

Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING HELD ON 7-8 JULY 1999

Note by the Secretariat

1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its fifteenth meeting on 7-8 July 1999. At the beginning of the meeting, the Committee elected Mr. Attie Swart (South Africa) as Chairman for 1999/2000. The Committee thanked the previous Chairman, Dr. Alejandro Thiermann (United States), for his services noting with appreciation his personal contributions to the implementation of the Agreement. The agenda proposed in WTO/AIR/1124 was adopted with amendments.

2. Following the adoption of the agenda, the representative of Brazil emphasized that it was each Member government's prerogative to determine the composition of its delegation. The Brazilian delegation on 7 July 1999 was composed of Maria Nazareth Farani Azevêdo from the Permanent Brazilian Mission in Geneva, Mr. Adauto Rodriguez from the Ministry of Agriculture and Ms. Vera Araújo, Technical Adviser to the Brazilian delegation.

I. IMPLEMENTATION OF THE AGREEMENT

(a) Information from Members

(i) *EC – Information on Commission Directive 1999/53/EC on protective measures against the introduction into the European Communities of organisms harmful to plants or plant products and against their spread in the European Communities*

3. The representative of the European Communities informed the Committee that on 26 May 1999, the European Commission adopted Directive 1999/53/EC amending Annex 3 of Council Directive 77/93. Until 1 April 1996, Council Directive 77/93 provisionally recognized zones in Greece, Italy and Corsica that were protected against introduction of unknown non-European harmful organisms on fruits, including citrus. The possibility to resort to protected areas within the European Communities was later ruled out, and the relevant provisions of Directive 77/93 were repealed. The new directive encouraged a uniform implementation of current EC legislation, thus allowing the import of citrus fruit originating in third countries, provided the fruit complied with relevant EC provisions.

(ii) *European Communities – Establishment of a veterinary web site*

4. The representative of the European Communities informed the Committee that to provide for greater transparency it had established a veterinary web site where Members could find the list of third country establishments authorised for import of products of animal origin into the EC (<http://forum.europa.eu.int/Public/icr/dg6/vets/home>). This web site listed establishments by product as well as by country, and contained parts of the texts of the relevant Commission decisions. Additionally, the legislative text of relevant Commission decisions published in the Official Journal of the European Communities after August 1998 were available in English and French from the veterinary web site. The Commission was currently studying the possibility of expanding the web site

to include working documents, adopted proposals and legislation relevant to the implementation of the SPS Agreement.

(iii) *Chile – Progress in the implementation of the Agreement*

5. The representative of Chile informed the Committee that it had signed bilateral inter-institutional agreements with Canada and France, and an animal health agreement with the Czech Republic. He reported that Chile had participated actively in Codex Committees, in the Codex Alimentarius Commission, as well as in the OIE. With respect to the recognition of Chile's sanitary status, Chile expressed its appreciation to Korea for recognizing Chile as an area free of fruit fly. After recognition by the OIE, Uruguay, Cuba and Japan had promptly recognized Chile as free from Classic Swine Fever, although other countries were taking somewhat longer. The Chilean representative thanked Mexico and Argentina, who were also finalizing the process of recognizing Chile's status with respect to Classic Swine Fever, and expressed the hope that the European Communities and the United States would accelerate the recognition process.

(iv) *Argentina – Progress in the implementation of the Agreement*

6. The representative of Argentina informed the Committee that Argentina had recently received authorization to export fresh de-boned beef to New Zealand. Argentina hoped to receive the same treatment from Japan based on harmonization and equivalence criteria. He expressed Argentina's interest in beginning citrus fruit exports to the United States. Seven years after beginning negotiations, and two years after finalizing the harmonization of quarantine treatments with APHIS, Argentina was anxiously awaiting the conclusion of the process since the delays had already caused a series of commercial problems for future exporters. In addition, Argentina had requested recognition by the United States as a country free of Newcastle disease more than a year earlier, and had submitted all the relevant information. The representative of the United States replied that it was handling Argentina's request to export citrus fruit to the United States as a priority, and that the process should be concluded in the near future.

(b) Specific trade concerns

(i) *Mexico – Import prohibition of Thai milled rice (G/SPS/GEN/82, G/SPS/GEN/105)*

7. The representative of Thailand reported that in addition to documents provided to the Mexican delegation at the March meeting, he was handing over further documents at the current meeting. The two delegations had held useful consultations, and the representative of Thailand expressed his hope that this agenda item could be removed at the next meeting. The representative of Mexico thanked Thailand for the information provided at the previous Committee meeting. Concerns regarding *Tilletia barclayana* had been resolved, since this was a quarantine disease only with regard to seed imports, not with regard to rice imported for consumption. During its examination of the information, Mexico found no reports of the presence of the khapra beetle in Thailand. Mexico would thus modify its regulation NOM/005, which had listed Thailand as a country affected by this pest. Thailand's embassy in Mexico as well as its Ministry of Agriculture would be notified as soon as the new measure regarding imports of Thai milled rice was completed, and the necessary agreements could be finalized.

(ii) *Czech Republic - Import prohibition of Thai poultry meat*

8. The representative of Thailand reported that bilateral consultations had taken place, and a visit of Czech experts to Thailand had been scheduled for the second week of September. He was optimistic that this visit would lead to a solution. The representative of the Czech Republic confirmed that bilateral consultations were progressing.

(iii) *European Communities – Measures affecting imports of Brazilian gelatin (G/SPS/GEN/133)*

9. The representative of Brazil appreciated the European Communities' notification (G/SPS/N/EEC/74), which contributed to improve transparency in this matter. Nevertheless, Brazil was concerned since about 70 percent of its gelatin production had been exported to European countries for over 15 years. Over that time, there had been no health-related problems, and furthermore, there had never been a case of BSE in Brazil. In 1997, France had introduced specific requirements for gelatin made out of hides and skins. The OIE had instituted an ad hoc group of experts which concluded that hides and skins were free of BSE, and that gelatin produced from these raw materials was safe for consumption. In May 1998, the OIE approved these conclusions and included gelatin made from hides and skins among those products which should not be the object of trade restrictions. In March 1999, France repealed its regulation, but Italy and Portugal, which applied the same regulation, had not done so. At the same time as France dismantled its regulation, the European Commission had been reviewing Directive 92/118 and considering the imposition of new requirements for the imports of gelatin made out of hides and skins. These requirements included certification of tanneries providing hides and skins. Brazil considered the distinction between tanneries and slaughterhouses an artificial one. Furthermore, Brazilian safety regulations required exposing hides and skins to PH variation tests, after which no bacteria could survive. Brazil considered the draft legislation inconsistent, as it applied to food gelatin only, while pharmaceutical gelatin was excluded. The legislation also exempted gelatin made from bones until EC legislation concerning BSE status classification was applicable, although this type of gelatin presented a higher risk. Additionally, post-mortem inspections were required, although ante-mortem inspections were considered sufficient by international standards. These post-mortem inspections had to be carried out by official veterinarians, which presented an additional barrier to trade since, outside of Europe, health inspections were usually carried out by sanitary officials under the supervision of an official veterinarian. The EC proposed legislation, which was not based on a risk assessment, would severely impact the ability of countries outside Europe to supply gelatin to the EC market. The representative of Brazil asked the European Communities to accept other countries' measures as equivalent.

10. The representative of the United States welcomed the opportunity to comment on the EC gelatin regulation and indicated he would provide written comments. The representatives of Australia, Chile and Argentina shared Brazil's concerns and indicated that they would like to see the EC risk assessment.

11. The representative of the European Communities responded that the legal basis for the legislative proposal was Council Directive 92/118, laying down the requirements for manufacturing establishments. It did not apply to gelatin for pharmaceutical use. The basic requirement was the sourcing of gelatin raw materials from healthy animals, and consequently ante- and post-mortem inspections were important. The decision was based on opinions of the Scientific Steering Committee, which had been consulted in March 1998 and February 1999. The Scientific Steering Committee distinguished between different geographic risk categories, and final implementation could only take place after classification of countries and regions. So far, no request from Brazil had been received. The deadline for comments on notification G/SPS/N/EEC/74 was 25 August 1999, and the EC representative invited all countries, especially Brazil, to comment in writing.

(iv) *Mexico – Import restrictions on Argentine beef*

12. The representative of Argentina raised concerns regarding Mexico's import restrictions on Argentine beef. Argentina had repeatedly requested Mexico to provide information on its specific sanitary requirements, but had not received a satisfactory answer. He reminded the Committee that Argentina was free of Foot-and-Mouth Disease, and that it had announced the cessation of vaccination against the disease (G/SPS/GEN/109). As provided by Article 5.8 of the SPS Agreement, Argentina submitted to Mexico several questions related to its sanitary requirements, and the risk assessment on

which these were based (G/SPS/GEN/129). The representative of Mexico took note of Argentina's concerns and said he would transmit them to his capital. He hoped that the problem could be solved bilaterally. Mexico had sent an official communication to the Argentine Government on this matter. The representative of Argentina confirmed the receipt of the official communication and hoped that there would be progress by the November 1999 meeting.

(v) *Korea – Import restrictions on Argentine beef*

13. The representative of Argentina also raised concerns regarding Korea's import restrictions on Argentine beef. Korea was denying access to its market without specifying its sanitary requirements, and visiting Argentina to verify its current sanitary status. He reiterated that Argentina was free of Foot-and-Mouth Disease without vaccination since April 1999 (G/SPS/GEN/109). As provided by Article 5.8 of the SPS Agreement, Argentina submitted to Korea several questions related to its sanitary requirements, and the risk assessment on which these were based (G/SPS/GEN/130).

14. The representative of Korea replied that Korea had been free of Foot-and-Mouth Disease for 60 years, and only imported from countries free of vaccination for at least 12 months. Korea had reviewed Argentina's sanitary status in April 1996, at which time Argentina did not meet this requirement. He believed Korea's measure was consistent with OIE recommendations and with the SPS Agreement, and indicated that the matter should be discussed bilaterally.

(vi) *Chairman's report on consultations*

15. The Chairman informed the Committee that neither he nor the Secretariat had received any requests to facilitate bilateral consultations since the previous Committee meeting. He invited Members to seek his or the Secretariat's assistance if needed.

(c) *Consideration of specific notifications received*

(i) *Malaysia – Notification (G/SPS/N/MYS/6) on meat, egg and dairy products from Europe and Singapore – Notification (G/SPS/N/SGP/7) on meat and egg products from Europe*

16. The representative of Switzerland drew the attention of the Committee to dioxin-related restrictions on imports of European goods. Switzerland was affected by these restrictions, although dioxin contamination was limited to certain member States of the European Communities, because some Members' measures restricted imports from Europe in general. Switzerland had in the meantime resolved its problems with Malaysia and Singapore, and the representative of Switzerland thanked both countries for their co-operation. One minor remaining problem regarding Singapore's certification requirements would be resolved soon.

(ii) *European Communities – Information on dioxin*

17. The representative of the European Communities informed the Committee on the current situation regarding dioxin contamination. Several countries had taken actions in response to this very specific, limited incident. The European Communities had already provided extensive information through information notes (G/SPS/GEN/123 and Add.1), and as a result of a series of information meetings. The Commission had been informed on 27 May 1999 of a potential dioxin contamination linked to the distribution of animal feeding stuffs in late January 1999 in Belgium. Following discussion in the Standing Veterinary Committee, the Commission adopted decision 1999/363/EC covering poultry and poultry products, and soon thereafter a decision which extended the scope of the provision to porcine and bovine animals and products. These decisions had the objectives of (a) protecting health by withdrawing contaminated products from the market; (b) improving restrictions on potentially affected feeding stuff producers and farms that may have received feed from these

companies; (c) tracing and identifying all suspect animal feed or products from animals that may have been fed this feed; and (d) providing for the certification of products of Belgian origin that came from farms not under restriction, or products that had tested negatively. The European Communities had subsequently taken a number of measures, including adoption of model certificates for Belgian products, and the repatriation of products which could not be cleared. National and EC-level studies had shown that contamination was indeed limited to the contamination of fat in January, and that the measures taken had been sufficient to contain the contamination. In fact, many of the feed establishments and farms initially placed under restriction had subsequently been cleared. At the time of the July SPS meeting, only 1200 farms were still under restriction, less than 2 percent of the total. On 8 July 1999, the Standing Veterinary Committee had approved a proposal to exclude milk and milk products from restriction measures since they were free from contamination. In June, Belgian authorities had prohibited the slaughtering of different animals, which had enabled them to identify affected farms and to ensure that all products subsequently produced had not been contaminated by dioxin. Products produced after 12 June 1999 would be accompanied by a certificate, with the exception of milk and milk products which would be cleared shortly.

18. Since testing for dioxin was time-consuming and expensive, scientific work had led to screening methods for PCBs in order to establish whether products or animals had been affected. This allowed quicker product clearance. Since all products on the market in the European Communities, whether from Belgium or not, should at that point be clear of contamination, the representative of the European Communities trusted that third countries would revert back to normal trading arrangements. Scientific work on PCB screening methods would continue. The European Communities was contemplating future changes in its legislation. The representative stressed that this was a problem that affected all WTO Members since no country was dioxin-free. Hopefully lessons learned from this incident could be useful to all Members. He promised to keep the Committee informed in the future. Although initially it had been understandable that countries took trade measures to protect themselves from contaminated products, there was no longer any justification for maintaining import bans. He particularly regretted that several countries had not notified their import bans, and the European Communities reserved its right to take action with regard to unjustified barriers.

19. The representatives of Malaysia, Canada and the United States requested copies of the EC statement. The representative of Malaysia expressed his disappointment that the European Communities had taken so long to provide information to the Committee, so that his authorities had to rely on press reports. The Malaysian Government would only be able to lift its ban when it was fully satisfied that there was no more danger from European products. The problem with Switzerland had been solved, and now imports with a certificate of origin proving that the product was dioxin-free could be imported to Malaysia. He considered that these measures were consistent with Malaysia's rights under the SPS Agreement. He read out a press report regarding contaminated chicken in Germany and the Netherlands.

20. The representative of South Africa appreciated the co-operation of Belgian authorities during the dioxin crisis. He considered that the information flow - once it had begun - had been satisfactory. To ensure safety, South Africa would have bilateral discussions. The representatives of Australia, Canada, Brazil and the United States thanked the European Communities for its efforts to inform other countries. Australia and the United States indicated that they had notified any actions taken in response to the dioxin contamination. Canada had banned imports from Belgium, but was reviewing the products and areas covered. The representative of the Philippines indicated that the Philippines' measures had taken into account the European Communities' own measures, and were being reassessed.

21. The representative of the WHO informed the Committee that in 1998 the WHO had convened an expert consultation to evaluate the tolerable daily dose of dioxin to which humans could be exposed without harm. He offered to provide interested delegates with an executive summary of this

consultation, which was also available from the WHO web site (<http://www.who.int/fsf/dioxin/whoinf.htm>). The representative of Codex reported that at the July 1999 meeting of the Codex Alimentarius Commission, countries had requested that an intergovernmental group prepare a code of practice for animal feed. She requested that WTO Members use the experience gained through the recent dioxin crisis to facilitate the work of this group.

22. The representative of the European Communities thanked the delegate of the WHO for his help at the beginning of the crisis. He took note of the Codex initiative, which he considered helpful since a global scientific look into this problem was required. The European Communities had itself started a working group within the Standing Committee on Animal Nutrition that was examining legislation regarding animal nutrition to prevent future accidents. The representative of Chile thanked the European Communities as well as WHO and Codex for the information provided. He emphasised that the intergovernmental working group on animal feed, hosted by Norway, had the same characteristics as a Codex Committee and was thus open to all member countries, but with a shorter time-frame. He asked his colleagues working on food safety to base on science the information they provided to the public to avoid causing unnecessary public alarm.

(iii) Argentina – Notifications (G/SPS/N/ARG/38 and G/SPS/N/ARG/47) regarding restrictions on imports of bovine semen, milk and milk products

23. The representative of the European Communities raised concerns regarding Argentina's BSE-related restrictions on imports of bovine semen, milk and milk products. Notification G/SPS/N/ARG/38 concerned a draft measure which classified bovine semen, milk, milk products, gelatin, hides and tallow as low-risk products. Subsequently, import requirements notified in G/SPS/N/ARG/47 established that country freedom from BSE or low BSE risk were preconditions for importing frozen bovine semen. The European Communities had requested written answers to the questions raised at the March 1999 meeting (G/SPS/GEN/114), but Argentina had not yet responded. The representative of the European Communities stressed that according to the OIE Code, bovine semen was a product that could be traded without BSE-related restrictions if sourced from healthy animals. The European Communities wished Argentina to answer several questions related to the discrepancies between the OIE Code and its import requirements, and its criteria for determining countries' BSE status (G/SPS/GEN/131 and G/SPS/GEN/114).

24. The representative of Argentina indicated that he had submitted answers to questions raised in G/SPS/GEN/114 both bilaterally, and in the form of a document to be circulated to all Members (G/SPS/GEN/135). The measure notified in G/SPS/N/ARG/47 was based on OIE recommendations. Argentina had received several comments on the notified measure, particularly from members of the European Communities. These comments had been taken into account, and recently Argentina had sent to the WTO and to the European Commission a copy of all comments and of the answers provided. He indicated that Argentina would issue a revision of notification G/SPS/N/ARG/47. Argentina was prepared to continue exchanging information with the European Communities to resolve all questions before the measure was adopted. The representative of the European Communities took note of Argentina's answers and reiterated that he would like to see the scientific opinions on which the Argentine decision was based, and that he would provide written comments to Argentina's document.

(d) Any other matters related to the operation of transparency provisions

25. The Chairman noted that a list of notifications received since March 1999 could be found in G/SPS/GEN/126. The most recent list of enquiry points had been circulated as G/SPS/ENQ/8, and the latest list of National Notification Authorities as G/SPS/GEN/125. He encouraged Members

which had not yet identified a National Notification Authority or an enquiry point do so as soon as possible.

(i) *United States – European Communities' ban on antibiotics in feed*

26. The representative of the United States noted the failure of the European Communities to notify its ban on four antibiotics used in animal feed to enhance production. The European Communities had adopted this measure in December 1998. The representative of the United States stressed that such actions with trade implications should be notified, in advance, to allow time for comments before going into effect. The United States shared the EC concerns over an increase in antibiotic resistance due to antibiotics in feed; it was working on this issue and was building a data base to gather world-wide data on the existence and extent of this problem. The transparency obligations had to be honoured in order to ensure appropriate input on the scientific basis for measures, and to allow for exchange of risk assessments and other scientific information.

27. The representatives of Canada and Australia shared the US concerns in this area. The representative of Canada indicated that according to his understanding the EC measure had been taken on a provisional basis. Canada requested to be informed when the European Communities reviewed the provisional measure. The Canadian representative also asked the European Communities to share its scientific findings. The representative of Australia indicated that a major inquiry on antibiotic resistance, which might be of interest to Members, was nearing finalization in Australia.

28. The representative of the European Communities replied that on 17 December 1998, the Council of Ministers had adopted a regulation by which it suspended the use of four antibiotics in feeding stuffs. Regarding follow-up to the measure, this was an interim protective measure which would be re-examined before the end of December 2000, by which time more information on the subject should be available from different investigations and a surveillance programme on microbiological resistance in animals. The measure was in line with conclusions from three different meetings on antibiotics, including the WHO conference held in Berlin in October 1997, the conference on antibiotic resistance held in Copenhagen in September 1997, and the position of the OIE according to which antibiotic resistance was a major international problem. The Scientific Steering Committee approved a scientific opinion on the matter in May 1999, which was published on the internet in June (http://europa.eu.int/comm/dg24/health/sc/scan/outcome_en.html). The results of the re-examination of the issue would be shared with Members and published electronically as all scientific decisions.

29. Regarding transparency, the measure was not notified because it did not contain any provision applicable to imports, and therefore had no impact on trade. Animal and animal product imports would not be affected. Since the adoption of Directive 75/24 concerning additives in animal nutrition, a ban on an additive had never had a direct consequence for animal or feed imports. Although it had not been notified, the decision had been available on the internet and all Members had been informed in due time. The European Communities was looking forward to results from different studies undertaken in the United States, including by the FDA and the Center for Disease Control. He agreed that this was an area where sharing information should be helpful to finding future solutions, although perceptions of the urgency of the matter differed.

(ii) *European Communities – Follow-up on specific trade concerns*

30. The representative of the European Communities drew the attention of the Committee to the large number of issues which had been raised in Committee meetings, but to which there had never been any follow-up. To cite some specific examples, the European Communities had prepared a document listing some of its trade concerns, and indicating whether any comments had been received (G/SPS/GEN/132). In most cases this was not the case. The representative stressed that in the

interest of transparency, it was important that all countries comply with their obligations under Annex B and Article 5.8 of the Agreement. The representative of Chile observed that some delegations provided information on the follow-up of trade issues under the agenda item "other business". He proposed to divide agenda item "(a) information from Members" into two sub-items: "(i) general information" and "(ii) information on progress with respect to specific trade concerns and specific notifications received".

31. The representative of the European Communities also called the attention of the Committee to three information bases available on the internet. The first of these was EUR-Lex (<http://europa.eu.int/eur-lex/>), which contained all EC legislative texts in all sectors in nine languages. The second was the information network on inspection reports of the EC services, which were systematically published on the internet (<http://forum.europa.eu.int/Public/irc/dg6/vets/home>). The third was a database on scientific opinions of the seven different EC scientific committees, which systematically published their opinions on the internet as soon as they were approved (http://europa.eu.int/comm/dg24/health/sc/index_en.html). The Secretariat announced that it would circulate a questionnaire to collect information on the resources available on Members' web sites.

32. The Secretariat raised three points related to transparency. The first was a follow-up on an issue discussed at the March 1999 meeting regarding notifications of special interest to developing countries. An informal meeting had been held to discuss possible ways to implement this provision. The Secretariat was preparing a proposal, and would convene another informal meeting to discuss this proposal. Second, the Secretariat had received requests from some Members to have a second special meeting of the SPS Committee with respect to the transparency provisions of this Agreement. In the Autumn of 1995 there had been a similar meeting to discuss the transparency provisions. The objective of the second special meeting was to involve enquiry points and national notification authorities. Thus officials would be able to meet their counterparts from other countries and discuss the operation of enquiry points and national notification authorities. The Secretariat would begin to develop a guide to the operation of national enquiry points and national notification authorities, which could also be discussed at the special meeting. The Secretariat was hoping to organize this meeting immediately preceding the November 1999 meeting of the SPS Committee. Third, the Secretariat was continuing to experience problems in keeping up to date its lists of enquiry point and national notification authority addresses. Sometimes notifications might indicate an updated address for an enquiry point. This was not sufficient for the Secretariat to update its record; it required a fax (or e-mail) explicitly indicating an address change. The Secretariat had recently attempted to contact enquiry points by e-mail to find out if they had web sites, and had discovered that many of the e-mail addresses were invalid. The Secretariat asked Members to be conscientious about informing it of address changes.

(e) SPS Agreement and developing countries

33. The representative of Egypt indicated he wished to raise points of special interest to developing countries which had not been exhaustively addressed in the review of the Agreement (G/SPS/GEN/128). The first issue concerned equivalence, and the difficulties encountered by developing countries due to the inadequate implementation of this provision. In technologically advanced countries, equivalence had become quite demanding and could present a sanitary trade barrier to exports from developing countries. In addition, a number of developed countries were requiring "sameness" rather than "equivalence" of measures, which was a source of concern to many developing countries. He considered that an evaluation of means for the effective implementation of this provision was necessary.

34. The second issue raised by Egypt related to special and differential treatment for developing countries. Under Article 10, Members should take into account the special needs of developing countries when preparing SPS measures, for example by providing longer time frames for

compliance. Although Article 10.4 stipulated that Members should encourage the participation of developing countries in international standard-setting bodies, their participation remained inadequate, and Article 10 in general was not widely implemented.

35. Third, the representative of Egypt recalled that Article 9 provided that Members should provide technical assistance where substantial investments were required to fulfil their SPS requirements. He asked the Secretariat to prepare a questionnaire to both developed and developing countries to identify whether any assistance had been provided in the context of this provision. He urged that assistance be extended to strengthen developing countries' abilities in the scientific area, especially with regard to risk assessment, improvement of laboratory facilities, and financing of the necessary technology. He also encouraged finding ways to facilitate mutual recognition agreements.

36. Fourth, the representative of Egypt stressed that transparency was paramount to the implementation of the SPS Agreement. In this respect, he emphasized four points: (i) A reasonable interval should be provided between publication of a measure and its entry into force, and between notification of a draft measure and its adoption. Where products of special interest to developing countries were concerned, the time-period for comments should be extended; (ii) Comments should be taken into account; failure to do so should be explained; (iii) Information should be exchanged both in hard copy and by electronic means, since several developing countries still had limited electronic facilities; and (iv) The Secretariat should take a more active role in making developing countries aware of SPS measures which affected products of particular interest to them, and possibly create a data base incorporating the most important SPS measures.

37. The representatives of India, Brazil, Mexico and the Philippines supported the Egyptian paper. The representative of India added that the paper prepared by the Secretariat (G/SPS/W/93) was helpful as it had been used in the review of the Agreement. He saw developing countries' problems mainly in the areas of standards development, notification and implementation. India supported the idea of a database to keep track of information on import requirements, possibly in a unified format. The representative of the Philippines, on behalf of ASEAN countries, raised the issue of equivalence. Many countries encountered problems with various standards on like products, as well as infrastructure problems. Although the Philippines and other countries had identified specific technical assistance needs, they had not received a response. She recalled that during the review of the Agreement, there had been no substantive discussion on how to solve the problems of special and differential treatment and technical assistance. ASEAN believed that concrete guidelines were needed on how to make operational Articles 9 and 10, including the establishment of a trust fund within the WTO which would channel technical assistance to developing countries. The representative of Brazil considered that because of the upcoming Ministerial Conference in Seattle, discussion of issues like equivalence, special and differential treatment, and technical assistance were particularly important. Translating these issues into specific obligations would require considerable creativity in Seattle.

38. The representative of Codex reported that at the July Codex Commission meeting, some 52 delegations from developing countries had participated. Developing countries were making considerable efforts to participate in standard-setting, including the preparation of statements and contributions. In relation to equivalence, she informed the Committee that at the same meeting the Codex Commission had adopted guidelines on the development of equivalence agreements related to food inspection and certification control systems. The International Trade Center (ITC) reported that it was implementing several projects that included assistance to developing countries with respect to SPS and the establishment of enquiry points. One of these projects was the Joint Integrated Technical Assistance Programme for least-developed countries and other African countries (JITAP), through which seven countries were receiving assistance including equipment for their enquiry points. Another project also included assistance with SPS matters in general and the establishment of enquiry points for Arab countries.

II. MONITORING THE USE OF INTERNATIONAL STANDARDS

39. The Secretariat introduced the latest draft of the First Annual Report of the Procedure to Monitor the Process of International Harmonization (G/SPS/W/94/Rev.2), which included comments made during the informal meeting.

40. The representative of Mexico stated that one of the issues raised in the report regarding certification of origin of animals, was related to work being carried out in the Committee on Rules of Origin. He hoped that duplication of work carried out in other Committees would be avoided.

41. The Committee adopted the report (subsequently issued as G/SPS/13).

42. The Committee also examined a letter to be sent by the Chairman to the three standard-setting organizations regarding the report. Any comments on the draft letters were to be provided to the Secretariat before 14 July 1999.

43. The representative of the OIE inquired about the type of response the Committee expected to these letters. Members had expressed divergent views in the report, and it was not clear what action the three standard-setting organizations should take. The Chairman responded that the Committee would request the three organizations to reflect upon the issues raised and to address them as they thought appropriate. The representative of the European Communities expected that since many Members of the WTO were also members in the three organizations, they would raise the issues in the relevant committees and report back to the SPS Committee. The representative of the United States noted that the SPS Committee could present the results of its deliberations for consideration by the three organizations while recognising that these organizations had other work as well.

44. The Committee decided to extend the provisional monitoring procedure (contained in G/SPS/11) for at least another two years, to review the operation of the provisional procedure by July 2001 and to determine at that time whether to continue with the provisional procedure, amend it, or develop another one (G/SPS/14).

III. CONSISTENCY

45. The Chairman asked the former Chairman of the Committee, Mr. Thiermann, to report on the informal consultations held before the formal Committee meeting. Mr. Thiermann reported that the Secretariat had prepared a new paper taking into account Members' comments, which had been discussed at the informal consultations. Since some Members had submitted suggestions at the last moment, Members who wished to comment on these late submissions could do so until 30 August 1999.

46. The Chairman highlighted that although the discussions on consistency had not yet come to an end, the process had contributed to broaden the understanding of the issues involved. The Chairman indicated that he would hold informal consultations to decide on an appropriate way to proceed. He asked all delegations to reflect on the conceptual issues, namely the links between appropriate level of protection, measures and risk assessment.

IV. TECHNICAL ASSISTANCE AND COOPERATION

47. The representative of the Philippines reported on a joint undertaking with Australia involving the conduct of a quarantine survey to serve as an input for the pest risk analysis on Philippine mangoes. The Philippines hoped that this joint undertaking would soon result in exports of Philippine mangoes being allowed into Australia.

48. The representative of South Africa informed the Committee that there was an initiative in southern Africa to establish a co-ordinating committee to raise awareness of SPS requirements and provide assistance in areas such as consistency, equivalence and transparency. He also reported on a combined FAO/OIE workshop in South Africa on risk analysis and disease surveillance.

49. The representative of the United States reported on two USDA events. One was a regional workshop on SPS obligations, plant pest analysis and regulatory approaches to biotechnology, which was held in Warsaw, in April 1999, with participants from 14 countries from the region. Senior officials from IPPC, FAO and EPPO were present as well as representatives of the Government of the Netherlands. The second event was a programme carried out in the United States in May for 17 countries from sub-Saharan Africa. Participants received briefings by government and private sector representatives on issues including SPS notifications, biotechnology and Codex.

50. The representative of Chile informed the Committee that Chile had received assistance from Codex on HACCP and other issues. Chile had also participated in a US FDA workshop on fruit and vegetable hygiene, and was working with BIOTECCanada on biotechnology. Chile had provided internships in the area of plant health to technicians from Peru, Ecuador, Costa Rica, Panama and Nicaragua. Chile also had an agreement with Peru and Argentina to share its experience in combating fruit flies.

51. The Secretariat reported on regional seminars, assistance to Members and acceding countries, and participation in workshops organized by other organizations. The Secretariat had organized a regional seminar in Windhoek, Namibia, in co-operation with Codex, the OIE and the IPPC. The United States had also participated, leading discussions on enquiry points and notifications. The seminar covered the Agreement, current SPS issues and dispute settlement, the relevant work of the sister organizations, and full day workshops on risk analysis and on transparency. The Secretariat was very satisfied with the participation and outcome of this seminar, and hoped to be able to organize a follow-up seminar in early 2000. The Secretariat had also participated in a seminar in Cairo, Egypt, involving seven countries of the Mediterranean area. The WTO Secretariat was organizing another series of regional workshops for French-speaking Africa which were scheduled to take place in September 1999. So far the host countries for those seminars had not been identified. The Secretariat had also provided acceding countries including Croatia, Oman and Moldova with assistance regarding SPS obligations, and was planning a seminar in Mongolia in September. In addition, the Secretariat would participate in seminars the ITC was planning on the SPS and TBT Agreements in Egypt, Turkey, Pakistan and the Philippines in August 1999. Another workshop on food safety strategies into the future was scheduled to take place in Costa Rica at the end of August. The Secretariat would also participate in the organization of a major FAO conference in Melbourne, planned for October.

52. The representatives of Codex and WHO made available to the Committee a document (ALINORM 99/5), which summarised the seminars and technical assistance projects related to SPS which had been carried out through Codex, FAO and/or WHO either directly or jointly with the WTO, FDA, and certain governments who had provided funding. The representative of Codex explained that the main focus of these seminars had been on Codex standards and on the SPS Agreement, and on more specific topics such as ensuring laboratory quality and risk analysis methods. Five more seminars were planned in this context for 1999, two for Africa, one for Latin America, and two for Asia. The Codex representative also informed the Committee about a series of 15 regional seminars on the Uruguay Round Agreements which had been brought to the attention of the Committee at previous meetings. A detailed programme of these seminars was now available. Countries' or regions' specific needs could be taken into account in these seminars. Third, there had been a joint expert consultation with WHO on microbiological risk assessments which recommended the establishment of a mechanism through which Members could refer to these Organizations problems related to microbial risk and its impact on international trade. At this expert consultation it had become clear that developing countries required concrete assistance on the implementation of

Codex guidelines on microbiological risk assessment. FAO and WHO were preparing the necessary materials. Furthermore, in co-operation with the University of Massachusetts, FAO had organized an expert consultation in May 1999 which evaluated the effect of listeria on trade in fishery products. In collaboration with WHO and UNEP, FAO had organized a conference on mycotoxins in Tunis in March 1999. The Third International Food Data Conference was taking place in Rome in July 1999. An effort had been made to apply Codex guidelines on microbiological risk assessment to this case, which had produced information that would be used in training materials. Finally, she informed the Committee of the preparations for the Conference on International Food Trade Beyond 2000 which would take place in Melbourne, Australia, on 11-15 October. More information on the working papers for the conference could be found on the FAO web page (www.fao.org).

53. The representative of the IPPC reported that there were more than 12 ongoing technical assistance projects for individual countries, and four regional projects covering review and assessment of legislation and regulations, training, and capacity building in terms of technical expertise and facilities. The possibility of co-ordinating technical assistance through the IPPC Secretariat was being investigated and would be on the agenda of the October 1999 meeting of the Interim Commission on Phytosanitary Measures.

54. The representative of the OIE informed the Committee of several activities that were planned for the upcoming months. One seminar on risk analysis was planned for certain Asian countries, as well as two seminars in Africa towards the end of the year; one on information management, and the other one on the registration of veterinary drugs which was sponsored by France. The OIE had provided technical assistance to two countries in southern Africa on animal disease surveillance. A strategic planning group of the OIE would meet in September 1999 to consider a possible re-orientation of the OIE's technical assistance activities.

V. MATTERS OF INTEREST ARISING FROM THE WORK OF OBSERVER ORGANIZATIONS

(a) Codex

55. The representative of Codex reported that at its July meeting the Codex Alimentarius Commission had adopted a medium-term plan until 2002 and established an FAO/WHO Regional Co-ordinating Committee for the New Near East. Furthermore, the Commission had established three ad hoc task forces with a duration of four years; one on Foods Derived from Biotechnology, hosted by Japan; the second on Animal Feeding, hosted by Denmark; and the third on Fruit Juices, hosted by Brazil. The Commission adopted 31 new Codex Standards; guidelines and related texts including Guidelines on the Production, Processing, Labelling and Marketing of Organically-produced Foods; Principles and Guidelines for the Conduct of Microbiological Risk Assessment; and Guidelines for the Development of Equivalence Agreements regarding Food Import and Export Inspection and Certification Systems.

(b) WHO

56. The representative of the WHO reported on the progress of the revision of the International Health Regulations (IHR). Currently, the WHO was making follow-up visits to the pilot study countries to complete data requirements and to provide an update. The WHO had initiated discussions with international airlines and maritime organizations to establish review mechanisms for airline, airport, port and vessel guidelines. There was dialogue with member states regarding the application of the IHR. He announced that an information paper comparing the public health and trade functions of the SPS Agreement, the IHR and the Codex Alimentarius was available on the WHO web site (http://www.who.int/emc/IHR/int_regs). The representative of the WHO explained that the WHO's objective in preparing the comparative document was to find a way to reduce the

impact on member states of potentially conflicting obligations under the SPS Agreement and the IHR. In response to a question from Egypt, the representative of the WHO explained that the IHR were binding on all 191 WHO members. Developing countries had received drafts of the IHR for comment like all other countries. The representative of the European Communities enquired about the legal status of the IHR compared to the SPS Agreement or international standards recognized by the SPS Agreement. The representative of the WHO clarified that once the IHR were adopted by the World Health Assembly they were legally binding although any member state could either reject the IHR in their entirety, or register reservations to certain aspects or articles of the regulations. The Secretariat added that the obligations of the SPS Agreement were legally binding. With respect to international standards, there were certain binding obligations in the SPS Agreement, although Members had the right to deviate subject to certain conditions. The IHR were not directly linked to the SPS Agreement, and did not add to or detract from WTO Members' obligations.

(c) IPPC

57. The representative of the IPPC reported that at present there were 110 contracting parties to the IPPC, and that 11 contracting parties had adhered to or accepted the New Revised Text of the IPPC. WTO Members were encouraged to adhere to or accept the 1997 IPPC as soon as possible. It had been almost two years since the new text had been adopted by the FAO Conference, and the IPPC Secretariat was hoping to be able to report a significant increase in contracting parties at the Interim Commission on Phytosanitary Measures (ICPM) meeting on 4-8 October 1999. The Committee of Experts on Phytosanitary Measures (CEPM) had had a productive meeting in May 1999; and a new international standard on "Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites", as well as the revised Glossary of Phytosanitary Terms would be presented to the ICPM in October 1999 for adoption. The Informal Working Groups on Dispute Settlement and the Standard Setting Process had met, and their reports would be discussed during the upcoming ICPM meeting. Priorities for standard setting were revised regularly, and comments from contracting parties would be considered along with the comments from the SPS Committee. The IPPC Secretariat had continued to promote the harmonization of international protocols and conventions through their participation in a Workshop on Biological Weapons in Bucharest, Romania. Members of the Biological and Toxic Weapons Convention were encouraging the development of a global plant pest reporting system through the IPPC and FAO. In response to some Members who had expressed the need for a database on sanitary and phytosanitary legislation, the IPPC noted that EPPPO already distributed a database summarizing phytosanitary regulations of its member countries and of a significant number of their trading partners. A list of plant risk analysis experts submitted by the North American Plant Protection Organization via the IPPC Secretariat had been distributed as a WTO document (G/SPS/GEN/118).

(d) OIE

58. The representative of the OIE introduced a paper (G/SPS/GEN/127) which identified the decisions relevant to the SPS Agreement taken by the OIE International Committee. He called the attention of the Committee particularly to revisions of the chapters on BSE, Rinderpest and Bluetongue. The Former Yugoslav Republic of Macedonia had been added to the list of countries free of Foot-and-Mouth Disease. The OIE International Committee had improved the procedure to recognize disease-free areas and speeded it up, and adopted a new definition of Newcastle disease. Regarding a matter discussed at the last meeting, the representative of the OIE informed the Committee that at the September 1998 meeting of the OIE International Animal Health Code Commission, the Central Bureau had drawn the Committee's attention to a letter received from Thailand asking the OIE to decide whether research needed to be carried out to determine the heat treatment to which poultry meat and products should be subjected to eliminate infectious bursal disease virus. Due to its full agenda, the Commission had not been able to discuss this issue at the September 1998 and January 1999 meetings, but a forthcoming meeting of the Bureau of the

Commission should provide a suitable opportunity. In addition, the SPS Committee had just adopted the First Annual Report of the Procedure to Monitor the Process of International Harmonization (G/SPS/13), which also recommended that the OIE take up the issue. Thailand's delegate to the OIE would be kept informed of any progress made.

59. The Secretariat announced that it would seek the co-operation of Codex, OIE and IPPC in updating the summary lists of international standards.

VI. OBSERVERS

60. The Chairman asked the former Chairman, Mr. Thiermann, to report on the informal consultations held prior to the formal meeting on this matter. Mr. Thiermann reported that on the basis of the criteria identified in paragraph 7 of document G/SPS/W/98, the Committee had discussed the organizations applying for observer status one by one. The Secretariat had summarized the relevant information about these organizations (G/SPS/GEN/121). Unfortunately, the Committee had not been able to reach consensus on the first organization discussed, the OIV. However, during the informal meeting no objections had been raised to granting ad hoc observer status to the ACP Group, EFTA, IICA, OECD, OIRSA and SELA.

61. The representative of the European Communities recalled that his delegation had raised as a point of order the procedure used to examine the candidature of the organizations. His delegation did not understand the reasons why the US delegation was opposed to granting ad hoc observer status to the OIV. According to the representative of the European Communities, the US reasons for requesting additional time for reflection did not seem to relate to the criteria adopted by consensus at the March 1999 meeting, which led to unjustified discrimination. He asked the Chairman to examine the matter before taking any further action. He considered that the Committee had a moral obligation to make relatively quick decisions on these organizations, which had been waiting for quite a long time for an answer to their requests. He also considered that the Committee had a moral obligation to be able to explain clearly why an organization had or had not been granted ad hoc observer status. In the meantime, the European Communities would not be able to join a consensus on any of the other organizations applying for observer status. Mr. Thiermann explained his understanding was that the basis of the US objections related to the lack of transparency and information which prevented them from applying the three agreed criteria to the OIV, and thus to evaluate their candidacy.

62. The representative of the United States stated that he supported the use of the agreed criteria, and recalled that consensus had to be reached on each organization. The United States had reservations with regard to the OIV because it considered that there was not sufficient transparency in that organization to fully judge whether it met the three criteria. The organization in question was currently examining its own practices, which might provide the required solution. At the time of the meeting, however, the United States was not able to join a consensus on the OIV. It had no objections to any of the other organizations. It had noted a caveat with respect to OIRSA, and would prefer if OIRSA co-ordinated its functions with those of the IPPC to the extent that OIRSA was a Regional Plant Protection Organization, but it would not object to granting OIRSA ad hoc observer status.

63. The representative of Switzerland recalled that at the March 1999 meeting the Committee had agreed to apply the adopted criteria case-by-case. Remembering the goals of granting observer status, the Swiss delegation found the information submitted by the OIV entirely sufficient. The representative of Cyprus did not understand the position of the United States, especially since ad hoc observer status applied only to one meeting at a time. The representative of Canada reminded the Committee that there had been agreement on examining organizations on a case-by-case basis. While he understood the concern of European Communities, he considered it a bad precedent to create packages. If a delegation had problems with a particular applicant, other delegations should work informally to convince this delegation rather than creating packages and refusing to join a consensus.

VII. ANNUAL REPORT TO THE COUNCIL FOR TRADE IN GOODS

64. The Chairman informed the Committee that the annual report to the Council for Trade in Goods was due at the Council's October 1999 meeting. Since the next meeting of the SPS Committee was in November, a draft of the annual report had been prepared, which was available from the Secretariat. Comments from Members would be accepted until noon on Friday, 16 July 1999.

VIII. OTHER BUSINESS

65. The representative of Poland informed the Committee that informal consultations between Poland and the Slovak Republic on Slovak phytosanitary regulations regarding potatoes and fruit, including apples, pears and quinces, had taken place on 7 July 1999. Although the issue had not been resolved, positions had been clarified. The representative of the Slovak Republic confirmed that consultations had taken place and would continue. At the Slovak Republic's request, consultations would also cover phytosanitary restrictions related to Slovak exports of cereals, maize and malt to Poland.

66. The representative of the European Communities raised concerns with respect to US Docket 89-154-3 from 30 April 1998, on requirements to import rhododendron in growing medium, which was later notified as G/SPS/N/USA/121. The European Communities had sent comments on this notification welcoming APHIS' conclusion that rhododendron from Europe would not introduce any injurious insects to the United States. A final rule had not yet been published, creating de facto restrictions to European exporters. Subsequently, the European Communities had provided a list of genera of plants in growing medium produced in the European Communities to be proposed for pest risk analysis in order to be granted import permission into the United States. The European Communities indicated that it would like to receive information on the status of the pest risk analysis and particularly on the final rule on import requirements for rhododendron in growing medium. The representative of the United States replied that the risk assessment for rhododendron in growing medium had been completed, and that the final rule for the importation of rhododendron in growing medium from Europe had been completed pending final review. It should be published within the month following the meeting.

67. The representative of the European Communities reported that Denmark had enquired about Venezuela's import requirements for pork meat and products. Venezuela had denied access without clearly indicating the import conditions, and without providing the text of the relevant provisions to the enquiring authorities. To the best of the European Communities' knowledge, the relevant measures had not been notified under the SPS Agreement or under other WTO Agreements. The representative of the European Communities reminded the Committee that the obligation to base measures on international standards, or to justify deviations from international standards, applied to existing as well as to new SPS measures. He urged the Venezuelan authorities to notify the relevant measures, thus giving other Members a chance to comment.

68. The representative of the Philippines reported on bilateral consultations with Australia regarding benzoic acid. At the November 1998 Committee meeting, Australia had indicated that there was a proposal by ANZFA to allow the use of benzoic acid in sauces, which had been notified in October 1998. At the time, Australia had expected the final regulation to be in place during the first half of 1999. In May 1999, Australia had reaffirmed that the new food standard code being developed by ANZFA recommended that benzoic acid be accepted as a preservative. However, Australia indicated that the new code would only be formalized by the end of 1999. The Philippines welcomed the news that Australia would accept the use of benzoic acid, and hoped that Australia would bring its measure into conformity with the SPS Agreement without any further delay. The representative of Australia confirmed that benzoic acid would be allowed as an additive under the new food standards code.

69. The representative of Bolivia drew the attention of the Committee to the Spanish translation of the report of the March 1999 meeting (G/SPS/R/14, paragraph 64). There was a mistake in the translation of the Bolivian intervention on maximum levels of aflatoxin in *Brazil nuts* (castaña amazónica). The Spanish version mistakenly referred to aflatoxin levels in *peanuts*. The Bolivian representative asked for the error to be corrected.

IX. DATE AND AGENDA OF THE NEXT MEETING

70. The next meeting of the Committee is scheduled for 10-11 November 1999. The Committee agreed on the following tentative agenda:

1. Adoption of the agenda
2. Implementation of the Agreement
 - (a) Information from Members
 - (i) Activities of Members
 - (ii) Follow-up to issues previously raised
 - (b) Specific trade concerns
 - (c) Consideration of specific notifications received
 - (d) Any other matters related to the operation of transparency provisions
 - (e) The SPS Agreement and developing countries
3. Monitoring of the use of international standards
4. Consistency - report by the Chairman on consultations
5. Technical assistance and cooperation
6. Matters of interest arising from the work of observer organizations
7. Observers – Requests for observer status
8. Other business
9. Date and agenda of next meeting

71. The Chairman reminded delegates of the following deadlines:

(a) *Report by the Chairman to the CTG:*

The deadline for comments on the draft report was **16 July 1999**.

(b) *Article 5.5 guidelines*

The deadline for comments the 1 June draft guidelines was **31 August 1999**.

(c) *Informal meetings of the Committee*

On **9-10 November 1999**, the Committee would hold informal meetings on Article 5.5 guidelines; requests for observer status; and monitoring the use of international standards. A special meeting on the transparency provisions of the Agreement would probably be held on **8 November 1999**.

72. Furthermore, the Chairman reminded delegates that the deadlines for requesting the inclusion of specific items on the agenda, or receiving submissions from Members under the respective agenda items, were as follows:

Agenda item 2: (b) Specific trade concerns and (c) notifications 28 October 1999

Agenda item 3: Monitoring procedure: New specific examples 11 October 1999

73. The Chairman also announced the tentative calendar of meetings for the year 2000. Meetings were scheduled for 15-16 March, 21-22 June and 8-9 November 2000.
