2.1 – STCs by Subject – 2018

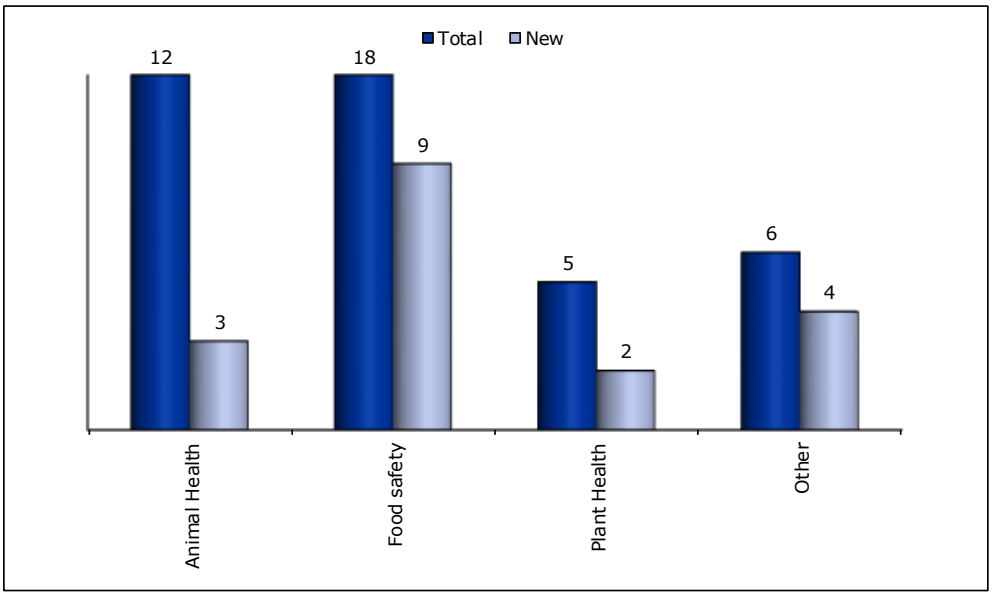


Chart 2.2 - STCs Related to Animal Health & Zoonoses – 2018

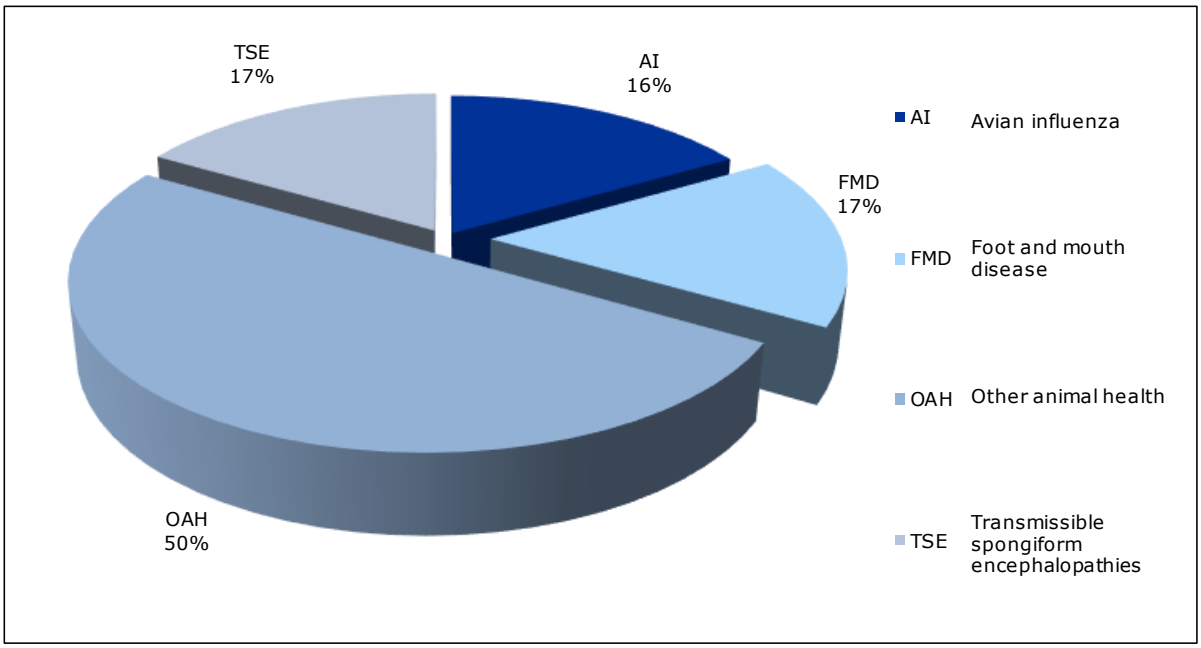
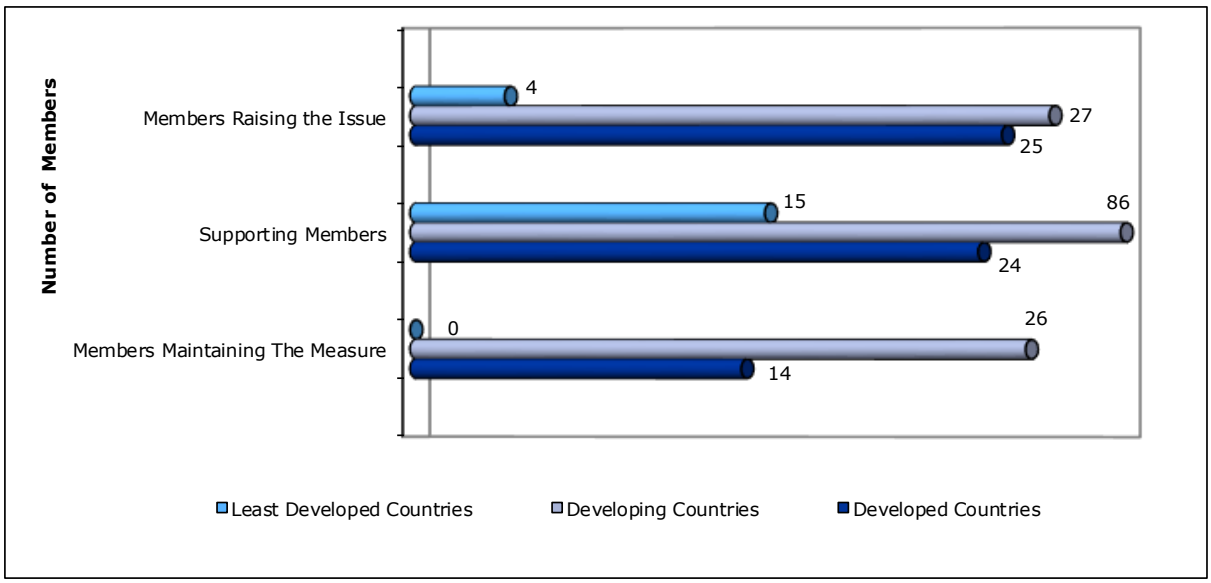


Chart 2.3 - Participation of Members in STCs – 2018



2.3. Of the 41 STCs that were discussed in 2018, 22 were raised by 25 developed country Members[9], while 21 STCs were raised by 27 developing country Members.[10] In 2018, three STCs were raised by four least-developed country Members.[11]

2.4. Thirteen STCs were supported by 24 developed country Members and 13 STCs were supported by 86 developing country Members.[12] Developing and developed country Members have raised or supported the same STC 11 times. Two STCs were supported by 15 least-developed country Members.[13]

2.5. In 14 STCs, the measure at issue was maintained by a developed country Member, and in 26 STCs it was maintained by a developing country Member. 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 2018.[14]

2.6. In 2018, there were active proceedings in the context of the WTO dispute settlement system with respect to three STCs (359, 369 and 394).

2.7. After table 2.3, the document presents STCs according to the Member(s) maintaining the measures at issue, by alphabetical order. It provides a summary of the discussions on each STC addressed in the SPS Committee in 2018.

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

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

[11] One of these STCs was raised by two least-developed country Members.

[12] In particular, one of these STCs was supported by 28 developing country Members and two by 12 developing country Members each.

[13] One STC was supported by 11 least-developed country Members and the other by four.

[14] 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 452 STCs raised since 1995.

Table 2.1 – STCs Raised for the First Time in 2018

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[15]
435	Viet Nam's draft amendment to Circular 24 on MRLs for veterinary drugs	Viet Nam	United States of America	NR
436	Mexico's market access requirement for casein products	Mexico	India	NR
437	Saudi Arabia's temporary ban on the importation of fish, crustaceans and other aquatic animal products	Saudi Arabia, Kingdom of	Viet Nam	NR
438	Viet Nam's market access requirements for ''white'' offals	Viet Nam	United States of America	NR
439	US import restrictions on apples and pears	United States of America	European Union	NR
440	New Zealand's draft import health standard for vehicles, machinery and equipment	New Zealand	Japan	NR
441	Lack of transparency and undue delays in Indonesia's approval procedures for animal products	Indonesia	European Union	NR
442	EU Commission Decision 2002/994/EC on animal products	European Union	China	NR
443	EU restrictions on poultry meat and poultry meat preparations (Regulation (EU) No. 2018/700)	European Union	Brazil	NR
444	Panama's restrictions on beef and poultry meat	Panama	Brazil	NR
445	The Russian Federation's restrictions on beef and swine meat (G/SPS/N/RUS/145)	Russian Federation	Brazil	NR
446	EU review of legislation on veterinary medicinal products	European Union	Argentina, United States of America	NR
447	New EU definition of the fungicide folpet	European Union	China	NR
448	EU MRLs for buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim (G/SPS/N/EU/264)	European Union	Colombia, India	NR
449	The Russian Federation's bluetongue-related import restriction on ruminants	Russian Federation	European Union	NR

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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[15]
450	Viet Nam's import restrictions in the draft law of animal production	Viet Nam	United States	NR
451	Thailand's import fees related to approval procedures for live animals and/or animal products (G/SPS/N/THA/243)	Thailand	United States	NR
452	European Court of Justice Opinion 528/16 on organisms obtained by mutagenesis	European Union	United States	NR

Table 2.2 - STCs Previously Raised and Discussed Again in 2018

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[16]
61	Import restrictions on bovine semen	India	Canada; European Union	R
184	China's AQSIQ official certification requirements for food imports (G/TBT/N/CHN/1209) (previously raised as Lack of transparency for certain SPS measures)	China	Israel; United States of America	NR
193	General import restrictions due to BSE	Certain Members	European Union; United States of America	PR
271	Restrictions on imports of swine meat	Mexico	Brazil	NR
315	Ukraine import restrictions on poultry and poultry products	Ukraine	Mexico	R
344	Measures on shrimp	Brazil	Ecuador	NR
382	European Union revised proposal for categorization of compounds as endocrine disruptors	European Union	Argentina; China; United States of America	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
413	Guatemala's restrictions on egg products	Guatemala	Mexico	NR
415	US seafood import monitoring programme	United States of America	China	NR
418	Viet Nam's suspension of groundnut seed imports	Viet Nam	Senegal	NR

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

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[16]
421	Thailand's import restriction on papaya seeds	Thailand	Chinese Taipei	NR
422	France's dimethoate-related restrictions on imports	European Union	United States of America	NR
427	India's fumigation requirements for cashew nuts	India	Madagascar; Senegal	NR
428	EU maximum residue levels for acrinathrin, metalaxyl and thiabendazole	European Union	Peru	NR
430	EU maximum level of cadmium in foodstuffs	European Union	Colombia; Ecuador; Madagascar; 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

Table 2.3 - STCs Reported as Resolved, Partially Resolved or Where Substantive Action Occurred in Another WTO Body in 2018

STC Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[17]
61	Import restrictions on bovine semen	India	Canada; European Union	R
315	Ukraine import restrictions on poultry and poultry products	Ukraine	Mexico	R
359*	Strengthened import restrictions on food and feeds products with regard to radionuclides	Korea, Republic of	Japan	NR / DS 495
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	Guatemala; Mexico	NR / DS 524

* 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.

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

2.1 Brazil

2.1.1 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), November 2018 (G/SPS/R/93, paras. 3.60-3.61)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.8. 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.

2.9. 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.

2.10. 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.

2.11. 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.

2.12. 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.

2.13. 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.

2.14. 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.

2.15. 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.

2.16. 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.

2.17. 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.

2.18. 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.

2.19. 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.

2.20. 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.

2.21. 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.

2.22. In November 2018, Ecuador reiterated its concern over Brazil's Regulation 39, highlighting that since its adoption in 1999 Brazil had suspended imports of all species of crustaceans including fresh, frozen and cooked products from Ecuador. Ecuador recalled 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 had presented a court action which led to the suspension of the authorization to import shrimps from Ecuador. Ecuador further noted that the measure had been adopted for precautionary reasons, without taking into account sanitary requirements. Moreover, Ecuador contended that Brazil's measures were not in conformity with various provisions of the SPS Agreement and Article XI of the GATT. Finally, Ecuador regretted that despite various meetings with Brazil at the highest level, no official ruling had been made regarding the precautionary measure issued by the Supreme Federal Court of Brazil.

2.23. Brazil recalled its previous interventions, explaining that the approval process for shrimp imports considered all information received from Ecuador, including scientific evidence. Brazil explained that the animal health requirements for the importation of shrimps had been established in February 2017 under the regulation "Animal Health Requirements of Brazil for the importation of non-viable crustaceans and derivatives derived from extractive fisheries or aquaculture" (Circular Memorandum 6/2017/DSA.SDA/SDA/MAPA). In May 2017, the Brazilian market was opened for imports of shrimps from Ecuador, as reflected in letter No. 926/2017 informing Ecuador's sanitary authorities of the recognition of equivalence of their fisheries inspection system. Brazil explained that the recent suspension of exports by the Brazilian Supreme Court had only a preventive nature, highlighting that it had already established animal and health shrimp import requirements from Ecuador and had also recognized the equivalence of its fisheries inspection system. Brazilian Federal Executive authorities were providing all legal and technical information to guarantee fully informed judicial evaluations.

2.2 China

2.2.1 Food safety

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), March 2018 (G/SPS/R/90, paras. 3.18-3.19), July 2018 (G/SPS/R/92/Rev.1, paras. 4.91-4.92), November 2018 (G/SPS/R/93, paras. 3.50-3.51)
Relevant document(s):	G/SPS/N/CHN/881
Status:	Not reported
Solution:	
Date reported as resolved:	

2.24. 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.

2.25. 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.

2.26. 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.

2.27. 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.

2.28. 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.

2.29. 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.

2.30. 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.

2.31. 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.

2.32. 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.

2.33. 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.

2.34. 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.

2.35. 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.

2.36. 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.

2.37. 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.

2.38. In March 2018, the United States reiterated its concern regarding China's proposed amendment to the implementation regulations on safety assessment of agricultural GMOs. The United States expressed its disappointment with the lengthy delays in product approvals by China, noting that there were currently ten products poised for final adoption, some of which had been under review since 2011. The United States highlighted the obligation under the SPS Agreement for Members to provide timely information to applicants on the processing periods, the completeness of documentation, and also to explain any delays in the process. The United States further requested China to provide such information to applicants, and to approve these products without further delay.

2.39. China emphasized the importance it placed on managing the safety of agricultural GMOs, highlighting that they were conducted on the basis of scientific assessment principles, consistent with international practice. In addition, its procedures were transparent and standardized, and no delays had been experienced in the examination and approval process. China also reminded the Committee that the measure had been notified in 2015, following which submitted comments, including those of the United States, had been reviewed and taken into consideration in the amended administrative measure issued in 2016. China provided an overview of its revised administrative measure, highlighting that the measure had not reduced the frequency of decisions taken; instead statistics had shown that imports of agriculture GMOs had rapidly increased, indicating the smooth trade of GMOs.

2.40. In July 2018, the United States reiterated its concern regarding China's biotech approval system and its consistency with WTO SPS obligations. The United States expressed its disappointment with the lengthy delays and extensive data requirements for product approvals by China, noting that there were currently ten products poised for final adoption, some of which had been under review since 2011. The United States highlighted Members' obligation under the SPS Agreement to provide precise and timely information to applicants on the processing periods, information requirements, and also to explain any delays in the process. The United States indicated that in March 2018 it had requested China to provide this information to applicants. China had held a meeting of its National Biosafety Committee to review applications, and the results of the meeting were expected within 270 days. The United States requested China to provide precise and complete information to applicants on the results of that meeting, highlighting that any lack of communication of these results would have a damaging impact on agriculture for the United States, but also on all China's trading partners. The United States further expressed its concern regarding the new data requirements imposed by China in March 2018 for some products that were pending final approval. The United States urged China to refrain from revising regulations that resulted in increased timelines, decreased transparency and predictability. The United States also requested China to inform all applicants of any new data requirements, to notify these to the WTO, as well as to publish these requirements. The United States looked forward to continuing discussions with China on this important issue.

2.41. China explained that the measure had been amended on the basis of scientific assessment principles. China indicated that it had notified to the WTO and trading partners a proposed amendment, taking into account other countries' practices and Members comments. China indicated its willingness to continue bilateral discussions with the United States.

2.42. In November 2018, The United States reiterated its concern over undue delays and the lack of predictability, transparency, and scientific basis for products approvals by China, highlighting the long-standing, robust and mutually beneficial trade of biotechnology products between their countries. The United States indicated that in March and July 2018 ten products remained poised for final adoption, most of which had been under review for five or more years. The United States asked China to provide precise and complete information to applicants on the processing periods, information requirements, as well as to explain any delays in the process. The United States noted that no meeting of China's National Biosafety Committee (NBC) had been held thus far in 2018, whereas its domestic legislation on biotech approvals required that the NBC met at least twice a year. Finally, the United States urged China to take into account its SPS commitments in any revision of its biotech regulation.

2.43. China explained that the measure had been amended in 2016 on the basis of scientific assessment principles, and the approval procedures were open and transparent. China had notified to the WTO and trading partners a proposed amendment, taking into account other countries' practices and Members' comments. Finally, China remained open for further bilateral discussions with the United States on this matter.

2.2.2 Animal Health

General import restrictions due to BSE (STC 193)

2.44. See paragraphs 2.529.-2.599.

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), March 2018 (G/SPS/R/90, paras. 3.45-3.46)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.45. 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.

2.46. 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.

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

2.48. 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.

2.49. 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.

2.50. 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.

2.51. 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.

2.52. 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.

2.53. 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.

2.54. 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.

2.55. 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).

2.56. 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.

2.57. 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.

2.58. 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.

2.59. 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.

2.60. 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.

2.61. 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.

2.62. In March 2018, the European Union again raised concerns over China's country-wide ban on pork products from Poland and other EU member States due to 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 emphasized its regionalization 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 indicated its willingness to continue working intensively and constructively with China towards finding a common solution, in line with international standards and obligations.

2.63. China highlighted the serious nature of ASF, noting that there was no effective vaccine to date, and that this disease had shown a continuous spread in Europe, in recent years. China confirmed that there had been no occurrence of ASF in China, and further indicated that according to 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), March 2018 (G/SPS/R/90, paras. 3.49-3.51), July 2018 (G/SPS/R/92/Rev.1, paras. 4.53-4.54), November 2018 (G/SPS/R/93, paras. 3.62-3.64)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.64. 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.

2.65. 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.

2.66. 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.

2.67. 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.

2.68. 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.

2.69. 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.

2.70. 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.

2.71. 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.

2.72. 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.

2.73. 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.

2.74. 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.

2.75. 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.

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

2.77. 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.

2.78. 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.

2.79. In March 2018, 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. China had also not requested any additional information from the United States, further to its audit in July 2017. The United States urged China to remove all HPAI-related import restrictions and indicated its commitment to maintain its rigorous and effective surveillance for HPAI.

2.80. China replied that it had found 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 requested supplementary information. 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 again submit its standards on biosafety compartmentalization, in writing, to the United States. Finally, China suggested that both parties establish coordinated standards on regionalization and biosafety compartmentalization under the OIE guidelines.

2.81. The United States clarified that, while it understood that China would like to purse compartmentalization, a formal compartmentalization proposal had not been received from China. Moreover, the United States noted that each country should separately be evaluated for recognition of regionalization or compartmentalization, 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 China to finalize the regionalization protocol that was provided following the July 2017 visit, and to remove all HPAI-related restrictions on imports from the United States, in line with its HPAI-free status, according to OIE standards.

2.82. In July 2018, the United States reiterated its concerns over China's HPAI-related restrictions on US poultry products and requested China to follow OIE standards, particularly on regionalization. The United States regretted that despite being HPAI-free according to OIE guidelines, China still maintained the restriction. China had not requested any additional information to lift the restrictions, after its audit in 2017. The United States urged China to remove all HPAI-related import restrictions and indicated its commitment to maintain its rigorous and effective surveillance for HPAI.

2.83. China informed the Committee of the technical communications held with the United States, and explained that, in September 2017, the United States had been informed of problems found during the field inspection conducted in July 2017. China expressed its hope that both sides continue to facilitate technical communication on the issue.

2.84. In November 2018, the United Stated reiterated its concern on China's HPAI-related restrictions on US poultry products and requested China to follow OIE standards, particularly on regionalization. The United Sates regretted that despite being HPAI-free according to OIE guidelines, China still maintained restrictions. China had conducted an audit of the US avian influenza control system in July 2017, and had not requested further information to lift restrictions afterwards. The United States urged China to remove all HPAI-related import restrictions and indicated its commitment to continue maintaining its rigorous and effective surveillance for HPAI in compliance with OIE transparency obligations.

2.85. China expressed its preference for using compartmentalization rather than regionalization for poultry. China indicated that it would conduct consultations on the avian influenza epidemic management model based on the principles of reciprocity and synchronization to resolve this issue. Finally, China expressed its commitment to continue discussions on regionalization and compartmentalization with the United States to resolve these concerns as soon as possible.

2.86. The United States clarified that it had not received a formal compartmentalization proposal from China. Further, the United States 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 China to finalize the regionalization protocol that was provided following the July 2017 visit, and to remove all HPAI-related restrictions on imports from the United States, in line with its HPAI-free status, according to OIE standards.

2.2.3 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; Korea, Republic of; 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), March 2018 (G/SPS/R/90, paras. 3.35-3.37), July 2018 (G/SPS/R/92/Rev.1, paras. 4.64-4.72)
Relevant document(s):	G/SPS/N/CHN/22
Status:	Not reported
Solution:	
Date reported as resolved:	

2.87. 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.

2.88. 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).

2.89. 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.

2.90. 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.

2.91. 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.

2.92. 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.

2.93. 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.

2.94. 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.

2.95. 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.

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

2.97. 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.

2.98. 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.

2.99. 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.

2.100. 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.

2.101. 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.

2.102. 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.

2.103. 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.

2.104. 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.

2.105. 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.

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

2.107. 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.

2.108. 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.

2.109. In March 2018, 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. The United States welcomed the clarifications provided by China and requested confirmation that China was considering revision of the measure in the coming months. The United States further requested information on the associated timelines for such a revision and urged China to notify any revision to the SPS Committee. The United States highlighted the wide range of imported food products covered by the measure, including processed, shelf-stable food, which would pose little to no risk to food safety and human health. The United States also noted the potential administrative and financial burden to both exporting countries and China, due to the measure. The United States recalled the existing Codex guidelines and principles on official certification requirements and urged China to consider aligning its measure to these international guidelines. Finally, the United States welcomed the opportunity to work further with China on the matter.

2.110. The European Union, Guatemala, Japan, Korea, Singapore and Thailand also shared the concern of the United States and urged China to provide information on the revised draft and its implementation, noting that the measure would be disproportionate, go beyond international standards, and be trade disrupting. Guatemala further looked forward to receiving a response to its questions submitted in August 2017.

2.111. China recalled its response in previous SPS Committee meetings, highlighting that it had carefully considered the comments submitted by Members and had decided to postpone enforcement of the measure to 1 October 2019, as notified to the WTO. China explained that the measure had been drafted taking into account the practical situation of other Members, and further indicated that it would take into consideration all reasonable comments from Members, with a view to adjust the measure and minimize negative trade effects. Finally, China invited Members to coordinate with Chinese authorities to continue discussions on the technical details.

2.112. In July 2018, the United States appreciated China's September 2017 announcement of the two-year transitional period before enforcement of the official certification requirements. The United States understood that China was planning further changes and clarifications to the measure and requested confirmation of China's intention to notify a revised measure to the WTO SPS and TBT Committees concurrently. The revised notification should identify the risk to be mitigated by the certification requirements, and clarify the scope of products subject to certification. The United States further reiterated its concern on several issues, including the scope of the products covered by the measure, which appeared to include processed, shelf-stable food that ordinarily posed little or no risk for food-borne illness; the lack of scientific justification for the requirement, or evidence that official certification would address an identified public health concern; that the requirement

appeared to deviate from the relevant Codex guidelines and principles on official certification requirements; and that there appeared to be no requirements for domestic production corresponding to those imposed on imports. Finally, the United States expressed its willingness to continue to cooperate with China to assess whether the requirements were consistent with legitimate food safety and health protection goals.

2.113. Guatemala expressed appreciation to China for its presentation in the SPS workshop on Annex C and the explanation of their domestic restructuring process with regards to AQSIQ and Customs. Guatemala requested China to clarify whether the restructuring would cause changes in the regulations notified in 2017 and whether the new structure would be notified to the WTO, as a notification would allow for a better understanding of the processes, stages and respective actions. Guatemala also requested China to consider reviewing the measure regarding low risk products such as processed products.

2.114. The European Union welcomed the objective of the new General Administration of Customs of China to simplify and accelerate procedures of custom clearance for imported goods. In this context, the European Union wondered if the new requirement would not create an administrative burden which would be disproportionate to the risk. Recalling its previous intervention, the European Union stressed that official certifications should be required only to manage real risks, and, therefore, should be limited to high-risk products.

2.115. Switzerland informed the Committee of the productive meeting held with China and welcomed China's decision to delay the enforcement of the measure to 1 October 2019, which demonstrated its willingness to consider feedback from Members, to make the measure more effective and practical, and to minimize negative effects on trade. The measure was scheduled to enter in force in approximately 14 months, providing time for Swiss competent authorities and private operators exporting to China to prepare. Switzerland encouraged China to use this time to engage in discussions to reply to questions and comments received.

2.116. Japan expressed concerns regarding the measure's scientific background and the avoidance of duplication of certificates.

2.117. Thailand pointed out that the measure covered a wide range of imported foods, including processed and shelf-stable foods, which posed low or no risk to human health, thus going beyond international standards. Thailand also requested China to align the measure with Codex guidelines and principles and to notify it to the SPS Committee.

2.118. Korea requested China to clarify the risk addressed by the measure. Korea also considered that requiring certification for all foods, including low-risk processed, shelf-stable foods on a batch-by-batch basis, as stated in China's notification of this measure to the WTO TBT Committee in June 2017, was inconsistent with Codex guidelines and principles. Korea requested China to revise the measure and notify it to the SPS Committee.

2.119. Singapore expressed its interest in this issue and looked forward to further discussions with China to minimize any potential disruptions to trade.

2.120. China emphasised that food safety was a current global challenge, and that only cooperation among countries could ensure safety of the global food supply chain. Regarding certification requirements, China highlighted that international organizations such as OIE, IPPC and Codex, had developed relevant certification requirements and guidelines, and that some Members had similar regulations. After taking full consideration of Member's comments, China had decided to postpone the enforcement of its measure to 1 October 2019. However, China noted that some Members believed that governments should not issue certificates for low-risk foods, while not being able to provide the legal basis to define low-risk foods. Further, China added that some Members did not supervise foods meant for export. Thus, China wondered who would guarantee the safety of food imported into China. The certificates under consideration included veterinary health certificates and certain sanitary certificates which had been widely accepted to certify that the production, processing, storage, transportation and export processes of foods had been under the effective supervision of competent authorities of the exporting parties. This way, China argued that the frequency of inspections and sampling could be reduced, allowing a quick clearance, facilitating trade and enhancing consumer confidence. China also informed the Committee that the institutional

restructuring plan of the State Council had been reviewed and approved in March 2018, clarifying that the responsibilities for the exit, entry, inspection and quarantine of the former AQSIQ would be integrated to the General Administration of Customs, pending formal approval, once the institutional restructuring had been completed.

2.3 Costa Rica

2.3.1 Plant Health

Costa Rica's suspension of the issuing of phytosanitary import certificates for avocados (STC 394)

Raised by:	Guatemala, Mexico
Supported by:	Ghana; South Africa; United States of America; Venezuela, Bolivarian Republic of
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.13-3.15), October 2015 (G/SPS/R/81, paras. 3.56-3.58), March 2016 (G/SPS/R/82, paras. 3.50-3.54), June 2016 (G/SPS/R/83, paras. 4.22-4.25), October 2016 (G/SPS/R/84, paras. 3.46-3.48)
Relevant document(s):	G/SPS/N/CRI/160, G/SPS/N/CRI/160/Add.1, G/SPS/N/CRI/162
Status:	Not reported
Solution:	DSU panel establishment requested on 22 November 2018 (WT/DS524/2).
Date reported as resolved:	

2.121. In July 2015, Mexico raised concerns regarding the emergency measure taken by Costa Rica's phytosanitary service in April 2015 through resolution DSFE 03-2015, notified to the WTO under G/SPS/N/CRI/160 and G/SPS/N/CRI/160/Add.1. Costa Rica had temporarily suspended the issuing of import certificates for avocados of various origins because of the supposed presence of the sunblotch viroid in imported avocados. Costa Rica had affirmed that the nature of the problem was urgent, but according to Mexico there was no international regulatory basis for this view. Indeed, the fact that Costa Rica had declared that its territory was free of a pest could not be a basis for the implementation of the emergency phytosanitary measure. The consequence was a complete interruption of trade, and Mexico did not believe that the measure was legitimate. Mexico requested a demonstration of the absence of the pest in line with ISPM 04, Requirements for the Establishment of Pest Free Areas. The interruption of trade meant that Costa Rica's measure was not proportional to the risk, especially because there has been no notification of the pest in Mexico for 21 years. Mexico noted that the measure contravened the SPS Agreement and the SPS Chapter of the Free Trade Agreement between Mexico and Latin America. Mexico finally requested several documents from Costa Rica showing that Costa Rica was actually free of the pest, and information on shipments of avocados from Mexico that had shown positive results for the pest.

2.122. Guatemala, South Africa and the United States shared Mexico's concern. Guatemala also requested information about Costa Rica's pest free pest status. The United States worried that this suspension of the issuance of import permits for avocados from eight countries and Florida was part of a larger attempt to use SPS measures to protect sensitive domestic industries. In the US view, the measure raised concerns regarding its consistency with international standards and guidelines, its scientific justification and its level of trade restrictiveness. South Africa was concerned that it appeared on the list of countries affected by the suspension despite the fact that it was not exporting avocados to Costa Rica. South Africa requested to be removed from the list.

2.123. Costa Rica reaffirmed its commitment to transparency and to the multilateral system. It referred to measures taken to protect the country from the virus and repeated that this pest could cause considerable damage to the phytosanitary status of its crop. Studies carried out in 2014-2015 by its SPS authorities had established that Costa Rica was free from the virus. As a result, the country had taken SPS measures against Peru and California to avoid the introduction of the pest. Costa Rica indicated that Mexico was its main provider of avocados and had reported the presence of the pest, which demonstrated the presence of an imminent risk. The current measure was temporary, and a risk assessment was under way. Costa Rica indicated that its authorities were in close contact with Mexico.

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

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

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

2.127. In March 2016, Mexico reiterated its concern regarding Costa Rica's suspension of the issuing of phytosanitary certificates for avocado imports. Mexico considered the measure to be in violation of fundamental principles of technical and scientific justification based on international standards, most-favoured nation, proportionality and transparency, thus violating the SPS Agreement and the SPS Chapter of NAFTA. Mexico had called for consultations with all relevant bodies under the FTA that Costa Rica and Mexico has signed. Mexico described the measure's significant negative impact on its avocado exports, and requested the Costa Rica to immediately withdraw its measure in order to resume avocado trade between the two countries. In addition, Mexico requested the Costa Rica to provide a prompt written response to the communications and questions sent by Mexico. Mexico urged Costa Rica accept Mexico's measures as sufficient to ensure that avocado sunblotch viroid would not spread to Costa Rica.

2.128. The United States shared Mexico's concerns and asked Costa Rica to take steps to restart issuing phytosanitary import permits, since the suspension was not consistent with international standards and guidelines nor scientifically justified. The United States expressed concerns regarding other agricultural trade issues with Costa Rica, including those affecting rice, onions, and potatoes. The United States informed that some importers had been denied import permits for onions despite the absence of phytosanitary restrictions and that those importers had expressed a willingness to pay out-of-quota duties.

2.129. Ghana stated that the notification by Costa Rica also suspended imports permits from seven other countries, including Ghana. Ghana requested to be removed from this list immediately, as sunblotch viroid was not present in Ghana. Ghana expressed gratitude to the African Union for making it possible for delegates to attend the SPS Committee meeting.

2.130. Guatemala and Venezuela shared Mexico's concern and indicated that they would follow this issue closely. Venezuela noted that, like Ghana, it was also one of the Members affected by the measure.

2.131. Costa Rica recalled that the State Phytosanitary Service (SFE) had suspended the issuance of import permits for Mexican avocados because of the confirmed presence of the avocado sunblotch viroid. Costa Rica explained that since the measure had been adopted provisionally, based on the

available scientific data, it had been notified as an emergency measure on 5 May 2015 in G/SPS/N/CRI/160. The SFE had quickly evaluated the scientific evidence, undertaking a pest risk analysis (PRA) which had been notified to the WTO on 13 July 2015 as G/SPS/N/CRI/162, establishing a period of 60 days for comments. Further, the comments of Mexico had been studied by the national authorities. On 12 October 2015, the relevant authorities of both countries had met in San Jose with the aim of reviewing Mexico's concerns. During the meeting, Costa Rica had indicated that the measures were based on the recognized rights within the SPS Agreement to protect the national phytosanitary status, based on scientific evidence. Costa Rica reported that it sent Mexico the most recent version of the PRA, providing a new opportunity to comment. In addition, five bilateral meetings had taken place involving a range of specialists from both countries and Costa Rica had rigorously responded to suggestions made by the Mexican authorities. In December 2015, Costa Rica had undertaken another assessment, which found Costa Rica free of the pest. Costa Rica indicated that the phytosanitary authorities were working on the notification of the definitive measures which would apply to avocado imports from Mexico. Costa Rica expressed its willingness to engage in open dialogue with the aim of responding to questions and technical concerns related to this measure with Mexico and other trading partners.

2.132. In June 2016, Mexico reiterated its concern regarding Costa Rica's suspension of the issuing of phytosanitary certificates for avocado imports originating from Mexico. Mexico considered the measure to be in violation of fundamental principles of technical and scientific justification based on international standards, most-favoured nation, proportionality and transparency principles as enshrined in the SPS Agreement and the SPS Chapter of NAFTA. Mexico noted its preference to promote dialogue between authorities in various consultative formats; however, these efforts had not been successful as no response had been received from Costa Rican authorities in regard to the issue. Mexico indicated that its avocado exports continued to be significantly affected by the restrictions imposed by Costa Rica and further reiterated its request for Costa Rica to immediately withdraw its measure in order to resume avocado trade between the two countries.

2.133. The United States shared Mexico's concerns and urged Costa Rica to take steps to recommence issuing phytosanitary import permits, since the suspension was not consistent with international standards and guidelines, nor scientifically justified. The United States also expressed concerns regarding other agricultural trade issues with Costa Rica, including those affecting rice, onions and potatoes. While recent progress had been made with respect to potatoes, some importers continued to be denied import permits for onions, despite the absence of phytosanitary restrictions.

2.134. Guatemala supported Mexico's concerns and expressed a systemic interest, given the measure's lack of consistency with international rules, as well as lack of clarity regarding the scientific justification of the measure.

2.135. Costa Rica explained that its state phytosanitary service (SFE) had proposed the measure in order to minimize the risk of introduction of the avocado sunblotch viroid. SFE had continued its analysis of collected scientific evidence with the aim of proposing measures that guaranteed its appropriate level of protection, while at the same time being least trade restrictive. Costa Rica reiterated its willingness and interest to continue technical discussions on a bilateral level in order to clarify any doubts regarding the applied measure.

2.136. In October 2016, Mexico reiterated its concern regarding Costa Rica's suspension of the issuing of phytosanitary certificates for avocado imports originating from Mexico. Mexico considered the measure to be in violation of fundamental principles of technical and scientific justification based on international standards, most-favoured nation, proportionality and transparency principles as enshrined in the SPS Agreement and the SPS Chapter of the Free Trade Agreement between Mexico and Latin America. Mexico noted its preference to promote dialogue between authorities in various consultative formats; however, these efforts had not been successful as no response had been received from Costa Rican authorities in regard to the issue. Mexico indicated that its avocado exports continued to be significantly affected by the restrictions imposed by Costa Rica and further reiterated its request for Costa Rica to immediately withdraw its measure in order to resume avocado trade between the two countries.

2.137. The United States shared Mexico's concerns and asked Costa Rica to take steps to recommence issuing phytosanitary import permits since the suspension was not consistent with international standards and guidelines, nor scientifically justified. Guatemala supported Mexico's concerns and expressed a systemic interest in this issue.

2.138. Costa Rica recalled that the suspension concerned measures proposed to minimize the risk of introduction of the avocado sun blotch viroid. A pest risk analysis (PRA) had been notified in July 2015 (G/SPS/N/CRI/162), providing 60 days for comments. Costa Rica indicated that in November 2015 it had circulated a revised PRA, taking into account some of the comments that it had received during the comment period. However, Mexican authorities had indicated that they disagreed with the findings and measures established by this revised PRA. Costa Rica explained that it had therefore broadened the review of the PRA, including an extensive work at the laboratory level. Costa Rica would notify the final PRA and the definitive measures once this work was completed. Costa Rica reaffirmed its commitment to find a mutually satisfactory solution for both sides.

2.139. In accordance with the provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Mexico requested consultations with Costa Rica on 8 March 2017 (WT/DS524/1), and requested the establishment of a panel on 22 November 2018 (WT/DS524/2).

2.4 European Union

2.4.1 Food safety

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; El Salvador; The Gambia; Ghana; Guatemala; Guinea; Honduras; Indonesia; Jamaica; Kenya; Korea, Republic of; Madagascar; Malaysia; Mexico; New Zealand; Nigeria; Pakistan; Panama; 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), March 2018 (G/SPS/R/90, paras. 3.24-3.30), July 2018 (G/SPS/R/92/Rev.1, paras. 4.79-4.87), November 2018 (G/SPS/R/93, paras. 3.24-3.30)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.140. 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.

2.141. 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.

2.142. 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.

2.143. 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.

2.144. 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.

2.145. 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.

2.146. 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.

2.147. 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.

2.148. 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).

2.149. 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.

2.150. 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.

2.151. 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.

2.152. 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.

2.153. 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.

2.154. 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.

2.155. 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.

2.156. 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.

2.157. 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.

2.158. 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.

2.159. 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.

2.160. 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.

2.161. 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.

2.162. 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.

2.163. 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.

2.164. 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 European Union 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.

2.165. 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.

2.166. 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.

2.167. 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.

2.168. 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.

2.169. 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.

2.170. 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.

2.171. 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.

2.172. 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.

2.173. 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.

2.174. 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.

2.175. 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.

2.176. 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.

2.177. 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.

2.178. 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.

2.179. 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.

2.180. 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.

2.181. 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.

2.182. 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.

2.183. 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.

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

2.185. 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.

2.186. 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.

2.187. 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.

2.188. 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.

2.189. In March 2018, Argentina reiterated its concern over the European Union's process to define criteria to identify endocrine disrupting properties. Argentina thanked the European Union for the update provided in December 2017 through document G/SPS/GEN/1594, and further requested the European Union to notify the substantive changes which had been made to the proposal. Argentina remained concerned that the EU policy continued to be based on a hazard identification approach instead of a complete scientific risk assessment, which was counter to the principles of the SPS Agreement. Argentina emphasized the systemic impact that this policy would have on agricultural exports to the EU market, specifically highlighting that 39% of Argentine exports to the European Union could be affected by this policy. Argentina further observed that phytosanitary products currently authorized, after having gone through an EFSA risk assessment, could later be regulated on the basis of hazard identification, which could lead to MRLs being established at limits of detection, without corresponding scientific basis - and even in contradiction of Codex standards. Argentina reiterated its request that the European Union maintain import tolerances with MRLs above default values, in accordance with its Regulation (EC) 396/2005.

2.190. China echoed Argentina's concern, also noting that the criteria appeared to be policy-oriented, rather than based on rigorous scientific risk assessment as required under the SPS Agreement. China urged the European Union to consider the existing scientific basis when assessing risks to life or health and to minimize the negative effects of trade. China also recommended that "negligible risk" be modified to "be acceptable to human and environmental risks", and that the European Union adopt Codex standards where they exist, in accordance with the harmonization principle of the SPS Agreement. China also signalled its interest in following the

developments on this issue and further encouraged the European Union to update the SPS Committee.

2.191. India supported the concerns raised, and requested the European Union to adopt a risk assessment approach for regulating pesticides and establishing import tolerances, without creating unnecessary barriers to trade.

2.192. The United States reiterated its concerns on the EU pesticides policy. The United States argued that the hazard-based pesticide regulations were insufficiently grounded on science and risk, and would harm agricultural trade, without making a meaningful contribution to public health or environmental protection. The United States requested clarification on the appropriate level of protection being sought by the European Union through implementation of Regulation 1107/2009. In addition, the United States noted that adoption of the revised criteria, currently under review by the European Parliament, would lead to a ban on many more substances than those previously suggested in the European Union's 2016 notification. The United States further queried how the European Union would ensure consistency with the SPS Agreement if it withdrew MRLs without conducting risk assessments. The United States emphasized the existence of other approaches that could provide the high levels of public health and environmental protection being sought by the European Union, without forgoing the scientific risk assessment framework. The United States welcomed the European Union's efforts to update the Committee (G/SPS/GEN/1594), but registered its regret that the substantive concerns of over 30 Members had still not been addressed. Finally, the United States looked forward to receiving responses to the written questions that had been submitted after the March 2017 SPS Committee meeting, and also hoped that the comments submitted on related texts in other fora (i.e. EU's REFIT consultation on legislation, EFSA/ECHA guidance) would be taken into consideration.

2.193. Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Guatemala, Kenya, Korea, New Zealand, Nigeria, Panama, Peru, Chinese Taipei, Thailand and Uruguay indicated that they shared this concern and called upon the European Union to reconsider their measure considering the significant negative impact that it would have on trade. They also called upon the European Union to base its measures on adequate scientific risk assessments and to consider Codex MRLs. Brazil further noted that it had conducted its own impact assessment of pesticides using the criteria being discussed by the European Commission, but with different outcomes. In this regard, Brazil underscored the challenges arising from establishing criteria to define endocrine disruptors.

2.194. Canada further expressed its disappointment that a regulatory amendment for derogation based on negligible risk had not been introduced in the revised regulatory proposal which had been approved by the Standing Committee on Plants, Animals, Food and Feed in December 2017. Canada sought assurances from the European Union that decisions on setting MRLs would continue to be made on the basis of complete risk assessments, as set out in Regulation (EC) 396/2005. Canada looked forward to continued updates from the European Union on the next steps for the criteria, as well as information on the timelines for the entry into the force of the proposal. Canada also sought information on how the European Union planned to work with its trading partners to develop a revised measure in a manner which was consistent with its international obligations and which avoided unnecessary disruptions to market access.

2.195. The European Union reiterated its commitment to transparency, noting that it had communicated the latest state of play in document G/SPS/GEN/1594. The European Union recalled that in October 2017, the European Parliament had rejected the criteria for plant protection products which had been agreed by EU member States. A new version of the draft criteria for plant protection products had subsequently been developed and was currently under the scrutiny of the European Parliament. The European Union also reminded the Committee that the proposed regulation criteria for identifying endocrine disruptors in biocidal products had been adopted and subsequently published in November 2017 as regulation (EU) 2017/21003. The criteria would be applicable from 7 June 2018. A technical guidance document was also being developed by the European Chemicals Agency (ECHA) and EFSA for the implementation of the new scientific criteria for pesticides and biocides, with an expected completion date in June 2018. Several Members had submitted comments on this guidance document which were being taken into consideration. The European Union reminded the Committee that the proposal to amend the derogation, based on negligible risk of exposure, remained on hold until agreement on the criteria was adopted. Import tolerance requests for substances falling under the cut-off criteria would also 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. Finally, the European Union undertook to keep Members duly informed about further developments.

2.196. In July 2018, the United States reiterated its concern on the European Union's hazard-based approach to regulating substances identified as endocrine disruptors, and noted that on 20 April 2018 the European Commission had formally adopted criteria for identifying endocrine disruptors in plant protection products, that would be implemented as of 10 November 2018. The United States requested clarification on how the interim criteria would be applied between now and November 2018, in light of the EU Commissioner's 2017 statement which called into question whether the interim criteria were fit for purpose. The United States also drew Members' attention to the EU notification (G/TBT/N/EU/554) of a proposal to withdraw authorization for the active substance pymetrozine, which was considered to have endocrine disrupting properties in accordance with Regulation (EC) No. 1107/2009, despite not having a final EFSA assessment on the potential for endocrine disruption. The United States requested clarification on the appropriate level of protection that these actions would achieve, underscoring that the identification of hazards without identifying potential risks would likely be more trade-restrictive than necessary.

2.197. The United States noted the European Union's efforts to clarify its policy for managing import tolerances for substances that triggered the hazard-based cut-offs. However, the case-by-case approach to consider import tolerances, while factoring in legitimate factors and the precautionary principle, would not address Members' concerns, and would cause considerable uncertainty for applicants and producers. The United States requested clarification on the "legitimate factors", other than risk, that would be considered by the European Union in establishing import tolerances and how these other factors related to achieving an appropriate level of protection. The United States recalled the Dispute Settlement Body rulings which indicated that precaution did not override Members' risk assessment obligations arising from Articles 5.1 and 5.2. The United States also queried how the European Union's reliance on the precautionary principle would conform with the requirement in Regulation (EC) No. 396/2005 to conduct risk assessments in establishing import tolerances. The United States further highlighted that many of the substances impacted by the EU regulation were effectively and transparently managed under risk-based systems in other countries, thus querying the European approach to manage these substances through a ban or by establishing limited case-by-case import tolerances.

2.198. The United States also expressed concerns regarding the newly proposed revisions to the European Union's transitional arrangements for products that had been produced prior to the modification of MRLs. According to this proposal, domestic products could still be placed on the EU market under previous MRLs, even after new MRLs had been implemented, unlike imported products which would not be able to benefit from previous MRLs. The United States explained that this revision would particularly affect products with long production and distribution cycles, since the proposed transition periods were insufficient for these products to clear the channels of trade. In particular, this would create cases where third-country products, legally produced in accordance with EU standards, would no longer be eligible for import into the European Union. The United States emphasized the existence of other approaches that could provide the high level of human health and environmental protection being sought by the European Union, without posing unnecessary barriers to trade. Finally, the United States noted that it remained unclear how the European Union would ensure consistency of its regulatory approach with the SPS Agreement.

2.199. China echoed the concerns of the United States, noting that the criteria in Regulation (EU) No. 2018/605 appeared to be based on a hazard assessment. EFSA had published the Guidance for the Identification of Endocrine Disruptors in the context of Regulations (EU) No. 528/2012 and (EC) No. 1107/2009 on 7 June 2018, in collaboration with the European Chemicals Agency (ECHA). China urged the European Union to notify the EFSA Guidance to WTO Members with a comment period, and to adopt Codex MRLs to minimize the impact on international trade.

2.200. India shared the concerns raised, and requested the European Union to adopt a risk assessment approach for regulating pesticides and establishing import tolerances, without creating unnecessary barriers to trade. India also reminded Members that Codex followed a risk assessment approach for the safety evaluation of pesticides, and that approach ensured health protection of consumers. Finally, India emphasized that a hazard-based approach was unjustified and would create unnecessary barriers to trade.

2.201. Argentina reiterated its concern over the European Union's policy on pesticides and the adoption of a hazard-based approach for identifying substances with endocrine disrupting properties. Argentina noted the adoption of Regulation (EU) No. 2018/605, modifying Annex II to Regulation (EC) No. 1107/2009, which would come into force as of 10 November 2018. Argentina expressed concern about the systemic and trade impact of the measure, which violated core provisions of the SPS Agreement, such as the obligation to undertake a risk assessment and to apply the least trade restrictive measure. Argentina indicated that following the discussions in the June meeting of the EU Standing Committee on Plants, Animals, Food and Feed, the procedures for granting import tolerances under Regulation (EC) No. 396/2005 would continue to be applied, including the undertaking of risk assessments by the relevant member State and EFSA, on a case-by-case basis. Argentina urged the European Union to comply with this requirement. Argentina argued that import tolerances should be maintained both for substances that would ultimately be covered by the criteria for determining endocrine disrupting properties, and for any other substance banned by the European Union on the basis of the hazard identification criteria set forth in Regulation (EC) No. 1107/2009. Argentina asked the European Union to provide information on the approach that would finally be applied, and to examine the proposal on waivers in order to at least exempt the substances that represented a minimal risk to public health, due to low exposure levels. In this regard, Argentina reminded the European Union of its statements at previous SPS Committee meetings.

2.202. Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Ghana, Guatemala, Kenya, Korea, New Zealand, Nigeria, Panama, Peru, Chinese Taipei, Thailand and Uruguay indicated that they shared this concern and called upon the European Union to reconsider the measure considering the significant negative impact that it would have on trade. They also called upon the European Union to base its measures on adequate scientific risk assessments and to consider Codex MRLs. Brazil reminded the Committee that the WHO International Programme on Chemical Safety's definition of endocrine disruptors could serve as a basis for discussions. Australia, New Zealand and Thailand also sought additional information on the Commission's plans for the derogation. In particular, Thailand requested the European Union to develop draft criteria for derogation by defining the meaning of negligible risk and establishing negligible risk criteria. Ghana and Kenya stressed that the EU policy would lead to the withdrawal of many important pesticides currently used in commodity-producing countries. As a result, farmers would have to use expensive alternatives which were not readily available in developing countries. Ghana underscored that this would have far-reaching consequences on the pest management gains made over the years and also negatively impact food security, distort trade in agriculture and lead to socio-economic losses, which would be in contradiction with the UN Millennium Development Goals, aimed at reducing poverty and eliminating hunger.

2.203. Canada reiterated its disappointment that the technical amendment for derogation based on negligible risk had not been included in the final regulatory amendment of Regulation (EU) No. 2018/605. Canada explained that without the inclusion of this technical amendment, default MRLs for food and feeds would be required once a substance was identified as an endocrine disrupting chemical, regardless of the actual risk under real world exposure scenario. Canada sought assurances from the European Union that once a substance was identified as an endocrine disruptor, import tolerances would continue to be based on complete risk assessments, as set out in Regulation (EC) No. 396/2005. Canada expressed its appreciation for EU efforts to inform the Committee on developments in this area, but also sought information on how the European Union planned to work with its trading partners to implement the measure in a manner consistent with its international obligations and without unnecessary disruptions to market access.

2.204. The European Union explained that the adoption of the criteria for plant protection products had been notified in G/SPS/N/EU/166/Add.2 and would apply as of 10 November 2018, also to ongoing approvals or renewals of active substances. The European Union also confirmed that the guidance document for the implementation of the adopted criteria had been published by EFSA and ECHA on 7 June 2018. The criteria were the same for biocides as for plant protection products in order to ensure a harmonized approach. The European Union recalled that the criteria were based on the WHO definition, required consideration of all relevant scientific information, and applied a weight of evidence approach. Regarding the proposals for derogation (i.e. the technical amendment to the clause on negligible exposure), discussions with member States would begin soon. In relation to import tolerances, the European Union confirmed that the procedures of Regulation (EC) No. 396/2005 would apply, including a full risk assessment, followed by a case-by-case decision, taking into account the scientific advice and other relevant legitimate factors, in accordance with

risk analysis principles. The European Union also explained that the consideration of other legitimate factors was not new, as it was already included in Article 14.2(f) of Regulation (EC) No. 396/2005. The procedure for import tolerances would be published on the Commission website.

2.205. In November 2018, Argentina reiterated its concern over the European Union's policy on pesticides and the adoption of a hazard-based approach for identifying substances with endocrine disrupting properties. Argentina noted the adoption of Regulation (EU) No. 2018/605, modifying Annex II to Regulation (EC) No. 1107/2009, which would come into force as of 10 November 2018. Argentina expressed concern about the systemic and trade impact of the measure, which violated core provisions of the SPS Agreement, such as the obligation to undertake a risk assessment and to apply the least trade restrictive measure. Argentina requested again that the European Union continue applying the procedures for granting import tolerances under Regulation (EC) No. 396/2005. Argentina queried how the EU reliance on the precautionary principle would conform with the requirement in Regulation (EC) No. 396/2005 to conduct risk assessments in establishing import tolerances and recalled that any precautionary measure would need to comply with Article 5.7 of the SPS Agreement. Argentina also queried when import tolerances guidance under discussion in the EU Standing Committee on Plants, Animals, Food and Feed would be published and applied. Argentina referred to the GMO case and emphasized the need to carry out assessment procedures for import tolerances without undue delay. Argentina asked the European Union to provide information on the approach that would finally be applied, and to examine the proposal on waivers in order to at least exempt the substances that represented a minimal risk to public health, due to low exposure levels. Finally, Argentina urged the European Union to reconsider its hazard-based regulatory approach to pesticides.

2.206. The United States reiterated its concern on the EU hazard-based approach to pesticide regulation, and the implementation of criteria for identifying and subsequently banning endocrine-active substances. The United States requested clarification on the appropriate level of protection that these actions would achieve, underscoring that the identification of hazards without identifying potential risks would likely be more trade-restrictive than necessary. Furthermore, the United States again requested an explanation of the "legitimate factors", other than risk, considered when evaluating import tolerances, and how these factors rationally related to achieving an appropriate level of protection. The United States also drew Members' attention to the EU notification (G/SPS/N/EU/263) of a proposal to lower the maximum residue limits (MRLs) for iprodione to trade-restrictive default levels, despite a final EFSA assessment which found no risks to consumers for a number of commodities, many of which also had Codex MRLs. Iprodione was an important crop protection tool for US agricultural producers, being highly effective against a number of fungal diseases. Finally, the United States noted that it remained unclear how the European Union would ensure consistency of its regulatory approach to pesticides with the SPS Agreement.

2.207. China reiterated its concerns over the European Union's process to define criteria to identify endocrine disrupting properties in Regulation (EU) No. 2018/605, which appeared to be based on a hazard assessment. China urged the European Union to consider the existing scientific evidence when assessing risks to life or health and to adopt Codex standards where they exist, to minimize the impact on international trade.

2.208. India echoed the concerns raised, in particular on the hazard-based regulation approach, which was highly trade restrictive.

2.209. Australia, Brazil, Canada, Chile, Colombia, Costa Rica, ECOWAS, El Salvador, Guatemala, Honduras, Korea, Malaysia, New Zealand, Panama, Paraguay, Peru, Chinese Taipei and Thailand indicated that they shared this concern and called upon the European Union to reconsider their measure, considering the significant negative impact that it would have on trade. They also called upon the European Union to base its measures on adequate scientific risk assessments and to consider Codex MRLs. Brazil reiterated the view that safe and modern plant protection products could be of the upmost importance for the protection of plants while promoting agricultural yield and productivity in tropical regions. Guatemala highlighted that certain products were necessary given the climate conditions in such regions, in particular as a consequence to climate change.

2.210. Canada reiterated its disappointment that the technical amendment for derogations based on negligible risk had not been included in the final regulatory amendment of Regulation (EU) No. 2018/605. Canada sought assurances from the European Union that once a substance was identified as an endocrine disruptor, import tolerances would continue to be based on complete risk

assessments, as set out in Regulation (EC) No. 396/2005. Finally, Canada sought information on how the European Union planned to work with its trading partners to implement the measure in a manner consistent with its international obligations and without unnecessary disruptions to market access.

2.211. The European Union confirmed that new criteria to identify endocrine disruptors for biocides applied from 7 June 2018 (Delegated Regulation (EU) 2017/2100), whereas for pesticides they would apply as of 10 November 2018 (Regulation (EU) 2018/605). The criteria would also apply to ongoing renewal or approval procedures of active substances. The European Union also confirmed that the guidance document for the implementation of the adopted criteria had been published by EFSA and ECHA on 7 June 2018. The criteria were the same for biocides as for pesticides in order to ensure a harmonized approach. The criteria were based on the WHO definition, required consideration of all relevant scientific information and applied a weight of evidence approach. Regarding the proposals for derogation (i.e. the possible inclusion of the clause on negligible risk from exposure), discussions with member States had started, and a qualified majority in favour of the derogation was needed to proceed with the inclusion. In relation to import tolerances, the European Union confirmed that the procedures of Regulation (EC) No. 396/2005 would apply, including a full risk assessment, followed by a case-by-case decision, taking into account all relevant factors, in accordance with risk analysis principles. In addition, the Regulation included transitional measures for products produced prior to the modification of MRLs to remain on the market until the end of their shelf life, even after the date of application of the new MRLs, six months after the date of entry into force. However, when a health concern was identified, such transition measures would not be provided. The European Union reminded that early warning was available. As an example, TBT notifications on the non-renewal of active substance approval were accompanied by a statement on possible impact on MRLs. Recent examples had shown that two years could elapse between such notifications and the application of the lowered MRLs. The procedure for import tolerances would be published on the Commission website.

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

Raised by:	United States of America
Supported by:	Argentina, Canada, Turkey
Dates raised:	July 2017 (G/SPS/R/87, paras. 27-32; See also STC 382), November 2017 (G/SPS/R/88, paras. 3.53-3.55), March 2018 (G/SPS/R/90, paras. 3.31-3.34), July 2018 (G/SPS/R/92/Rev.1, paras. 4.88-4.90)
Relevant document(s):	
Status:	Not reported
Solution:	
Date reported as resolved:	

2.212. 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.

2.213. 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.

2.214. 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.

2.215. 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.

2.216. 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.

2.217. 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.

2.218. 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.

2.219. 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.

2.220. 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.

2.221. In March 2018, the United States reiterated its concern regarding 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 indicated that it had provided data, in response to France's notification (G/SPS/N/FRA/13), showing that dimethoate had not been used in the State of California for over five years. Furthermore, the United States argued that in regions where dimethoate might be used, it had been applied as a post-harvest application, which did not result in residues on the fruit. The United States noted that it had received from France a response to its submitted comments, but regretted that its substantive concerns had not been addressed. The United States indicated that it had demonstrated that pesticide authorization status was not a reliable indicator of actual exposure to residues and on this basis, requested France to clarify whether less trade restrictive measures had been considered. The United States also highlighted that it had satisfied the data-gaps for dimethoate metabolites and further urged France to follow the MRLs established by the European Commission, upon completion of the EU re-evaluation of dimethoate. Finally, the United States requested France not to renew its ban for a third consecutive year.

2.222. Canada echoed the US concern, requested information about any new measure that would apply later in 2018, and encouraged France to adopt measures in line with those of the European Commission. Canada noted that France had lifted its ban on cherries from countries where dimethoate use was authorized, but remained concerned that France might implement another temporary measure banning cherries from countries that had registered dimethoate use. Canada urged France to conduct a risk assessment to determine if the current MRL established by the European Union was insufficient, before implementing more trade restrictive measures.

2.223. Turkey supported the concerns raised, indicating that although dimethoate use had been prohibited in Turkey, it still had been unable to export cherries to France. Turkey urged France to apply the least trade restrictive measures and indicated its willingness to continue bilateral discussions on the issue.

2.224. The European Union referred to its previous responses provided in the 2017 SPS Committee meetings and indicated that the measure, which had been introduced in April 2017, had expired at the end of 2017. In terms of the next steps, the European Union explained that EFSA would evaluate new studies, particularly in view of the open questions on metabolites, and that an EFSA conclusion was expected later in 2018. The European Union noted that it was too early to know whether new measures would be introduced by France in 2018. The European Union further indicated that any such measure would be notified to the Committee.

2.225. In July 2018, the United States reiterated its concern raised in previous SPS Committee meetings regarding actions taken by France in 2016 and 2017 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 regret that France had renewed this ban for 2018 and noted its concern that a precedent was being set where the decision to restrict imports of commodities was solely being based on the authorization of a pesticide in the country of origin, regardless of whether pesticide residues were actually present in the imported commodities. The United States indicated that it had provided France with usage data, showing that dimethoate had not been used in the State of California for over five years. Furthermore, the United States argued that in regions where dimethoate might be used, it had been applied as a post-harvest application, which was unlikely to result in residues on the fruit. The United States requested France to explain how the health of French consumers was enhanced by restricting US cherries that had never been treated with dimethoate and contained no dimethoate residues. The United States further requested France to clarify whether less trade restrictive measures had been considered. The United States noted that the ban had been notified as an emergency measure on 4 May 2018, and invited France to explain how the current scientific evidence was insufficient and to identify the actions undertaken over the past years to obtain the scientific evidence that could justify the emergency measure. The United States indicated that US cherry producers were able to supply French consumers with high quality products that complied with the European food safety standards, and

urged France to minimize unnecessary trade barriers by ensuring that measures were only applied to the extent necessary to protect health.

2.226. Canada echoed the US concern regarding France's renewal of the measure, noting that dimethoate was authorized for use in Canada to control a wide number of pests on agricultural crops, including cherries. While Canada acknowledged France's right to take SPS measures, Canada had concerns regarding the scientific basis and the unnecessary trade-restrictive nature of the renewed measure. Between 2016 to 2018, Canada had submitted comments on France's emergency measures, indicating its concerns with the lack of evidence provided by France to demonstrate that the current EU MRL was insufficient to protect consumers, and with the lack of consideration of an appropriate MRL for dimethoate. Canada noted that if there was a scientific basis for the zero-tolerance approach to dimethoate, WTO Members should only require that the product be free of any residues of that substance, and not ban imports from countries that allow the use of the substance. Given that this emergency measure had been notified for the third time since 2016, Canada urged France to conduct a comprehensive risk assessment to determine if the current EU MRL was insufficient before implementing the trade restrictive measure. Canada also requested that, if the current MRL was found to be insufficient, that France conduct a risk assessment to determine a more appropriate MRL.

2.227. The European Union explained that France had published on 6 April 2018, a protective measure suspending the importation and placing on the market of fresh cherries from member States or non EU countries where the use of plant protection products containing the active substance dimethoate was authorized for the treatment of cherry trees. The measure had entered into force on 11 April 2018 and would expire after 12 months. The measure had been notified and the French authorities would shortly send a response to the comments received from Canada. The European Union explained that France had justified the measure on the basis of concerns related to the unacceptable toxicological risk of certain metabolites. In terms of the next steps, the European Union indicated that EFSA would evaluate new studies, particularly in view of the open questions on the metabolites, and that an EFSA conclusion was expected later in 2018. Following which, the measure would be reviewed in light of the EFSA conclusions.

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), March 2018 (G/SPS/R/90, paras. 3.38-3.40)
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:	

2.228. 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 0.01 mg/kg, a level more restrictive than the relevant Codex standard of 5 mg/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.

2.229. 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 15 mg/kg to the default level of 0.01 mg/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.

2.230. 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.

2.231. 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.

2.232. In March 2018, Peru reiterated its concern regarding the lowering of EU MRLs for acrinathrin, metalaxyl and thiabendazole under Regulation (EU) 2017/1164, which had entered into force on 21 January 2018. Peru emphasized the negative impact of this measure on its fruit and vegetable exports to the European Union. In particular, Peru highlighted its concerns with EFSA's categorization of mango, which had led to more restrictive EU MRLs being applied than the Codex standard of 5 mg/kg. Peru requested that the European Union review this measure which it viewed as more trade restrictive than necessary, without scientific basis and inconsistent with Articles 2 and 5 of the SPS Agreement.

2.233. Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala and the United States shared the concern raised by Peru, underlining the importance of basing measures on scientific evidence and using Codex standards. The United States expressed its disappointment with the European Union's decision to lower the thiabendazole MRL on sweet potatoes to 0.01 mg/kg, even though no risk to consumers had been identified and confirmatory residue trial data were under development for submission. The United States requested clarification on the European Union's process, including the time-frame, for considering comments submitted by Members. In particular, the United States highlighted the short timing between its submission of comments, in response to the EU notification, and the subsequent vote by EU member States on thiabendazole MRLs, a few days later. The United States further noted that sweet potato growers would face great difficulties in exporting to the European Union and in controlling black rot during the time that it would take the European Union to re-establish an import tolerance. The United States indicated that it planned to submit an import tolerance application and hoped that the EU would consider an expedited review.

2.234. The European Union recalled its previous intervention in the November 2017 SPS Committee, explaining that the proposed MRLs were based on EFSA's 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 also indicated that the Standing Committee had discussed the concerns of trading partners, including whether processing factors could be applied for mangoes; however, it concluded that there was insufficient data or justification for further action. The European Union noted that there were other available plant protection products which could replace thiabendazole, and that a list of these possible alternatives had been transmitted to some interested trading partners. This list could also be made available to other Members. Finally, the European Union reminded Members that it had provided an information note in 2016 on the ongoing review of

EU MRLs, which had been updated in June 2017 (G/SPS/GEN/1494/Rev.1), and urged Members to make their concerns known as early as possible in the process.

EU maximum level of cadmium in foodstuffs (STC 430)

Raised by:	Peru
Supported by:	Bolivia, Plurinational State of; Brazil; Costa Rica; Dominican Republic; El Salvador; Ghana; Guatemala; Indonesia; Nicaragua; Nigeria; Panama; Trinidad and Tobago; United States of America
Dates raised:	November 2017 (G/SPS/R/88, paras. 3.8-3.10), March 2018 (G/SPS/R/90, paras. 3.15-3.17), July 2018 (G/SPS/R/92/Rev.1, paras. 4.31-4.33, 4.73-4.78), November 2018 (G/SPS/R/93, paras. 3.31-3.37)
Relevant document(s):	G/SPS/GEN/1587; G/SPS/GEN/1624; G/SPS/GEN/1646
Status:	Not reported
Solution:	
Date reported as resolved:	

2.235. 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.

2.236. 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.

2.237. 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.

2.238. In March 2018, Peru reiterated its concern over the maximum levels of cadmium in chocolates and other cocoa products proposed by the European Union Commission Regulation (EU) No. 488/2014. Peru highlighted the social and economic importance of cocoa and chocolate exports to its economy, underscoring the potential negative impact of the regulation on its exports. Peru further observed that the regulation did not establish maximum levels for cadmium in cocoa beans, only in chocolate. Peru recalled the findings of the European Food Safety Authority (EFSA), which indicated that it was unlikely that there would be adverse effects in an individual exposed to dietary cadmium in the European Union. Peru also noted that JECFA considered foods to be a risk when it contributed 5% or more of the maximum tolerable daily intake of the contaminant. Based on the JECFA parameter, Peru argued there was no justification for including chocolate in the regulation, as it only contributed 4.3% to dietary cadmium exposure, and further concluded that the EU regulation was not in line with the SPS Agreement. Peru drew Members' attention to the ongoing development of a Codex standard for cadmium maximum levels and highlighted that this standard

could serve as a reference point for trade. Finally, Peru urged the European Union to exclude chocolate and cocoa products from the scope of its regulation.

2.239. Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala, and Panama shared Peru's concern, and requested that the European Union exclude chocolate and cocoa products from its regulation pending the development of Codex standards on maximum levels of cadmium.

2.240. The European Union recalled its intervention in the November 2017 Committee meeting, highlighting that the measure was based on EFSA recommendations that exposure to cadmium should be reduced, and that in light of available science, excluding chocolate and cocoa products from this measure would not achieve the desired level of protection. The EFSA assessment had taken into consideration EU consumption patterns. In addition, the European Union was of the view that the exposure assessment undertaken by JECFA gave no basis for amending the EU maximum levels for cadmium. The European Union reminded Members of its efforts to alleviate the difficulties of trading partners in complying with this measure, such as agreeing to a transitional period of five years, 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 noted its active participation in Codex discussions on establishing an international standard for cadmium maximum levels.

2.241. In July 2018, Ecuador raised a concern on the private application of Regulation (EU) No. 488/2014, modifying a previous regulation on maximum levels of cadmium in foodstuffs (including chocolate and certain cocoa based products). Although the implementation of the measure had been scheduled to take place as of 1 January 2019, Ecuadorian exporters had been reporting that EU importers seemed to be applying it already and incorrectly, that is, not to the finished products (chocolates and certain cocoa-based products) as provided in the measure, but to the input material (cocoa beans). Ecuador explained that while this was not a private standard, it referred to the incorrect application by private entities of Regulation (EU) No. 488/2014. Therefore, Ecuador requested the European Union to offer the necessary monitoring guarantees to ensure the proper application of this Regulation, to avoid an unnecessary barrier to trade, much more burdensome that what the Regulation provided for, even prior to its official implementation. Finally, Ecuador expressed its willingness to the share the reports from its exporters with the European Union.

2.242. Colombia expressed its interest in the topic and provided further details under STC No. 430, with which this concern was related. Guatemala also shared the concern.

2.243. The European Union underlined its understanding and sympathy towards Ecuador's concern. EU Regulation (EU) No. 488/2014 established maximum levels of cadmium for finished products directly sold to consumers, and did not apply to cocoa beans or intermediate cocoa products, which were the products exported from Latin America to the European Union. The European Union reminded Members of the exceptionally long transitional period of five years exclusively granted for cocoa and chocolate products, until 1 January 2019. Private operators applied cadmium limits to imported cocoa beans instead of to finished products, without respecting the transitional period of five years granted by the Regulation, which was incorrect and not in line with the Regulation. However, the European Union considered that this concern went beyond the scope SPS Agreement. In this regard, the European Union pointed out that the concern focused on actions of commercial operators, over whom official authorities from the European Union did not have jurisdiction. The European Union believed that this concern should be raised in other fora, such as the International Cocoa Organization. In the area of technical assistance, there was an on-going STDF project preparation grant to develop regional strategies and a project proposal to establish mitigation and remediation methods for cadmium contamination in cocoa beans in Latin America and the Caribbean, specifically targeted to assist in complying with EU requirements. In addition, the recently launched EU initiative Development-Smart Innovation through Research in Agriculture (DeSIRA) included two proposals on climate-relevant innovation for sustainable cocoa production, with activities related to cadmium. The European Union explained that these two projects were scheduled to start during 2019 and would focus on Colombia, Côte d'Ivoire, Ecuador and Peru.

2.244. Peru reiterated its concern over the maximum levels of cadmium in chocolates and other cocoa products proposed by Regulation (EU) No. 488/2014, highlighting the potential negative impact on trade of cocoa beans with the European Union and other international markets. Peru highlighted that JECFA, at its 77th meeting, had not considered the contribution of products containing cocoa or cocoa products to total cadmium dietary exposure for high consumers of such

products to be of concern. The EU Regulation, which was based on a hazard approach, had set a very low maximum level of cadmium in chocolate and other cocoa products. Peru observed that the entry into force of the regulation on 1 January 2019 would harm Peruvian cocoa producers and exporters, and many other WTO Members, as well as undermine alternative development farming programmes being implemented with the help of international partners, such as the European Union. Peru reiterated its request for the European Union to exclude chocolate and other cocoa products from the scope of its regulation until there was updated scientific information regarding the level of risk to human health from cadmium. If the consideration of this request was not possible, Peru further urged the European Union to extend the entry into force of the regulation to 1 January 2022, pending the adoption of Codex maximum levels of cadmium.

2.245. Colombia echoed Peru's concerns on this issue, also highlighting the significant economic and social impact to its cocoa sector. Colombia outlined its national agricultural policy for cocoa cultivation that sought to replace illegal products by incentivizing producers to change their crops, which was supported by the European Union and other WTO Members. Colombia remained concerned that the results of these efforts could be undermined due to the regulation. Colombia further highlighted other national and international initiatives to address the issue of cadmium, including an STDF-funded project for Latin America and the Caribbean. In accordance with Article 10 of the SPS Agreement, Colombia requested a longer transition time-frame for the implementation of the regulation and urged the European Union to consider excluding chocolate from the scope of its regulation, bearing in mind that there were no Codex maximum levels for cadmium in chocolate. Colombia also requested the European Union to provide additional resources to continue their research on cadmium in cocoa and to implement the necessary mitigation measures.

2.246. Madagascar supported the concerns raised and requested the European Union to consider a new transitional period for the implementation of Regulation (EU) No. 488/2014. This would give Codex the time to finalize and publish their ongoing work on the definition of maximum levels of cadmium in chocolate and cocoa products. In addition, it would allow countries exporting to the European Union time to adjust to the new regulatory standards. Madagascar further emphasized that the current date for adoption of the regulation (i.e. 1 January 2019), would have a significant economic impact on its producers.

2.247. Brazil, Costa Rica, Ecuador, Ghana, Guatemala, Nicaragua, Nigeria, Panama, and Trinidad and Tobago shared the concerns, and requested that the European Union exclude chocolate and cocoa products from its regulation and/or postpone the implementation of the regulation until the development of Codex standards on maximum levels of cadmium. Indonesia and the United States also echoed the concerns and urged the European Union to set its maximum levels in accordance with scientific evidence. Trinidad and Tobago further noted the research conducted on the mitigation of cadmium bioaccumulation in cocoa beans, which had showed encouraging results with respect to the use of genetic and soil enhancement strategies. However, Trinidad and Tobago also highlighted that mitigation methods were constrained by their costs and the timing of the results, which further underscored the negative impact that the proposed regulation would have on the international market price for cocoa beans and overall cocoa bean trade.

2.248. Codex informed the Committee that two maximum levels for cadmium had already been adopted at the Commission's meeting held the previous week, one had been discontinued due to lack of data, and that Codex would continue work on two other maximum levels. Codex also informed the Committee that Peru had noted its reservation on the adoption of the two maximum levels as it considered the levels too strict.

2.249. The European Union recalled its previous interventions, highlighting that the limits in Regulation (EU) No. 488/2014 were based on risk assessments and scientific opinions from EFSA, which clearly concluded that cadmium exposure should be reduced and that certain population subgroups already exceeded the tolerable weekly intake. The European Union thanked Codex for the information provided and noted that the EU limits for chocolate containing a high amount of cocoa (>50%) were consistent with the adopted Codex maximum levels. The European Union reminded Members of its efforts to alleviate the difficulties of trading partners in complying with this measure, such as agreeing to a transitional period of five years, which had deferred the application date to January 2019, and setting maximum levels for blended products instead of cocoa beans to facilitate trade. The European Union further explained that this health protection measure could not be delayed any longer. In relation to technical assistance, the European Union recalled the STDF project, among other initiatives, to mitigate the impact of the measure. Regarding problems with

importers, the European Union referred to its previous statements. The European Union remained open to bilateral discussions with Members.

2.250. In November 2018, Peru reiterated its concern over the maximum levels of cadmium in chocolates and other cocoa products proposed by Regulation (EU) No. 488/2014, and observed that the entry into force of the regulation on 1 January 2019 would have a negative impact on trade of cocoa beans with the European Union. According to Peru, the new maximum levels of cadmium were not justified by scientific evidence (G/SPS/GEN/1646). JECFA considered a food to represent a risk when it contributed 5% or more of the maximum tolerable intake of the contaminant, and since chocolate and cocoa products contributed only 4.3% to dietary cadmium exposure, there were no grounds for including them in the regulation. Peru also noted inconsistencies in the EU Regulation, which established the same maximum levels of cadmium, 0.10 mg/kg, for potatoes and chocolate with up to 30% cocoa, in spite of the fact that potatoes contributed a much higher percentage than chocolate (13.2%) to overall cadmium dietary exposure, and had a different consumption pattern. Therefore, the EU Regulation was in violation of articles 2.2, 2.3, 5.1 and 5.4 of the SPS Agreement, since it was not based on scientific principles, no proper risk assessment had been conducted, and the objective of minimizing the negative effects on trade when determining the appropriate level of sanitary protection had not been considered. The entry into force of the regulation would harm Peruvian cocoa bean producers, and many other WTO Members, as well as undermine Peru's joint efforts with the international community, including the United States and the European Union, to combat illicit drug trafficking within the framework of comprehensive and sustainable programmes for the development of alternatives to coca leaf production. Peru reiterated its request for the European Union to exclude chocolate and chocolate products from the scope of its regulation until there was updated scientific evidence on the level of risk to human health from cadmium, and Codex would finalize the adoption of maximum levels for cocoa. Peru concluded by requesting the European Union to postpone the entry into force of the regulation to 1 January 2022.

2.251. Côte d'Ivoire echoed Peru's concerns on this issue, and explained that efforts were being currently undertaken in the country to diversify exports and increase the production of higher value processed products. The entry into force of the EU Regulation, not based on a risk assessment, would negatively impact on exports of cocoa products, allowing trade in cocoa beans only, which was more sensitive to price fluctuations. While Côte d'Ivoire recognized the legitimate right of the European Union to take measures to protect its population, it urged the European Union to review its Regulation until the adoption of Codex maximum levels for cadmium in chocolate.

2.252. Colombia reiterated its concern over the proposed Regulation (EU) No. 488/2014, highlighting again the significant economic and social impact on the cocoa sector. Colombia recalled that its national agriculture policy aimed to replace illicit crops by incentivizing producers to change poppy and coca crops by seeding cacao. As a result, cultivation and exports of cocoa to the European Union had increased. Colombia remained concerned that the positive results obtained with the support of international cooperation initiatives, including the WTO through the STDF, and EU funding, would be affected by the application of the EU Regulation. In accordance with Article 10 of the SPS Agreement, Colombia requested the European Union to provide additional resources to continue research on cadmium in cocoa and to implement the necessary mitigation measures. Also, referring to JECFA's scientific opinion and Article 3 of the SPS Agreement, Colombia requested the exclusion of chocolate from the scope of the regulation. Finally, Colombia invited the European Union to consider notifying draft SPS legislation at an earlier stage, so as to allow sufficient time for comments to be considered.

2.253. The Plurinational State of Bolivia, Ecuador, Guatemala, Indonesia, Nicaragua, and Trinidad and Tobago shared the concerns, and requested that the European Union exclude chocolate and cocoa products from the scope of its regulation and/or to extend the entry into force of the regulation to 1 January 2022, pending the development of Codex standards on maximum levels of cadmium. Ecuador highlighted that certain trade operators applied the regulation before its entry into force and incorrectly, that is, not to the finished products as provided in the measure, but to the raw material (cocoa beans). This issue had resulted in the development of a national agenda for cadmium reduction, involving the public and private sectors, to implement mitigation activities, which would require additional resources and time. Trinidad and Tobago highlighted the negative impact of the proposed regulation on diversification initiatives in the cocoa sector.

2.254. El Salvador, Panama, the United States, and the Bolivarian Republic of Venezuela also echoed the concerns, emphasizing that the regulation created unnecessary barriers to trade.

Furthermore, the United States urged the European Union to consider the objective of minimizing negative trade effects and to ensure that the level of protection achieved by its measure would be scientifically justified.

2.255. Costa Rica expressed its systemic interest in this concern, and reminded Members that cadmium, being present in the soil, was present naturally in cocoa. Costa Rica asked the European Union to take this element into consideration in its research on this matter.

2.256. The European Union recalled its previous interventions, highlighting that the limits in Regulation (EU) No. 488/2014 were not based on a hazard-based approach, but on risk assessments and scientific opinions from EFSA. Furthermore, the European Union noted that the EU limits for chocolate containing a high amount of cocoa (>50%) were consistent with adopted Codex maximum levels. The European Union reminded Members of its efforts to alleviate the difficulties of trading partners in complying with this measure, such as agreeing to a transitional period of five years. The European Union also pointed out that the ultimate goal of the European Union was to protect the health of EU consumers, and explained that EFSA's risk assessment showed that taking into account the EU Tolerable Weekly Intake (TWI) and consumption patterns, the mean dietary exposure to cadmium in EU countries was close to or slightly exceeded the TWI. The European Union further noted that certain subgroups of the population (mainly children) may even exceed the TWI by about two-fold. Furthermore, based on the risk assessment, it was considered necessary to limit the exposure of EU consumers to cadmium for all commodities, including chocolate. EU maximum levels were set on the basis of occurrence data at a level which was as low as reasonably achievable, and this was 0.10 mg/kg for potatoes and for milk chocolate containing less than 30% total dry cocoa solids. Finally, the European Union informed the Committee on future technical assistance projects on low cadmium and climate relevant innovation to promote sustainable cocoa production in Colombia, Ecuador and Peru.

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), March 2018 (G/SPS/R/90, paras. 3.54-3.55), July 2018 (G/SPS/R/92/Rev.1, paras. 4.57-4.58)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.257. 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.

2.258. 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.

2.259. In March 2018, Brazil reiterated concerns over the reinforced border testing controls in the European Union, which had resulted in increased reports of salmonella detections in poultry. In addition, Brazil pointed out that distinct microbiological criteria for fresh meat products and

poultry meat preparations were unjustified, as the two products were similar. Brazil explained that it exported a considerable volume of uncooked salted poultry meat and seasoned poultry meat to the European Union, which were both commercially defined as "poultry meat preparations". However, Brazil argued that the food safety specifications for salted poultry meat should be the same as those applied to fresh poultry meat, since their intrinsic characteristics relevant to microbial food safety were virtually identical. In addition, both products were uncooked, had similar muscle fibre structure and were not intended for immediate human consumption. Brazil queried the scientific justification for the adoption of different food safety criteria for these products. Brazil also indicated that over 95% of the notifications of positive results in Salmonella detection by the European Union's Rapid Alert System for Food and Feeds (RASFF) were related to Salmonella in salted poultry meat, with no public health significance. Brazil further highlighted that the Standing Committee on Plants, Animals, Food and Feed was scheduled to discuss the delisting of Brazilian establishments which were currently authorized to export products of animal origin. Brazil emphasized that such a decision could have a negative result on Brazil's exports to the European Union and would constitute an unjustified barrier to trade.

2.260. 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 Salmonellae in Foodstuffs. The European Union stated that there was no justification for revising the criteria, and that they applied to both domestic production and imports into the European Union. The European Union added that shipments from Brazil were subject to laboratory testing at 20% frequency at the EU borders in addition to the checks that were requested to be carried out by the Brazilian authorities on each consignment before the export takes place. These controls were put in place last year following the meat fraud scandal and on the basis of the results of an audit carried out in May 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 7% and this was a matter of concern. The European Union informed the Committee that the European Commission had recently carried out an audit in Brazilian poultry meat establishments, and that the report was under preparation. The European Union also explained that the delisting of Brazilian establishments was a separate issue under consideration by EU authorities, as it related to recurrent Salmonella detection in specific establishments, despite requests for Brazil to take appropriate measures. In relation to the problems of risk management and communication raised by Brazil in the November 2017 SPS Committee meeting, the European Union underscored its transparent system, highlighting that information on detections in both intra-European and international trade could be found in RASFF. Finally, the European Union noted that its measures were consistent with the SPS Agreement, and further indicated its willingness to continue bilateral discussions on this issue.

2.261. In July 2018, Brazil reiterated its concerns over the reinforced border testing controls in the European Union due to alleged salmonella detections in poultry. Brazil argued that the European Union authorities had intensified microbiological inspection procedures for Brazilian poultry without technical or scientific justification. Brazil drew Members' attention to the changes in EU sanitary measures introduced after the WTO dispute on poultry meat in 2002. The European Union had banned the same two types of salmonella banned by Brazil with regards to fresh chicken, while for salted poultry it banned more than 2.000 types of salmonella, which were deactivated by cooking processes. The European Union applied separate microbiological criteria for fresh chicken and processed chicken meat even though both were intended to be cooked before consumption and had identical intrinsic characteristics with regards to food safety. Brazil had regularly submitted inspection reports related to the detection of salmonella in shipments entering the European Union, with investigations on the RASFF notification system in cooperation with European authorities. According to recent data from the European Union, only 326 of the 5,508 shipments of poultry meat and poultry meat preparations that had been sampled and analysed at EU border posts for salmonella detection were found to be affected by salmonella. Less than 10% of those cases had been related to the two types of salmonella that justified the rejection of the product or its withdrawal from the market according to Regulation (EC) No. 2073/2005. Therefore, Brazil considered that risks to human health would not justify the measure in place.

2.262. The European Union recalled the EU criteria based on the 2003 scientific opinion of the Scientific Committee on Veterinary Measures relating to public health on salmonella in foodstuffs published in 2003, which took into account consumption patterns and behaviours and the risk of cross-contamination. The European Union stressed that these requirements were equally applied to

domestic and imported products. Adding salt to poultry meat changed the tariff rate but also the legal status of the products in the European Union. Shipments from Brazil were subject to testing at 20% frequency at EU borders, in addition to pre-export checks that had to be carried out by the Brazilian authorities. The frequency of these controls had increased after the meat fraud scandal in 2017 and audits of the European Commission. According to EU findings, despite the attestation by Brazilian authorities certifying the absence of salmonella accompanying the consignments, the prevalence of salmonella in poultry meat detected at the EU border was still close to 6%, which was considered a matter of concern. The European Union concluded that both the microbiological criteria and the reinforced controls were fully justified and consistent with the SPS Agreement.

EU Commission Decision 2002/994/EC on animal products (STC 442)

Raised by:	China
Supported by:	
Dates raised:	July 2018 (G/SPS/R/92/Rev.1, paras. 4.9-4.10), November 2018 (G/SPS/R/93, paras. 3.52-3.53)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.263. In July 2018, China raised a concern over EU Commission Decision 2002/994/EC, explaining that each consignment of aquaculture fish, shrimp, crayfish, rabbit meat, poultry meat products, eggs and eggs products, bee products and casings from China had to be tested by Chinese competent authorities for chloramphenicol and nitrofurans before being exported to the EU market. In addition, China explained that testing and certificates for malachite green and crystal violet were also required by the European Union for imports of aquaculture products. China informed the Committee that a formal letter had been sent to the EU delegation on 14 October 2016, requesting the withdrawal of these requirements. Likewise, China had also provided a report on the quality of products of animal origin, including poultry meat and casings, exported from China to the European Union. However, China regretted that no comments on the submitted document had been received. China conducted strict inspections on around 40,000 batches of the products mentioned. In 2017, only one batch of products had been positive to one residue, and since 2010, the maximum number of relevant Rapid Alert System for Food and Feed (RASFF) notifications per year had been eight, which represented 0.02% of the total number of all exported batches. China urged the European Union to amend Decision 2002/994/EC and to withdraw the unreasonable restrictions.

2.264. The European Union recalled that the measures contained in Decision 2002/994/EC had been introduced due to the detection of forbidden substances in animal products from China. The European Union clarified that the exports of the products were still allowed, with additional requirements, for safety reasons. The measure had been implemented as an instrument to protect EU consumers. Since 2002, it had been repeatedly reviewed on the basis of Chinese requests and the progress made in residue controls, leading to a reduction in the number of products to which the measure applied. The European Union argued that the repeated amendments were the expression of the EU commitment to adapt the measure based on information and guarantees provided by China; and considered data on RASFF notifications an important element in the risk assessment. This issue had also been discussed in a recent meeting between the EU Agriculture Commissioner and the Minister of General Administration of Customs of China. The European Union expressed its willingness to adapt the measure at the request of the Chinese authorities and supported by related information on control inspections.

2.265. In November 2018, China reiterated its concern over EU Commission Decision 2002/994/EC, highlighting that each consignment of poultry meat, casings, aquaculture fishery products and crayfish from China had to be tested for chloramphenicol, nitrofuran, malachite green, crystal violet and their metabolites before being exported to the EU market. China explained that in accordance with the "farm to table" concept it implemented strict inspection and quarantine procedures for animal products exported to the European Union. Moreover, the European Union had recognized China's food safety and residue regulatory systems, conducting several on-site reviews over the past

years. On this basis, China urged the European Union to consider removing additional testing requirements on the above-mentioned substances, to reduce unnecessary costs and facilitate trade.

2.266. The European Union recalled that the measures contained in Decision 2002/994/EC had been introduced due to the detection of forbidden substances in products of animal origin. The European Union noted that exports were still allowed, with additional requirements for safety reasons. Since 2002, the measure had been repeatedly reviewed on the basis of information and guarantees provided by China, demonstrating progress made in residue controls. Finally, the European Union announced that the issue would be further discussed during the visit of the EU Agriculture Commissioner to China in November.

EU restrictions on poultry meat and poultry meat preparations (Regulation (EU) No. 2018/700) (STC 443)

Raised by:	Brazil
Supported by:	
Dates raised:	July 2018 (G/SPS/R/92/Rev.1, paras. 4.11-4.13; See also STC 432)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.267. In July 2018, Brazil reported that since the adoption of Regulation (EU) No. 2018/700, shipments from 21 Brazilian establishments, with sanitary certificates issued after 16 May 2018, had been denied access to the European Union. Regulation (EU) No. 2018/700 had justified the delisting of Brazilian establishments based on on-going investigations and on recent actions of the judiciary in Brazil, arguing that the establishments affected by those measures would not comply with relevant EU requirements. This Regulation had then led to the EU suspension of imports from specific establishments due to alleged cases of non-compliance due to the presence of salmonella in poultry meat and poultry meat preparations originating from Brazilian establishments, which was the subject of a separate specific trade concern, STC No. 432, presented by Brazil. In this concern, Brazil addressed the decision to suspend exports from specific establishments, due to an alleged lack of guarantees related to judicial investigations.

2.268. Brazil stated that EU restrictions in Regulation (EU) No. 2018/700 targeted specific private companies, leading to 12 exporting establishments being delisted. Between January 2017 and March 2018, two of the delisted establishments had not exported to the European Union. The remaining ten establishments had 8,417 sanitary certificates issued for exports to the European Union, and 41 RASFF notifications throughout the whole period, representing a 0.5% rate of non-conformities in total shipments and a 1.35% rate in inspected shipments. Brazil therefore questioned the scientific principle and the sanitary basis of the EU Regulation (EU) No. 2018/700. Brazil emphasised that it had adopted a strict stance in the prevention and punishment of crime against food safety, adding that through regular inspections the Federal Police and the Ministry of Agriculture had punished individuals and companies not complying with sanitary measures. Finally, Brazil requested the European Union to withdraw Regulation (EU) No. 2018/700.

2.269. The European Union drew the Committee's attention to the EU prelisting system based on a systems audit approach that relied on guarantees provided by the competent authorities of the exporting country that the exports met the level of sanitary protection set by the European Union. On that basis, the European Union accepted the list of the exporting establishments proposed by the authorities of the exporting country without prior audits or inspections, and the system was applied to all EU trading partners. The European Union believed that its approach facilitated trade flows by avoiding undue delays, burdensome procedures and unnecessary costs. However, the European Union clarified that when an exporting country failed to deliver on the guarantees provided, the European Union needed to take actions to ensure that the level of protection was maintained. The decision to withdraw the authorisation of certain Brazilian establishments to export specified products of animal origin to the European Union had been taken on the basis of serious concerns, and after careful consideration of recurrent salmonella findings at EU borders, despite pre-export testing and certification; the failure of the competent authorities to take effective corrective

measures; and cases of fraud both involving Brazilian authorities and concerning laboratory results supporting certification of meat and meat products exported to the European Union. As a result, the confidence of the European Union on the reliability of the Brazilian official control system had been seriously affected. In this regard, the European Union considered that products from the concerned establishments could constitute a health risk and, therefore, could not continue to be authorised to enter the EU market. The measures had been proportionate and least trade restrictive as instead of banning the imports of the concerned products from Brazil, protective measures had been applied only to those establishments that had been either involved in fraud cases, or had shown serious and repeated salmonella-positive results. In this respect, the European Union believed that the adopted measures were consistent with the provisions of the SPS Agreement. The measures would be reviewed in light of new information and further developments.

EU review of legislation on veterinary medicinal products (STC 446)

Raised by:	Argentina, United States of America
Supported by:	Australia, Brazil, Canada, Chile, Colombia, Paraguay
Dates raised:	July 2018 (G/SPS/R/92/Rev.1, paras. 4.19-4.30), November 2018 (G/SPS/R/93, paras. 3.38-3.47)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.270. In July 2018, Argentina raised concerns regarding the European Union's proposed regulation on veterinary medicinal products, stating that the adoption of provisions regarding the use of antimicrobials in the veterinary sector would have a significant impact on international trade. Argentina reiterated its commitment to the fight against AMR; its active participation in Codex Alimentarius and OIE work; and its conviction that an appropriate solution should be reached by consensus within a multilateral setting in a manner compatible to the WTO SPS Agreement.

2.271. Argentina was concerned that the proposed text, which was to be formally adopted by the European Parliament and the Council of Europe, would require exporters of animals and animal products to meet EU standards concerning the use of certain antimicrobial medicinal products, as well as specific usage provisions, as a condition for maintaining access to the EU market, despite the differences in the prevailing sanitary conditions. Argentina further added that recommendations from international organizations such as Codex Alimentarius, did not suggest that measures of this type should be taken with regard to antimicrobials, which implied a lack of certainty as to the results that could be achieved through these measures, a lack of scientific basis and a disproportionate reaction to the risk.

2.272. Argentina contended that the provisions that the European Union deemed appropriate to resolve sanitary matters, specific to the European Union and its regions, could not be applied on an extraterritorial basis to countries that did not share the same sanitary conditions. Further, through this new regulation, the European Union would be applying a reciprocity approach that lacked scientific basis, preventing access to the EU market for animal products from third countries where antimicrobial medicinal products were subject to different usage authorization standards.

2.273. Argentina requested the European Union to consider the equivalence of third country regulations on the use of antimicrobial medicines in the veterinary sector based on rigorous scientific assessment vis-à-vis the level of sanitary protection set by the European Union; clarify the criteria used to list antimicrobial medicinal products to which this reciprocity policy would apply; and take appropriate steps to avoid undue restrictions on international trade of animals and foods of animal origin as a consequence of the application of new provisions on the use of antimicrobial medicinal products in the veterinary sector.

2.274. The United States shared this concern, emphasising that the measure would require foreign producers to abide by EU production methodology requirements related to antibiotic use restrictions in livestock, and would not target residues of concern, or the presence of resistance genes. The United States also informed the Committee that it had joined several WTO Members in

addressing concerns over this measure in a joint letter to EU Commission President Juncker. The EU restrictions would require other Members to adopt essentially the same comprehensive EU regulatory programme, without taking into consideration different conditions present in their territories. Applied extraterritorially, these restrictions would undermine multilateral efforts to combat AMR, such as those undertaken through the Codex Task Force on Antimicrobial Resistance, established to develop science-based guidelines on the management of foodborne AMR and to consider development of guidance on integrated surveillance of AMR, among others. In light of the ongoing multilateral efforts to develop standards on AMR, the United States urged the European Union to delay the adoption of new legislation until the guidelines were made available by Codex.

2.275. Colombia shared the concern and thanked the European Union for the information provided under item 3(a)(iii).

2.276. Chile also expressed interest in this topic, given its potential consequences for international trade. Chile trusted that, through the comments from Members in this Committee, the European Union would take into consideration the work of the OIE and Codex Alimentarius in line with Article 3 of the SPS Agreement on harmonization, as well as science-based risk assessments, as per Article 5 of the SPS Agreement.

2.277. Canada expressed concerns that the EU proposed approach would likely have an unnecessary restrictive impact on international trade and that it would undermine the ongoing multilateral efforts to combat this problem. Canada was of the view that AMR was a complex global issue and that tackling AMR requires a coordinated international approach. Canada recognised the coordinated efforts taken by several international bodies, and supported the collaborative leadership of the WHO, OIE, the FAO and Codex to promote a prudent use of antimicrobials in animals and public health to address AMR. Canada was concerned that despite the significant potential impact on trade, the draft regulation had not been notified to the SPS Committee. Canada urged the European Union to notify this measure to allow Members the opportunity to provide comments and to take these comments into account. Different conditions and disease prevalence in third countries could result in approved usages of drugs that differed from those in the European Union. Canada requested that the European Union provide the rationale and scientific justification for prohibiting certain veterinary antimicrobial drugs in the European Union and imports from third countries; the considerations that would be taken into account when preparing the list of medically important antimicrobials to be prohibited for veterinary uses in the European Union and third countries exporting to the European Union; and that the list be shared with third countries at the earliest opportunity.

2.278. Brazil shared the concern, underlining that the proposed amendments to the EU legislation could significantly impact trade. Brazil had previously shared its concerns with the European Union, in coordination with other WTO Members. Brazil regretted that the European Union had moved forward with a proposal that might prohibit exporting companies to engage in trade with the European Union if their national governments authorized the use of certain veterinary antimicrobial drugs under different conditions than those permitted by the European Union, or if the exporters did not comply with certain EU requirements. The adoption of these measures could undermine the on-going work of international standard-setting organizations developing multilateral harmonized guidelines to deal with AMR. It was unclear how the EU proposed legislation would converge with the international criteria for maximum residue levels (MRLs) already established in accordance with a scientific risk assessment. Finally, Brazil requested the European Union to take into consideration the multilateral efforts on AMR regulation, particularly the on-going work of international standard-setting organizations to establish international standards on the use of veterinary medicinal products.

2.279. Australia expressed its support to the joint work of WHO, OIE and FAO in setting international standards for AMR. The application of risk measures to prevent and reduce AMR should be based on internationally agreed standards, and supported by scientific data. Australia also stressed the importance of retaining access to effective antimicrobials to protect animal health and to avoid adverse animal welfare outcomes. Australia strongly discouraged regional and individual countries' efforts to introduce AMR-related risk management measures inconsistent with agreed standards and not supported by science that could distort trade. Australia encouraged all countries to adhere to their international obligations, stressing that unilateral procedures related to AMR trade policies outside the international standard-setting organizations had the potential to undermine collaborative global efforts. Australia emphasized its commitment to an effective and robust system for the

prevention and containment of AMR, and explained that it had adopted one of the most conservative approaches to the use of antimicrobials in livestock production in the world. However, Australia stressed that antimicrobials were important for animal health and welfare, biosecurity and production, and that it was critical for the Australian livestock sector to retain access to these antimicrobials to treat, prevent and control diseases. Australia underlined its low rate of AMR in food animals due to its favourable animal health status, extensive farming systems, stringent border controls, good biosecurity measures to prevent the introduction, establishment and spread of endemic and exotic diseases, and strong regulations governing the registration and the use of antimicrobials. Finally, Australia expressed its concern that any measures to restrict access to the prophylactic use of antimicrobials in food animals would have significant adverse impact on exports of Australian and other livestock animal products.

2.280. The European Union recalled the information provided under agenda item 3 (a)(iii), and expressed appreciation for Members' shared recognition of the importance of AMR for global health. The European Union stressed that it promoted prudent and responsible use of antimicrobials worldwide and highlighted the growing international consensus on the need to phase out the use of antimicrobials as growth promoters. The European Union reiterated that the original proposal had been notified under the TBT Agreement because at that time it did not include SPS elements relevant to international trade. In addition, the European Union explained that it had not had the opportunity to notify the current version of the Regulation under any WTO Agreements because the EU co legislators had introduced import-related AMR measures in the draft Regulation at the latest stage of the legislative process. The European Union emphasized that the measure would be notified. Concerning the criteria for antimicrobials reserved for humans, the European Union observed that no decision had been taken yet. However, the European Union emphasised that any implementation would be based on risk assessments provided by the European Medicine Agency, the European Food Safety Authority and other relevant EU agencies, taking into account relevant recommendations from international organizations.

2.281. Regarding the impact and the consistency with WTO requirements, the European Union reiterated that detailed rules on how to apply these measures would be available in delegated acts meeting all the relevant requirements, compatible with all the international agreements, including WTO obligations, and would be legally sound, proportionate, non-discriminatory and based on science. The European Union expressed its willingness to continue its engagement with Codex, WHO, FAO and OIE on the development of a consistent international framework and standards related to AMR. Finally, the European Union stated that this Regulation would contribute to the fight against the global spread of AMR.

2.282. In November 2018, Argentina reiterated its concern regarding the European Union's proposed regulation on veterinary medicinal products, stating that it was not based on a risk assessment nor in line with Codex guidelines and principles. Further, through this new regulation, the European Union would be applying mutatis mutandis a reciprocity approach that lacked scientific basis, preventing access to the EU market for animal products from third countries where antimicrobial medicinal products were subject to different usage authorization standards. Argentina requested the European Union to consider the equivalence of third country regulations on the use of antimicrobial medicines based on rigorous scientific assessment vis-à-vis the level of sanitary protection set by the European Union.

2.283. Argentina noted that the issue of antimicrobial resistance had received greater attention in various international fora, such as the United Nations, G20, FAO, WHO as well as the OIE and Codex Alimentarius. Antimicrobial resistance was a complex topic that posed significant challenges, which required coordinated efforts based on science. Argentina further asked the European Union to develop the new regulation in compliance with the SPS Agreement and to avoid any barrier to trade. Finally, Argentina urged the European Union to provide the list of permitted antimicrobials for human and animal use, and encouraged the European Union to notify the revised measures to both the TBT and SPS Committees.

2.284. The United States also reiterated its concern, emphasizing that the measure would require foreign producers to abide by EU production standards regarding the use of antimicrobial veterinary drugs, without taking into consideration animal health conditions in their own territories. The United States further explained that the measure would ban the use of certain veterinary drugs based on approval in the exporting country and would not target residues of concern. Furthermore, the EU legislation prevented third countries from taking into account regional conditions and disease

prevalence. The United States urged the European Union to consider the ongoing global effort undertaken in the Codex Task Force on Antimicrobial Resistance (TFAMR) to develop standards on antimicrobial resistance, and to delay implementation of its legislation until after the Task Force concluded its work. Finally, the United States asked the European Union to notify the revised legislation.

2.285. Colombia and Paraguay shared the concern raised by Argentina and the United States. Paraguay reiterated its support for the ongoing multilateral efforts to combat AMR, highlighting national initiatives currently under development.

2.286. Canada expressed its disappointment with the European Parliament's vote in favour of the new regulation on veterinary medical products to manage health risks from AMR. Canada recognized that AMR represented a serious public health issue that required high attention, but was concerned that the EU approach to managing such risks unnecessarily restricted trade and possibly undermined the ongoing multilateral efforts to combat AMR. Canada was of the view that AMR was a complex global issue and recognized the coordinated efforts undertaken by several international bodies to promote the prudent use of antimicrobials in animal and public health. Canada encouraged the European Union to support these ongoing efforts. Canada urged the European Union to notify the implementing measures given its significant potential impact on trade, to allow Members the opportunity to provide comments and to take these comments into account. Different conditions and diseases in third countries could result in approved usages of drugs that differed from those in the European Union. Canada requested that the European Union provide the rationale and scientific justification for prohibiting certain veterinary antimicrobial drugs in the European Union and imports from third countries and to provide the considerations that would be taken into account when preparing the list of medically important antimicrobials to be prohibited for veterinary use in the European Union and in third countries exporting to the European Union.

2.287. Brazil shared the concern, highlighting the ongoing multilateral efforts undertaken by international standard-setting organizations to address AMR. Brazil was of the view that AMR needed to be addressed multilaterally, and that unilateral decisions to ban the use of certain veterinary drugs and prohibit imports from countries where these products had been authorized was incompatible with Article 3 of the SPS Agreement and more trade-restrictive than necessary. Brazil emphasized the work of the Codex TFAMR and the "Code of Practice to Minimize and Contain Antimicrobial Resistance", supported by WHO, OIE, FAO and G20. Finally, Brazil requested the European Union to establish MRLs based on risk assessments.

2.288. Australia reiterated its support for the joint work of WHO, OIE and FAO in setting international standards for AMR. The application of risk measures to prevent and reduce AMR should be based on internationally agreed standards and supported by scientific data. Australia also stressed the importance of retaining access to effective antimicrobials to protect animal health and to avoid adverse animal welfare outcomes. Australia discouraged regional and individual countries' efforts to introduce AMR-related risk management measures that were inconsistent with agreed standards, not supported by science, and that could distort trade. Unilateral initiatives related to AMR trade policies outside the international standard-setting organizations had the potential to undermine collaborative global efforts and the integrity of these organizations. Australia emphasized its commitment to an effective and robust system for the prevention and containment of AMR and explained that it had adopted one of the most conservative approaches to the use of antimicrobials in livestock production in the world. However, Australia stressed that antimicrobials were important for animal health, welfare and biosecurity and that it was critical for the Australian livestock sector to retain access to these antimicrobials to treat, prevent and control diseases. Australia underlined its low rate of AMR in food animals due to its favourable animal health status, extensive farming systems, stringent border controls, efficient security measures to prevent the introduction of endemic and exotic diseases, and strong regulations governing the registration and use of antimicrobials. Finally, Australia expressed its concern that any measures to restrict access to the prophylactic use of antimicrobials in food animals would have significant adverse impact on exports of Australian and other livestock animal products.

2.289. The European Union noted that the revised regulation on veterinary medicinal products established a framework for the authorisation, distribution and use of veterinary drugs in the European Union. The European Union recalled that the original proposal, drafted in September 2014, had been notified under the TBT Committee in April 2015. Formal adoption, publication and entry into force was expected to take place in November 2018, and the new regulation would be applicable

after three years. The European Union further explained that the key objectives of the new regulation aimed at addressing the global public health risk of AMR. The new regulation was based on a wide range of actions following the "One Health" approach internationally recognized as the most effective to tackle AMR. These actions included the strengthening of the principles behind the prudent and responsible use of antimicrobials, a ban on the preventive use of antibiotics in groups of animals, restrictions on metaphylactic use, the possibility to reserve certain antimicrobials for humans only, and compulsory data collection on sales and use of antimicrobials.

2.290. The European Union recalled that the ban on using antimicrobials for growth promotion was not new in the European Union, highlighting that the ban on using antibiotics as feed additives, in force since 2006, was based on a scientific opinion. Furthermore, the total ban was also in line with the growing international recognition of the need to phase out the use of antimicrobials as growth promoters, some of which were critically important for human medicine. The European Union recalled that AMR organisms and resistance determinants might spread to humans and animals through the consumption of food and feed originated in and outside the European Union. Therefore, certain non-discriminatory and proportionate provisions were introduced in the regulation to prevent operators in non-EU countries from using antimicrobials for growth promotion or antimicrobials designated in the European Union for human use only, insofar as relevant in respect of animals or products of animal origin exported to the European Union.

2.291. The European Union recalled that the new regulation would impose stricter requirements to operators in the European Union than to operators in non-EU countries, in particular for rules related to prophylaxis and metaphylaxis. The European Union noted that the new import requirements should be considered as part of the overall fight against the global spread of AMR, and not as trade barriers. The European Union reiterated its interest in the work carried out by WHO and OIE as well as the work of the UN Interagency Coordination Group (IACG) and the ad hoc Codex TFAMR.

New EU definition of the fungicide folpet (STC 447)

Raised by:	China
Supported by:	
Dates raised:	July 2018 (G/SPS/R/92/Rev.1, paras. 4.34-4.35), November 2018 (G/SPS/R/93, paras. 3.54-3.55)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.292. In July 2018, China raised a concern on the new definition and MRL for folpet contained in Regulation (EU) No. 2016/156. China explained that the Regulation defined the residue of folpet as the sum of folpet and phthalimide, whereas China stated that phthalimide was not only the metabolite of folpet, and that folpet was not only the result of phthalimide, which meant that the presence of phthalimide might be irrelevant to folpet. Further, China argued that the Regulation's residue definition for folpet did not comply with the Codex definition. China noted that EFSA had published on its website a notification on the period for public consultation on folpet and that its evaluation report recommended a revision of the residue definition for monitoring purposes. China encouraged the European Union to issue relevant regulations to review the definition and MRLs contained in the Regulation.

2.293. The European Union replied that the current EU definition of the fungicide folpet was "the sum of folpet and phthalimide, expressed as folpet equivalents". The European Union explained that the definition was so formulated because folpet was known to be extensively metabolised in plants to phthalimide as the only relevant metabolite, and that phthalimide was formed by the degradation of folpet. However, the European Union indicated that internal discussions had been taking place to review the definition of the residue folpet in light of the findings that phthalimide might originate from several sources other than folpet. This would be considered during the on-going renewal procedure of the approval of the active substance folpet. The European Union also added that EFSA expected to finalize by 2019 a peer review procedure based on the draft renewal report prepared by

the rapporteur member State. Finally, the European Union expressed its commitment to keep China updated on further developments on this issue.

2.294. In November 2018, China again raised its concern with the new definition and MRL for folpet contained in Regulation (EU) No. 156/2016. The new regulation defined residues of folpet as the sum of folpet and phthalimide, whereas China stated that phthalimide was not only a metabolite of folpet as it could also metabolize from phosmet or bentazone insecticides, which meant that the presence of phthalimide might be irrelevant to folpet. Further, China argued that the regulation's residue definition for folpet did not comply with the Codex definition. China recalled that EFSA had published on its website an evaluation report on a folpet public consultation, recommending a revision of the residue definition for monitoring purposes. China encouraged the European Union to issue relevant regulations to review the definition as early as possible, in line with the Codex definition.

2.295. The European Union recalled its previous intervention, highlighting that the residue definition of the fungicide folpet would be considered during the on-ongoing renewal procedure of the approval of this active substance. The European Union explained that a significant part of this process was the EFSA peer review exercise, to be finalized early next year. Finally, the European Union expressed its commitment to keep China updated on further developments on this issue.

EU MRLs for buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim (G/SPS/N/EU/264) (STC 448)

Raised by:	Colombia, India
Supported by:	Argentina, Brazil, Canada, Chile, Costa Rica, Ecuador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, Turkey, United States of America
Dates raised:	November 2018 (G/SPS/R/93, paras. 3.1-3.10)
Relevant document(s):	G/SPS/N/EU/264, G/TBT/N/EU/418, G/TBT/N/EU/447, G/TBT/N/EU/437
Status:	Not reported
Solution:	
Date reported as resolved:	

2.296. In November 2018, India raised a concern regarding the lowering of EU MRL for buprofezin to default levels, as notified by the European Union in G/SPS/N/EU/264 on 19 July 2018. India noted that the measure was more trade restrictive than necessary to protect against risks to human health and argued that as per Article 5.7 of the SPS Agreement, the European Union should have taken into consideration the existing Codex MRLs, as well as the MRLs of other Members. Specifically, in relation to grapes, the Codex MRL for buprofezin was 1 ppm, and in the case of rice, the limits in the United States, China and Japan were 1.5 ppm, 0.3 ppm and 0.5 ppm respectively. India requested the European Union to provide the rationale for deviating from Codex standards, and for not considering MRLs set by other countries. India further observed that the modified measure did not provide an adequate transitional time period for commodities produced in accordance with the existing EU MRL, prior to its modification. India noted that in January 2011, the European Commission had amended the Council Directive to include buprofezin as an active substance from 1 February 2012 to 31 January 2021. Following which in April 2018, the expiration of the approval for buprofezin had been postponed until 31 January 2023 for use in fruits and vegetables at 0.5 ppm, and in cereals, including rice at 0.5 ppm. However, in July 2018, the European Union had proposed default levels for buprofezin. India argued that the EU decision was based on the perceived uncertainty around genotoxic potential, relating to the heat treatment of buprofezin and the production of aniline. India underscored that this chemical was normally present in many raw fruits and vegetables. India urged the European Union to conduct broad-based stakeholder consultations, as several countries, including India, would face substantial trade impacts due to the proposed measure. India hoped that the European Union would conduct a timely and objective science-based risk assessment consistent with its obligations under the SPS Agreement.

2.297. Colombia raised similar concerns in relation to EU MRLs for several pesticides, highlighting the importance of this issue for trade in cereals and food products of animal and plant origin, including fruits and vegetables. In particular, Colombia was concerned with the lowering of the MRLs

for buprofezin to the default level of 0.1 ppm, as this substance was key in controlling quarantine pests for bananas, which for Colombia and other countries was done through the use of tree bag wrappings filled with buprofezin. This approach avoided damage to the fruit and allowed lower exposure to the product, when compared with insecticide spray. Colombia observed that there was no competitive substitute for the substance, which would make it more difficult to control pests for fruits, and negatively affect Colombia's exports of banana to the European Union's market. Colombia further underscored the potential social impact due to the importance of employment in the regions where the crop was grown. Colombia highlighted the commitment of its banana producers to implementing international quality standards linked with good agricultural practices, such as GlobalGap, Rainforest Alliance and Fair Trade. Colombia noted that the EU measure had been based on the possible production of aniline, a sub-product which was carcinogenic, and could be present in foods treated with buprofezin when subject to high temperatures during processing. However, Colombia highlighted that the International Agency for Research on Cancer (IARC) had included aniline in Group 3 as non-carcinogenic for humans. In addition, the US Environmental Protection Agency and the European Union's Scientific Committee on Occupational Exposure Limit Values (SCOEL) had not given conclusive evidence regarding the carcinogenicity of aniline. Colombia requested the European Union to use a risk assessment approach in its decisions and to maintain the current MRL for buprofezin or establish a reference level of 0.3 ppm in line with Codex standards. Finally, Colombia requested the European Union to grant a transitional period sufficient for producers to adapt to the new measure.

2.298. Argentina, Brazil, Canada, Chile, Costa Rica, Ecuador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, Turkey and the United States echoed the concerns raised by Colombia and India, underscoring the need for a risk-based approach to implementing SPS measures, in line with the SPS Agreement. Some Members requested an appropriate transitional period for producers to adapt to the measure, and also urged the European Union to maintain the EU MRL of 0.5 ppm or to at least apply the Codex MRL of 0.3 ppm for buprofezin in banana. Costa Rica highlighted the economic and social impact of the lowering of EU MRLs for buprofezin given the importance of its banana exports. Costa Rica had also carried out chemical risk assessments analyzing buprofezin on bananas, which had concluded that there was no sizable health risk for consumers of the fruit. Chile nd Turkey indicated that they had already submitted comments to the European Union. In addition to buprofezin, Argentina noted similar concerns with ioxynil. Panama also specifically indicated its concerns with buprofezin, diflubenzuron, ethoxysulfuron and picoxystrobin.

2.299. Brazil recalled its previous comments in the TBT Committee on the Commission Implementing Regulation (EU) 2017/360, notified under the TBT Agreement, which authorized the use of buprofezin only as an insecticide and acaricide on non-edible crops. Brazil noted that the regulation had the objective of protecting human and animal health, characterized by the attention to operators' and workers' safety and the risk to aquatic organisms. In this regard, Brazil indicated that it had previously asked the European Union to clarify the reasons for not also notifying the measure to the SPS Committee. In addition, Brazil drew Members' attention to its trade concern on picoxystrobin, which had also been raised in the TBT Committee.

2.300. Canada indicated concerns with the EU proposal to lower the MRL for picoxystrobin to the limit of analytical detection. Canada sought to better understand EFSA's rationale for publishing an inconclusive peer review for picoxystrobin, citing a lack of information to complete the risk assessment. Canada was alarmed that a consumer health concern had been raised during the assessment without conclusive evidence of the risk to human health. Canada had conducted a scientific risk assessment on picoxystrobin and determined that the active substance would not be of concern to human health when used according to label directions. Canada highlighted the importance of picoxystrobin as a key active substance used in Canada's grain and oilseed production. Canada requested the European Union to conduct a fulsome risk assessment and establish import tolerances in order to minimize the impact on international trade.

2.301. The United States noted that these substances had been subject to multiple evaluations by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR), which found that the available data was acceptable for the purposes of completing risk assessments and establishing Codex MRLs. In addition, the authorization holders for these pesticides had conducted and committed to supplying additional data that would address the European Union's concerns, however, the European Union had declined to review these data before withdrawing the authorizations for these chemicals and lowering their MRLs to default levels. The United States queried how an applicant might be expected to demonstrate the safety of substances, as required by EU legislation, when the European Union

was not satisfied with data that had been evaluated and accepted by other scientific authorities. The United States had submitted several import MRL applications for these substances and hoped for a timely and objective science-based risk assessment to inform decisions on these requests, consistent with the European Union's obligations under the SPS Agreement.

2.302. The European Union explained that the proposed lowering of MRLs for buprofezin was necessary to protect consumers, as an assessment by the European Food Safety Authority (EFSA) had identified important consumer health concerns. Available information showed that under high-temperature processing conditions, buprofezin was degraded into several metabolites, including aniline. The European Union noted that aniline was a carcinogen for which a genotoxic mechanism could not be excluded and therefore no threshold for acceptable exposure could be assumed. As a result, the approval of the active substance buprofezin had been restricted to uses in non-edible crops only. In this regard, Commission Implementing Regulation (EU) 2017/360 had been notified under the TBT Agreement as G/TBT/N/EU/418. The European Union also provided responses to several issues raised by its trading partners in relation to aniline originating from different sources, IARC's conclusion that aniline was not carcinogenic for human beings, and alignment of EU MRLs with existing Codex standards. The European Union underscored that it aimed to minimize the exposure of consumers to aniline; it based its risk management measures on the evaluations carried out by its own risk assessment body; and that the EU policy was to implement Codex MRLs into EU MRL legislation where Codex MRLs were found to be sufficiently protective for European consumers. The European Union further clarified that it had not introduced a reservation at the 2013 CCPR meeting, because the establishment of the Codex MRL for buprofezin predated EFSA's identification of consumer health concerns. However, the European Union would be submitting a concern form to Codex mentioning the EFSA findings and conclusions in order to raise international awareness.

2.303. The European Union explained its concerns surrounding diflubenzuron, highlighting that EFSA had identified substantial safety concerns during its evaluation of the substance, due to the genotoxic carcinogenic metabolite 4-chloroaniline (PCA). Since toxicological reference values for PCA could not be set and consequently no safe residue levels could be identified, the approved use of the substance was restricted to non-edible crops only. In this regard, Commission Implementing Regulation (EU) 2017/855 had been notified as a draft to the TBT Committee, in document G/TBT/N/EU/447. The European Union further noted that since it had not been demonstrated that residues of diflubenzuron above the limit of analytical determination (LOD) were safe for EU consumers, it had been proposed to lower the MRLs to the LOD. The formal adoption of the draft legislative act was expected in January 2019, and the new MRLs were expected to be applicable from July 2019 onwards. The European Union invited interested parties, with information that, might in their view, allow the establishment of safe residue levels, to submit an application under the relevant EU legislative frameworks. The European Union indicated that it would also be submitting a concern form to Codex.

2.304. The European Union explained that during the evaluation and peer review of the substance picoxystrobin, a number of concerns had been identified and detailed in the relevant EFSA conclusion related to the clastogenic and aneugenic potential of metabolite IN-H8612 formed as a residue. The European Union indicated that, based on the data available in the dossier, it had not been possible to complete the assessment of genotoxicity for the substance. This led to the non-approval of the substance, which had been notified in G/TBT/N/EU/437, as the European Union considered that it had not been demonstrated that residues of the substance above LOD were safe for EU consumers. On this basis, it was proposed to lower the MRLs to the LOD. The formal adoption of the draft legislative act was expected in January 2019, and the new MRLs were expected to be applicable from July 2019 onwards. The European Union would also be submitting a concern form to Codex. The European Union invited interested parties, with information that might, in their view, allow the establishment of safe residue levels, to submit an application under the relevant EU legislative frameworks. The European Union also indicated that it had been made aware of the existence of an additional US study, however, this study had not been submitted in the context of a regulatory procedure provided for in the EU legislation. As such, it could not be taken into account for decision-making.

2.305. The European Union also provided information on iprodione, which had been classified as a carcinogen in line with the UN Global Harmonized System for Classification and Labelling (UNGHS). The 2016 EFSA assessment had also advised the classification of this substance as a carcinogen (Category 1B) and as toxic for reproduction (Category 2), based on concrete evidence from *in vitro*

tests. Due to these results and several other concerns with this substance, the approval for use of this substance in the European Union had not been renewed. The draft regulation was notified to non-EU countries on 25 July 2017 under the TBT Agreement, and responses provided to comments received from the United States and Turkey. The European Union further explained that following the non-renewal decision, EU member States had to withdraw their authorizations for plant protection products containing iprodione by 5 June 2018 at the latest. A draft regulation deleting iprodione MRLs was prepared by the Commission and notified to the SPS Agreement in July 2018. The European Union indicated that comments had been received from seven countries, mainly requesting transitional measures and referring to the EFSA opinion. These comments had been shared with EU member States, prior to the last meeting of the Standing Committee on Plant, Animals, Food and Feed on pesticide MRLs which took place in September 2018. Following discussions in that meeting, the draft regulation had received a unanimous favourable opinion from EU member States. In addition, due to the genotoxicity concerns for one metabolite, EU member States had decided that transitional measures could not be granted. The European Union noted that the regulation would come into force in summer 2019, highlighting that two years would have passed since the first notification of the measure in July 2017, which had provided sufficient time for trading partners to adapt to the measure. The European Union informed the Committee that it would send a concern form to Codex requesting a re-evaluation of the substance and a revision of the MRLs. Finally, the European Union indicated that import tolerances for iprodione could still be requested, but that it would have to address the genotoxicity concern for the metabolite.

2.4.2 Other Concerns

European Court of Justice Opinion 528/16 on organisms obtained by mutagenesis (STC 452)

Raised by:	United States of America
Supported by:	Argentina, Paraguay
Dates raised:	November 2018 (G/SPS/R/93, paras. 3.20-3.23)
Relevant document(s):	
Status:	Not reported
Solution:	
Date reported as resolved:	

2.306. In November 2018, the United States raised its concerns about the European Court of Justice (ECJ) ruling regarding the forms of mutagenesis that qualified for the exemption contained in EU Directive 2001/18/EC on the Deliberate Release into the Environment of Genetically Modified Organisms. The United States noted that the ruling carried the effect that all products of genome editing were subject to the risk assessment and review requirements, labelling, and monitoring obligations, as well as traceability laws currently applied to products falling under the scope of Directive 2001/18/EC. The European Union was taking steps to now clarify how the Commission and the EU member States would implement this ruling. The United States was concerned that the implementation of this ruling would lead to unjustified barriers to trade in products of genome editing, as well as stifle the agricultural research and innovation necessary to prevent hunger and malnutrition in the coming decades, while ensuring environmental sustainability of agricultural activities. The United States invited the European Union to provide the scientific basis for the regulatory distinctions made across the products of mutagenesis, whereby products of random mutations induced by chemicals or radiation were exempted from any regulatory review, and products with precise mutations induced through biotechnology were subject to protracted premarket regulatory review. The United States also requested the European Union to inform the Committee of its plans to implement the ECJ ruling, particularly with respect to how it was considering risk in assessing options related to import controls, detection and traceability. Finally, the United States noted its long experience with the European Union, in the context of the EC Biotech dispute settlement proceedings, and subsequent efforts to reach compliance. The United States urged the European Union to work with other countries that were taking science-based approaches to the oversight of products of genome editing.

2.307. Argentina and Paraguay shared the concerns raised by the United States, and requested the European Union to implement the ruling in a manner consistent with the provisions of the WTO, particularly those of the SPS Agreement.

2.308. The European Union explained that the ECJ had provided important clarification on the scope of application of the EU GMO legislation (Directive 2001/18/EC) in relation to organisms obtained by mutagenesis techniques. As a consequence, the GMO legislation was applicable to organisms obtained by new mutagenesis techniques. According to the Court judgement, organisms obtained by means of techniques or methods of mutagenesis, which had conventionally been used in a number of applications and had a long safety record, were exempted. The European Commission was currently analyzing the ruling together with EU member States to ensure its proper implementation. Operators in and outside the European Union remained responsible for ensuring that products which were placed on the market were safe and complied with all relevant regulatory requirements. The European Union further explained that the ruling had not extended the scope of the legislation, but had clarified how it should be read. The current EU legislation on GMOs was based on science and had been in place since the 1990s, following which it had been updated in 2001. In the European Union's view, this regulation was consistent with the WTO Agreements, and the European Commission had no plans to propose an amendment to the current legislation in the short term.

2.309. The European Union also addressed several concerns raised in other fora regarding the distinction between these products obtained by mutagenesis techniques and other products obtained by conventional techniques. The European Union noted that different scientific bodies and experts had acknowledged that identifying the techniques used to obtain certain products could be challenging. EU member States and the Commission were currently considering the issue. In addition, the joint research centre (JRC) was addressing the issue together with the European Network of GMO laboratories to support the competent authorities of member States in this task. The European Union recalled that the question of detection of certain GM products was already posed by some processed products in which no DNA was present, e.g. GM sugar. In this respect, the legislation included the need to ensure traceability throughout the chain, even when detection at a later stage was not possible. The European Union indicated that the Commission would carefully analyze the ruling from a legal perspective, including the status of products obtained from new techniques, and reflect on further action. The European Union also addressed comments related to the difference in its approach as compared to other parts of the world. In this regard, the European Union underscored its precautionary approach to the development of environmental and safety regulations, which was enshrined in its treaties, and reflected the high importance that EU citizens attached to safe food and environmental protection. The European Union remained open to continue discussing this issue on a bilateral basis within the framework of the regular dialogue on biotechnology with its trade partners.

2.5 Guatemala

2.5.1 Food Safety

Guatemala's restrictions on egg products (STC 413)

Raised by:	Mexico
Supported by:	
Dates raised:	October 2016 (G/SPS/R/84, paras. 3.5-3.6), November 2018 (G/SPS/R/93, paras. 3.48-3.49)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.310. In October 2016, Mexico expressed its concern on Guatemala's restrictions on egg products. Mexico considered the measure to be in violation of fundamental principles of technical and scientific justification based on international standards, principles enshrined in the SPS Agreement and the free trade agreement between Mexico and Central America. Mexico noted its preference to promote dialogue; however, these efforts had not been successful. Guatemala continued to impose import restrictions on Mexican egg products even though its legislation allowed imports of heat treated

avian products. Mexico indicated that its egg products exports were significantly affected by the restrictions and requested that Guatemala withdraw its measure in order to resume egg products trade between the two countries.

2.311. Guatemala replied that in October, Guatemala had informed Mexico that it was currently conducting a risk assessment and would contact Mexico upon the conclusion of the analysis.

2.312. In November 2018, Mexico reiterated its concern over Guatemala's restrictions on egg products, highlighting that the measure in question violated fundamental principles of technical and scientific justification based on international standards. Mexico explained that these principles were enshrined in the SPS and TBT Agreements, as well as in the free trade agreement between Mexico and Central America. The continuous discussions held with Guatemala had not succeeded in resolving this matter, despite Mexico's self-declaration as an HPAI-free area. Mexico expressed concerns regarding undue delays in communications by Guatemala given discussions had been ongoing since 2010. Mexico further recalled that its egg products exports were significantly affected by the restrictions, and requested that Guatemala withdraw its measures, which had no scientific justification and were not based on any relevant international standard.

2.313. Guatemala replied that in October 2016, it had informed Mexico that it was reviewing the information provided. This issue had been further discussed in 2016 and 2017, and in June 2018, Guatemala had informed Mexico on the prohibition of imports of poultry products in response to an outbreak of H7N3 highly pathogenic avian influenza (HPAI) in two Mexican states. Guatemala noted that its measures were in line with the OIE standards, and was awaiting additional information from Mexico. Guatemala remained committed to continue bilateral discussions on this matter.

2.6 India

2.6.1 Animal Health

Import restrictions on bovine semen (STC 61)

Raised by:	Canada, European Union
Supported by:	United States of America
Dates raised:	March 1999 (G/SPS/R/14, para. 19, G/SPS/R/18, paras. 23-25), June 2000 (G/SPS/R/19, paras. 24-25), November 2000 (G/SPS/R/20, paras. 18-22), March 2001 (G/SPS/R/21, paras. 40-43), July 2001 (G/SPS/R/22, para. 51), April 2003 (G/SPS/R/29, paras. 76-77), March 2018 (G/SPS/R/90, para. 3.61)
Relevant document(s):	G/SPS/GEN/113; RD/SPS/28/Rev.1
Status:	Resolved
Solution:	On 2 November 2017, information was received from Canada on the resolution of this STC. On 1 March 2018, the European Union informed Members of the resolution of its concerns regarding India's import restrictions on bovine semen, which had initially been raised by Canada and supported by the European Union.
Date reported as resolved:	1 March 2018

2.314. In March 1999, the European Communities indicated that bilateral contact with India regarding import restrictions on bovine semen had not been successful, and submitted a list of specific questions. In March 2000, the European Communities reported that no information had been received from India, although there had been some bilateral and multilateral contacts. India presented some information to the EC delegate at that time.

2.315. In March 2000, Canada expressed concern that India was banning imports of bovine semen from Canada because of BSE concerns, although Canada was BSE-free, and although BSE was not transmissible through semen according to the OIE. India clarified that the measure was a licensing process, not a ban, which had been imposed to avoid inadvertent introduction of BSE or scrapie into India. India had prepared a questionnaire for its trading partners and was planning to carry out a risk assessment based on the responses. The representative of India indicated that he would bring

the Canadian concerns to the attention of his authorities in order to solve the problem bilaterally as soon as possible.

2.316. In June 2000, Canada informed the Committee that bilateral consultations had failed to resolve the matter, and that India continued to restrict Canadian exports of bovine semen despite (i) Canada being BSE-free, (ii) OIE confirmation that BSE was not transmissible through semen, (iii) the OIE specifically not calling for restrictions on trade in bovine semen, and (iv) the absence of a risk assessment to justify India's ban on bovine semen. Canada asked that India remove this restriction. India noted that recent bilateral consultations had been helpful and that efforts were being made to find a solution to the dispute.

2.317. In November 2000, Canada, supported by the European Communities, reiterated its concerns regarding India's BSE-related restrictions on bovine semen imports, despite Canada's BSE freedom, and despite agreement in the OIE and other veterinary bodies that BSE was not transmitted by semen. In September 2000, India had indicated that it intended to continue this unjustified prohibition, despite the lack of risk assessment for the measure. India reported that detailed bilateral consultations were ongoing. The Indian Animal Husbandry Commission had met on 11 September 2000 and had noted the findings of the EC Scientific Steering Committee (SSC) regarding the difficulty of making precise estimates of the risks of infectivity of various products including semen.

2.318. India further reported that it had sought detailed information from the OIE regarding the basis for determining that BSE was not transmitted by semen, as well as information on the criteria for determining if a country or zone was free from BSE. However, to date no reply had been received from the OIE.

2.319. The European Communities observed that India was referring to a scientific opinion which had been published in 1998, which had subsequently been modified through various meetings of the OIE. The representative of the OIE indicated that the issue of bovine semen had been examined on various occasions at the OIE, and the results of these examinations had been provided to India, however, the OIE would again send India all of the relevant information.

2.320. In March 2001, Canada and India announced that they had agreed to informal discussions under the SPS Agreement and hoped that the matter would be resolved soon. Canada recalled the OIE statement confirming that BSE could not be transmitted by semen (G/SPS/GEN/230). India stressed that it was not trying to give an unfair advantage to domestic producers. The socio-religious conditions related to the treatment of cows in India were such that India had to be extremely cautious. India asked Canada to cooperate with India's risk assessment, which would take at least another six months to complete. Canada questioned the need to carry out the risk assessment, since according to the OIE there was no risk of disease transmission through semen. India and Canada intended to raise the issue at the OIE.

2.321. In July 2001, Canada reported that it was engaged in bilateral consultations under the SPS Agreement with India. There had been certain positive developments and Canada hoped to quickly resolve the issue. India indicated that the relevant regulations had been changed, and that the changes would soon be notified.

2.322. In April 2003, Canada stated that although a successful conclusion had been reported to the Committee in July 2001, a further problem had been encountered and an import licence request was rejected by India due to some apparent connection between BSE and bovine semen. Canada questioned the scientific basis for the action and stated that the OIE's recommendations supported Canada's view. Canada requested that India remove this restriction. India agreed to convey Canada's concerns to the appropriate authorities.

2.323. In November 2017, the Secretariat informed that in September 2017 it had contacted all Members who had raised specific trade concerns (STCs) that had not been discussed in the previous year, to request an update on their status. In furtherance of this request, information was received from Canada on the resolution of this STC. The Secretariat indicated that the information received had been circulated in document RD/SPS/28 of 31 October 2017, and that the SPS IMS would be updated on this basis, using the date of the November 2017 SPS Committee meeting as the date of resolution of the relevant STCs.

2.324. In March 2018, the European Union informed Members of the resolution of its concerns regarding India's import restrictions on bovine semen, which had initially been raised by Canada and supported by the European Union. The European Union thanked India for their cooperation on this issue.

2.6.2 Plant Health

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

Raised by:	Madagascar, Senegal
Supported by:	Burkina Faso, Colombia, Ghana, Kenya, Mali, Mozambique, Nigeria, Russian Federation, Togo, Ukraine, United States of America
Dates raised:	July 2017 (G/SPS/R/87, paras. 4.11-4.13; See also STC 186; STC 417; STC 434), November 2017 (G/SPS/R/88, paras. 3.20-3.25), July 2018 (G/SPS/R/92/Rev.1, paras. 4.40-4.47), November 2018 (G/SPS/R/93, paras. 3.70-3.71)
Relevant document(s):	G/SPS/N/IND/149
Status:	Not reported
Solution:	
Date reported as resolved:	

2.325. 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.

2.326. 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.

2.327. 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.

2.328. 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.

2.329. 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.

2.330. 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.

2.331. 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.

2.332. 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.

2.333. 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.

2.334. In July 2018, Madagascar informed the Committee of its bilateral discussions with India regarding the fumigation of plant products exports and of the 26 June 2018 Memorandum of the Indian Undersecretary on the relaxation of fumigation regulations for imports of agricultural commodities. Madagascar reiterated its request that India officially recognise aluminium phosphide (phosphine) as an equivalent product to methyl bromide for the fumigation of vegetable products for importation, in accordance with the IPPC's 2017 recommendations; grant African countries (including Madagascar) the same rights conferred to other Members to use phosphine to fumigate their products exported to the Indian market; and finalise a Memorandum of Understating (MoU) with each African partner on the phytosanitary conditions applicable to exports of plant products, as it had with other trading partners (Mauritius and Russia). The current practice of the Indian Ministry of Agriculture to extend the export authorization for plant products every six months reduced predictability and did not comply with the SPS principle of transparency. Madagascar finally expressed its willingness to continue dialogue and trade with India, and its hope to sign a Memorandum of Understanding with India before the end of September 2018.

2.335. Senegal expressed appreciation to India for its collaboration on this issue, and hoped that, following positive bilateral consultations with India, the specific trade concern would be resolved.

2.336. Ukraine shared the concerns and thanked India for its efforts to reflect on alternative methods and for allowing a temporary extension. However, Ukraine expressed wished to find a permanent solution. Ukraine had provided scientific information regarding the efficacy of alternative fumigants to the Indian NPPO in December 2016 and during bilateral meetings on the margins of the SPS Committee meeting in July 2017. Ukraine requested clarification from India regarding exceptions granted to some countries and urged India to recognise alternative phytosanitary measures.

2.337. Kenya observed that India represented an important market for many countries, and expressed its willingness to find a pragmatic, global solution on this matter. Kenya also requested India to allow an alternative to methyl bromide.

2.338. Mali echoed the concerns expressed and invited India to review its measure.

2.339. Ghana requested India to provide further information regarding the agreement reached with Senegal and to extend it to other African countries.

2.340. India informed the Committee that cashew nuts had been shifted to Schedule VII of the Plant Quarantine (Regulation of Import into India) Order of 2003, by which pest-free consignments with a phytosanitary certificate could be ensured through various means by exporting countries. Methyl bromide fumigation was not the only means to do so, but if pest concerns were found in consignments upon arrival to India, methyl bromide fumigation was required. This was a general order, applicable to all trading partners. Regarding other agricultural products, India recalled that until 31 December 2018, agricultural imports from other countries, whose products had not been fumigated with methyl bromide at the port of export, could be fumigated upon arrival in India. India added that the Montreal Protocol allowed for the use of methyl bromide for quarantine purposes; and indicated that more information could be found on the website http://agricoop.nic.in/.

2.341. Regarding Madagascar's request, India regretted that Madagascar had provided generic information instead of scientific data to prove other fumigation molecules as effective against various stages of insects in imported consignments, soil nematodes and plant pathogens. India further reported that an Indian delegation had visited Madagascar in February 2018 and the issue had been further discussed with Madagascar's NPPO.

2.342. In November 2018, Ukraine reiterated its concern about India's fumigation requirements with methyl bromide on certain plant products, but expressed appreciation to India for providing temporary extensions to allow trade while alternative fumigation measures were under consideration. However, Ukraine looked forward to achieving a permanent resolution. Ukraine drew Members' attention on the IPPC "Recommendations on replacement or reduction of the use of Methyl Bromide as phytosanitary measure". Ukraine explained that phosphine was recommended as a replacement for grains, oil seeds, dried food stuff beverages including coffee, cocoa, herbs, tree nuts, fiber crops including cotton and others. In addition, Ukraine recalled that methyl bromide had not been listed under the State Register of Pesticides and Agrochemicals permitted for the used as fumigants for grains in Ukraine and could not be used for the export of grain shipment. Ukraine argued that according to Article 4 of the SPS Agreement exporting Members should recognize pest risk management measures that were alternatives to those initially required by importing Members. Ukraine added that in December 2016 it had submitted to India's National Plant Protection Organization the scientific information on the efficiency of application of alternative fumigants, including phosphine, and had provided further relevant scientific information during bilateral discussions held in July 2017 and 2018. Furthermore, Ukraine reported that India exempted some countries from the general fumigation requirements and also allowed the use of phosphine instead of methyl bromide. Ukraine requested India clarify these provisions and emphasised that these alleged practices were contrary to WTO rules, including the MFN principle. Finally, Ukraine encouraged India to implement less trade restrictive and more predictable SPS measures, pointing out that the 2017 IPPC recommendations on plant health and environmental protection would represent a reasonable alternative to India's current requirement to use methyl bromide.

2.343. India recalled that until 31 December 2018, agricultural imports from other countries, whose products had not been fumigated with methyl bromide at the port of export, could be fumigated upon arrival in India, and indicated that more information could be found on the website http://agricoop.nic.in/. India also added that the Montreal Protocol allowed for the use of methyl bromide for quarantine purposes. India explained that the Indian authority had received from Ukraine the request for consideration of alternative methods of fumigation, and reported that in its response to Ukraine, India had requested clarifications and data to be able to conduct further examinations on this matter. Finally, India expressed its commitment to keep working at the technical level to resolve this concern as well as to maintain an appropriate level of protection in accordance with the principles of the SPS Agreement.

2.7 Indonesia

2.7.1 Other Concerns

Lack of transparency and undue delays in Indonesia's approval procedures for animal products (STC 441)

Raised by:	European Union
Supported by:	Brazil
Dates raised:	July 2018 (G/SPS/R/92/Rev.1, paras.4.4-4.8), November 2018 (G/SPS/R/93, paras. 3.76-3.79)
Relevant document(s):	G/SPS/N/IDN/121
Status:	Not reported
Solution:	
Date reported as resolved:	

2.344. In July 2018, the European Union raised a concern over the lack of transparency and undue delays in Indonesia's approval procedures for animal products, reporting that, for many years, European member States had not received feedback from Indonesia on their export applications, some of them filed in 2013. The European Union noted that members States which had applied for

market access to export several products of animal origin, such as beef, dairy and poultry products, had not received any reply from Indonesia to simple questions, such as applicable questionnaires, next steps in the approval process, timeline for audits and whether additional information was required.

2.345. According to the European Union, as Indonesian import approval procedures and standards processing periods were unknown, they were inconsistent with Article 8 and Annex C. The European Union stressed that WTO Members should ensure that approval procedures were undertaken without undue delays and in no less favourable manner for imported than for domestic products. Further, the European Union added that WTO Members should promptly examine the completeness of applications and provide the necessary feedback in case of any decision on the application and, upon request, provide information on the standard processing periods.

2.346. The European Union expressed appreciation for the preliminary feedback received from Indonesia on market access applications for plant products. However, the European Union regretted that it had so far been unable to make progress on some of the delays faced by EU members States on market access applications. The European Union was particularly concerned by the lack of feedback on market access applications for animal products and regarding restrictions related to outbreaks of highly pathogenic avian influenza and requested clarification on the procedures to lift these restrictions. The European Union regretted the lack of answers to EU comments on notification G/SPS/N/IDN/121, as well as the lack of feedback on the rationale behind the new Indonesian fees regulation, and asked for clarification on the procedures. The European Union urged Indonesia to engage in discussions with the European Union and to finalize pending market access applications from EU members States.

2.347. Brazil expressed its interest on this concern, from a systemic point of view.

2.348. Indonesia stated that this specific trade concern demonstrated the close trade ties between the European Union and Indonesia, and thanked the European Union for the regular bilateral consultations, including the last bilateral meeting that had recently been conducted in Jakarta. Indonesia reaffirmed its commitment to implementing the SPS Agreement and to respect the reciprocal treatment between Indonesia and EU members States. Indonesia explained that its procedures to import animal products were based on legal instruments formulated in response to the increasing need for risk analyses due to the global movement of animal products, aimed at consumer health protection. Indonesia added that the risk analyses on the health status of imported animal products took into consideration the status of communicable diseases in the products' country of origin, in line with Articles 2 and 5 of the SPS Agreement; and that the risk analyses, including the arrangement for payment of related fees, was in conformity with Annex C of the SPS Agreement. Moreover, Indonesia clarified that its licensing scheme was applied to all importing entities, following the MFN principle. Addressing the EU concern on transparency in Indonesia's approval procedures, Indonesia drew Members' attention to its efforts to raise its capacity in this area; including regular monitoring of its import approval procedures, inter alia on animal products. Indonesia had also invited various WTO Members to a forum on the implementation of SPS measures in Indonesia, underlining that inputs from Members would be essential to further develop its import approval procedures.

2.349. In November 2018, the European Union raised a concern over the lack of transparency and undue delays in Indonesia's approval procedures for animal products, reporting that, for many years, European member States had not received feedback from Indonesia on their export applications, some of them filed in 2013. The European Union explained that in July 2018, Indonesia had provided information on questionnaires, but had not explained how to make progress on approval procedures for imports. According to the European Union, as Indonesian import approval procedures and standard processing periods were unknown, they were inconsistent with Article 8 and Annex C. Recalling previous interventions, the European Union stressed that WTO Members should ensure that approval procedures were undertaken without undue delays and in no less favourable manner for imported than for domestic products. Further, the European Union added that WTO Members should promptly examine the completeness of applications and provide the necessary feedback in case of any decision on the application and, upon request, provide information on the standard processing periods. The European Union expressed appreciation for preliminary meetings with Indonesia and Indonesia's commitment to provide feedback on EU member states' applications for dairy products. However, the European Union regretted that it had so far been unable to make progress. The European Union urged Indonesia to respect its obligations, be transparent about its

approval procedure, and finalize the pending market applications from EU members states without further undue delays. Finally, the European Union looked forward to a more effective and regular dialogue with Indonesia.

2.350. Brazil and the Philippines shared the concern raised by the European Union and expressed their appreciation for bilateral discussions with Indonesia. The Philippines stressed difficulties related to the transparency and predictability of certain requirements, which affected the export not only of animal products but generally of all agriculture products exported to Indonesia.

2.351. Indonesia explained that the requirements for importing animal-based food products had been applied based on risk analysis and the applicable law. In relation to the legal basis, Indonesia listed several regulations for the implementation of the import policy, Law No. 18 of 2009 as amended by Law No. 41 of 2014 concerning animal husbandry and animal health; Government Regulation No. 95 of 2012 concerning Veterinary Public Health and Animal Welfare; Minister of Agriculture Regulation No. 34 of 2016 as amended by Minister of Agriculture Regulation No. 34 of 2016, as amended by Minister of Agriculture Regulation No. 23 of 2018, concerning imports of carcasses, meat, and offal; and Minister of Agriculture Regulation No. 17 of 2016, concerning the import of boneless meat originating from countries or zones in the country of origin. Indonesia clarified that these regulations were enacted to specify the requirements for imports of animals into Indonesia. Complimentary to the requirements set in these regulations, various procedures and permit approvals were foreseen. Indonesia reiterated that its procedures and permits were applied to all Members in a non-discriminatory way and in accordance with MFN treatment. In addition, Indonesia reported that the implementation of its import policy which included a detailed technical process was in line with Article 5.2 of the SPS Agreement.

2.352. Regarding the alleged lack of transparency, lack of responses from Indonesian authorities, and delays in approval procedures for imports, Indonesia drew Members' attention to the online system that could help monitor the process of filling an import approval for animal products. Indonesia also reported on a forum organized with several representatives from WTO Members and business associations in Jakarta to collect useful inputs to develop the online system. Furthermore, the forum was an occasion to inform relevant stakeholders about the implementation of changes in procedures. Finally, Indonesia expressed its willingness to continue to work with the European Union to find a solution to this issue.

2.8 Japan

2.8.1 Animal Health

General import restrictions due to BSE (STC 193)

2.353. See paragraphs 2.529.-2.599.

2.9 Korea, Republic of

2.9.1 Food Safety

Strengthened import restrictions on food and feeds products with regard to radionuclides (STC 359)

Raised by:	Japan
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, pars. 3.7-3.9), March 2014 (G/SPS/R/74, paras. 3.19-3.20), July 2014 (G/SPS/R/75, paras. 4.29-4.30), October 2014 (G/SPS/R/76, paras. 3.9-3.10), March 2015 (G/SPS/R/78, paras. 3.16-3.17)
Relevant document(s):	Raised orally
Status:	Not reported

Solution:	DSU consultations requested on 21 May 2015 (WT/DS495/1). Panel established on 28 September 2015. Panel report circulated on 22 February 2018. Panel report under appeal on 9 April 2018.
Date reported as resolved:	

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

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

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

2.357. In March 2014, Japan reiterated its concerns regarding Korea's food, fisheries and feed import restrictions. These included a ban on imports from eight prefectures and additional testing and certification requirements in all cases where radioactive Cesium was detected, even in quantities below the Korean limit of 100 Bq/kg. This requirement applied exclusively to Japanese products; Korean and other trading partners' products could be distributed as long as the radioactive Cesium level remained below 100 Bq/kg. Japan noted that Korea also required inspection certificates on feed exported from certain areas in Japan.

2.358. Korea explained that its measures were in accordance with Article 5.7 of the SPS Agreement, as a result of insufficient scientific evidence and the potentially far-reaching cumulative effects of radioactive contamination on food safety and human health. Korea was in the process of reviewing requested information provided by Japan in January 2014, but given the complexity of the issue, needed more time to come to a final determination. Korea was willing to engage with Japanese experts and discuss bilaterally in order to finalize this process promptly.

2.359. In July 2014, Japan reiterated its concerns regarding Korea's food, fisheries and livestock products import restrictions. These bans and additional testing requirements for radionuclides were non-transparent, not based on science, discriminatory and more trade-restrictive than necessary. Japan had held numerous bilateral meetings and provided detailed information to Korea, and had offered additional meetings between experts, but Korea had not agreed to participate. In March 2014, according to Articles 4 and 5.8 of the SPS Agreement, Japan had requested Korea: (1) to provide an explanation of the objectives and reasons for Korea's SPS measures; (2) to identify the risks that its measures intend to address; (3) to indicate the level of protection that its measures intend to achieve; and (4) to provide a copy of any risk assessments undertaken. In June 2014, Japan had reiterated its written request. Furthermore, Korea's measures had not been published and the Korean enquiry point had not responded to requests for additional information. If Korea continued ignoring Japan's requests, Japan would have no choice but to resort to other actions under the WTO.

2.360. Korea explained that its measures were in accordance with Article 5.7 of the SPS Agreement, to protect human health and food safety from radioactive contamination. Korea was in the process of reviewing information provided by Japan in January 2014. In parallel, Korea had held several

expert meetings with Japan, and was willing to hold technical experts meetings and conduct on-site visits after reviewing the information, if necessary.

2.361. In October 2014, Japan reiterated its concern regarding Korea's import restrictions on fishery and food products, as these bans and additional testing requirements for radionuclides were non-transparent, not based on science, discriminatory and more trade-restrictive than necessary. Japan had held numerous bilateral meetings and provided detailed information to Korea, and sought to use the tools set forth in the SPS Agreement to reach an amicable solution. While Korea had recently started to provide some responses to Japan's questions raised under Articles 4, 5.8 and 7 of the SPS Agreement, these were insufficient. Yet, Japan welcomed Korea's indication that it was conducting a review, and its clarification on the appropriate level of protection underpinning its measures in relation to the radionuclide thresholds established in Codex STAN 193-1995. Japan was concerned about the lack of transparency surrounding Korea's review of the measures taken between 2011 and 2013, and encouraged Korea to provide more information on its review meetings and timeframes. Japan hoped that this review would include an objective, transparent and science-based reassessment of Korea's measures in accordance with international standards, such as Codex Working Principle CAC/GL 62-2007. Japan reiterated that if Korea continued ignoring Japan's requests, Japan would have no choice but to resort to other actions under the WTO.

2.362. Korea clarified that its measures were in accordance with Article 5.7 of the SPS Agreement, to protect human health and food safety from radioactive contamination. Korea had been seeking to obtain additional information for a more objective and science-based risk assessment, but received insufficient data from Japan. The latest technical meeting had been held on 18 September 2014. Korea was willing to conduct additional expert meetings and hoped for full co-operation with Japan to finalize its review process and resolve this issue.

2.363. In March 2015, Japan reiterated its concern regarding the additional import bans and testing requirements maintained by the Government of Korea on Japanese food products. Japan considered that these bans and the additional testing requirements were non-transparent, discriminatory, more trade-restrictive than necessary and lacked a scientific basis. Japan had held numerous bilateral meetings and provided detailed information to Korea, seeking to use the tools set forth in the SPS Agreement to reach an amicable solution. In addition, at the request of the Korean government, Japan had hosted on-site visits by a Korean investigative committee in December 2014 and January 2015, and had assisted the committee's members in fully understanding the extent of the measures that Japan had taken to secure the safety of Japanese fishery products. In contrast, Korea had failed to respond to Japan's requests and had provided no information on the timeline and steps towards the lifting of its measures. To illustrate the damage of this ban, Japan reported the example of the Tohoku area, where around 70% of farmed sea squirt was previously exported to Korea. The Tohoku sea squirt farmers were now facing a ban despite the fact that more than 150 samples from sea squirt had been inspected, with radioactive cesium either significantly below Korea's safety thresholds or so low as to be non-detectable. Japan stressed the fact that Korea's ban on such products lacked any scientific basis and reiterated that if Korea continued ignoring Japan's requests, Japan would have no choice but to resort to other actions under the WTO.

2.364. Korea noted that the necessary procedures to resolve this issue in a bilateral way had been in place since Japan had first raised this issue in the SPS Committee. Korea explained that the ban had been adopted as a provisional measure in accordance with Article 5.7 of the SPS Agreement. At the same time, Korea had sought to obtain additional information from the Japanese government and had organized a private experts committee to review this information and to verify the scientific evidence. Korean experts had also visited Japan three times since last December. Korea was in the process of reviewing all the information obtained and hoped for full co-operation with Japan to solve this issue bilaterally.

2.365. In accordance with the provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Japan requested consultations with Korea on 21 May 2015 (WT/DS495/1). The Dispute Settlement Body (DSB) established a panel on 28 September 2015 (WT/DS495/4). The panel report was issued on 22 February 2018 (WT/DS495/R). Panel report under appeal on 9 April 2018.

2.9.2 Animal Health

General import restrictions due to BSE (STC 193)

2.366. See paragraphs 2.529.-2.599.

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), March 2018 (G/SPS/R/90, paras. 3.47-3.48)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.367. 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.

2.368. 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.

2.369. 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.

2.370. 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.

2.371. 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.

2.372. 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.

2.373. 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.

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

2.375. 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.

2.376. 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.

2.377. 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.

2.378. 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.

2.379. 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.

2.380. 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.

2.381. 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.

2.382. 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.

2.383. 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

2.384. 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.

2.385. In March 2018, 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's regionalization measures. The European Union indicated that, since the ban, Korea had continued to receive detailed information on all outbreaks. Korea had performed a preliminary risk assessment and an on-site inspection in December 2014, following which it had informed the European Union, in October 2015, that a risk analysis had been initiated. However, there had been no progress to date. The European Union urged Korea to finalize the risk assessment, adopt trade measures which were consistent with the SPS Agreement, and only request the necessary information to complete the assessment. The European Union expressed its willingness to continue working with Korea and looked forward to a quick resolution of this concern.

2.386. Korea drew attention to the increasing number of ASF cases in Poland, particularly in small domestic pig farms, and further recalled that the report of the European Animal Health Regulatory Committee had indicated possible causes for the outbreak. Korea expressed its concern that the proposed ASF-free zone was not effectively managed, and further indicated that it had requested pertinent information on the spread of ASF in domestic pig farms. However, no response had yet been received from Poland.

2.10 Mexico

2.10.1 Animal Health

Restrictions on imports of swine meat (STC 271)

Raised by:	Brazil
Supported by:	
Dates raised:	June 2008 (G/SPS/R/51, paras. 25-26), February 2009 (G/SPS/R/54, paras. 21-23), October 2009 (G/SPS/R/56, paras. 35-36), March 2018 (G/SPS/R/90, para. 3.44), July 2018 (G/SPS/R/92/Rev.1, paras. 4.55-4.56)
Relevant document(s):	Raised orally
Status:	Not reported

Solution:	
Date reported as resolved:	

2.387. In June 2008, Brazil raised concerns about Mexico's delay in recognizing Brazil's FMD-free areas, and failure to allow importation of Brazilian pig meat. The recognition process had been delayed by unjustifiable requests for additional information, resulting in a lengthy and costly process. Since June 2007, Brazil had requested Mexico to recognize the State of Santa Catarina as an FMD-free area without vaccination, based on OIE's decision at its 75th General Session. However, no response had been given, even though these concerns were raised by Brazil in bilateral consultations. Taking into account the recent decision by the Committee on regionalization, Brazil requested that a working plan containing time-lines and a date for finalizing the recognition process be established.

2.388. Mexico confirmed that Brazil had presented information to the competent authorities at the Mexico National Service for Agro-food Health, Safety and Quality (SENASICA-SAGARPA). Those authorities were presently conducting technical analyses and Mexico hoped to provide a positive response to Brazil in the near future.

2.389. In February 2009, Brazil recalled that the State of Santa Catarina had been recognized as FMD free in 2007. In 2008, Brazil had requested the establishment of a working plan for recognition of this disease-free area, taking into account the Committee's Decision on Article 6 (G/SPS/48). Brazil had made important investments to achieve freedom from FMD without vaccination. Mexican authorities had promised a response, but none had been received, and no progress had been made. Brazil had proposed a new approach: Brazil had invited Mexico to use the good offices mechanism of Article 12.2 of the SPS Agreement and paragraph 6 of the Committee's working procedures, with the presence of a specialist from the OIE. Brazil was waiting for Mexico's response to this proposal and looked forward to the friendly and timely resolution of this issue based on OIE standards.

2.390. Mexico indicated that for pig meat, the information Brazil had provided to the Mexican authorities was being studied. Mexico had asked for information on Brazil's toxic residue control plan, which had been received in August 2008. In October 2008, Mexico had requested additional information about this toxic residue control plan, and again in February 2009, without receiving a response. Mexico's consideration of this issue would be able to continue when the information was received. The suggestion to use the Good Offices mechanism had only recently been received and forwarded to the capital. Brazil suggested that Mexico's request for information was related to a different trade concern regarding heat-treated meat (see STC 263 above). Brazil's residue plan was available on a website. All information on FMD freedom was available to Mexico, and in addition, the OIE had studied the information and there had been several bilateral meetings. There was no missing information at this stage, but if necessary, the information would be provided again.

2.391. In October 2009, Brazil stated that Brazil's pork had been facing serious restrictions to the Mexican market since 2006. Mexico's lack of recognition had resulted in import restrictions for Santa Catarina's pork exports. Brazil had tried without success to resolve the issue through bilateral discussions, and had proposed the use of the good offices of the SPS Committee chair. Mexico had not responded to this proposal. In July 2009, Brazil had received a new request from Mexico for very extensive information, much of which had already been previously provided. Brazil hoped that the new questionnaire was not a means to delay the opening of the Mexican market, and looked forward to Mexico's agreement to use the Chairperson's good offices.

2.392. Mexico stated that on 3 July 2009, three questionnaires were submitted to the Veterinary Services of Brazil regarding the import of beef, poultry and pork; however, Brazil had not provided any response to the questionnaires. On 20 July 2009, Mexico, through SENASICA, sent remarks relating to Brazil's toxic residues program but no response had been received. Mexico was willing to continue bilateral discussions on the matter, and encouraged Brazil to provide the requested additional information needed to work further on the issue.

2.393. In March 2018, Brazil informed the Committee of the withdrawal of its specific trade concern against Mexico following recent bilateral discussions, and further indicated that a timeframe had been agreed to resolve this concern.

2.394. In July 2018, Brazil informed the Committee of the continuous bilateral dialogue with Mexico since 2007 on its sanitary requirements to export swine meat, following the OIE recognition of the State of Santa Catarina as free of foot and mouth disease without vaccination. Brazil also added that it had unsuccessfully suggested the use of the good offices of the SPS Committee Chair under Article 12.2 of the SPS Agreement and paragraph 6 of the SPS Committee's working procedures, with the presence of an OIE specialist. Brazil acknowledged the steps taken by Mexico, including inspections of slaughter sites in 2010 and 2014, as well as new proposals for joint sanitary certification for swine meat since 2015. However, Brazil regretted that no slaughterhouses had since been certified for exports and that the Mexican market remained effectively closed. Mexico had recently requested additional time to assess the documentation provided and to schedule a new inspection mission. Brazil urged Mexico to address the technical obstacles related to this issue without further delay, in compliance with Annex C of the SPS Agreement.

2.395. Mexico informed the Committee of the bilateral meeting held with Brazil prior to the SPS Committee meeting, where it had explained the status of the request and the following steps. The sanitary authorities of both countries had held productive meetings since the last SPS Committee meeting.

Mexico's market access requirement for casein products (STC 436)

Raised by:	India
Supported by:	
Dates raised:	March 2018 (G/SPS/R/90, paras. 3.6-3.7)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.396. In March 2018, India raised a concern over Mexico's market access requirement for casein products, explaining that the OIE had recognized its official control programme for foot and mouth disease, in accordance with the provisions of the Terrestrial Code. In particular, India noted that the OIE Terrestrial Code recommended the importation of milk products from FMD-infected countries or zones where an official programme exists. India also explained that the processing of casein ensured the destruction of any undesired microbes. All the technical information required by Mexico had also been submitted by India's authorities. India highlighted the importance of casein as an export commodity and requested Mexico to allow its casein exports which had been certified by the competent authorities. India thanked Mexico for its bilateral engagements and looked forward to the resolution of this issue.

2.397. Mexico informed the Committee that efforts were being made through bilateral discussions to resolve the issue. Mexico affirmed its commitment to recognize and systematically implement all fundamental principles of the SPS Agreement, and expressed its willingness to continue efforts to reach a solution.

2.11 New Zealand

2.11.1 Plant Health

New Zealand's draft import health standard for vehicles, machinery and equipment (STC 440)

Raised by:	Japan
Supported by:	
Dates raised:	July 2018 (G/SPS/R/92/Rev.1, paras. 4.2-4.3), November 2018 (G/SPS/R/93, paras. 3.68-3.69)
Relevant document(s):	G/SPS/N/NZL/570; G/SPS/N/NZL/570/Add.1
Status:	Not reported
Solution:	

Date reported as resolved:	

2.398. In July 2018, Japan raised a concern regarding New Zealand's Import Health Standard for Vehicles, Machinery and Equipment from Japan, notified in document G/SPS/N/NZL/570/Add.1 on 30 May 2018. Japan noted that only nine days had been granted to provide comments and 93 days between the notification and its entry into force. Approximately 300,000 new and used vehicles and machinery were exported to New Zealand every year. Satisfying the new requirements implied extensive costs and efforts and, thus, also sufficient time to prepare. Japan expressed appreciation to New Zealand's efforts to extend the deadline for comments (up to 33 days). However, Japan regretted that its request for the extension up to six months of the entry into force had not been accepted. Japan argued that New Zealand's measures should be based on scientific principles in accordance with the SPS Agreement, and assumed that the basis of the new measures proposed by New Zealand referred to the report "Risk analysis of Halyomorpha halys (brown marmorated stink bug) on all pathways" issued by New Zealand in November 2012. However, Japan noted that the mentioned report did not provide any explicit scientific evidence to justify the new measures on new vehicles and machinery imported from Japan. In addition, Japan recalled that SPS measures should not arbitrarily or unjustifiably discriminate among Members. Whereas fumigation or heat treatments on used vehicles and machinery from Japan would be mandatory from 1 September to 30 April every year; they would not be mandatory for products from the United States or Italy. Finally, Japan requested that New Zealand provide at least 60 days for comments, and to ensure at least six months between the notification and the entry into force of the measure.

2.399. New Zealand noted that the notification mentioned by Japan was an addendum to the previous notification which had been notified in December 2017, providing 60 days for comments. New Zealand acknowledged Japan's comments and emphasised the significant risk to New Zealand, which led to measures being taken to ensure safe trade, while adhering to all SPS Agreement obligations. New Zealand added that a technical meeting in Tokyo as well as bilateral meetings on the margins of the current meeting had been held on this issue.

2.400. In November 2018, Japan reiterated its concern on New Zealand's SPS measures for vehicles, machinery and equipment from Japan notified on 30 May 2018. Japan recalled that a specific trade concern had been raised at the July 2018 Committee meeting, stressing that measures implemented by New Zealand should be based on sufficient scientific evidence, should not arbitrarily discriminate among Members, and should ensure sufficient time for comments. Despite the concern raised in July 2018, the new measures had entered into force on 1 September 2018. Japan highlighted that the measures put in place by New Zealand lacked scientific justification. Furthermore, the time-period between the notification and the entry into force of the measure had been insufficient. Japan encouraged New Zealand to base its measures on scientific principles, in accordance with Article 2.2 of the SPS Agreement, and reported that the scientific evidence provided by New Zealand had not included clarification on: (i) detection data of Halyomorpha halys (brown marmorated stink bug) from consignments, especially machinery exported to New Zealand from Japan; (ii) analysis of likelihood based on effective accumulated temperature on the introduction and establishment of Halyomorpha halys in New Zealand; and (iii) the rationale to establish on 1 September 2018 as entry into force of the regulation. Japan urged New Zealand to clarify these points and review the existing pest risk analysis. Japan also reminded New Zealand that SPS measures should not arbitrarily or unjustifiably discriminate among Members where identical or similar conditions prevailed. Finally, Japan highlighted that New Zealand had requested heat or fumigation treatment of used vehicles and used machinery for a certain period of time. However, Japan noted that this requirement had not been mandatory for other countries.

2.401. New Zealand considered the brown marmorated stink bug (BMSB) a very serious pest with potentially significant implications on agriculture, aquaculture, and New Zealand's environment. New Zealand underlined that BMSB had been intercepted in vehicles and machinery arriving from Japan, and noted that there were very limited options to manage BMSB. New Zealand was of the view that the measures put in place were consistent with SPS principles and New Zealand's appropriate level of protection. In addition, New Zealand expressed its appreciation for the collaborative work with Japan and hoped to continue to work together in resolving this matter.

2.12 Panama

2.12.1 Food Safety

Panama's restrictions on beef and poultry meat (STC 444)

Raised by:	Brazil
Supported by:	
Dates raised:	July 2018 (G/SPS/R/92/Rev.1, paras. 4.14-4.16)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.402. In July 2018, Brazil informed the Committee that following a 2016 inspection mission carried out by Panama to audit Brazilian thermo-processed beef and poultry, seven audited establishments had been cleared for export. However, shortly afterwards, Panama had published seven resolutions suspending the previous approvals. Brazil regretted that, despite its requests, Panama had not presented technical justifications for these resolutions. Brazil pointed to a statement made by the Panamanian Authority for Food Safety, explaining that one of the objectives of the suspensions was the promote the strengthening of the national agricultural sector. Brazil argued that the restrictions did not have a scientific basis, and did not take into account human, animal and plant health. Finally, Brazil urged Panama to re-evaluate the decision to suspend the authorizations of Brazilian establishments based on their 2016 approval.

2.403. Panama regretted that this item had been included in the agenda, and noted the preliminary nature of its response as it had only recently been informed of this concern. In a bilateral meeting held, Panama had expressed its openness to dialogue. The relevant processes and evaluations were being examined to grant export permits to business, provided the corresponding sanitary measures had been met. After visiting the facilities of the company whose permit had been withdrawn because the appropriate sanitary conditions had not been in place, Panamanian authorities were assessing the renewal of the authorisation.

2.13 Russian Federation

2.13.1 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) March 2018 (G/SPS/R/90, paras. 3.22-3.23), July 2018 (G/SPS/R/92/Rev.1, paras. 4.59-4.61), November 2018 (G/SPS/R/93, 3.56-3.57)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.404. 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.

2.405. 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.

2.406. 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.

2.407. 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.

2.408. 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.

2.409. 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.

2.410. 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.

2.411. 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.

2.412. 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.

2.413. 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.

2.414. 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.

2.415. 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.

2.416. 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.

2.417. 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.

2.418. 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.

2.419. 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.

2.420. 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.

2.421. 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.

2.422. 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.

2.423. 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

2.424. 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. In March 2018, the European Union reiterated its concerns regarding the Russian Federation's import restrictions on all fishery products from Estonia, 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 indicated that Estonia had been audited by the Russian Federation in June 2016, however, the findings of this audit had only been provided in October 2017. In addition, Estonia had held several bilateral discussions with the Russian Federation, without further success. The European Union welcomed the re-authorization of one fishery products establishment in December 2017, but expressed its regret that the same approach had not been applied to other concerned establishments. The European Union urged the Russian Federation to immediately repeal the measure.

2.425. The Russian Federation indicated that considerable progress had been made since the last Committee meeting, highlighting that further to inspections in 2016, restrictions had been lifted on one Estonian establishment in December 2017. The Russian Federation further noted that it would consider lifting more restrictions, upon submission of information on how the remaining deficiencies identified during the inspection visit were being addressed. The Russian Federation also recalled that Estonia had agreed to another inspection visit in July 2018, which it hoped would produce positive results.

2.426. In July 2018, the European Union reiterated its view that these measures were inconsistent with the SPS Agreement and with WTO accession commitments of the Russian Federation. Estonia had held several bilateral discussions with the Russian Federation, without much progress. The European Union welcomed the re-authorization for exports of one establishment, but regretted the continuous ban on every other establishment. Estonia had accepted Russia's proposal for a third round of inspections, without receiving a confirmation on the date of the audit from the Russian Federation. The European Union urged the Russian Federation to immediately repeal the measure.

2.427. The Russian Federation recalled that the measure had been put in place after inspections conducted by the competent Russian authority in 2016. In February 2018, the Russian Federation had informed the Estonian Veterinary and Food Board of an inspection visit to evaluate the corrective actions that had been taken. In July 2018 Estonia had agreed to receive the inspection visit. However, the Russian Federation explained that the visit had been postponed due to other commitments of inspectors, and had been tentatively rescheduled for September 2018.

2.428. The European Union clarified that the inspections and the ban on Estonian fish processing plants had been in place since 2015, not 2016, as indicated by the Russian Federation.

2.429. In November 2018, the European Union reiterated its concerns regarding import restrictions on fisheries products from Estonia, highlighting that these measures were inconsistent with several provisions of the SPS Agreement as well as with the Russian Federation's WTO accession commitments. Estonia had held several bilateral discussions with the Russian Federation, without much progress. The European Union welcomed the re-authorization for exports of one establishment, but regretted the continuous ban on every other establishment. The European Union welcomed the Russian Federation's acceptance earlier in the year to conduct another round of audits on Estonian establishments in 2018, but regretted that despite Estonian's efforts, no dates had been confirmed yet. The European Union urged the Russian Federation to repeal the measure, which was inconsistent with several provisions of the SPS Agreement.

2.430. The Russian Federation provided information on progress made, highlighting that 500 tonnes of fishery products had been exported from one establishment in Estonia and another in Latvia in 2018. The Russian Federation further noted that it would discuss with Estonia conditions and dates of future inspection visits. Finally, the Russian Federation expressed its willingness to resolve this issue.

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), March 2018 (G/SPS/R/90, paras. 3.20-3.21), July 2018 (G/SPS/R/92/Rev.1, paras. 4.62-4.63), November 2018 (G/SPS/R/93, paras. 3.58-3.59)
Relevant document(s):	G/SPS/GEN/1216
Status:	Not reported
Solution:	
Date reported as resolved:	

2.431. 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.

2.432. 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.

2.433. 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.

2.434. 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.

2.435. 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.

2.436. 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.

2.437. 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.

2.438. 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.

2.439. 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.

2.440. 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.

2.441. 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.

2.442. In Mach 2018, the European Union reiterated its concerns 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 welcomed the recent developments, whereby the Russian Federation had lifted restrictions on three dairy plants. However, the European expressed its disappointment that the overall ban still remained in force, despite all efforts made by Germany and the European Union. The European Union repeated its previous statements on the inconsistency of the measure with the SPS Agreement, and also indicated that it viewed the request by the Russian Federation for a fourth round of inspections as unreasonable. The European Union further noted that the inspection of individual establishments was neither efficient nor proportionate. Instead, a systems audit approach was more appropriate, in line with Codex guidelines. The European Union urged the Russian Federation to repeal its measures without further delay.

2.443. The Russian Federation noted that there had been tangible progress since the last Committee meeting. In particular, restrictions on three dairy establishments had been lifted in January 2018, following the submission of information by Germany. The Russian Federation had also requested German authorities to provide information on state-run laboratory monitoring for three other establishments, and on laboratory control for another establishment. These requests were still pending.

2.444. In July 2018, the European Union reiterated its views regarding the inconsistency with the SPS Agreement of the restrictions imposed since 2013. The European Union expressed its appreciation for the Russian Federation's decision to lift the restrictions on three dairy plants in two German Federal States, and three more which had been recently announced. The European Union however regretted that bans remained in force despite the efforts made by Germany and the European Union, and further considered unreasonable the request by the Russian Federation for a fourth round of inspections. A systems audit approach following Codex guidelines would be more efficient and proportionate than the inspection of individual establishments. The European Union requested the Russian Federation to repeal its measures without further delay.

2.445. The Russian Federation observed that at the time the restriction had been put in place, there had been 66 dairy plants and 28 meat plants authorised to export products to the Russian Federation. Following the inspections carried out by Germany, aimed at checking the conformity of those establishments with the relevant regulatory requirements of the Russian Federation and the Eurasian Economic Union, Germany had requested the delisting of 20 dairy plants and 20 meat plants. Therefore, 28 dairy plants and eight meat plants had remained on the list. In order to lift the restrictions from those reaming establishments, the Russian authorities had requested that the violations identified in those establishments be adequately addressed. Restrictions on three dairy plants had been lifted in January 2018, and on three more in July 2018, following the reception of complete information on corrective actions taken for those establishments. Of the remaining 22 dairy plants, some information had been provided regarding eight establishments, with some missing information, while no information had been provided for the remaining 14. Concerning meat processing plants, of the eight establishments on the list, partial information had only been provided regarding two of them. The Russian Federation looked forward to receiving the pending information from Germany on the remaining establishments.

2.446. In November 2018, the European Union reiterated its concern over the Russian Federation's import restrictions on certain animal products from Germany imposed since 2013, highlighting that these measures were inconsistent with several provisions of the SPS Agreement. The European Union reported that six establishments had been re-authorized to export to the Russian Federation and hoped that the remaining plants would regain access to the Russian market soon. The European Union noted that interested establishments had already submitted relevant laboratory and inspection information to the Russian Federation. The European Union also clarified that several establishments, which had submitted relevant information, had renounced to export to the Russian Federation. Finally, the European Union urged the Russian Federation to repeal its measures without further delay.

2.447. The Russian Federation confirmed that six German dairy plants had regained access to the Russian market, and would be able to export as soon as mutual economic sanctions would be lifted. The Russian Federation continued to review the list of eligible establishments, based on the information provided by the German competent authorities. The Russian Federation expressed its willingness to continue its cooperation with Germany to resolve this issue.

The Russian Federation's restrictions on beef and swine meat (G/SPS/N/RUS/145) (STC 445)

Raised by:	Brazil
Supported by:	
Dates raised:	July 2018 (G/SPS/R/92/Rev.1, paras. 4.17-4.18)
Relevant document(s):	G/SPS/N/RUS/145
Status:	Not reported
Solution:	
Date reported as resolved:	

2.448. In July 2018, Brazil raised concerns on the Russian Federation's restrictions on beef and swine meat notified in G/SPS/N/RUS/145. Brazilian exports of swine and bovine meat to the Russian Federation had been suspended from 60 establishments since 1 December 2017, due to the alleged detection of ractopamine in shipments from four establishments. After the measure had been notified in 20 November 2017, Brazil opened an investigation and despite not identifying any non-conformity, it had increased its controls on the four establishments. Brazil had further sent the Russian

Federation the reports with negative results for ractopamine from the four investigated establishments; evaluations of the segregation process in swine production; and reports on increased official and private controls and laboratory tests. Brazil added that Russian authorities had been invited to Brazil to visit local producers, and that it had radically revised its legislation on the use of hormones as growth promoters. The use of ractopamine in breeding cattle was prohibited. Therefore, Brazil argued that there was no basis to restrict the import of bovine meat by the Russian Federation. Regarding the production of swine meat, Brazil noted that the segregation system had been implemented, and had been providing ractopamine-free meat exports to the Russian Federation since 2013. Brazil regretted that despite dialogue with the Russian Federation, it had been impossible to establish effective measures to return to a normal trade flow. Brazil reaffirmed its commitment to establishing control systems and processes that guaranteed the compliance and fulfilment of sanitary requirements of Brazilian meat products exported to the Russian Federation and all other markets.

2.449. The Russian Federation expressed its willingness to resolve this issue with Brazil. The Russian Federation explained that the food and safety regulations of the Russian Federation and the Eurasian Economic Union allowed no residues of ractopamine in meat or meat products. In this context, an arrangement had been made between the Russian Federation and Brazil, establishing that the Brazilian Secretariat of Animal and Plant Health would check each batch of meat products to ensure that no ractopamine residues were present in products for export to the Russian Federation. In November 2017, the Russian Federal Service for Veterinary and Phytosanitary Surveillance informed the Brazilian Secretariat for Animal and Plant Health that ractopamine had been detected in meat products originating from Brazil, and due to a lack of remedial actions by Brazil, the Russian Federation had suspended imports of meat products from Brazil. The Russian Federation had not received sufficient assurances that the causes of this situation had been investigated and further recurrences ruled out, and in particular, the source of ractopamine in meat products destined for the Russian Federation had been not identified.

The Russian Federation's bluetongue-related import restriction on ruminants (STC 449)

Raised by:	European Union
Supported by:	
Dates raised:	November 2018 (G/SPS/R/93, paras. 3.11-3.12)
Relevant document(s):	G/SPS/N/RUS/145
Status:	Not reported
Solution:	
Date reported as resolved:	

2.450. I In November 2018, the European Union raised its concern regarding the Russian Federation's import restriction in relation to bluetongue. The European Union explained that several years ago, the Russian Federation had banned imports of all susceptible live animals and their genetic material from the areas affected by the disease, following the notification of outbreaks in limited areas of the European Union. In response to the Russian Federation's notification of these measures in 2014 and 2016, the European Union had expressed in writing, and through bilateral exchanges, its view that the measures were not in line with Chapter 8.3 of the OIE Terrestrial Code. The European Union underscored that the OIE recommendations indicated that the export of susceptible animals and their genetic material from areas affected by the disease should be allowed under certain conditions, such as vaccination, laboratory testing or protection of animals from vectors in vector-protected establishments. These conditions were also reflected in the relevant veterinary export certificates agreed between the European Union and the Russian Federation. However, this arrangement was not being respected, and despite its repeated requests, the Russian Federation had not provided the scientific justification for its measures. The European Union urged the Russian Federation to bring its measures in line with the international standards, and allow the resumption of trade in ruminants and their genetic material without further delay.

2.451. The Russian Federation explained that bluetongue was a wide-spread, dangerous viral disease of small ruminants and cattle, notifiable to the OIE, which had become established in Western Europe. Five Mediterranean countries had declared themselves as endemic. The Russian Federation underscored its interest in the regular import of breeding cattle and small ruminants, and maintaining trade links with its traditional partners in the European Union. In this regard, appropriate

measures had been taken during the bluetongue outbreak in the European Union, in order not to completely stop the mutually beneficial trade in live animals. These measures had included the signing of the veterinary certificates agreed by the European Union and the Russian Federation, recognition and regular update of the bluetongue-free zone, as well as close contact between research institutes and veterinary services of the Russian Federation and the European Union, which had to date ensured safe supplies of live animals from individual farms. This approach had proven successful, as trade had been maintained at a high level, and the Russian Federation had also remained free from bluetongue. The Russian Federation further noted that from 1 October 2016 to 31 December 2020, import and marketing of breeding cattle, breeding pigs, sheep and goats, horses, poultry, eggs and semen, and embryos thereof were exempted from value-added tax in the Russian Federation. The Russian Federation indicated that it was taking the necessary steps to update its veterinary legislation in light of the current epidemic risks and economic interests of Russian importers. In this regard, the draft regulation from the Ministry of Agriculture on bluetongue spread, which was currently being reviewed, was destined to eliminate current contradictions between the veterinary certificate and the domestic legislation. The Russian Federation called for the European Union's understanding, and for continued constructive work in the prevention of the spread of bluetongue in Europe.

2.13.2 Animal Health

Russia's measures on live pigs and pork products due to African Swine Fever (STC 369)

Raised by:	European Union
Supported by:	
Dates raised:	March 2014 (G/SPS/R/74, paras. 3.3-3.4)
Relevant document(s):	G/SPS/GEN/1305, G/SPS/GEN/1313, G/SPS/GEN/1315, G/SPS/N/RUS/48, G/SPS/N/RUS/49
Status:	Not reported
Solution:	DSU consultations requested on 8 April 2014 (WT/DS475/1). Panel established on 22 July 2014. Appellate Body report (WT/DS475/AB/R) and Panel report (WT/DS475/R and WT/DS475/R/Add.1) adopted on 21 March 2017. Matter referred to 22.6 arbitration on 3 January 2018. The DSB established a compliance panel (Art. 21.5) on 5 December 2018 (WT/DS475/22). Compliance panel proceedings ongoing.
Date reported as resolved:	

2.452. In March 2014, the European Union raised concerns regarding measures taken by Russia in response to the finding of African swine fever (ASF) virus in four wild boar in two EU member States: Lithuania and Poland (G/SPS/GEN/1305 and G/SPS/GEN/1313). The European Union had immediately delimited the affected areas and imposed stringent control measures. However, Russia had banned imports of live pigs, pork and certain other products from the entire EU territory, not just from the affected regions. Russia's claim that it was concerned about the spread of the disease into its own territory was unfounded as ASF was widespread in Russia. The disease was present in both wild boar and domestic pig populations in Russia, as Russia had taken insufficient measures to prevent the spread of ASF virus. Scientific studies showed that the virus found in Lithuania and Poland originated in Russia. The European Union thus contended that Russia's measure was disproportionate, more trade restrictive than necessary and discriminatory, and urged Russia to bring its measures in line with its WTO obligations and with international standards.

2.453. Russia noted that ASF had inflicted significant damage on the Russian economy since the first outbreak was confirmed in 2008. After this outbreak and much mortality among susceptible animals, a special commission was established in 2013 for the prevention and eradication of ASF. During this period, Russia had kept all trading partners fully informed on possible vectors of spread, and had requested that the European Union consolidate its efforts for ASF control. Apparently the European Union had underestimated the degree of the threat. Russia stressed that it imposed temporary restrictions on the importation of live pigs and pig products not subjected to adequate heat treatment only from those countries that had made relevant notifications to the OIE (Poland and Lithuania), not other EU member States. However, Russia insisted on EU compliance with the requirements of the veterinary certificates agreed in December 2012. These required certification that no cases of ASF had been found during the last 36 months within the territory of an EU member

State (excluding Sardinia). There were currently insufficient guarantees that a zone or compartment had been effectively established and that the movement of goods within the EU territory was fully controlled. Furthermore, this was not a matter that could only be resolved without the involvement of the other members of the Eurasian Economic Community: Belarus and Kazakhstan. See also G/SPS/GEN/1315.

2.454. In accordance with the provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the European Union requested consultations with Russia on 8 April 2014 (WT/DS475/1). The Dispute Settlement Body (DSB) established a panel on 22 July 2014 (WT/DS475/3). The panel report was issued on 19 August 2016 (WT/DS475/R). The appellate body report was issued on 23 February 2017 (WT/DS475/AB/R). The European Union requested the authorization to suspend concessions pursuant to Article 22.2 of the DSU. The Russian Federation objected to the level of suspension of concessions and referred the matter to arbitration pursuant to Article 22.6 of the DSU on 19 July 2016 (WT/DS430/17). Article 21.5 consultations requested on 30 January 2018 (by Russian Federation) and 7 February 2018 (by European Union). The European Union requested the establishment of a compliance panel pursuant to Article 21.5 of the DSU on 18 October 2018 (WT/DS475/21). The DSB established a compliance panel (Art. 21.5) on 5 December 2018 (WT/DS475/22).

2.14 Saudi Arabia, Kingdom of

2.14.1 Animal Health

Saudi Arabia's temporary ban on the importation of fish, crustaceans and other aquatic animal products (STC 437)

Raised by:	Viet Nam
Supported by:	
Dates raised:	March 2018 (G/SPS/R/90, paras. 3.8-3.9)
Relevant document(s):	G/SPS/N/SAU/336
Status:	Not reported
Solution:	
Date reported as resolved:	

2.455. In March 2018, Viet Nam raised a concern over Saudi Arabia's temporary ban on the importation of fish, crustaceans and other aquatic animal products, which had been notified as an emergency measure in document G/SPS/N/SAU/336 on 30 January 2018. Viet Nam noted that the Saudi Food and Drug Authority (SFDA) had imposed the ban on the basis of the Quarterly Aquatic Animal Disease Report (Asia-Pacific Region, April – June 2017) and on an inspection visit in December 2017, in relation to white spot disease (WSD) and acute hepatopancreatic necrosis disease (AHPND). Viet Nam stated that the inspection visit had been limited to a few establishments, and not to the entire fishery safety control system, which it viewed as inconsistent with Codex standards. In addition, the inspection report had not been sent to Viet Nam for consultation ahead of the imposition of the ban, which Viet Nam argued was not in line with international practices. Viet Nam further highlighted some inconsistencies in the information provided in Saudi Arabia's notification, and emphasized that the ban was more trade restrictive than necessary, and was inconsistent with several provisions of the SPS Agreement. Viet Nam observed that WSD also occurred in Saudi Arabia. It had further requested information on Saudi Arabia's WSD-free status for shrimp; however, no response had been received as yet. Viet Nam stated that there was no risk posed by highly processed or cooked shrimp products and that these products were considered safe in commerce by the OIE. Viet Nam further indicated that both diseases had been well controlled in Viet Nam for several years, and therefore urged Saudi Arabia to lift its temporary ban. Finally, Viet Nam expressed its willingness to resolve the issue in a cooperative manner.

2.456. Saudi Arabia stated that the temporary ban on the importation of fish, crustaceans and other aquatic animal products from Viet Nam had been imposed as a precautionary measure. Saudi Arabia highlighted that it had taken this measure on the basis of Section 4.15 of the Guidelines for Food Import Control Systems (GSO/CAC/GL 47:2007), as well as the mission report and recommendations from the technical team which had visited Viet Nam. Saudi Arabia further outlined

several discrepancies which had been found during the technical visit to Viet Nam. Finally, Saudi Arabia indicated its willingness to engage in bilateral discussions to resolve the issue.

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; See also STC 385, STC 406), March 2018 (G/SPS/R/90, paras. 3.52-3.53), July 2018 (G/SPS/R/92/Rev.1, paras. 4.51-4.52), November 2018 (G/SPS/R/93, paras. 3.66-3.67)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.457. 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.

2.458. 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.

2.459. In March 2018, the European Union reiterated concerns over country-wide bans on imports of poultry products from several EU member States due to HPAI, despite all but one of them having been recognized as free from HPAI for months. The European Union recalled the OIE standard which stated that HPAI-related trade restrictive measures could be lifted after the application of a stamping out policy. This stamping out policy had been implemented in the affected areas of the European Union, and all trading partners, including South Africa, had been informed of this and other developments. The European Union explained that South Africa's decision not to accept HPAI zoning even after receiving relevant evidence disregarded the international standard and regionalization obligation under the SPS Agreement. The European Union indicated its bilateral engagement with South Africa, including an audit visit to three EU member States, and further urged South Africa to lift the country-wide bans without delay.

2.460. South Africa repeated its concerns regarding the effectiveness of HPAI-related control and preventive measures in the European Union. South Africa indicated its commitment to conduct inspection missions to EU member States, in order to evaluate the control measures and to ensure that no risk would be posed in poultry trade. South Africa further informed the Committee that its inspectors were currently in Spain, after having visited Hungary and Poland, following which the outcome of these visits would be communicated to the European Union.

2.461. In July 2018, the European Union regretted to report that South Africa still did not apply regionalization, and maintained country-wide bans on imports of poultry products from several EU members States due to HPAI. The European Union stressed that all but one of the EU member States concerned had been recognized as free from HPAI for months; that OIE standards stated that HPAI-related trade restrictive measures could be lifted three months after the whole country, or part of it, regained freedom of HPAI, following the application of a stamping-out policy; and that OIE requirements had been strictly applied by the European Union. The European Union further reported that South Africa had audited three EU member States: Spain, Poland and Hungary. The European Union also stressed that the HPAI outbreak in the European Union had been the result of the movement of migratory birds, and not the result of international trade in poultry products. Finally, the European Union urged South Africa to lift the remaining country-wide bans to EU member States.

2.462. South Africa repeated its concerns on the effectiveness of HPAI-related controls and preventive measures in the European Union. Preliminary inspections had been conducted in Hungary, Poland and Spain, and reports had been sent to each country, requesting factual corrections and additional information. The inspections had shown differences in the implementation of OIE standards by EU members States. Finally, South Africa informed the Committee that it was considering ways to progress with the remaining EU member countries still affected by trade bans.

2.463. In November 2018, the European Union regretted to report that South Africa still did not apply regionalization, and maintained country-wide bans on imports of poultry products from several EU members States due to HPAI. The European Union stressed that these restricted and unjustified measures had been maintained by South Africa despite the fact that EU member States affected by the bans had been recognized as free from HPAI for months; that OIE standards stated that HPAI-related trade restrictive measures could be lifted three months after the whole country, or part of it, regained freedom of HPAI, following the application of a stamping-out policy; and that OIE requirements had been strictly applied by the European Union. The European Union considered these measures to be in contradiction to Article 6 of the SPS Agreement, which required recognition of the concept of disease free areas. The European Union reported that South Africa had audited three EU member States and was aware that the HPAI outbreak in the European Union had resulted from the movement of migratory birds, and not the result of international trade in poultry products. The European Union further had explained its control measures and regionalization system in bilateral discussions with South Africa. The European Union expressed its willingness to further discuss any necessary guarantee to minimize the disruption of trade in future outbreaks, in line with OIE Code. Finally, the European Union urged South Africa to respect its obligations and allow trade in all poultry products from the disease-free zones without any further delay.

2.464. South Africa repeated its concerns on the effectiveness of HPAI-related controls and preventive measures in the European Union. Preliminary inspections had been conducted in Hungary, Poland and Spain and reports would be sent. South Africa also reported that it had engaged in bilateral discussions with the European Commission in Johannesburg on 9-10 October 2018. South Africa highlighted that it had never doubted the EU legislation on the control of HPAI. However, the inspections had shown differences in the implementation of the legislation by EU members States. Furthermore, South Africa noted that in some parts the EU legislation was not equivalent to OIE guidelines. Finally, South Africa informed the Committee that it was considering different options to facilitate the evaluation of HPAI control implemented in the European Union, once freedom was declared.

2.15 Chinese Taipei

2.15.1 Animal Health

General import restrictions due to BSE (STC 193)

2.465. See paragraphs 2.529.-2.599.

2.16 Thailand

2.16.1 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), March 2018 (G/SPS/R/90, paras. 3.41-3.42), July 2018 (G/SPS/R/92/Rev.1, paras. 3.48-3.49), November 2018 (G/SPS/R/93, paras. 3.72-3.73)
Relevant document(s):	G/SPS/N/THA/158
Status:	Not reported
Solution:	

Date reported as resolved:	

2.466. 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.

2.467. 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.

2.468. 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.

2.469. 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.

2.470. 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.

2.471. 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.

2.472. 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.

2.473. 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.

2.474. In March 2018, Chinese Taipei reiterated its concern regarding Thailand's import restriction on papaya seeds imposed since 2008. Chinese Taipei reported that it had reviewed Thailand's draft quarantine requirements for its papaya seeds and had submitted comments in January 2018, where it had indicated that the different modes of transportation had no effect on the pest risk of its papaya seeds. Chinese Taipei noted that it had proven that its measures could effectively control any risks relating to tobacco ringspot virus (TRSV) and further indicated that its exports of papaya seeds had never been intercepted or invaded by any pests. Chinese Taipei urged Thailand to lift the import restriction and comply with its WTO obligations.

2.475. Thailand responded that it had held several bilateral meetings with Chinese Taipei and that a draft import protocol, based on the available scientific information, had been submitted to Chinese Taipei in the last bilateral meeting. However, an agreement on the import protocol had not yet been reached. Thailand expressed its willingness to continue working with Chinese Taipei for the mutual resolution of this concern.

2.476. In July 2018, Chinese Taipei reiterated its concern regarding Thailand's import restriction on papaya seeds imposed since 2008. Chinese Taipei expressed appreciation to Thailand for the on-site visit by an expert delegation in May 2018. However, Chinese Taipei regretted that the issue had not been resolved, and urged Thailand to comply with Articles 2, 3 and 5 of the SPS Agreement and Article 7.2 of the International Plant Protection Convention and to finalise the legislative process to grant access to its papaya seeds as soon as possible.

2.477. Thailand reported on the progress made to resolve this issue, including a draft import protocol that had been agreed to by both sides and an on-site inspection in Chinese Taipei. Thailand added that it would propose the draft import protocol to the Committee on Plant Quarantine for approval, after which it would notify the measure to allow the importation of papaya seeds from Chinese Taipei.

2.478. In November 2018, Chinese Taipei reiterated its concern regarding Thailand's import restriction on papaya seeds imposed since 2008. Chinese Taipei expressed appreciation to Thailand for the proposal to submit the import protocol to the Committee on Plant Quarantine for approval. However, Chinese Taipei regretted that the final report had not been published and requested Thailand to adopt the final import protocol and ensure market access for its papaya seeds in Thailand.

2.479. Thailand welcomed the opportunity to provide clarifications on the concern raised by Chinese Taipei and stressed that the issue remained unsolved because Chinese Taipei failed to submit the request for export of papaya seeds under the transitory provision of the regulatory amendment. Thailand explained that during this transitory time all its trading partners, including Chinese Taipei, were informed to submit the request to apply the import exemption under the transitory provision. Thailand expressed its commitment to solve Chinese Taipei's concern.

2.16.2 Other Concerns

Thailand's import fees related to approval procedures for live animals and/or animal products (G/SPS/N/THA/243) (STC 451)

Raised by:	United States
Supported by:	
Dates raised:	November 2018 (G/SPS/R/93, paras. 3.18-3.19)
Relevant document(s):	G/SPS/N/THA/243
Status:	Not reported
Solution:	
Date reported as resolved:	

2.480. In November 2019, the United States raised concerns regarding Thailand's food safety inspection fees, in the form of import permit fees on all shipments of uncooked meat, poultry and meat offal. The United States indicated that these fees, which had the same objective of preventing the spread of animal diseases as the corresponding domestic slaughtering fees for the same products, were significantly higher than the domestic fees, and appeared disproportionate to the cost of services rendered. The United States noted that despite several bilateral meetings held over a number of years, Thailand had still not provided a justification for the disparity between the two sets of fees. The United States underscored the obligation under Annex C, that any fees charged for the procedures on imported products be equitable in relation to those on like domestic products, and be no higher than the actual cost of the service. The United States argued that the higher fees acted as a disguised restriction on US exports, and requested Thailand to ensure that the fees levied on imported products were the same as those levied on domestic products.

2.481. Thailand highlighted the right of Members, as embodied in Article 2.1, to take SPS measures as necessary to protect human, animal or plant life or health. Thailand explained that, in order to protect human and animal health, it was necessary to charge import inspection fees for both animal products and live animals of all species. These fees were set at the rate defined in the Ministerial Regulation under the Animal Epidemic Act. Thailand clarified that the fees covered the operational expenses related to the cost of food safety and veterinary inspection services, which were necessary to ensure that the products were free from microbial, biological and chemical hazards, as well as animal pathogens. Thailand underscored that no special or differential treatment was granted to any individual trading partner. Unlike for imported animal products, the inspection service fees for domestic products were charged to domestic business operators along each step of the food production chain. This was done to ensure that the products complied with national legislation and were safe for consumers. Thailand argued that the combined cost of the fees charged at each step which domestic producers had to bear was higher than the import inspection fee. For this reason, Thailand indicated that its approach complied with Annex C(1)(f) of the SPS Agreement.

2.17 Ukraine

2.17.1 Animal Health

Ukraine import restrictions on poultry and poultry products (STC 315)

Raised by:	Mexico
Supported by:	
Dates raised:	March 2011 (G/SPS/R/62, paras. 32-34), July 2018 (G/SPS/R/92, paras. 4.95-4.96)
Relevant document(s):	G/SPS/N/UKR/54
Status:	Resolved
Solution:	Mexico announced that its concern regarding STC 315 was resolved.
Date reported as resolved:	12 July 2018

2.482. In March 2011, Mexico expressed concerns with Ukraine's emergency notification regarding the reappearance of Newcastle Disease (G/SPS/N/UKR/54), and noted that Mexico timeously

provided reports on new outbreaks. Mexico asked Ukraine to modify its measures and apply the concept of regionalisation

2.483. Ukraine indicated that Ukraine's decision had been taken in light of information from the OIE, according to which Mexico had reported the disease without compartmentalisation in 2010. Hence the principle of regionalisation was not relevant in this case. However, Ukraine was open to discussing the issue bilaterally.

2.484. The OIE indicated that the OIE did not recognize Newcastle Disease-freedom in the same way that it recognized Foot and Mouth Disease-freedom, and the best way to demonstrate freedom from Newcastle Disease was to indicate that a country was in full compliance with the relevant OIE Code chapters. The OIE would be happy to help resolve this matter using its informal mediation mechanism.

2.485. In July 2018, Mexico announced that its concern regarding STC 315 on Ukraine's import restrictions on poultry and poultry products was now resolved. Mexico expressed its gratitude to Ukraine.

2.486. Ukraine indicated that it had held constructive discussions with Mexico and confirmed that the issue was resolved.

2.18 United States of America

2.18.1 Animal Health

General import restrictions due to BSE (STC 193)

2.487. See paragraphs 2.529.-2.599.

2.18.2 Plant Health

US import restrictions on apples and pears (STC 439)

Raised by:	European Union
Supported by:	
Dates raised:	March 2018 (G/SPS/R/90, paras. 3.13-3.14), July 2018 (G/SPS/R/92/Rev.1, paras. 4.36-4.37), November 2018 (G/SPS/R93, paras. 3.74-3.75)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.488. I In March 2018, the European Union raised a concern regarding the US import restrictions on apples and pears, explaining that for many years it had market access to the United States through a pre-clearance inspection system. However, very limited EU exports had taken place due to the costly nature of the pre-clearance system. As an alternative, the European Union had applied in 2008 to export apples and pears to the United States under a systems approach. Despite finalizing the scientific and technical work in 2014, there had been lengthy delays in the US approval procedure. The European Union indicated that the last administrative step, which was to publish the final rule, had been put on hold by the United States, resulting in blocked trade of apples and pears from the European Union. The European Union noted that this was inconsistent with the SPS Agreement, particularly in relation to avoiding undue delays in approval procedures. The European Union urged the United States to respect its SPS obligations and to allow the immediate start of trade of apples and pears under a systems approach.

2.489. The United States indicated that there had been considerable progress on the several requests from the European Union to establish and expand access for its apple and pear exports to the US market. In 2010, seven EU member States (Belgium, France, Germany, Italy, Netherlands,

Portugal and Spain) had requested access to the US market using a systems approach and an additional request had been submitted by Poland in 2014. The United States explained that the USDA Animal and Plant Health Inspection Service (APHIS) had published a proposed rule in 2016 to authorize imports of apples and pears from eight EU member States under a systems approach that minimized pest risk. Comments received from the public on the proposed rule were currently being evaluated, following which the final rule would be published. The United States indicated that it had been responsive to the EU requests, as it had conducted site visit audits of apple and pear production sites in four of the eight EU member States, in addition to finalizing the work plan. The United States further explained that both of these activities were normally conducted only after the publication of the final rule. The United States noted that it would continue to provide regular updates to the European Union and its member States on the status of the rulemaking process.

2.490. In July 2018, the European Union reiterated its concern regarding the US import restrictions on apples and pears, and regretted that it had not received confirmation on the final phase of the applications of eight EU member States to export apples and pears to the United States under a systems approach, despite many years of joint technical work. The European Union added that in practice the US pre-clearance system hindered EU exports, as demonstrated by the limited volumes exported from the European Union to the United States. As an alternative, in 2008 the European Union had applied to export apples and pears to the United States under a systems approach, to replace the pre-clearance system. The last administrative step towards the adoption of the final rule by the US Administration had been pending for over one year without scientific justification, which was inconsistent with the SPS Agreement, particularly in relation to avoiding undue delays in approval procedures. The European Union requested the United States to respect its obligations and to allow trade of apples and pears to start immediately under the agreed systems approach conditions, to immediately publish the final rule, and to communicate to the European Union the planned date for adoption.

2.491. The United States highlighted the considerable progress made on several requests by the European Union to establish and expand access for EU apple and pear exports to the US market. The United States explained that the USDA Animal and Plant Health Inspection Service (APHIS) had published a proposed rule in 2016 to authorize imports of apples and pears from eight EU member States (Italy, Spain, France, Germany, Netherlands, Portugal, Belgium and Poland) under a systems approach that minimized pest risk; and that in 2017, it had conducted a site visit to several of the EU members States included in the proposed rule. The United States had worked with the European Commission and interested members States to finalize the work plan to implement the regulatory changes in the proposed rule, and hoped that USDA APHIS would publish the final rule soon. Finally, the United States highlighted that EU exports of apples and pears to the United States had exhibited a rising trend since 2012.

2.492. In November 2018, the European Union reiterated its concern regarding the US import restrictions on apples and pears under the systems approach and regretted that the United States had not provided a solution to this matter. The European Union recalled that since 2007 the European Union had been able to export apples and pears to the United States under the pre-clearance system. The European Union further explained that in practice, the US pre-clearance system hindered EU exports, as demonstrated by the limited volumes exported from the European Union to the United States. The quantity had even further decreased in recent years. As an alternative, in 2008 the European Union had applied to export apples and pears to the United States under a systems approach, to replace the pre-clearance system. The European Union noted that preparatory work had been finalized in a satisfactory manner, addressing phytosanitary concerns. However, the last administrative step towards the adoption of the final rule by the US Administration had been pending for over one year without scientific justification, which was inconsistent with the SPS Agreement, particularly in relation to avoiding undue delays in approval procedures. The European Union underscored that there were no phytosanitary justifications for postponing the publication of the final rule. Furthermore, the European Union noted that the United States had not provided details on the timing for the publication of this rule. The European Union requested the United States to respect its obligations and to allow trade in apples and pears to start immediately under the agreed systems approach conditions and to immediately publish the final rule. The European Union reiterated its willingness to continue to work with the United States to find a solution on this matter.

2.493. The United States highlighted the considerable progress made on several requests by the European Union to establish and expand access for EU apple and pear exports to the US market. The United States explained that the USDA Animal and Plant Health Inspection Service (APHIS) had

published a proposed rule in 2016 to authorize imports of apples and pears from eight EU member States (Italy, Spain, France, Germany, Netherlands, Portugal, Belgium and Poland) under a systems approach that minimized pest risk; and that in 2017, it had conducted a site visit to several of the EU members States included in the proposed rule. The United States had worked with the European Commission and interested member States to finalize the work plan to implement the regulatory changes in the proposed rule, and hoped that USDA APHIS would publish the final rule soon. The United States also reported that since 2013, exports of pears and apples from the United States to the European Union had continued to increase. Finally, the United States highlighted its commitment to transparency.

2.18.3 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), March 2018 (G/SPS/R/90, paras. 3.56-3.57), July 2018 (G/SPS/R/92/Rev.1, paras. 4.93-4.95)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.494. 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.

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

2.496. 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.

2.497. 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.

2.498. 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.

2.499. 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.

2.500. 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.

2.501. 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.

2.502. 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.

2.503. 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.

2.504. 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.

2.505. In March 2018, China reiterated its concern on the Seafood Import Monitoring Programme and the Fish and Fish Product Import Regulations under the Marine Mammal Protection Act. China noted that aquaculture products had no relation to the false capture of marine mammals, and that the traceability of aquaculture products outside the United States did not help to prevent illegal, unreported and unregulated (IUU) fishing and fraud in aquatic products. China requested an explanation of the rationale for the inclusion of aquaculture products in the scope of application of the two bills, and further urged the United States to consider removing these products from the bills and to formulate laws consistent with the SPS Agreement.

2.506. 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 IUU fishing and seafood fraud, and thus required 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. The United Stated also indicated its willingness to have bilateral discussions on the other measure mentioned by China, which was outside the scope of this trade concern on the US seafood import monitoring programme. The United States looked forward to its continued engagement with China.

2.507. In July 2018, China reiterated its concern on the Seafood Import Monitoring Programme (SIMP), noting that the United States insisted that SIMP aimed to combat illegal, unreported and unregulated (IUU) fishing and seafood fraud. However, based on its review, China considered that the requirements of the programme were SPS-related, according to the definition of SPS measures in Annex A(1) of the SPS Agreement. China also considered that the traceability of aquaculture products outside the United States did not help to prevent IUU fishing and fraud in aquatic products. China understood from the TBT Committee meeting that the United States was planning to extend the measure to prawns and abalones in December 2018. China requested clarification on the rationale for indicating that the requirements were not SPS-related, and including additional species into the programme's scope of application. China urged the United States to consider removing aquaculture products and delaying the implementation of the measures on prawns and abalones.

2.508. The Russian Federation expressed interest in the issue.

2.509. The United States thanked China for the bilateral discussions and for its continued interest in SIMP, which aimed at combating IUU fishing and seafood fraud. The United States underscored that the final rule was not an SPS measure and therefore fell outside the scope of the SPS Agreement.

2.19 Viet Nam

2.19.1 Food Safety

Viet Nam's draft amendment to Circular 24 on MRLs for veterinary drugs (STC 435)

Raised by:	United States of America
Supported by:	Canada; New Zealand
Dates raised:	March 2018 (G/SPS/R/90, paras. 3.2-3.5)

Relevant document(s):	G/SPS/N/VNM/82
Status:	Not reported
Solution:	
Date reported as resolved:	

2.510. I In March 2018, the United States raised a concern regarding Viet Nam's draft amendment to Circular 24 (G/SPS/N/VNM/82) which, as currently drafted, would rescind MRLs for several veterinary drugs that were currently aligned with Codex MRLs. The United States observed that Viet Nam had not provided scientific justification for rescinding the Codex aligned MRLs. The United States indicated that it had welcomed the announcement by Viet Nam's Prime Minister, during his May 2017 visit to the United States, that Viet Nam would continue to follow Codex standards for the veterinary drug MRLs in question. However, there still remained uncertainty regarding the status of the proposed ban on certain veterinary drugs, since there was no official document indicating that the draft ban would not go into effect. The United States, while acknowledging appreciation for the extensive bilateral engagement with Viet Nam on the issue, indicated disappointment that the issue remained unresolved. The United States further urged Viet Nam to maintain MRLs for veterinary drugs in accordance with Codex standards and requested that Viet Nam notify an addendum to the WTO withdrawing G/SPS/N/VNM/82, in order to provide certainty for US exporters.

2.511. Canada shared the concerns of the United States regarding Viet Nam's draft amendment to Circular 24, which proposed zero tolerances for a number of veterinary drugs, including ractopamine, which already had a Codex MRL. Canada stated that Viet Nam's proposed zero tolerance approach would effectively ban imports of meat products containing any residue of these veterinary drugs, even if within the Codex established MRLs. Canada noted that it had submitted detailed comments on Viet Nam's notification (G/SPS/N/VNM/82), and requested the scientific justification for the zero tolerance approach. Despite several bilateral efforts to resolve the issue, Viet Nam had still not withdrawn its proposal nor made known its future intentions, which had resulted in uncertainty for Canadian meat exporters. Canada urged Viet Nam to withdraw its proposal, to inform the Committee of its withdrawal and to establish MRLs for ractopamine and other veterinary drugs, based on Codex MRLs.

2.512. New Zealand supported the concerns of the United States, in particular noting the lack of scientific justification for rescinding the Codex aligned MRLs.

2.513. Viet Nam welcomed Members' feedback and underscored its commitment to uphold transparency in the process. Viet Nam informed Members that its Ministry of Health was still in the process of reviewing the regulation and receiving comments from relevant authorities, with a view to finalize the draft regulation. Members would be notified once there was an update on the status of Circular 24. Viet Nam further stated that its regulation was based on the guidelines of international standard setting bodies and that there was no arbitrary or unjustifiable discrimination against Members or disguised restriction to international trade.

Viet Nam's import restrictions in the draft law of animal production (STC 450)

Raised by:	United States of America
Supported by:	Canada; Paraguay
Dates raised:	November 2018 (G/SPS/R/93, paras. 3.13-3.17)
Relevant document(s):	G/SPS/N/VNM/82, G/SPS/N/VNM/95, G/SPS/N/VNM/95/Add.2
Status:	Not reported
Solution:	
Date reported as resolved:	

2.514. In November 2018, the United States raised its concern regarding Viet Nam's draft Livestock Production Law, which could restrict US exports of livestock products, including meat and poultry to Viet Nam. The United States thanked Viet Nam for the extensive bilateral discussions on the issue, but highlighted that its concerns had not been fully addressed. The United States observed that the law could be debated and voted on by Viet Nam's National Assembly as early as November 2018, and further requested that Viet Nam provide an update on the status of the draft law. In particular, the United States drew attention to Article 12, clause 7 of the draft law which would ban the import

of livestock products produced using chemicals prohibited for domestic production in Viet Nam, despite assurances from Viet Nam that it would harmonize its MRLs for imported goods to Codex standards. The United States reminded Viet Nam of its obligations under the SPS Agreement, in particular Articles 3 and 5, and sought clarification on how Viet Nam would ensure that the measures taken on chemicals prohibited for domestic production were based on science. The United States also queried the appropriate level of protection that Viet Nam was seeking through such bans on domestic chemical usage in animal production, considering existing scientific evidence, including by Codex, which showed that such chemicals were being used to produce safe food. The United States encouraged Viet Nam to adopt Codex MRLs of veterinary drugs in foods, and requested Viet Nam to delay adoption of this law, until Article 12, clause 7 had been revised to align with Viet Nam's SPS commitments, and had addressed the identified trade concerns.

2.515. Canada shared the concerns raised by the United States with respect to the latest version of Viet Nam's draft law of animal production. Canada thanked Viet Nam for productive bilateral meetings, but expressed its concern regarding the provision contained in Article 12.7 that banned imports of products containing residues of veterinary drugs which were prohibited domestically in Viet Nam. This provision would ban imports of meat products that contained residues of several veterinary drugs, including ractopamine, for which there were existing Codex standards for safe use. Canada noted that this provision was essentially the same proposed ban that the Vietnamese Ministry of Health had notified on 7 September 2016, under G/SPS/N/VNM/82. On 4 November 2016, Canada had submitted detailed comments on that proposal, including a request that Viet Nam maintain MRLs for ractopamine and other veterinary drugs based on Codex MRLs and provide the rationale and scientific justification for taking a zero-tolerance approach. To date Viet Nam had not responded to Canada's formal comments. Canada indicated that it had held several bilateral meetings, including at the highest levels, raising concerns about Viet Nam's proposed ban. However, despite these meetings and Viet Nam's indication that the concerns of trading partners were being taken into account, the latest version of the draft law of livestock production (draft 6) of August 2018 contained a provision which would legislate essentially the same ban which Canada had been objecting to since 2016. Canada noted that Viet Nam had notified this draft law on 30 October 2018 as G/SPS/N/VNM/95/Add.2, providing Members with a 60-day comment period ending 29 December 2018. Canada observed that Viet Nam's National Assembly would be reviewing the draft law on 7 November 2018, and voting on it on 20 November 2018, prior to the end of the notification's comment period. As such, Canada requested that Viet Nam delay the review and voting on this draft law until after the conclusion of the comment period of the WTO notification, so that Viet Nam could take into account the comments of trading partners. In addition, Canada continued to request that Viet Nam remove the provision that banned imports of products containing residues of ractopamine and other veterinary drugs for which there were existing Codex standards for safe use. Canada also requested that Viet Nam maintain MRLs for ractopamine and other veterinary drugs based on Codex MRLs. Canada looked forward to continue working with Viet Nam to resolve this issue.

2.516. Paraguay stated its interest in this trade concern and indicated that it would continue to closely follow developments on this issue.

2.517. Viet Nam underscored its commitment to ensuring transparency, highlighting that it had notified its draft law on livestock production as G/SPS/N/VNM/95 on 10 March 2018. Viet Nam welcomed comments and feedback from all WTO Members on the matter. Viet Nam informed the Committee that the drafting agency, the Department of Livestock Production in the Ministry of Agriculture and Rural Development, was still in the process of reviewing the draft law including comments from Members. Viet Nam noted that it had recently notified the final draft to the WTO on 30 October 2018 for further comments from Members. In relation to the ban on the chemicals, Viet Nam emphasized that its legislative system differed from that of other countries. Viet Nam explained that the three-step legislative process started with a more general law, which did not provide details for each substance, followed by a decree related to the designation of the duty and responsibility of the government agency and the competent authorities responsible for developing the list of substances and chemicals subject to the ban. Lastly, a Circular was developed by the Ministry of Agriculture to regulate in detail the substances to be banned, especially as it related to the group of beta-agonists, including ractopamine.

2.518. Viet Nam noted Canada's concerns with Circular No. 24 which had been notified in 2016, and would be reviewed in the future. Viet Nam explained that the Circular still remained in effect, which meant that Viet Nam accepted the residue levels of ractopamine which had been adopted

according to the existing Codex guidance. Viet Nam underscored that its measures were based on international guidelines and that they did not constitute a disguised restriction on international trade.

2.19.2 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), July 2018 (G/SPS/R/92/Rev.1, paras. 4.48-4.49)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.519. 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.

2.520. 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.

2.521. 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.

2.522. 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.

2.523. 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.

2.524. 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. In July 2018, Senegal reiterated its concerns regarding Viet Nam's temporary suspension of groundnut seed imports for quarantine purposes since 2016. Senegal reported on the documentation it had submitted and requested Viet Nam to follow-up on this issue to ensure that its operators received the appropriate information.

2.525. Viet Nam informed the Committee that it had recently received a technical information package on pest risk analysis in French from Senegal's NPPO, after translation, was under assessment by the Plant Protection Department.

2.19.3 Other Concerns

Viet Nam's market access requirements for "white" offals (STC 438)

Raised by:	United States of America
Supported by:	New Zealand
Dates raised:	March 2018 (G/SPS/R/90, paras. 3.10-3-12)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.526. In March 2018, the United States raised concerns regarding Viet Nam's market access requirement for ''white'' offals. The United States noted that Viet Nam had signed a letter of Agreement with the United States in 2006, as part of its WTO accession, accepting the export certificate issued by the USDA FSIS as proof that its exported meat and poultry products had been inspected and passed by FSIS. However, since the implementation of Circular 25 in 2011, US exporters now faced a burdensome administrative process due to the requirement for meat, poultry and fishery establishments to submit a questionnaire for subsequent approval by Viet Nam's National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD), in order to be eligible to export to Viet Nam. The United States indicated that its understanding of the Circular 25 approach was that Viet Nam would accept and review questionnaires on an ongoing basis and that as FSIS inspected and passed new establishments, Viet Nam would add these facilities to its list of entities eligible to export to Viet Nam. Instead, the United States noted that Viet Nam had appeared to institute a process of registration of individual facilities, rather than focusing on the overall effectiveness of the FSIS inspection and certification system. Such an approach was contrary to Codex guidelines, which stated that the importing country should evaluate the effectiveness of the inspection and certification system of the exporting country, rather than engage in an establishment by establishment approach. The United States observed that the regulation had created uncertainty for market access, and had stalled the addition of new establishments and the flow of exports to Viet Nam. In addition, there had been changes in the administrative responsibility for the implementation of Circular 25, which had resulted in extensive delays in the reopening of Viet Nam's market. The United States acknowledged the bilateral engagements with Viet Nam and urged Viet Nam to resolve the issue expeditiously.

2.527. New Zealand shared the concern raised by the United States, in particular as it related to the consistency of the regulation with Codex guidelines on evaluating the effectiveness of the inspection and certification system of the exporting country. New Zealand also noted that its exporters faced similar issues to those reported by the United States.

2.528. Viet Nam explained that during the visit of its inspection team to the United States in 2014, several instances of non-compliance had been identified in some US establishments. Viet Nam indicated that it had informed the United States of these issues and had also temporarily halted the addition of new registrations, until the corrective and preventive methods had been taken at these establishments. Viet Nam stated that several requests had been made for USDA and FSIS representatives to facilitate a visit of the Vietnamese delegation to a number of establishments that had been registered for exporting ''white'' offals to Viet Nam. The purpose of the mission would be to inspect and review US regulatory programmes and food safety systems, in order to ensure that all establishments met the requirements. Viet Nam indicated its willingness to continue working closely with US authorities on the issue, and further underscored its commitment to ensure that its SPS regulations were consistent with international standards and the SPS Agreement.

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; See also STC 84), 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), March 2018 (G/SPS/R/90, para. 3.43), July 2018 (G/SPS/R/92/Rev.1, para. 4.50), November 2018 (G/SPS/R/93, para. 3.65)
Relevant document(s):	Raised orally
Status:	Partially resolved
Solution:	Solutions notified regarding certain members
Date reported as resolved:	

2.529. 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.

2.530. 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.

2.531. 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.

2.532. 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.

2.533. 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.

2.534. 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.

2.535. 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.

2.536. 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.

2.537. 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.

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

2.539. 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.

2.540. 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.

2.541. 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.

2.542. 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.

2.543. 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.

2.544. 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.

2.545. 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.

2.546. 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.

2.547. 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.

2.548. 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.

2.549. 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.

2.550. 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.

2.551. 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.

2.552. 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.

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

2.554. 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.

2.555. 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.

2.556. 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.

2.557. 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.

2.558. 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.

2.559. 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.

2.560. 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.

2.561. 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.

2.562. 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.

2.563. 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.

2.564. 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.

2.565. 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.

2.566. 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.

2.567. 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.

2.568. 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.

2.569. 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.

2.570. 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.

2.571. 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.

2.572. 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.

2.573. 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.

2.574. 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.

2.575. 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.

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

2.577. 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.

2.578. 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.

2.579. 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.

2.580. 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.

2.581. 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.

2.582. 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.

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

2.584. 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.

2.585. 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.

2.586. 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.

2.587. 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.

2.588. 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.

2.589. 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.

2.590. 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.

2.591. 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.

2.592. 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.

2.593. 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.

2.594. 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.

2.595. 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.

2.596. 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.

2.597. In March 2018, 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 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, as well as undue delays in approval procedures of some Members. The European Union appreciated the positive developments in China, Japan, Korea, Chinese Taipei and the United States, and further urged all Members to promptly allow imports of safe beef from the European Union.

2.598. In July 2018, the European Union reiterated the importance of this concern, noting that there was no longer an BSE-related crisis, and that science had proven that safe trade of beef could take place regardless of the BSE country risk status. The European Union requested WTO Members to lift BSE-related import bans, not to require overly burdensome information, nor to treat safe commodities, as defined by OIE, as non-safe commodities. The European Union urged Members to observe international standards, or to provide a risk assessment to justify deviations, and not to discriminate between countries with the same BSE status. The European Union regretted the undue delays faced regarding approval procedures in many countries, and urged countries to lift remaining BSE-related restrictions on imports for all EU members States and to apply international standards. The European Union appreciated the positive developments in China, Chinese Taipei and Japan regarding EU member States' applications for beef, and hoped that they would proceed with other pending market access applications. The European Union also urged Korea to finalize EU member States applications which have been pending for a very long time.

2.599. In November 2018, the European Union reiterated its concern, noting unjustified undue delays in several Members regarding import approval procedures for safe commodities as defined by OIE. The European Union noted that longer approval procedures due to insufficient resources would constitute significant trade barriers in violation of Article 8 of the SPS Agreement. The European Union welcomed positive developments in China, Japan, and Chinese Taipei regarding certain EU member States applications, and hoped that they would proceed swiftly with all pending EU applications. The European Union urged Korea to finalize pending EU member States applications without any further delays. Finally, the European Union urged all Members to align their BSE requirements with OIE standards and to lift restrictions, particularly to allow trade in safe commodities (e.g. beef) regardless of the BSE country status.