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**Committee on Sanitary and Phytosanitary Measures**

**SIXTH REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE AGREEMENT  
ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**

OVERVIEW OF ISSUES/PAPERS/PROPOSALS SUBMITTED BY MEMBERS

*Note by the Secretariat<sup>1</sup>*

*Revision*

Members have submitted the following issues, papers, and proposals for consideration during the Sixth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures<sup>2</sup> (SPS Agreement):

**1 Brazil ([G/SPS/W/352](#))**

**1.1 Proposal on transparency of sanitary and phytosanitary regulations: notifying at an early appropriate stage**

1.1. The Committee should share its experience in making and receiving comments on notifications and how they are taken into account. The Committee could have a separate standing agenda item "Notifications – Consideration of comments" to open the dialog on SPS regulations. Under that agenda item, if requested by a Member at least three weeks before the Committee meeting, the notifying Member could respond on how comments received from Members were taken into account.

**2 Canada ([G/SPS/W/349](#))**

**2.1 Agriculture technologies addressing modern SPS challenges**

2.1. The Committee should organize a workshop to explore SPS challenges associated with the adoption/implementation and recognition of new agriculture technologies. The objective of the workshop would be to explore how the SPS Committee can facilitate productive discussions between developed, developing and least developed country (LDC) Members around the development, assessment, and implementation of new agricultural technologies by Members to address sustainability, while facilitating trade. Articles 6, 7, and 9 of the SPS Agreement could be areas for consideration. Specific topics could include mitigating the impact of climate change with tools and technologies in agriculture, how to sustainably increase production (e.g. vertical farming), emerging technologies (e.g. AI in agriculture), and policy challenges when developing/implementing innovative agricultural tools.

**3 European Union ([G/SPS/W/353](#))**

**3.1 Emerging risks**

3.1. The Committee should continue the discussions on modern challenges and emerging risks through a thematic session on how Members and the relevant international organizations identify

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<sup>1</sup> 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.

<sup>2</sup> Proposals and documents submitted by Members are available on the dedicated webpage [https://wto.org/sps\\_review](https://wto.org/sps_review).

emerging risks in the SPS field, assess their potential impacts and develop methods to address them (also see [section 4](#) on the related proposal for a thematic session in [G/SPS/W/354](#)).

### **3.2 Cooperation with ISSBs and observer organizations**

3.2. The Committee should explore ways to enhance the cooperation with the international standard-setting bodies (ISSBs), with special regards to their ongoing observatory projects on monitoring the implementation of the international standards in their areas. The Committee should also look at possibilities to foster enhanced cooperation with the observer organizations to better use their expertise.

### **3.3 Support for special needs of developing and LDC Members**

3.3. The Committee should continue to explore how the existing flexibilities in the SPS Agreement could be used more efficiently to better address the special needs of developing and LDC Members in the SPS area and provide more targeted support.

### **3.4 Recognition of regionalization**

3.4. The Committee should continue to exchange on the recognition of regionalization in view of building high levels of trust and confidence needed between Members to recognize their regionalization measures and ultimately facilitate trade. Members could consider technical assistance and mentorship for developing countries as tools for supporting the implementation of Article 6 of the SPS Agreement. The Committee should carry out targeted reflections on how to further improve its understanding and application of some horizontal issues highlighted both during the implementation of the MC12 SPS Declaration Work Programme<sup>3</sup> and throughout the previous review of the SPS Agreement.

### **3.5 Transparency**

3.5. The Committee should continue to work towards improving the quality of SPS notifications, the comments on notifications, and the replies to comments. Building on the recommendations of the working group on approval procedures, the Committee should also further examine the possibilities of greater transparency on national SPS legislation, timelines for approval procedures, and other related information which would facilitate safe trade.

### **3.6 Better use of available IT tools in order to facilitate safe trade**

3.6. The Committee should take stock of the developments in the information technology and increased availability of IT tools and explore further possibilities to facilitate safe trade via new IT solutions (e.g. improvement of the [ePing SPS&TBT Platform](#), wider use of e-certificates, more IT platforms).

## **4 European Union ([G/SPS/W/354](#))**

### **4.1 Proposal for a thematic session on SPS-related emerging risks**

4.1. The Committee should hold a thematic session on SPS-related emerging risks as a first step to continue the discussions on modern challenges and emerging risks. The session would deal with the definition and identification of emerging risks, the development and improvement of emerging risk identification methodologies and approaches for characterization, the communication on possible issues and risks, and the development of effective measures to address these risks by Members and the relevant international organizations.

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<sup>3</sup> More information is available on the dedicated webpage  
[https://www.wto.org/english/tratop\\_e/spis\\_e/spis\\_declaration\\_mc12\\_e.htm](https://www.wto.org/english/tratop_e/spis_e/spis_declaration_mc12_e.htm).

## 5 India

5.1. India indicated interest in examining the following topics under the Sixth Review: regionalization of pest and disease-free areas; and issues of concern, particularly unilateral measures related to MRLs.

## 6 New Zealand ([G/SPS/W/348](#))

### 6.1 Monitoring the process of international harmonization

6.1. Given continued discussions in the ISSBs, specifically around the use, implementation, and impact of their standards on trade and how best to monitor the process of international harmonization, the Committee should revisit previous proposals: 1) a review/analysis of specific trade concerns (STC), highlighting the themes and evidence of harmonization with ISSB standards; 2) review the list of international standards, guidelines, or recommendations relating to SPS measures which the Committee determines to have a major trade impact and use the data from this analysis to inform future proposals to monitor the use of the international standards; and 3) review, in consultations with the ISSBs, the notification template to gather more specific information on international harmonization and ensure that useful data can be extracted from the WTO/SPS notification system and discuss with the ISSBs what previous analysis may have been done to date.

### 6.2 G-90 document for the Special Session of the Committee on Trade and Development (CTD-SS) on 10 Agreement-specific special and differential treatment proposals – Mentoring system

6.2. The Committee should revisit the mentoring system it had established in 2007 to assist LDCs with the transparency obligations ([G/SPS/W/214](#)), so as to provide valuable assistance for Members to address some of the concerns raised in the G-90 document for the CTD-SS on 10 Agreement-specific special and differential treatment proposals.<sup>4</sup> The original transparency mentoring system could be improved and extended to other areas of the SPS Agreement as needed. The Committee should develop a set of criteria for both mentors and mentored Members, and the types of support provided could include contact points for issues, legislative guidance, as well as assistance with resources, translations, and training. The Secretariat would register expressions of interest and match Members based on the level of mentoring offered/needed and on geographical region and language. A review process would be integrated to ensure that the system meets its objective of providing reliable and focused assistance on key areas of the SPS Agreement.

### 6.3 Meaning and understanding of terms such as reservation and abstention from acceptance in the context of the WTO SPS Agreement

6.3. The Committee should agree to promote informal exchanges among Members on the meaning and understanding of terms, such as "reservation" and "abstention from acceptance" in terms of the SPS Agreement and facilitate more informed consideration of these terms during the process of standards development and decision making in the ISSBs. Such a discussion could be helpful guidance for the ISSBs as they seek to progress issues in situations when Members have differing views, especially with respect to non-science considerations.

### 6.4 Notification procedures under the SPS Committee – Use of TBT/SPS notifications – Enhancing transparency

6.4. The Committee should propose solutions, in collaboration with the TBT Committee, to find innovative ways to address the issue of notification of measures not clearly fitting within the scope of either the SPS or TBT Agreements. This could take the form of a three-step process to discuss/take stock of: 1) challenges faced by Members in situations where it is difficult to establish whether a measure falls under the TBT and/or SPS Agreements; 2) Members' responses to these situations;

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<sup>4</sup> The overall G-90 document containing ten agreement-specific proposals is available in document [JOB/TN/CTD/2](#); [JOB/TNC/106](#); the G-90 proposal relating to the SPS Agreement is contained in document [JOB/TN/CTD/3](#); [JOB/TNC/110](#).

and 3) possible solutions, such as ideas for how the SPS and TBT Committees can coordinate a solution and options for improving the current system.

## **7 United Kingdom ([G/SPS/W/351](#))**

### **7.1 Examine how the ongoing work of the SPS Committee should/could continue to engage with the emerging challenges and opportunities identified in the MC12 SPS Declaration and the broader debates on global food security and sustainable food systems**

7.1. The Committee should continue to consider emerging challenges and opportunities including those identified in the MC12 SPS Declaration, and the contribution of SPS measures to food sustainability/security. The Committee could focus on aspects such as the role of international standards (the implementation of Article 3 of the SPS Agreement on harmonization), interactions between emerging challenges, and SPS-related science and risk analysis.

### **7.2 Explore how to further enhance effective utilization of existing flexibilities and support for developing and least developed countries on the development and application of SPS measures**

7.2. The Committee should further consider ways to enhance accessibility and effective utilization of existing flexibilities within the SPS Agreement that support developing and LDC Members to engage and benefit from international trade. The Committee should organize a thematic session on "Increasing awareness and compiling best practice on the utilizing the development-orientated flexibilities in the SPS Agreement to support developing and LDC Members" to explore in more detail some of the issues that the G-90 have raised around the Agreement-specific proposals.

### **7.3 Review and promote the role of electronic/IT technologies as a tool to aid the effective application and operation of SPS measures to facilitate trade**

7.3. The Committee should explore the role of electronic tools and techniques that can be employed to aid the application of SPS measures, including ensuring that cost and ease of implementation do not create undue barriers to trade (for developing and LDC Members in particular). The Committee should organize a thematic session on "Facilitating safe trade – Supporting developing and least developed countries in the development and application of SPS measures". This topic is based on the work of Thematic Group 5 of the MC12 SPS Declaration and also links to the proposal by the G-90 on the SPS Agreement.<sup>5</sup>

## **8 United States ([G/SPS/W/350](#))**

8.1. The Committee should identify and explore Members' experiences and lessons learned during the COVID-19 pandemic along the lines of the following proposals.

### **8.1 Technology and innovation**

8.2. The Committee should learn lessons from early adopters of virtual communication tools to support various types of SPS-related regulatory activities, including bilateral negotiations and various types of audits, or on where in-person meetings are preferable to virtual exchanges, and vice versa. In addition, the Committee should engage in discussions to further a shared understanding of the opportunities and challenges posed by the greater use and adoption of electronic certificates, including sanitary certificates and other digitalized documents. The Committee should also continue discussions that took place under the MC12 SPS Declaration Work Programme regarding new tools and technologies, including pesticides, veterinary medicines, and biotechnology products, and further advance constructive engagement around appropriate SPS regulatory practices that encourage innovation in the production and facilitate trade of safe food and agricultural products.

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<sup>5</sup> The proposal is available in document [JOB/TN/CTD/3; JOB/TNC/110](#).

## **8.2 Facility registration**

8.3. The Committee should explore best practices related to facility registrations such that Members can work together to enhance the Committee's common understanding of their purpose, while strengthening and improving the resiliency of international trade without imposing undue burdens on trading partners.

## **8.3 Misinformation/disinformation**

8.4. The Committee should further analyse the implications of misinformation and disinformation on consumer perception about the safety of food and about SPS issues generally, including how to strengthen efforts to identify and combat misinformation and disinformation when developing SPS measures and negotiating with trading partners. The Committee should consider further SPS work encouraging Members to enhance transparency in their agricultural practices, policies, and regulations with the goal of addressing misinformation and disinformation. The Committee could continue to facilitate international cooperation and encourage cooperation among Members to share best practices in combating misinformation. The Committee should promote initiatives aimed at enhancing digital literacy, critical analysis, and media literacy skills to support capacity-building initiatives, especially in developing and LDC Members.

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## ANNEX I: LIST OF TOPICS AND PROPOSALS

Members	Addressing modern challenges and emerging risks	Cooperation with ISSBs and observer organizations	Regionalization	Technical assistance/ S&D Treatment	Technology/ IT tools	Transparency/ Notification Procedures	Other Topics
Brazil	-	-	-	-	-	<a href="#">G/SPS/W/352</a> (Proposal for a new standing agenda item on consideration of comments on notifications)	-
Canada	<a href="#">G/SPS/W/349</a> (Proposal for a workshop to explore SPS challenges associated with new agriculture technologies. Possible areas for consideration: Articles 6, 7, and 9)	-	<a href="#">G/SPS/W/349</a> (Proposal for a workshop to explore SPS challenges associated with new agriculture technologies. Possible areas for consideration: Articles 6, 7, and 9)	<a href="#">G/SPS/W/349</a> (Proposal for a workshop to explore SPS challenges associated with new agriculture technologies. Possible areas for consideration: Articles 6, 7, and 9)	-	<a href="#">G/SPS/W/349</a> (Proposal for a workshop to explore SPS challenges associated with new agriculture technologies. Possible areas for consideration: Articles 6, 7, and 9)	-
European Union	<a href="#">G/SPS/W/353</a> and <a href="#">G/SPS/W/354</a> (Proposal for a thematic session on SPS-related emerging risks)	<a href="#">G/SPS/W/353</a> (Proposal to explore ways to enhance cooperation with ISSBs and with observer organizations)	<a href="#">G/SPS/W/353</a> (Proposal to exchange on the recognition of regionalization and to consider technical assistance and mentorship to support the implementation of Article 6)	<a href="#">G/SPS/W/353</a> (Proposal to explore a more efficient use of existing flexibilities in the SPS Agreement)	<a href="#">G/SPS/W/353</a> (Proposal to take stock of the developments in IT and explore further possibilities to facilitate safe trade via new IT solutions)	<a href="#">G/SPS/W/353</a> (Proposal to continue improving the notification procedures and explore possibilities for greater transparency of national SPS legislation and timelines for approval procedures)	-
India	-	-	Topic of interest (regionalization of pest- and disease-free areas)	-	-	-	Topics of interest (issues of concern, particularly unilateral measures related to MRLs)

Members	Addressing modern challenges and emerging risks	Cooperation with ISSBs and observer organizations	Regionalization	Technical assistance/ S&D Treatment	Technology/ IT tools	Transparency/ Notification Procedures	Other Topics
New Zealand	-	<a href="#">G/SPS/W/348</a> (Proposal to review STCs, list of relevant international standards, and notification template)	-	<a href="#">G/SPS/W/348</a> (Proposal for a mentoring system)	-	<a href="#">G/SPS/W/348</a> (Proposal to explore solutions, in collaboration with TBT, to address the issue of notification of measures not clearly fitting within the scope of either the SPS or TBT Agreements)	<a href="#">G/SPS/W/348</a> (Proposal for exchanges on the terms "reservation" and "abstention from acceptance" in standards development in the ISSBs)
United Kingdom	<a href="#">G/SPS/W/351</a> (Proposal for discussions on emerging challenges and opportunities and contribution of SPS measures to food security and sustainable food systems, with a focus on harmonization and science and risk analysis)	<a href="#">G/SPS/W/351</a> (Proposal for discussions on emerging challenges and opportunities and contribution of SPS measures to food security and sustainable food systems, with a focus on harmonization and science and risk analysis)	-	<a href="#">G/SPS/W/351</a> (Proposal to explore ways to enhance accessibility and effective utilization of existing flexibilities in the SPS Agreement.  Related proposals for thematic sessions)	<a href="#">G/SPS/W/351</a> (Proposal to explore the role of electronic tools and techniques to aid the application of SPS measures)	-	-
United States	<a href="#">G/SPS/W/350</a> (Proposal to continue discussions that took place under the MC12 SPS Declaration Work Programme)	-	-	-	<a href="#">G/SPS/W/350</a> (Proposal for discussions on technology and regulatory practices that encourage innovation and facilitate trade)	<a href="#">G/SPS/W/350</a> (In relation to misinformation and disinformation on consumer perception about SPS issues, proposal to enhance transparency in regulatory practices, facilitate and encourage cooperation and support capacity-building initiatives)	<a href="#">G/SPS/W/350</a> (Proposal for discussions on best practices related to facility registrations)