WORLD TRADE ORGANIZATION

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Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING HELD ON 10-11 JULY 2001

Note by the Secretariat

I. ADOPTION OF THE AGENDA

1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its twenty-first meeting on 10-11 July 2001. The meeting was chaired by Mr. William Ehlers (Uruguay). The agenda proposed in WTO/AIR/1588 was adopted with amendments.

II. IMPLEMENTATION OF THE AGREEMENT

(a) Information from Members

Foot-and-mouth disease status – Information from Paraguay (G/SPS/GEN/254)

2. The representative of Paraguay informed the Committee that the OIE had recognized Paraguay as free of foot-and-mouth disease (FMD) with vaccination. Vaccination for FMD had been stopped in 1999, with the objective of being recognized as free of FMD without vaccination, and a national commission for animal health emergencies established. When in August 2000 FMD-related problems were detected in neighbouring countries, mandatory vaccination had been reintroduced, but no FMD cases had been found, resulting in the OIE recognition. In addition, the European Communities had accepted that there was no geographical risk of BSE in Paraguay, since cattle were fed exclusively with grass.

Foot-and-mouth disease status – Information from Colombia

3. The representative of Colombia reported that the OIE had recognized the northern area of Colombia as free of FMD with vaccination. Approximately one fourth of the Colombian cattle herd was in the FMD-free area. This recognition was the result of joint actions by the Colombian Government and cattle producers, who had the aim of achieving FMD-free status for the entire country by 2007. Colombia hoped that Members would revise their sanitary measures on meat and milk from the FMD-free areas.

Update on BSE-TSE legislative measures in the European Communities

4. The representative of the European Communities reported that on 1 July 2001, EC regulation 999/2001 had entered into force, which targeted all animal and public health risks resulting from animal TSEs. This regulation covered the entire chain of production and placing on the market of products of animal origin. It consolidated much of the existing BSE and TSE legislation, including prohibitions concerning feeding of animal proteins, and introduced new legislation to areas not yet covered by EC rules. It also provided for the classification of countries according to their BSE status. Much of the regulation was based on the categorization of countries into one of five categories of TSE risk. The rules on importation of ruminant animals, fresh meat and products of bovine origin, bovine

embryos and ova laid down in the regulation followed OIE classification criteria and guidelines. In cases where the regulation appeared to go beyond international standards, for example by imposing conditions on imports of rendered fat, it did so on the basis of the most recent scientific advice, bearing in mind the paramount importance of protecting public health.

5. The representative of the European Communities explained that pending the new risk classification, transitional rules would apply. During the transitional period, imports of live bovine animals, embryos and ova would be subject to certain minimum requirements. Starting on 1 October 2001, imports of ruminant products would have to be certified free of specified risk materials, except those coming from countries in the lowest risk category. Until the European Communities was satisfied that an adequate ruminant feed ban could be ensured, the total feed ban would continue. Within the European Communities, testing would be stepped up in July 2001 to include all animals over 30 months going for normal slaughter, except in some low-risk member States, and all risk animals over 24 months. Once a decision on the TSE-classification of a member State or a third country had entered into force, the rules of the new regulation would apply to that country.

Update of the foot-and-mouth disease situation in the European Communities

6. The representative of the European Communities recalled that when he informed the March 2001 Committee meeting on the FMD outbreak on EC territory, the disease had been restricted to the United Kingdom, and the first case had appeared in France. Later, outbreaks had followed in Ireland and the Netherlands. To date, more than 1800 FMD outbreaks had been reported in Great Britain, predominantly in sheep and cattle in contact with sheep, but the number of daily new outbreaks had dropped sharply since the end of April 2001. The protective measures originally introduced in February 2001 were still applicable for Great Britain. The European Communities had established conditions for emergency vaccinations in the United Kingdom, but the United Kingdom had not used these. In Northern Ireland, four outbreaks had occurred in March and April 2001. All EC protective measures had been lifted in June, following a thorough clinical and serological survey with satisfactory results. Nevertheless, the Northern Irish authorities had undertaken not to certify sheep for intra-Community trade before July 2001.

7. The representative of the European Communities noted that the first continental outbreak had been reported in the north-west of France in March 2001 and was related to contacts of bovines with incubating sheep imported from the United Kingdom. The second and last outbreak had been reported in France on 23 March. The European Communities had adopted safeguard measures applicable until April 2001, followed by the release of the surveillance zone at least 30 days after the preliminary cleansing and disinfection of the premises, and after a clinical and serological survey with satisfactory results. In March 2001, Ireland had reported its first and only outbreak, which could be traced to the one in Northern Ireland. Protective measures had ceased in April, again followed by the release of the surveillance zone in accordance with EC law. Both Ireland and France had submitted to the OIE applications for re-establishment of their status as countries free of FMD without vaccination.

8. The Netherlands had experienced its first case in March 2001, and had a total of 26 cases, the last in April. This had been the only country to carry out suppressive emergency vaccination in a restricted area around the outbreaks. All vaccinated animals had been killed and destroyed by May 2001. The protective measures had ceased in June, when the 30-day surveillance period was completed. The European Communities had reinforced the measures taken by non-affected member States and introduced measures for the control of movement of susceptible animals both within and between member States. These were still in force with regard to intra-community trade in small ruminants.

9. From the beginning, the European Communities had taken very strict measures, although this had not always been recognized by its trading partners. In close cooperation with member State authorities, the European Communities pursued disease eradication primarily by stamping out and movement control. Moreover, the European Communities made every effort to display full transparency regarding eradication and control measures, and countries outside the European Communities were informed promptly on the epidemiological situation. In order to provide for proper follow up, the European Communities carried out veterinary inspections in all affected countries to ascertain that EC law was fully applied. The European Communities, in collaboration with the affected member States, wanted to draw lessons from this experience and identify areas for improvement, both in legislation and implementation, in order to avoid such an epidemic in the future. The EC representative concluded that the measures taken had been useful, since spread of the disease on the continent had been limited to two member States. Due to the vastness of the outbreak in the United Kingdom, it had not been fully eradicated, but the situation was under control. He reminded Members to modify their import measures in response to this information.

10. The representative of the OIE confirmed that France and Ireland had recently applied to recover their status as free from FMD without vaccination. Once the Commission on FMD and other Epizootics reviewed the cases at its meeting in September 2001, the relevant countries could immediately be included on the list of FMD-free countries. The OIE was considering the development of a harmonized questionnaire to accelerate the review of files from countries that had been recognized as free of FMD in the past.

3-MCPD in soy sauce from the Far East – Statement from the European Communities

11. The representative of the European Communities noted that 3-MCPD had been subject to several rapid alerts in the past. Production processes could be modified to significantly reduce the presence of 3-MCPD, but the presence of this substance could not be fully excluded yet. The EU Scientific Committee on Food had advised until recently that 3-MCPD was a possible genotoxic carcinogen in humans, and consequently no detectable residues in food products were acceptable. The Scientific Committee on Food had recently revised its opinion in the light of new toxicological information, concluding that 3-MCPD was not genotoxic in humans. A threshold approach had been adopted, setting a tolerable daily intake level at 2 µg per kg of body weight. As announced at the March SPS Committee meeting, maximum residue levels had been set on 3-MCPD to take effect in April 2002. In both hydrolysed vegetable protein and soy sauce, the maximum level for 3-MCPD was 0.02 mg/kg. Sampling methods were also determined in a Commission Directive. However, in light of the new scientific opinion, the European Communities would consider whether the current maximum level remained appropriate, or whether the provisions would need to be revised before they took effect. The levels of 3-MCPD detected in imported products, as reported in the rapid alert system, were sometimes up to several mg/kg, exceeding the maximum level. Because of the public health risk, the European Communities would continue to monitor this compound and urged the exporting countries to tackle the issue with great caution.

12. The representative of the United States added that the Joint FAO/WHO Expert Committee on Food Additives (JECFA), had re-evaluated of the safety of chlorinated propanols. New data had become available since the first evaluation years before. This re-evaluation, requested by the Codex Committee on Additives and Contaminants, showed that a person should not consume more than 120 mg/day of these contaminants. The United States urged Members to give full consideration to this new information.

13. The representative of Codex confirmed that chloropropanols had been re-evaluated by JECFA. The Committee on Food Additives and Contaminants would discuss the need to establish maximum levels for these contaminants at its next session in March 2002. A summary of the evaluation was available on the JECFA website.

14. The representative of Thailand, on behalf of ASEAN, expressed appreciation for the information provided and that the European Communities would review its maximum levels for 3-MCPD based on new scientific evidence. He requested to be kept informed of any further developments.

Classical Swine Fever - Current situation in the European Communities

15. The representative of the European Communities provided information on two unrelated outbreaks of classical swine fever. The first case regarded Spain, where in June an outbreak had been reported in the province of Lerida, Catalonia. Disease control measures provided by EC legislation had been applied immediately, including slaughtering and destruction of all infected animals, as well as safeguard actions concerning the movement of pigs from all of Catalonia. A total of ten outbreaks of classical swine fever had been reported in Spain. Ongoing research seemed to indicate that the virus type responsible for the outbreak came from outside the European Communities.

16. The second outbreak had also occurred in June, in Lower Saxony, Germany. A disease eradication plan was being implemented in accordance with EC legislation. The first results of the epidemiological investigations suggested that the classical swine fever virus entered the pig holding in question due to indirect contact with infected wild boars. German authorities were slaughtering and destroying all animals on infected farms and farms located in the surrounding areas. Results of clinical and laboratory tests indicated that the virus had not spread any farther. The European Communities was providing this information with the aim of preventing measures that would unnecessarily distort trade. Members could receive more information on request on a daily basis.

(b) Specific trade concerns

(i) New issues

EC restrictions on the use of fishmeal - Concerns of Peru and Chile

17. The representative of Peru expressed concern about Decisions 2000/766/EC and 2001/9/EC, which extended the prohibition of the use of fishmeal in the elaboration of ruminant feed (G/SPS/GEN/256 refers). According to Peru, this prohibition had no scientific basis, and was thus contrary to Article 2.2 of the SPS Agreement. The Decision also violated Article 5 since it was not based on a risk assessment, and was more trade-restrictive than required. The competent authorities in Peru had shown that the fishmeal and fish oil industry of Peru fulfilled all requirements necessary to guarantee safety to human and animal health, at high nutritional value. Fishmeal plants processed only the catch of the fishing fleet along the Peruvian coast, and were far from any source of contamination. The prohibition had a very serious impact on the Peruvian fishing industry, the second most important sector of the economy. Unemployment had risen, and export earnings had fallen by approximately 50 percent during the first semester of 2001. Peru had presented questions to the European Communities and hoped to receive answers either at the meeting or in writing. Peru asked the European Communities to lift this restriction as soon as possible, and to exclude fishmeal from the prohibition.

18. The representative of Chile was surprised that fishmeal, which was one of the main export products of Chile, was involved in EC measures related to BSE (G/SPS/GEN/264 refers). Chile recognized that the European Communities had to take measures to deal with the BSE situation, but maintained that these measures had to based on science and risk assessments. Fishmeal had no relation to BSE, as recognized in OIE standards. Chile recalled that it was not the first time that fishmeal had been affected by discriminatory EC measures. Since March, Chile and Peru together had held bilateral meetings with different EC member States and with the EC Commission. The explanation given by European representatives was related to cross-contamination of fishmeal and

other animal meals found internally in the European Communities. Although Decision 2001/999 would have lifted the restriction, the transitional measure remained in force. Chile requested the European Communities to accelerate the implementation of the regulation which would exclude fishmeal from the prohibition. In the meantime, the EC should make more flexible the standards applied to processing plants, allowing a cleansing between the different feed mixes produced, and allow fishmeal to be distributed as non-ruminant feed. Chile had been classified by the European Communities to have minimal BSE risk. Chile had furthermore offered to provide quality and traceability certificates. Chile was very surprised that there were no restrictions on vegetable meals, which could also be mixed with meat and bone meal (MBM) in feed. In addition, MBM continued circulating as pet food in the European Communities. Chile stressed that fishmeal should be excluded from the measures since the risk it represented was minimal compared to other factors.

19. The representative of Ecuador shared Peru's and Chile's concerns, as Ecuador also exported fishmeal. The representative of the United States noted that the concerns raised by Chile and Peru with regard to EC restrictions on fishmeal were similar to concerns other countries had expressed regarding BSE measures affecting trade in products that did not pose a risk of BSE transmission, such as pork, bovine semen and milk products. The United States shared the concerns of Chile and Peru that such restrictions were not justified and could result in serious disruptions of trade. At the March 2001 SPS Committee meeting, the OIE had presented a document explaining guidelines and recommendations regarding trade in bovines and bovine products (G/SPS/GEN/230 refers). The United States urged Members to reacquaint themselves with the relevant OIE guidelines in order to prevent unnecessary disruptions of trade.

20. The representative of the OIE drew attention to the WHO/FAO/OIE conference held in June 2001 on BSE, public health, animal health and trade (G/SPS/GEN/260 refers). This conference had brought together a large number of BSE experts to discuss several subjects including animal meals. The experts had concluded that the basis of the EC ban on feeding rendered animal protein to farm animals was to avoid risk of cross contamination of the animal feed system at any level. This was an emergency measure and the primary goal was to protect ruminants. The experts recommended that in countries where avoidance of cross contamination of ruminant rations with feed for non-ruminant species, including ruminant MBM, could not be guaranteed, MBM from any species should not be fed to ruminants and should not be traded internationally. In order to ensure compliance, it might also be necessary to ban inclusion of almost all mammalian proteins into ruminant feed, or even into all animal feed. Discussions had highlighted the lack of technical means to verify the absence of banned products in meals at very low levels. An appeal was made for improvement of the methods to detect banned proteins in animal feed. The problems several European countries had experienced with BSE were due to the difficulty of implementing the regulations, particularly regulations on MBM.

21. The representative of the European Communities confirmed that the ban on the use of fishmeal in ruminant feed was a safeguard measure reflecting failures in the implementation of rules on animal feed. Any MBM ban had to ensure that cross contamination was eliminated. After the most recent BSE developments outside the European Communities, equivalent standards for imports from third countries were considered necessary to avoid the risk of re-introduction into the European Communities of contaminated feed material. Imports of fishmeal had not been prohibited, but its use was subject to strict conditions. For example, member States were allowed to authorize the use of fishmeal to feed animals other than ruminants only if the fishmeal had been produced in dedicated processing plants and was transported directly to the establishments manufacturing animal feed by means of dedicated vehicles. There was a derogation for fishmeal used in feed for non-ruminant animals provided *inter alia* that it was produced and handled under strict conditions in dedicated plants and was not used or stored on farms where ruminant animals were kept, except where satisfactory measures were in place to avoid cross contamination. These measures might be adapted in light of the efficacy of control measures on animal by-products put in place by member States. The European Communities was working on this issue in a continuing effort to minimize trade effects.

The European Communities was ready to evaluate with Chile, Peru and other countries the consequences, if any, on their exports. Fishmeal had become the only animal protein that could be fed to pigs and poultry, and as such had gained a virtual monopoly position in a highly profitable industry.

EC geographical BSE risk assessment

22. The representative of Canada requested an update on the development, application and future evolution of the EC geographical BSE risk assessment (GBR) process. In Canada's understanding, the GBR rating system had initially been designed as an internal mechanism, then evolved into something that had application to third countries. Canada asked how the system ensured consistency in the application of the risk assessment process, and how a particular assessment could be reviewed as time passed and risks diminished. Canada also asked for an explanation of the process, and how information on internal situations was combined with assessments of external risks. The GBR system seemed to focus disproportionately on risks from the United Kingdom. In light of the information presented by the European Communities on its new TSE regime, Canada wondered how these two mechanisms fit together. Canada also noted that the OIE was developing a system to verify countries' own assessments of their BSE status, and wondered how that would relate to the EC system.

23. The representative of the United States echoed many of Canada's concerns. The United States had undertaken numerous actions to prevent the introduction of BSE, including an extensive surveillance programme, a ban on feeding MBM to ruminants, and restrictions on imports of certain products from countries affected by BSE or posing an unacceptable risk. After more than ten years of active surveillance at levels above the international standard, the United States had found no evidence of BSE or other TSEs in cattle. The United States was concerned that the European Communities was applying similarly stringent measures to countries that were not affected by the disease or which had significantly different risk factors. This practice lacked scientific justification and ran counter to the existing international standards. The minimum number of neurohistological investigations called for in the EC legislation was far greater than that recommended under the international standard. It was not entirely transparent how country classifications would be determined nor what requirements would be applied in the meantime. The United States was worried that the classification would be based on the EC geographical BSE risk assessments. The United States had submitted detailed comments on the risk assessment methodology and on the draft GBR of the United States, identifying a number of problems with the methodology and with the information related to the United States. In addition, the United States was concerned that many countries might regard the GBR as equivalent to an international standard, although it had no more standing than any other WTO Member's legislation. The United States urged all countries to take the OIE standard into account when developing their own BSE measures.

24. The representative of the OIE clarified that the OIE would deal only with recognition of BSE freedom, not with the other four categories contained in the BSE chapter of the International Animal Health Code (G/SPS/GEN/266). The WHO/FAO/OIE conference on BSE had concluded that potentially BSE-infected materials had been distributed throughout the world through trade, and that all countries should evaluate their potential exposure in order to protect public health and prevent further dissemination of infectivity. When assessing their internal and external risk factors, countries should take full account of the existing international recommendations, particularly those of the OIE Code. The aim should be to enable reliable categorization into one of the five different BSE statuses specified in the Code. The conference had strongly supported OIE plans to incorporate a risk-based component into the Code Articles on BSE categorization, instead of defining categories based only on incidence of the disease. To help member countries carry out their risk assessment, the Commission on FMD and other Epizootics of the OIE had received the mandate to develop guidelines, taking into account the experience from the GBR assessments. Countries were encouraged to utilise these OIE guidelines for their own internal assessments, bilateral negotiations and third party assessments.

25. The representative of the European Communities indicated that GBR analyses were based on information provided by interested trading partners to a 1998 questionnaire. The methodology for the GBR had been established by the EC Scientific Steering Committee which was formed by scientists selected by a public tender every four years and was open to nationals of non-European countries. The new BSE-TSE measure was in conformity with the OIE Code, but the GBR pre-dated the current OIE Code. The GBR had been designed to assess the BSE risk of any country and to identify its risk category. The method applied was based on sound scientific criteria that had been widely published. Moreover, the Scientific Steering Committee relied on an evaluation of the files by external experts. This procedure allowed independent and consistent assessments of all files. Any new relevant scientific evidence could be submitted to the Commission and a re-evaluation could be considered once the additional stability measures had been put in place in a country, after a time span of three to five years to take into account the incubation period of BSE. Since stability factors were not the same for all countries, these had to be considered on a case-by-case basis.

26. An unstable system implied that recycling or propagation of the BSE agent might occur in the country. Three main stability factors were taken into consideration: (a) whether mammalian proteins had been fed to cattle; (b) what types of rendering was used in the country; and (c) removal of specified risk material. Additionally, other factors such as surveillance and training were considered. In certain cases, although there had been imports of cattle or MBM from affected countries, it had been verifiably demonstrated that these had not entered the feed chain, and the risk remained negligible. However, in countries that had an unstable system, if the BSE agent entered the feed chain, it would be recycled and might be propagated. Therefore, sufficient evidence was needed that no potentially infected animals were rendered. The European Communities considered that the GBR reflected the international standard. The link between the consequences of the new TSE regulation and the experiences from the GBR would be discussed on 18 July (paragraph 4 refers). The European Communities would contribute to work in the OIE framework and remained ready to cooperate with Members and provide information. Knowledge about this disease should be shared to minimize trade effects where possible. All GBRs were available at http://europa.eu.int/comm/food/fs/sc/ssc/outcome_en.html.

Japan's import measures on fire blight

27. The representative of the United States maintained that Japan's extensive requirements for imported apples, including numerous orchard inspections, treatment of apples and restrictions on orchards eligible to export, which Japan claimed were necessary to prevent the introduction of the bacterial disease fire blight, were unduly restrictive. The United States and Japan had agreed on joint scientific research on apples and fire blight. This research had been completed, and had confirmed that the risk of transmission of fire blight by symptomless commercial fruit was negligible. The United States was disappointed that Japan had not consequently relaxed its import restrictions for the 2001 crop. Japan's maintenance of restrictive measures despite scientific evidence that they were unnecessary raised concerns regarding its commitment to the SPS Agreement. At a bilateral meeting prior to the Committee meeting, Japan had agreed to review additional information and provide the results of this review in late July 2001. The United States looked forward to discussing this review in August.

28. The representative of New Zealand supported the technical positions presented by the United States; all reputable scientific evidence upheld this view. On the basis of this research, Japan's phytosanitary measures with respect to fire blight were not technically justifiable and should be modified accordingly. New Zealand intended to engage Japan in further bilateral discussions on this issue. The representative of Chile requested that the follow-up to this situation be reported, since it was interested in the full implementation of the SPS Agreement.

29. The representative of Japan confirmed that the joint research had been completed. Japan was currently conducting a risk analysis based on the resulting scientific information. There were some difficulties in finalizing the evaluation only based on these results, and Japan desired to continue the technical discussion between the plant health authorities of both countries.

US import restrictions on potted plants from the European Communities

30. The representative of the European Communities indicated that exports of plants in growing medium had been impeded for over 20 years because the United States conducted a pest risk assessment for each type of plant in growing medium before allowing imports, and each assessment took several years to complete. In addition, the requirements for the species that had been accepted were very rigid and not proportional to the potential risk. The European Communities requested the United States to conduct a horizontal assessment and to allocate the necessary resources to conduct individual pest risk assessments quickly. This issue had been raised repeatedly over the years, but no significant progress had been made. The lack of action on the part of the United States was not acceptable, and the European Communities requested the United States to adjust its import requirements and administrative procedures to allow for market access for potted plants.

31. The representative of the United States replied that US regulatory requirements reflected the need to avoid introduction of pests and diseases that could seriously undermine native ecosystems as well as cultivated plants. The potential risks associated with imports of plants in growing medium needed to be evaluated, taking into account available mitigation measures. The roots of potted plants, even in an approved medium, could not be examined for signs of disease. Other mitigation measures, such as greenhouse growing requirements, were necessary. The United States was preparing a technical proposal for review by the Commission and EC member States, and had proposed the formation of a US-European technical working group to address issues related to imports of plants in growing medium, including comparisons of risk evaluations and risk management approaches. USDA was willing to review any systems certification proposal submitted by the Commission or its member States, with the understanding that any modifications to existing US regulations would have to be scientifically justified and, for transparency purposes, be subject to the US rulemaking process.

Japan's restrictions on importation of sugar cane top from Indonesia

32. The representative of Indonesia raised concerns with Japanese restrictions on the importation of sugar cane top for fear of contamination with FMD. This measure that had been applied since April 2000, despite the fact that Indonesia was recognized as free of FMD by the OIE. Indonesia had cooperated with Japan's own assessment of the FMD situation of Indonesia, and had hoped that this issue could have been resolved sooner. In January 2001 the Indonesian Government had invited officials and experts from Japan to appraise the Indonesian sugar cane top production units. This invitation was renewed in February 2001. Following this invitation, Japan had requested that Indonesia complete a questionnaire, which was done. Receipt of the questionnaires was acknowledged in May 2001. Indonesia had sent a letter reiterating that the country was FMD-free and that the measure had a detrimental effect on the Indonesian economy. In June, Japanese officials had stated that the information in the questionnaire was not sufficient, and that Japan would not dispatch the verification team to Indonesia before this requirement had been fulfilled. Indonesia intended to provide this information, but requested a clear schedule from Japan to be assured that a speedy solution could be found. Indonesia requested the OIE to assure Japan of Indonesia's FMD-free status.

33. The representative of Argentina requested the OIE representative to explain whether BSE-related restrictions on sugar cane could be justified.

34. The representative of Japan responded that it had sent a questionnaire in December 2000 and had received an answer in March 2001. A careful study had been carried out, and comments had been

given to the Indonesian embassy in Tokyo. Japan had notified the animal health authorities of additional information needed for the analysis and was now waiting for Indonesia's response.

35. The representative of the OIE confirmed that Indonesia had been recognized as free from FMD without vaccination (G/SPS/GEN/266, Annex 1). Chapter 2.1.1 of the International Animal Health Code contained a precise list of products which could transmit the disease (G/SPS/GEN/240). This list did not contain sugar cane. The Code considered that other products, such as cereals, fruits, vegetables and roots did not present a risk. The OIE explained that the OIE itself could not carry out a risk analysis on sugar cane used as feed. However, the risk assessment could be carried out by the parties, taking into consideration the harvesting method for sugar cane, which in his opinion was comparable to harvesting methods for cereals, and would thus lead to similar conclusions.

(ii) Issues previously raised

Certain measures applied by Turkey on imports of bananas (G/SPS/GEN/249)

36. The representative of Ecuador raised serious concerns about phytosanitary certificates for banana imports to Turkey. Ecuador had posed several questions to Turkey regarding the granting of certificates called "Kontrol Belgesi" (G/SPS/GEN/249). Ecuador had just received responses to these questions, and had not yet had time to evaluate Turkey's replies. However, it appeared that the replies did not correspond to the information provided by Ecuadorian banana exporters and Turkish banana importers. For example, obtaining the certificates had taken up to three times as long as claimed by Turkey. The responses from Turkey contained some inconsistencies regarding the duration and validity of the certificates. In the case of bananas, the expiration dates regularly coincided with the dates when banana harvests commenced in Turkey. In fact, between October and December imports decreased significantly because the phytosanitary certificates expired in October, and new certificates were not granted during this period. Another concern related to the function of the certificates as a quantitative restriction, because each certificate was granted for a maximum one thousand tons. Turkish authorities claimed that one could obtain as many certificates as desired. However, exporters indicated that one of the prerequisites for obtaining a new certificate was to demonstrate that the previous certificate had been used. Ecuador was disappointed that the responses to its questions did not clarify the situation.

37. The representative of Turkey confirmed that replies had been provided to Ecuador (G/SPS/GEN/275). The Kontrol Belgesi certificate was a reference document used in customs proceedings and food safety analysis during the importation process. It also certified the declaration of importers concerning full conformity of their foods with the relevant Turkish food regulations, which were in compliance with the SPS Agreement and with Codex Alimentarius. All importers were required by law to obtain this certificate to import any food. The system was described in the Official Gazette, and existed purely for safety reasons; it was not used to limit quantities. Import data for 2000 showed that Turkey imported bananas from different countries, but around 75 percent came from Ecuador. Importers could apply for certificates in advance, before a consignment arrived at the port. After the issuance of the certificate, the consignment could be imported during the validation period, which was between four and twelve months. The validity of the document could not be extended, but importers could make a new application. They could apply for as many documents as they wished. Issuance of Kontrol Belgesi certificates took between three and seven working days if the information was complete and varied according to the intensity of requests for other foodstuffs. Turkey was ready to further discuss the issue with Ecuador.

38. The representatives of Chile and Colombia requested to be informed of future development of this issue. As a fruit exporter, Chile was concerned that the problem might also affect other products such as kiwis and apples. The European Communities requested to see the responses from Turkey to Ecuador's questions.

EC maximum levels of aflatoxins and consequences for Brazil nut exports from Bolivia

39. The representative of Bolivia recalled that in September 1998, Bolivia had presented a document expressing its concern with the EC aflatoxin levels that had been applied since 1999 (G/SPS/GEN/93). The maximum aflatoxin levels, which were not backed by multilaterally accepted scientific criteria, remained in force and continued to affect exports of one of Bolivia's principal agricultural products. Bilateral consultations had not led to satisfactory results. The European Communities was not applying the SPS Agreement, especially Article 5 on risk assessment and determination of the appropriate level of protection, and Articles 10.1 and 10.2 on special and differential treatment.

40. The representative of Brazil supported Bolivia, and as a producer of Brazil nuts was concerned that it was taking so long to resolve this issue. The representative of Chile asked Bolivia whether technical assistance had been raised at the bilateral consultations. Argentina indicated its concern both because of the technical problem and because it concerned special and differential treatment. The representative of India indicated that as a peanut exporter it shared Bolivia's concerns.

41. The representative of the European Communities noted that Bolivia was on a high priority list for EC cooperation activities. Bolivian authorities had emphasized the importance of sustainable Brazil nut production, both for safeguarding Amazon forests and for social and economic reasons. To support this goal, the European Communities had carried out an expert mission in May 2000 to the production area in the Pando region, to consider financing a laboratory to test aflatoxin levels in Brazil nuts. The experts had concluded that Bolivian products had been meeting EC aflatoxin levels for a number of years, as no rapid alerts due to excessive levels of aflatoxin had been reported. At least three private laboratories were physically and professionally equipped to carry out accurate aflatoxin tests, and at least two had been doing so at exporters' requests. Consequently, the concerned private sector and Government authorities had agreed there was no need to equip a new laboratory. Bolivia had proposed certification of exported goods. However, the industry was vulnerable because of fragile production practices in a remote region of the country. In October 2000, the final report of the mission had been sent to the Bolivian authorities, but the European Communities had not received any comments or reply to this report.

42. The European Communities signalled its willingness to discuss all technical difficulties in detail and to agree on practical solutions in accordance with EC legislation. The European Communities was promoting a project to improve production and storage processes and the livelihood of nut collectors to be executed in 2002. The representative of the European Communities strongly objected to the Bolivian statement that the European Communities only made promises instead of solid commitments. In fact, the Pando prefect had ten projects financed in the framework of the food safety programme for a total amount of 1.70 billion dollars. Two recent follow-up missions by the EC delegation concluded that progress had been made on the technical level, but that the Bolivian authorities had difficulties in designing and managing the projects. At a meeting the previous week, participants had agreed on a *modus operandi* that could be implemented immediately. The European Communities had proposed a certification procedure and hoped that Bolivia recognized the efforts it was making to help improve Brazil nut production in the region concerned.

43. The representative of Bolivia confirmed that bilateral meetings had taken place, including discussion on possible technical cooperation programmes. While the desire to solve the problem had been expressed, so far no practical measures had been taken to reduce the negative effects on trade. He requested that the European Communities provide its intervention in writing.

Argentina's import restriction on dairy products due to BSE

44. The representative of the European Communities recalled that at the March 2001 Committee meeting, OIE and WHO had circulated information on internationally agreed standards regarding BSE (G/SPS/GEN/221, 222 and 230). The OIE in particular had concluded that there was no evidence of BSE transmission via milk collected from healthy animals. Moreover, the EC Scientific Steering Committee had published a report on the safety of milk with regard to TSE whose conclusions confirmed the OIE and WHO opinions. Notwithstanding the clear scientific evidence provided by these international organizations, Argentina was still imposing import restrictions on dairy products from the European Communities, and in particular from the United Kingdom. The European Communities had replied to Argentina's extensive questionnaire on the measures taken with regard to BSE. Despite repeated requests, Argentina had failed to provide a risk assessment to justify the measures, thus acting against Article 5 of the SPS Agreement. The European Communities, supported by South Africa, urged Argentina either to underpin its position with scientific justification, or to lift the unjustified trade restrictions. If Argentina failed to do so, the European Communities would have to consider an eventual recourse to Article 12.2 consultation procedures.

45. The representative of the OIE reported that the WHO/FAO/OIE conference BSE had concluded that there was no reason to modify the list of bovine products for which no trade restrictions were recommended.

46. The representative of Argentina replied that in January 2001 its animal health service, SENASA, had adopted resolution 42/2001, which imposed restrictions on dairy products. A new sanitary certificate would be notified to WTO soon; this certificate was less restrictive and took all developments into account. Regarding human health, dairy products had been reclassified from medium risk to low risk, and the relevant decree eliminated the restrictions. This reclassification of dairy products had not yet been completed; a certain category of milk remained under the restriction. The United Kingdom was considered a high risk country, but the situation was under analysis.

BSE - import restrictions by certain Members on EC products

47. The representative of the European Communities recalled that at the March 2001 Committee meeting he had raised concern regarding many countries' restrictions on EC exports, presumably because of BSE considerations. In recent months, these restrictions had been overshadowed by restrictions taken due to the FMD outbreak in some EC member States. Some FMD-related restrictions had been lifted, but BSE-related restrictions remained in place. EC measures on BSE were science-based and took account of OIE recommendations. The European Communities expected other countries to do the same, especially with respect to restrictions on products such as pig and poultry meat, milk and dairy products. The European Communities considered import restrictions on these commodities to be in breach of Article 2.2. The representative of the European Communities stressed that measures should be transparent, and communicated through agreed procedures. Some emergency measures that had not been notified had been in place for years, and the European Communities intended to intensify its efforts through bilateral discussions, and to start raising specific issues in the Committee.

48. The representative of Bulgaria recalled that at the previous Committee meeting, Bulgaria, together with other countries, had raised the issue of import restrictions affecting BSE-free countries. Bulgaria would continue to monitor the situation. According to Article 5.7, Members were obliged to seek additional information when temporary measures were implemented.

49. The representative of New Zealand reported that since January 2001, New Zealand had an emergency food standard to manage variant Creutzfeldt-Jakob Disease (vCJD), following the increased incidence of BSE in Europe, notified as G/SPS/N/NZL/77 plus addendum. This provisional

measure would continue until development of a targeted, robust, permanent and transparent measure. The normal 60 days would be allowed for interested WTO Members to comment on the permanent measure before its implementation. New Zealand had made every effort to ensure that the measure would be applied only to the extent necessary to protect public health, would not discriminate between countries where identical or similar conditions prevailed, and would be based on scientific principles and international standards.

50. The representative of Australia informed delegates that Australia was in a similar position to New Zealand. The increased surveillance and testing on BSE had shown that it was more widespread than previously thought. In January 2001, in response to those concerns, Australia had introduced temporary measures to protect public health from vCJD. Since that time, Australia had been undertaking a risk assessment to develop a permanent measure for the importation of beef and beef products, which would be duly notified. Australia had responded in writing to the statement made by Romania at the March 2001 Committee meeting. The permanent measure would be based on science and contain a detailed certification requirement.

India's ban on bovine semen imports from Canada

51. The representative of Canada reported that Canada was engaged in consultations under the SPS Agreement with the delegation of India regarding bovine semen imports. Certain positive developments had occurred and Canada hoped to resolve the issue very quickly. The representative of India indicated that the relevant regulations had been changed, and that these changed would soon be notified.

EC restrictions on gelatin imports

52. The representative of the United States raised concern with European Commission Directive 92/118/EC and Decisions 99/724/EC and 2000/20/EC establishing certain safety and certification requirements for gelatin intended for human consumption. Since May 2000, the United States had been engaged in extensive discussions with the European Commission to enable US gelatin shipments to continue, based on the equivalence of US and EC safety systems related to gelatin. Additionally, the US gelatin industry had worked with the US Food and Drug Administration (FDA) as the competent authority to satisfy other EC requirements pertaining to raw materials, manufacturing processes and end-product specifications. Nevertheless, US shipments of gelatin had been discontinued in June 2000 because the Commission had not agreed to accept equivalence-based export certificates issued by US regulatory authorities. The United States had demonstrated that US gelatin safety systems pertaining to food-use gelatin met the EC appropriate level of protection. Food-use gelatin manufactured in EC member States continued to be exported to the United States regularly without comparable restrictions. US gelatin producers were being severely affected by this loss of trade that was unjustifiable from a public health standpoint.

53. The representative of the European Communities clarified that US gelatin exports were not prohibited, but that negotiations were underway on a specific certificate for the United States different from the general certificate being used by many countries. In 2000, the United States had requested that the US production system for gelatin be recognized as equivalent to the EC system. The European Communities had examined US legislation, and equivalence of the US production system had been established on all but two points, where compliance with additional requirements must be certified. The United States had not disputed the justification of the additional requirements; one related to raw materials to be used in gelatin, the other related to maximum levels for chemicals and bacteriological substances for treatment of the raw materials. Since December 2000, the only pending question had been that FDA, as a matter of policy, did not certify compliance with foreign rules, while the European Communities required certification by a competent authority. Both sides had made considerable efforts to find an acceptable wording for the health certificate. The issue was not about

trade or equivalence, but about certification practices. The European Communities was willing to accept certification from any competent authority appointed by the United States. It was a basic principle in international trade that the exporting party certified that the exported product met the standards of the importing party where full equivalence had not been established. This was also the case for EC member States exporting to the United States.

Indonesia – Restrictions on importation of fresh fruit from New Zealand

54. The representative of New Zealand reported that following a successful technical visit to New Zealand by scientists from the Indonesian centre for agricultural quarantine, in May 2001 Indonesian officials had informed New Zealand that the import restrictions on New Zealand fresh fruit had been lifted with immediate effect. New Zealand looked forward to the full implementation of this intent, and to supplying fruit to Indonesian consumers. With good will and constructive engagement, SPS issues could be resolved amicably.

55. The representative of Indonesia confirmed that bilateral consultations had taken place and that his country had dispatched a team to New Zealand to verify that fruit flies had been eradicated. The conclusion had been that current requirements such as cold treatment were no longer necessary. Indonesia would immediately lift the existing restrictions on the importation of fresh fruit from New Zealand. Should Indonesia find evidence of fruit flies in imported fruit from any country, the restrictions would be reintroduced.

FMD-related import restrictions by certain Members – Concerns of the European Communities and Argentina

56. The representative of the European Communities observed that many Members had imposed restrictions on imports of FMD-susceptible animals and animal products from both affected and unaffected EC member States. Often the measures had not been notified. It was understandable that Members take provisional safeguard measures in the initial phase of such an epizootic. However, the restrictions applied to products that had been treated in accordance with the international standard to destroy the virus, such as heat treatment or acidification; concerned products that were without risk; and were kept in place past the recognized waiting period of three months. The principles of proportionality, justification of measures and regionalization in accordance with the OIE Code and Article 6 had not been followed. The European Communities had been transparent and had notified the OIE on the evolution of the disease, and the decisions taken.

57. The representative of the European Communities stated that although the creation of the single market in the European Communities meant that border controls had been eliminated, they had been replaced with other control instruments. Controls at origin had been strengthened, and random checks of animals at arrival had been introduced. The use of certificates for trade in animals had continued, and a sophisticated system for identification and registration of animals had been established, which included a computerized data base and an animal passport for cattle.

58. The representative of Argentina informed the Committee that there had been a change in the responsible authorities in Argentina, and that the new authorities had developed a plan to eradicate FMD by 2005 (G/SPS/GEN/269 refers). Argentina was concluding the first vaccination campaign in the affected areas. Restrictions on the internal movement of animals had been imposed. Many products from Argentina were facing scientifically unjustified restrictions that violated Articles 2.1, 3.1 and 5.1, and the OIE Code. Plant products should normally not be affected by FMD-related measures, except straw and forage. These restrictions were damaging Argentina's economy. Members should base measures on scientific evidence and make all possible efforts to comply with the SPS Agreement, with the transparency that was imperative in these cases.

59. The representative of Uruguay supported the statement made by Argentina. FMD-measures had to be based on scientific risk assessment, especially if they went beyond OIE recommendations. Uruguay was also facing restrictions on products which did not present FMD risks such as UHT milk and hard cheeses. The trade restrictions had a negative impact on the economy.

60. The representative of Australia clarified that his country was asking for reasonable information to allow a scientific judgement in the face of a different type of clinical presentation in sheep. Recently, additional restrictions on Denmark and Austria and on race horses from the European Communities had been lifted, and further information had been presented by France. The principles of regionalization were very important in this regard, but they were often difficult to apply in practice for contagious diseases and for diseases transmitted by insect vectors. Australia would re-examine the restrictions as requested information was received.

61. The representative of the United States explained that its existing measures regarding FMD in EC countries affected only the United Kingdom, Ireland, the Netherlands and France. On the basis of information from the Commission on the movement of animals from the affected to the unaffected areas as well as on measures being taken to control the spread of this disease, the United States had lifted the restrictions on all EC member States that had not had FMD cases, in May 2001. The United States was currently evaluating the disease situation in France and Ireland and would lift import restrictions as appropriate. A visit to the Netherlands was planned, and once the disease had been stamped out in the United Kingdom a similar visit would occur. The history of this particular outbreak had shown that the disease was difficult to identify in sheep and therefore its spread was difficult to predict and control. Large numbers of sheep were known to have moved throughout the European Communities around the time the disease was introduced in Great Britain. A certain period of time was necessary to determine how far the disease had spread before the safeguard measures could be adjusted. The United States commended the European Communities and its member States for the swift and aggressive actions taken to contain the spread of this outbreak, bringing it under control and beginning to eradicate it. The United States had sent 58 veterinarians to assist Great Britain during the height of the epidemic.

62. The representative of the OIE drew the attention of the Committee to G/SPS/GEN/266, which in Annex 1 contained a list of the countries that had been confirmed free of FMD without vaccination, including several EC member States. G/SPS/GEN/240 contained the relevant Code chapter on FMD, which had been thoroughly reviewed between 1990 and 1997 and should be taken into account by WTO Members.

63. The representative of the European Communities noted its long tradition of good trade relations in meat with Uruguay and Argentina, and hoped the situation was soon resolved. The European Communities indicated that the questionnaire from Australia was out of proportion with the problem to be addressed. It was not acceptable that non-affected countries received a questionnaire corresponding to an affected country wanting to be declared free of FMD. The European Communities appreciated the US reaction regarding many of the unaffected EC countries, and asked the United States to follow the example of Canada and New Zealand in handling this crisis. The European Communities had assisted Korea, Japan, Turkey, Algeria, Morocco and many others to control and eradicate this disease.

64. The representative of Brazil, supported by Bolivia, expressed concern that Members were departing from the principles of the SPS Agreement. When it was not possible to follow an international standard, Members should not forget that the SPS Agreement required scientific justification. It seemed that some Members' measures were departing from science by asking for proof of safety before opening their markets for certain products. According to the SPS Agreement, measures should be applied only when there was a scientific basis for restricting trade.

Australia's import risk assessment on table grapes

65. The representative of the United States raised concern regarding unreasonable barriers to access to the Australian market for fresh fruits, particularly table grapes from California. The United States was disappointed at Australia's apparent abandonment of its commitment to a transparent, science-based risk assessment system. The import risk analysis (IRA) process did not seem to have an end. The IRA had been completed in January 2000 and had concluded that table grapes from California could be safely imported into Australia under specified conditions. Rather than modifying its import conditions in line with its own scientific evaluation, Australia had initiated a new study, completely separate from the IRA process, to examine issues that the IRA had already addressed. When this study was made public in February 2001, it appeared that its chief purpose was to delay lifting the import prohibition on California table grapes. Australia had pointed to the relatively recent introduction of a leaf-hopping insect, the glassy-winged sharpshooter, into some parts of California in order to justify its delay in permitting market access to table grapes. Although its own risk assessment noted that the risks associated with the glassy-winged sharpshooter would be negligible, Australia had decided that additional research on risk mitigation measures for glassy-winged sharpshooters would be necessary. Table grapes in California were subject to numerous mitigations, including universally accepted and proven quarantine treatments. The United States was willing to address legitimate scientific concerns. However, additional research on a pest not found in shipments of table grapes was completely without scientific merit and was a delaying tactic.

66. The representative of the European Communities indicated interest in the evolution of this issue. The representative of the Philippines reiterated that ASEAN countries shared the US concern with regard to Australia's phytosanitary regulatory process. The lengthy risk assessment procedure prescribed by Australia made it difficult for ASEAN exports of fresh fruits to enter the Australian market. ASEAN countries urged Australia to undertake its risk assessments within a reasonable time-frame, as well as in a transparent and predictable manner.

67. The representative of Australia indicated that the change in risk profile associated with the spread of Pierce's disease, and of its vector, the glassy-winged sharpshooter, in California, required additional scientific information to ensure the Australian industry and environment was protected from quarantine risk. The glassy-winged sharpshooter and the spread of Pierce's disease were a major agricultural issue for California, involving significant action and expenditure by government agencies and industry.

(c) Consideration of specific notifications received

G/SPS/N/NZL/142 – Proposed import prohibition of commodity-country combinations of fresh cut flowers and foliage

68. The representative of the European Communities indicated that the proposed measure raised concerns because plants not traded for two years might be subject to a prohibition, pending a new risk assessment. This practice was not in accordance with international standards, and was unnecessary and unjustified.

69. The representative of Colombia noted that his country was among those mentioned in the notification, and was interested in participating in exchanges between the European Communities and New Zealand and in receiving any relevant information.

70. The representative of New Zealand explained that it had commenced a review of import requirements for cut flowers in 1997 as imports were steadily growing but a robust risk analyses had not been carried out. The review was undertaken in phases, during which the New Zealand Ministry of Agriculture and Forestry consulted widely with affected parties. The process culminated in new

draft standards incorporating the proposed interim phytosanitary measures approved in May 1998 (notified as G/SPS/N/NZL/24). Those standards were being reviewed in light of the most up to date scientific data (G/SPS/N/NZL/142). At an initial step the review included the suspension of historic phytosanitary requirements for some countries. The notification was of New Zealand's plan to further consolidate the approved country-commodity schedules to include only those commodities that had actually been exported to New Zealand in the past two years. New Zealand would continue to address the EC concerns on a bilateral basis.

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

71. The Chairman pointed out that notifications received since the last Committee meeting were summarized, on a monthly basis, in G/SPS/GEN/241, G/SPS/GEN/248, G/SPS/GEN/252 and G/SPS/GEN/258. The most recent list of Enquiry Points had been circulated as G/SPS/ENQ/12. The latest list of National Notification Authorities had been circulated as G/SPS/NNA/2. The Chairman encouraged any Members which had not yet identified a National Notification Authority and/or an Enquiry Point to do so as quickly as possible.

III. THE SPS AGREEMENT AND DEVELOPING COUNTRIES

(a) Implementation of the provisions for special and differential treatment

72. The Chairman recalled that the Secretariat had organized a special workshop on the participation of developing countries in the relevant standard-setting organizations prior to the March 2001 Committee meeting. Each of the relevant standard-setting bodies had made presentations regarding its procedure for the development of standards and the participation of developing countries in the process. The report of this special workshop had been circulated as document G/SPS/GEN/250.

Implementation proposal by Brazil (G/SPS/W/108)

73. The representative of Brazil explained that following recent events it appeared there were different interpretations among Members of the obligations regarding the notification of SPS measures. In Brazil's opinion, Members should notify every single SPS measure imposed, even if the measure derived from legislation or policies previously notified. Brazil proposed that the Committee review the recommended notification procedures (G/SPS/7/Rev.1) at the next Committee meeting under the agenda item on transparency, since it was not a special and differential treatment issue.

74. Many delegations supported Brazil's proposal to discuss the notification procedures. The European Communities noted that the number of notifications had increased substantially, and no delegation was able to read and analyse all notifications within the agreed time. Many questions needed to be examined, including language problems. Chile suggested that the recommended notification procedures should also deal with notifications of equivalence.

75. The representative of Bolivia indicated that Brazil's proposal regarding Article 10.2 of the SPS Agreement was extremely important to ensure that, where possible, developing countries be granted a reasonable period of time to implement new measures. Egypt, the European Communities and Malaysia (on behalf of ASEAN) suggested that this proposal be discussed in another forum. The representative of Canada noted that Brazil's proposal regarding Article 10.2 entailed fundamental changes to the existing Agreement. Article 10.2 referred to products "of interest to" developing countries, and therefore was an MFN provision, which would not be the case if the language was changed to "products from" developing countries. It was very difficult for the country taking a measure, whether developed or developing, to allow a grace period during which imports would be allowed to continue, thereby putting at risk human, animal or plant health. Canada found Brazil's second proposal for consultations, presumably after the measure was in effect, more promising.

76. The Chairman recalled that discussions on implementation of Article 10.2 continued in the General Council. He proposed that the SPS Committee re-examine G/SPS/7/Rev.1 under the transparency agenda item. An informal meeting on this subject would be organized prior to the next regular meeting of the Committee, and all interested delegations were encouraged to submit their suggestions in writing before the meeting to permit delegations to study them.

(b) Equivalence – Article 4

77. The Chairman recalled that equivalence had been raised in the General Council in the context of the discussions on implementation. The General Council had requested the SPS Committee "…to examine the concerns of developing countries regarding the equivalence of SPS measures, and to come up with concrete options as to how to deal with them…". On 9 July 2001, the Committee had discussed equivalence at an informal meeting, and the Chairman expressed appreciation for documents prepared by Japan (G/SPS/GEN/261) and Argentina (G/SPS/GEN/268). The Chairman's report on the discussions is contained in G/L/455.

78. The Secretariat introduced G/SPS/W/111, which listed the major concerns of developing countries with regard to equivalence, and put forward possible approaches to address these concerns. The document also contained a summary of the discussion and submissions regarding equivalence to date. The representative of the European Communities indicated that the Secretariat document was useful for reflections and discussion. He suggested that at the next meeting the Committee concentrate on the examination of the proposed alternatives, but separately from the examination of the recommended notification procedures.

79. The Chairman recalled that the General Council had requested specific recommendations from the SPS Committee and indicated that it might be necessary to organize a special meeting to develop such recommendations, possibly in September.[1]

IV. TECHNICAL ASSISTANCE AND COOPERATION

(a) Identification of technical assistance needs

80. The Chairman indicated that at the November 2000 meeting, Members had begun to examine a typology for technical assistance prepared by the Secretariat (G/SPS/GEN/206). This document had been considered at an informal meeting on 9 July 2001. The Chairman's report on this meeting is contained in G/SPS/GEN/267.

Request from Gabon (G/SPS/GEN/257)

81. The representative of Gabon indicated that his country exported 5-6 million tons of fish products per year, mainly to the European Communities. In order to guarantee the safety of these products, in 1999 the Ministry of Fisheries and Agriculture had established the Sanitary Quality and Inspection Service. The Service carried out surveillance and control of the production, processing and transportation of all products, participated in standard-setting, and carried out laboratory analyses of the products. As indicated in G/SPS/GEN/257, support was needed for a national fishery laboratory, which would be extremely important to allow Gabon to comply with safety requirements in its export markets.

[1] A special meeting on equivalence was scheduled for 18-19 September 2001.

82. The representative of the United States said that it was important that Members take advantage of the Committee to identify their technical assistance needs. The United States would consider the information provided by Gabon.

83. The representative of Mauritius supported favourable consideration of Gabon's proposal, since it drew the attention of Members in similar situations to the kinds of technical assistance they could be seeking. It was also useful that Gabon showed initiative, and was prepared to supply part of the financing. The representative of Congo indicated that it was the first time that his county had participated in the Committee. The meeting had been very informative, and Congo was thankful for the technical assistance provided by the Secretariat. In the future, Congo would also request technical assistance relevant to the work of the Committee.

84. The representative of the European Communities recalled that EC technical assistance had been explained and summarized in document G/SPS/GEN/244. Concerning Gabon's request, the European Communities suggested contacting the EC representation in Gabon. The European Communities had set up a project with the Government of Jordan following their requests (G/SPS/GEN/199 and 208). A lot of the requests for technical assistance submitted to the Committee were very specific and corresponded to precise projects, not programmes. While projects dealt with concrete present needs, programmes could address more long-term needs. The EC representative suggested that the Committee should also receive requests for broader programmes, not just specific projects, because this would enable developing countries to meet standards in their export markets.

85. The Chairman encouraged Members to contribute to these interesting discussions, and to present their technical assistance needs.

(b) Information on technical assistance programmes

Technical assistance to developing countries provided by the United States (G/SPS/GEN/181/Add.1)

86. The representative of the United States recalled that document G/SPS/GEN/181 described the functions and responsibilities of several agencies of the US Government supporting the implementation of the SPS Agreement. The second part of this document contained a chart of specific technical assistance activities that various agencies had provided from 1995 through early 2000. The addendum provided an update and contained additional information on two agencies of the US Government that also had responsibilities related to the implementation of the SPS Agreement: the Grain Inspection, Packers and Stockyards Administration (GIPSA) and the US Environmental Protection Agency (EPA). The addendum also contained a chart of technical assistance provided between June 2000 and June 2001, and a few issues that had been omitted from the earlier submission.

Innovations in technical assistance – Submission by IICA (G/SPS/GEN/255)

87. The representative of IICA indicated that a primary objective of technical assistance was to promote the improvement of agriculture, health and food safety systems, thereby enabling countries to comply and, more importantly, to benefit from the SPS Agreement. Assistance was therefore given to provide information, training, soft infrastructure and hard infrastructure development, as outlined in the typology developed by the Secretariat (G/SPS/GEN/206). IICA observed that it was often easier to secure financial aid or technical assistance for risk analysis, laboratories, the purchase of equipment and vehicles than for assistance or guidance to deal with equally important issues such as technical independence, financial sustainability, or managing professional turnover. Document G/SPS/GEN/255 looked at a group of countries which had secured large funding for the improvement of their services, and tried to put forward certain successes and innovations. It was evident that the

private sector played an important role, that the availability of money was not necessarily tied to the success of the initiative, and that political will throughout the food chain was important.

Secretariat

88. The Secretariat reported on recent technical assistance activities. It had participated in a regional workshop on SPS and plant protection with the South Pacific Forum Secretariat in Fiji. In response to a request from the Government of Pakistan, three national seminars had been held on the Agriculture and SPS Agreements. The Secretariat had participated in an SPS workshop and consultations in China, and in a regional workshop in Senegal. A regional seminar for Central African countries had been organized in Cameroon. In addition, the Secretariat had spoken to groups from developing countries in Geneva. Limiting factors in the implementation of the SPS Agreement continued to include lack of infrastructure and equipment, lack of political commitment, poor coordination at the national level and the need to develop pertinent legislation.

Observer organizations

89. The representative of Codex informed the Committee of the recommendations and conclusions of the recent Codex Alimentarius Commission (CAC) meeting concerning technical assistance, participation of developing countries and capacity building. The CAC had accepted the Chairman's proposal to establish a trust fund to facilitate participation of developing countries in Codex, and for capacity building. In addition, FAO was establishing a global facility on food safety and quality for least-developed countries intended to strengthen their food regulatory systems and their capacity to participate in international food trade, and to improve their capacity for participation in Codex. Since the last SPS Committee meeting, Codex had been working with the Government of Cameroon to improve the Codex structure.

90. The representative of the OIE reported that its International Committee had decided to reduce by 50 percent the financial contributions of least-developed countries to facilitate their participation in the work of OIE. The International Committee had also approved a draft agreement on cooperation between the World Bank and the OIE, aiming to better coordinate the activities of the two organizations with regard to animal health.

91. The representative of the WHO reported that WHO provided technical assistance to help member countries to supply their populations with safe and nutritious food. A major part of this technical assistance was provided by the six WHO regional offices, which were being strengthened following the food safety resolution of the 53rd World Health Assembly. Examples of technical assistance programmes included training in the basics of food sanitation and the healthy marketplaces initiative; application of risk analysis; HACCP; food inspection; and the development of information systems that allowed countries to monitor food contamination and conduct surveillance of food-borne diseases. Another WHO activity included advice on the implementation of food legislation. The WHO representative noted FAO/WHO consultations on guidelines for strengthening food control systems held in June 2001. Regarding support for developing countries to participate in Codex, WHO was considering a trust fund for increasing developing country participation in Codex work.

92. The representative of the IPPC mentioned that the last workshop under FAO's Umbrella Programme for technical assistance was being held during the present week in Tonga. The Umbrella Programme had been developed to help developing countries prepare for the agriculture negotiations prior to the Seattle meeting, but had continued because of strong demand, and because a number of donors were interested in promoting these workshops. There had been 18 workshops altogether and FAO was considering whether the Umbrella Programme should be extended. This was an opportune time for governments to express their interest in how FAO might continue the Programme.

93. The representative of the ITC reported on a regional workshop on TBT and SPS for five African countries under the World Trade Net; and for four anglophone countries participating in the Joint Integrated Technical Assistance Programme (JITAP). The countries had discussed the implementation of the Agreements, problems, possible solutions and shared experiences. A seminar was organized in Kuwait in June 2001, funded by the Gulf Organization for Standardization and Metrology, with the participation of six Gulf Cooperation Council (GCC) countries. This seminar covered the TBT and SPS Agreements and their implications for the business community.

V. MONITORING THE USE OF INTERNATIONAL STANDARDS

(a) Draft Third Annual Report (G/SPS/W/109)

94. The Chairman noted that according to agreed procedures (G/SPS/11, paragraph 10), the Secretariat had prepared an annual report on the list of standards, guidelines or recommendations which had been identified by Members and considered by the Committee. As no new issues had been raised since the adoption of the First and Second Annual Reports, the Draft Third Annual Report contained only an update of the information provided by the standard-setting organizations in response to the issues previously identified.

95. The representative of Thailand requested that the draft report be amended to include the entirety of the OIE expert's opinion on infectious bursal disease (G/SPS/GEN/145/Add.3).

96. The representatives of the United States, New Zealand and the European Communities acknowledged the efforts of the IPPC in developing a definition of "official control". The representative of the United States recalled that the SPS Committee had discussed this issue at some length in 1999, and agreed that it was a source of trade difficulties that warranted the attention of the IPPC. The IPPC had acted on this issue by developing and adopting a standard. The United States and New Zealand hoped that this standard would help to resolve some of the practical trade problems that had occurred as a result of the various interpretations of the application of the concept of official control.

97. The representatives of New Zealand and Australia were pleased to have been associated with the extensive and intensive IPPC work programme. New Zealand and Australia believed that there was a strong case for increased funding to be provided in order to allow the Interim Commission on Phytosanitary Measures to have a full-time secretary and more permanent scientific staff. New Zealand also supported the development of a trust fund to extend IPPC work, ensuring that developing countries could participate in the development of standards and assisting in their implementation.

98. The Chairman announced that the Secretariat would make the requested changes to the Draft Third Annual Report and then circulate the document for ad referendum approval. If no new comments were received by 14 September 2001, the report would be considered as adopted and circulated as G/SPS/18.

(b) New issues

99. The Chairman recalled that Members were invited to submit, at least 30 days in advance of each regular meeting, examples of what they considered to be trade-significant problems related to the use or non-use of relevant international standards, guidelines or recommendations. No Member had submitted new examples for consideration at this meeting.

(c) Review of the operation of the provisional procedure (G/SPS/W/110)

100. The Chairman recalled that in July 1999 the Committee had agreed to extend the provisional procedure to monitor the use of international standards (G/SPS/11) for 24 months, and to decide by July 2001 whether to continue with the same procedure, amend it, or develop another one (the decision is contained in G/SPS/14). The Secretariat had prepared a review of the provisional procedure and, in light of the non-use of the procedure during the past two years, had proposed a slight modification.

101. The Secretariat explained that the proposed changes attempted to address the non-use of the procedure. The procedure had initially worked effectively, but suddenly Members had stopped using it. To encourage the use of the procedure, the Secretariat was proposing to reduce the period for advance notice before SPS Committee meetings. Currently, Members had to notify the Secretariat 30 days before the SPS Committee meeting of their intention to raise a new issue. This time-period could be shortened to 10 days, as for other items on the agenda.

102. The representative of the European Communities suggested that although the proximity of the SPS Committee meeting served as a reminder, if new issues were presented shortly before the meeting, the quality of the discussion would diminish, since most delegations would not have had the time to study the issues. A provisional solution might be for the Secretariat to analyse notifications that indicated that no international standard existed, and then to evaluate whether it was necessary to develop standards in those areas.

103. The representative of Chile thought that the non-use of the procedure was related to the problem of coordination between different areas of government. Issues arising within the food safety, animal and plant health areas were pursued in the relevant international organizations, but not always brought to the attention of the representatives in the SPS Committee. The proposed extension of the time-period might be helpful.

104. The representative of the United States thought it would be helpful to have a shorter timeframe. Thirty days in advance of the Committee meeting was often outside of the planning horizon, and a ten-day period might facilitate bringing new issues for discussion.

105. The representative of South Africa noted that often Members raised the need for change in international standards directly in the international standard-setting bodies. A linkage should be created between issues being raised at the standard-setting bodies applicable to the work of the SPS Committee and vice versa.

106. The Secretariat explained that an analysis of notifications would be time consuming, especially considering the small number of staff. It was also not up to the Secretariat to decide where international standards were lacking and should be developed. Furthermore, the link between the SPS Committee and the standard-setting organizations already existed, and the organizations regularly informed the Committee of their work. As an example, the Codex had already provided a list of standards adopted at the Codex Alimentarius Commission meeting the previous week.

107. The Chairman concluded that the discussion of the subject had alerted Members to the problem, and that the procedure should continue to be used since it had given good results in the past. The Secretariat would send a reminder to signal to Members the deadlines for raising issues. He proposed extending the monitoring procedure without amendments (G/SPS/17), and to keep the subject on the agenda for the next meeting. The Chairman agreed that the standard-setting work took place in the relevant organizations, and that the objective in the Committee was to discuss trade problems arising from the existence or lack of international standards, and to alert the organizations and delegates to the need to address these issues.

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

(a) OIE

108. The representative of the OIE presented document G/SPS/GEN/266, containing the decisions relevant to the SPS Agreement taken by the OIE International Committee at its 69th general session in June 2001. The work programme aimed at implementing the recommendations of the OIE Third Strategic Plan for the period 2001 to 2005 had been adopted. Apart from reinforcing the traditional priority tasks of the OIE, the work plan included activities aimed at the control of zoonoses and food-borne diseases, the development of new standards on animal welfare and the organization of international solidarity and regional coordination missions. Several chapters of the International Animal Health Code had been amended, and the link to the SPS Agreement had been made more explicit. Regarding BSE, a revised annex on surveillance systems had been adopted, and the Code Commission was examining a revision of the country classification system. On the subject of bovine semen, one of the issues identified by the monitoring procedure, a new annex had been adopted. Further work needed to be done to ensure that the testing requirements in this annex were consistent with those specified in other disease chapters. The Aquatic Animal Health Code had been amended, and a new edition would be produced in 2001. The lists of countries free of FMD, rinderpest and contagious bovine pleuropneumonia had been updated. The Chairman of the Code Commission had reminded members to comment on texts that had not yet been submitted for adoption, but that were currently at a draft stage. Two texts, regarding equivalence and infectious bursal disease, were of particular interest to the SPS Committee.

109. The International Committee had been requested to reflect on standards on animal welfare, especially regarding international transport of animals. The International Animal Health Code already contained several recommendations, and certain member countries felt that this aspect needed to be reinforced. The approach envisaged was to collect scientific information on the subject, and then to ask an ad hoc group to define guidelines for further work by the OIE. It had become clear that this subject was of concern not only to developed, but also to developing countries. The OIE work would take into account the sensibilities that might exist regarding this complex subject.

110. The representative of the OIE explained that there were two types of disease-free declarations at the OIE. Any country could make a self-declaration by presenting a report explaining that it was free from a certain disease, showing the scientific basis and the surveillance systems used to verify this status. The OIE then published the report or a summary. In addition, for FMD, rinderpest, contagious bovine pleuropneumonia and African horse sickness, the OIE had a specific procedure through which the Commission on FMD and other Epizootics verified the requests for recognition from member countries. The procedure started with a request from a country, which then presented information to be examined by the Commission on FMD and other Epizootics. If the information was considered incomplete, questions could be asked. The request was presented to all member countries with a 60-day period for technical or scientific objections. Finally, a resolution was proposed to the International Committee for adoption during the general session. In the case of FMD, countries previously recognized as free of FMD without vaccination could recover their status more quickly by direct decision of the Commission of FMD and other Epizootics.

(b) Codex

111. The representative of the Codex noted that a list of standards adopted by the Codex Alimentarius Commission the previous week had been made available to delegates (G/SPS/GEN/282). Several codes of hygienic practice had been adopted, a number of maximum residue levels for pesticides and veterinary drugs had been accepted, while others had been revoked. A number of new additives and contaminants were approved with maximum levels, including a

number of provisions for benzoates, which had been raised under the monitoring procedure. A maximum level for aflatoxin M_1 in milk had been adopted and the sampling plan for aflatoxins in peanuts for further processing was revised. Regarding equivalence, the recommended guidelines for official certificate formats were adopted, and work on the judgement of equivalence was ongoing. The Commission had not had time to consider work proposed for provisional adoption at step 5. Guidelines for risk analysis and risk assessment of foods derived from biotechnology had been adopted as draft guidelines. The Commission reaffirmed that Codex committees working on food safety should continue their work on risk analysis, and that principles for risk analysis should first be developed for application within Codex to ensure consistency between different committees, and that either subsequently or in parallel, guidance could be developed for governments. The Commission had also adopted a strategic framework, and would continue to work on the medium-term plan. The Committee on Food Hygiene, which normally met in the United States, would meet in Thailand in October 2001 to facilitate the participation of developing countries. The Committee on Veterinary Drug Residues in Food would be held in the United States in December 2001.

(c) IPPC

112. The representative of the IPPC reported that the third session of the Interim Commission on Phytosanitary Measures (ICPM) had approved new standards on pest risk analysis for quarantine pests, guidelines for phytosanitary certificates, guidelines for the notification of non-compliance and emergency actions and amendments to the glossary of phytosanitary terms. These amendments included a supplement to the glossary on the interpretation and application of the concept of official control, as requested by the SPS Committee. The Commission also agreed on the composition, terms of reference and rules of procedure for a new Standards Committee, completed the elaboration of non-binding dispute settlement procedures, agreed initiatives for information exchange, including the establishment of an international phytosanitary portal, integrated with the clearing-house mechanism of FAO, for information exchange on agriculture, health and food safety. The Commission had adopted statements on genetically modified organisms, biosecurity and invasive species as well as on the relationship between the IPPC and the Convention on Biological Diversity. In addition, the ICPM had adopted criteria for the recognition of regional plant protection organizations, and a strategic plan for the next five years. Priorities for new standards included risk analysis for environmental hazards of plant pests, risk analysis for regulated non-quarantine pests, efficacy of measures, low pest prevalence and irradiation as a phytosanitary treatment. The Interim Standards Committee had completed work on five new draft standards for the present work programme. These included amendments to the glossary of phytosanitary terms, and standards on integrated measures for pest risk management, regulated non-quarantine pests, pest reporting, and guidelines for regulating wood packing materials used in the transport of commodities. All these standards had been sent to governments and comments would be received until October 2001. They would be proposed for adoption in March 2002. Further details on the relevant activities of the IPPC are contained in G/SPS/GEN/271 and Corr.1.

(d) IICA

113. The representative of IICA informed the Committee that the first module of the Executive Series on Leadership in Food Safety had been held in Costa Rica, with the attendance of the public and private sectors of 20 countries of the Americas. The next such meeting would be held in Canada in October. Together with the Canadian Food Inspection Agency and Health Canada, two workshops had been held with CARICOM countries, one on strengthening of inspection systems and the second on identifying areas of importance and increasing participation in Codex. Two seminars had been held; one in Costa Rica on the technical and commercial implications of BSE and FMD; the other one in Paraguay with Mercosur and surrounding countries on technical requirements for more active surveillance systems for BSE. A training course on HACCP had been held in Costa Rica. Further activities and more information were described in G/SPS/GEN/263.

(e) WHO

114. The representative of WHO drew the attention of the Committee to document G/SPS/GEN/274, which described the recent activities of WHO in the area of food safety. Following the adoption of the food safety resolution by the World Health Assembly in May 2000, WHO convened a strategic planning meeting in February 2001 to develop the draft Global WHO Food Safety Strategy (annexed to G/SPS/GEN/274). This draft strategy had been submitted to the WHO Executive Board in May 2001, and would be finalized after further input from member states and another strategic planning meeting towards the end of 2001. The Global WHO Food Safety Strategy comprised seven approaches, namely strengthening surveillance systems for food-borne disease, improving risk assessments, establishing methods for assessing the safety and risks of new technologies, enhancing the scientific and public health role of WHO in Codex, enhancing risk communication and advocacy, and improving international and national cooperation and capacity building in developing countries.

115. The WHO helped provide the scientific basis for Codex work through independent expert meetings such as the Joint FAO WHO Expert Committee on Food Additives (JECFA) and the Joint Meeting on Pesticide Residues (JMPR). New expert meetings had been added on microbiological hazards in foods, and the safety assessment of foods derived from biotechnology. JECFA had met in June, and a JMPR meeting was planned in Geneva in September. Other upcoming expert meetings included the third Joint FAO WHO Expert Consultation on Risk Assessments of Microbiological Hazards in Food in July 2001 and a Consultation on the Safety of Foods Derived from Biotechnology in September to consider genetically modified microorganisms. WHO was planning a consultation on methods and principles for the monitoring of antimicrobial usage in food animal production in September 2001. Regarding the revision of the International Health Regulations (IHR), subsequent to the agreement in principle received at the WHO Executive Board in January, the delegates to the World Health Assembly in May 2001 had provided support for the new directions proposed for the IHR. These changes would add a real-time procedure for identifying, assessing and responding to urgent and international public health risks. The revised date for submission of the final IHR draft to the World Health Assembly was 2004.

(f) OIRSA

116. The representative of OIRSA presented their experiences with the operation of quarantine systems through a regional competent authority (G/SPS/GEN/262). During the last 40 years, OIRSA services were responsible for inspection and control, document control and generation of import and export statistics in a transparent manner. The competent authorities of a government established an agreement with OIRSA and OIRSA recruited qualified personnel and set performance requirements. Since the recruited staff had academic training and received good salaries, efficiency was increased. Governments accredited inspectors, giving them the faculty to carry out legal procedures. The governments conserved the sovereignty over the design of their measures, development of standards and quality control of the inspection and control services. Short-term technical advantages included the professionalization of the staff, development of methods and operation manuals and technological equipment, which allowed greater response capabilities. Administrative advantages included sustainable and self-sufficient financial operation, resource management and transparent and reliable statistics and historical records. These systems currently included quarantine systems in the animal and plant health areas, but in the future might also be used for epidemiological surveillance including control programmes for pests and diseases, input control and other activities.

117. The representative of El Salvador indicated that the support received from OIRSA had been very effective especially with regard to agricultural protection systems and control procedures. Advantages included compliance with WTO obligations, and coordination with the private sector in the identification of sanitary problems. The representative of Guatemala confirmed that the

delegation of these programmes to OIRSA had helped not only in 1998 in a moment of crisis, but that stability in this field had been attained. The training of human resources was an important asset for the country. Guatemala requested that OIRSA continue to report on practical cases and provide guidance, especially for developing countries, on what could be achieved with the necessary internal coordination and support by a regional organization.

VII. OBSERVERS – REQUESTS FOR OBSERVER STATUS

(a) Role of observer organizations

118. The Secretariat introduced G/SPS/GEN/253, which summarized the information already put forward in the General Council's guidelines on observers and in earlier discussions of the SPS Committee. In its past discussions the Committee had made clear that it distinguished between the role played by the "three sister organizations" and the treatment of other observer organizations. Some Members had suggested that the Secretariat could look at the issue of actual attendance of SPS Committee meetings by observer organizations. According to the General Council criteria, if an observer organization did not participate in meetings for twelve months, its observer status would be withdrawn. However, there were no regular and accurate records of participation in SPS Committee meetings.

(b) Requests for observer status

119. The ad hoc observers of the ACP Group, EFTA, IICA, OECD, OIRSA and SELA were invited to return to the next Committee meeting.

120. The Chairman indicated that in the case of the APCC, one delegation was not able to agree to new observers because of more systemic problems in the General Council. Another delegation was concerned that the Committee would be flooded by requests for observer status from organizations dedicated to a single product, which could pose problems to the development of meetings. This delegation had suggested the possibility of developing a procedure before granting observer status to additional organizations. There was also no consensus among Members regarding observer status for the OIV.

121. The Secretariat noted that the observer organizations were more frequently providing their reports in writing in advance of the meetings, and that this would be further encouraged.

VIII. OTHER BUSINESS

US notification on mango

122. The representative of the Philippines welcomed notification G/SPS/N/USA/387/Add.1 which indicated that the US Animal and Plant Health Inspection Service (APHIS) had amended its regulations to allow the importation of mangoes from Guimaras Island in the Philippines subject to inspection and the completion of a prescribed vapour heat treatment. APHIS believed that this action was warranted because there appeared to be no significant pest risk associated with the importation. This market access opening in a major trading partner for this important export product would certainly be a boost to the development of Philippine agriculture.

Foot-and-mouth disease status – Statement from South Africa

123. The representative of South Africa reminded the Committee that South Africa had been declared free of FMD without vaccination in 1995. Unfortunately, in September 2000 South Africa had lost this status due to an outbreak caused by the illegal introduction of a type of virus foreign to

the country. This outbreak was well-contained within a 50 km area. Severe floods in 2000 in the eastern part of the country bordering Mozambique had damaged the fence of Kruger National Park, where buffalo were kept, resulting in two outbreaks in the FMD control area bordering the National Park, and in an outbreak in a feedlot close to that area. All outbreaks had been well-contained with no further positive cases since February 2001. The disease had not spread to other provinces, and South Africa would present an application to the FMD and other Epizootics Commission of the OIE in September 2001 to be reinstated as an FMD-free area without vaccination. South Africa acknowledged the countries that had already accepted the sanitary guarantees providing for the resumption of trade, especially the European Commission.

Update on technical assistance in the SADC region

124. The representative of South Africa indicated that several initiatives had taken place within the Southern African Development Community (SADC) to establish a better understanding and implementation of the SPS Agreement. South Africa acknowledged the involvement of the United States and of international organizations including the OIE, FAO and IPPC. During November 2000, a meeting had been held in Windhoek, Namibia, followed by a workshop in Botswana in March 2001. The proceedings of the Windhoek meeting, including several important decisions, had been circulated to Members (G/SPS/GEN/272). During July 2001, a workshop had been held involving the Council for Scientific Research in South Africa, the Department of Agriculture and the Department of Trade and Industry for members of SADC. There had also been a meeting of the Ministerial Councils of SADC in Swaziland, and a decision had been taken to focus on the understanding of the SPS Agreement with the aim to move towards harmonization of SPS matters within the region.

EC measures on imports of Egyptian potatoes

125. The representative of Egypt expressed concern regarding measures taken by the European Communities against imports of Egyptian potatoes, allegedly as protection against the disease Pseudomonas solanacearum. These measures severely restricted imports of Egyptian potatoes. The European Commission had first authorized member States to take measures against the dissemination of this bacterium in May 1996. These measures were adopted in the form of a Commission Decision that was amended in January and August 1998. The Decision prohibited the importation of Egyptian potatoes into the Communities unless they originated from agreed pest-free areas. Moreover, the Decision allowed a complete import prohibition to be introduced if five interceptions of the bacterium had occurred during the 2000-2001 import season. The Egyptian delegation believed that these measures might not be in conformity with the relevant provision of the SPS Agreement and the GATT 1994. Egypt had prepared 13 questions for the European Communities; these were without prejudice to Egypt's rights under other WTO Agreements.

126. The representative of the European Communities indicated that the questions would be considered thoroughly and answered. He clarified that the European Communities had a special treatment for potatoes from Egypt, allowing imports until the fifth detection of brown rot, which was a disease on the quarantine lists of IPPC and EPPO. The normal EC standard prohibits imports after one detection. The special treatment had been granted in consideration of the special efforts of the Egyptian authorities to control production, determine pest-free areas and subject exports to control. One month ago the European Communities had received a document from the Egyptian authorities containing a contingency plan for brown rot potatoes which was under study at the European Commission. Egypt had requested determination of new free areas for export for the next season. This request was also being considered and would be voted on by the Standing Plant Health Committee shortly.

US update on specific trade concerns (G/SPS/GEN/265)

127. The representative of the United States introduced an update to the Secretariat document on specific trade concerns (G/SPS/GEN/204/Rev.1). The United States had examined the issues it had raised in the Committee to determine whether the issues had been resolved. This exercise had shown that the SPS Committee was a useful forum to address and resolve trade issues. The US document presented the US view on the status of the relevant issues, and the United States was prepared to discuss other Members' views on this status.

EC legislation on the fungicide thiabendazole (TBZ)

128. The representative of Israel raised concern regarding legislation being considered by the European Parliament that would ban fungicide residues in fruit juices. Fungicides were routinely used for spraying many fruits and vegetables as a post harvest treatment, and were considered safe according to Codex standards. Israel saw no scientific justification for banning the use of these fungicides, and believed this would create unnecessary trade barriers. Israel had raised with the European Communities and with Germany a problem regarding German law which allowed residues of TBZ and Imazalil in citrus juices at such low levels that in effect this constituted a ban. Israel requested a clarification from the European Communities regarding its position on the European Parliament initiative.

129. The representative of the European Communities explained that the European Parliament could introduce amendments to Commission proposals, but it that he could not advance a position on the matter before the end of the legislative procedure. He offered to keep Israel informed of the situation in the European Parliament.

Slovenian notification of foot-and-mouth disease measures G/SPS/N/SVN/8

130. The representative of Argentina noted that this notification indicated that Slovenia's FMD-related measure had been taken with the objectives of protecting animal health, and of protecting humans against an animal/plant pest or disease. Argentina considered that the second objective was not justified since FMD did not affect human beings.

Argentina – Venezuela's phytosanitary requirements for garlic and potato imports

131. The representative of Argentina reported that bilateral meetings had been held on this issue, and although the problem had not been completely resolved, Venezuela had demonstrated its will to find a solution.

Chicken meat exports to Bolivia – Progress report by Chile

132. The representative of Chile informed the Committee that the sanitary authorities of both countries had agreed to work on a protocol, and Chile thanked Bolivia for the progress made.

US Foot-and-mouth disease measures against Hungarian products

133. The representative of Hungary expressed concern about the US restrictions on the importation of meat and other animal products that were in force since May 2000 against a number of FMD-free Members, including Hungary. The representative of the United States explained that meat products of Hungarian origin were not subject to the restrictions discussed. His country supported the information presented by the OIE in G/SPS/GEN/266, where Hungary was listed as a country free of FMD and rinderpest. The United States would continue to work with the appropriate officials to explain the restrictions.

Thailand's draft guidelines for the determination of the appropriate level of protection and draft improved import quarantine procedures

134. The representative of Thailand informed the Committee about Thailand's draft guidelines for the determination of the appropriate level of protection, which had the objective of achieving consistency in accordance with Article 5.5. They addressed levels of protection and applicable measures associated with the risk for food, plant and animal products. Also under way were improved import quarantine procedures that would coordinate the operation of all agencies concerned in a network-like system. This was the result of quarantine law reform, aimed at maximizing benefits with regard to the sanitary and phytosanitary protection of the country, as well as facilitating trade. Both drafts were at initial stages and available only in Thai.

Panama – Information requested by another Member (G/SPS/GEN/270)

135. The representative of Panama informed the Committee that it had provided responses to the questions of the European Communities regarding sanitary measures applied to powdered milk from Denmark (G/SPS/GEN/220 refers). In these responses, Panama reiterated that it applied the same sanitary measures to domestic and imported products. The representative of the European Communities indicated that the Commission would study the answers and report back to Panama.

European Communities - Directive 2000/42 on pesticide residues

136. The representative of Côte d'Ivoire raised concern regarding EC Directive 2000/42 setting new maximum residue levels (MRLs) for pesticides in fruits and vegetables. Côte d'Ivoire's exports of pineapples, mangoes, papayas, cashew nuts, passion fruits and green beans would be affected, and in many cases the producers were small farmers who had found export niches as a source of revenue. The EC directive set the MRLs for several products at the detection threshold. These levels were not based on a pertinent risk analysis and did not appear consistent, for example for Ethephon. Technical questions posed in April 2001 through different channels had remained without answer. The directive mentioned concerns about the health of consumers, especially regarding acute or chronic exposure of European consumers. Côte d'Ivoire was also concerned about the health of its consumers, especially since they consumed much larger quantities of tropical fruits and vegetables. EC technical assistance was planned for pineapple production and for non-traditional products, but since these programmes were not carried out before the entry into force of the directive, the damage to producers was done. Côte d'Ivoire requested waivers from the EC directive. Once the planned technical assistance programmes had been carried out, and respecting good agricultural practices, adequate MRLs could be set with the collaboration of Codex, taking into account the shared concern over public health. According to Côte d'Ivoire, this EC measure was an application of Article 5.7 and of the precautionary principle, and demonstrated the danger of using Article 5.7 measures against developing countries if the measures were not preceded by targeted technical assistance programmes.

137. The representative of the European Communities regretted not having received the information from Côte d'Ivoire in advance of the meeting. One year ago, he had informed the Committee of a decision taken by the European Communities in favour of ACP countries to delay for one year the application of a series of MRLs, which had been set at detection levels. The year had now passed, and the directive was being implemented. Special and differential treatment, a delay in the application of the directive, had not solved the problem. There were different generations of chemical substances for plant protection. Many substances that were once approved had been discontinued and forbidden, either because the industry was unable to or not interested in defending the product, or because research on safety showed that there were better substances. In such cases, the MRLs were lowered to detection levels. This was an international practice. The European Communities would study Côte d'Ivoire's request and the letter it had sent previously and provide a response.

Procedure at meetings

138. The representative of Chile, supported by Peru, indicated concern about the procedure followed for specific trade concerns at this meeting. When the observer organizations intervened after the reply of the Member whose measure was being discussed, only official conclusions of the standard-setting organizations should be mentioned to avoid confusion.

Global forum on food safety requirements

139. The Chairman announced that WHO and FAO were organizing a Global Forum on Food Safety Requirements on 22-24 October 2001 in Marrakesh, Morocco. At this forum, members of the two organizations would have the opportunity of exchanging experiences in the areas of regulations, risk management, effective participation, and capacity building including technical assistance.

IX. CALENDAR OF MEETINGS IN 2002

140. The Committee provisionally agreed on the following dates for meetings in 2002:

20-21 March

19-20 June

23-24 October

The Chairman announced that the meetings would be scheduled to allow for two entire days, since several delegations had expressed concerns about meetings running out of time.

141. The representative of Bolivia recalled previous concerns about meetings of several WTO subsidiary bodies being scheduled at the same time. This year, the situation had become worse, and his delegation could not participate in the negotiations on trade in services that were taking place at the same time as the present meeting of the SPS Committee. Bolivia agreed to the proposed dates for meetings in 2001, but only provisionally. The meeting calendar should be discussed in the General Council, taking into account the calendars of all Councils and Committees, and taking into account that as a result of the Fourth Ministerial Conference, WTO activities might become more demanding.

X. DATE AND AGENDA FOR NEXT MEETING

142. The next regular meeting of the Committee is scheduled for Wednesday and Thursday, **31 October–1 November 2001**. These dates were suggested by several Members in order to immediately precede the meeting of the FAO Council in Rome.

143. The Committee agreed on the following tentative agenda:

1. Proposed agenda
2. Implementation of the Agreement
   - (a) Information from Members
     Activities of Members
   - (b) Specific trade concerns
     - (i) New issues
     - (ii) Issues previously raised
   - (c) Consideration of specific notifications received

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

3. SPS Agreement and developing countries
   (a) Implementation of the provisions for special and differential treatment
   (b) Equivalence – Article 4
4. Technical assistance and cooperation
5. Monitoring of the use of international standards
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

144. The Chairman reminded delegates of the following deadlines:

- for identifying new issues for consideration under the monitoring procedure: **Monday, 1 October 2001.**
- for requesting that items be put on the agenda: **Thursday, 18 October 2001**
- for the distribution of the airgram: **Friday, 19 October 2001**