
Committee on Sanitary and Phytosanitary Measures

SUMMARY OF THE MEETING OF 8-9 OCTOBER 2008

Note by the Secretariat¹

Table of Contents

	<u>Page</u>
I. ADOPTION OF THE AGENDA.....	3
II. ACTIVITIES OF MEMBERS.....	3
III. SPECIFIC TRADE CONCERNS	4
(a) New Issues	4
(b) Issues previously raised	5
(c) Consideration of Specific Notifications Received	8
(d) Information on Resolution of Issues in G/SPS/GEN/204/Rev.8	8
IV. OPERATION OF TRANSPARENCY PROVISIONS.....	8
(a) Mentoring mechanism	9
(b) Development of a procedural manual	9
V. IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT	9
(a) Chairman's report on informal meeting	9
(b) Review of the Operation of G/SPS/33	11
VI. EQUIVALENCE -- ARTICLE 4.....	11
(a) Information from Members on their experiences	11
(b) Information from relevant observer organizations.....	11
VII. PEST- OR DISEASE-FREE AREAS.....	11
(a) Information from Members on their Pest or Disease Status	11
(b) Information from Members on their Experiences	12
VIII. TECHNICAL ASSISTANCE AND COOPERATION	12
(a) Chairman's Report on the Workshop	12
(b) Information from the Secretariat.....	13
(c) Information from Members.....	14
(d) Information from Observers	14

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

IX.	REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT	15
(a)	Report on Informal Meeting	15
(b)	Use of ad hoc consultations	16
(c)	Preparation for the Third Review	16
X.	MONITORING OF THE USE OF INTERNATIONAL STANDARDS	16
(a)	New Issues	16
(b)	Issues Previously Raised.....	17
XI.	CONCERNS WITH COMMERCIAL AND PRIVATE STANDARDS.....	17
(a)	Report on Chairman's Consultations.....	17
XII.	TRANSITIONAL REVIEW UNDER THE PARAGRAPH 18 OF THE PROTOCOL OF ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA	19
XIII.	MATTERS OF INTEREST ARISING FROM THE WORK OF OBSERVER ORGANIZATIONS	21
XIV.	OBSERVERS – REQUESTS FOR OBSERVER STATUS	22
XV.	CHAIRMAN'S ANNUAL REPORT TO THE COUNCIL FOR TRADE IN GOODS	22
XVI.	OTHER BUSINESS.....	22
XVII.	DATE AND AGENDA FOR NEXT MEETING.....	23

I. ADOPTION OF THE AGENDA

1. The Committee on Sanitary and Phytosanitary Measures (the "Committee") held its forty-second regular meeting on 8-9 October 2008. The proposed agenda for the meeting was adopted with amendments (WTO/AIR/3246).

II. ACTIVITIES OF MEMBERS

2. The representative of Paraguay reported on a number of activities that are further detailed in document G/SPS/GEN/876. The National Animal Quality and Health Service (SENACSA) had organized the XIV International Seminar on Harmonization of Registration and Control of Veterinary Drugs, which was attended by 152 animal health professionals from private and public sectors throughout the American continent. The European Communities had reopened its market to meat from Paraguay following the OIE recognition in 2007 of Paraguay as free of FMD with vaccination. The National Plant and Seed Quality and Health Service (SENAVE) had established that agrochemicals in the "red band" category could only be purchased and applied on the basis of a prescription by a professional SENAVE-registered agronomist. In addition, SENAVE was designated as the National Plant Protection Organization for the purposes of the International Plant Protection Convention (IPPC), with the power to adopt phytosanitary standards. The FAO/WHO Joint Expert Committee on Food Additives (JECFA) had completed its evaluation on *Steviol glycoside* (Ka'a He'e), a natural sweetener derived from the *Stevia rebaudiana Bertoni* plant of Paraguay, and concluded that the sweetener is safe and had no adverse effect on health. Finally, a number of exchanges of experience and consultations between Paraguay and Chile had taken place with a view to building up the technical capacity of the SPS implementing authorities.

3. The representative of the United States informed the Committee that there was a new US Congressional mandate that required the US Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) to develop a new program for federal inspection of domestic and imported catfish. Under the law, FSIS was required to implement this legislation through the normal notice and comment rulemaking process. Consistent with the obligations on transparency, the USDA would take into account comments received from interested parties, including the trading partners. The United States is willing to provide technical assistance if requested to concerned countries to further explain the specific proposed regulations, and to assist officials in gathering the information needed to answer the various questionnaires.

4. The representative of Brazil reported on the FMD status of his country, taking into account the measures and activities developed by the Brazilian public and private sectors for FMD control and eradication. On 29 July 2008, the OIE had recognized the state of Motto Grosso do Sul as FMD-free with vaccination. The FMD-free zone covered approximately 60 per cent of the Brazilian territory, around 90 per cent of the cattle population and 86 per cent of the swine population. The FMD-free zone comprised over 120 million bovines within a recognized territory of about 5 million square kilometres. Based on the OIE evaluation, Brazil requested other Members to recognize Brazil's FMD status and more rapidly conclude their risk assessments for imports of Brazilian meat products.. The representative of Brazil also reported that his government would sponsor research in the areas of animal and plant health and food hygiene in further support of the national sanitary and phytosanitary programmes. Approximately US\$60 million had been designated for this project.

5. The representative of China stated that Chinese Government attached great importance to the melamine contamination of "SANLU" infant formula. As a result, testing had been strengthened by government authorities on both domestic and exported products. China had informed the WHO and trading partners of the testing results. However, despite its efforts to control the melamine issue, some trading partners had banned or limited imports of Chinese dairy products or food products containing milk. China referred to the WHO statement urging national food safety authorities to

undertake health risk assessments before taking any further actions to ban or recall Chinese dairy products. The representative of China called on those Members that had taken measures against Chinese dairy products to take into account the WHO guidance and their WTO obligations.

III. SPECIFIC TRADE CONCERNS

(a) New Issues

(i) *Korea's Livestock Epidemic Prevention Act – Concerns of Canada*

6. The representative of Canada raised concerns that Korea's Livestock Epidemic Prevention Act violated the tenets of animal health and food safety principles as its requirements were not based on science. These amendments were not consistent with WTO obligations and did not take into consideration the provisions of the BSE chapter of the OIE Terrestrial Animal Health Code. Korea continued to restrict the import of beef products from countries with any previous experience of BSE. Canada requested Korea to amend its regulations to comply with the SPS Agreement.

7. The representative of Korea maintained that the Act was consistent with the SPS Agreement, and that Korea had conducted the necessary risk assessments.

(ii) *Chinese Taipei's Maximum Level for Ractopamine – Concerns of the United States*

8. The representative of the United States stated that the US pork industry had suffered for more than a year due to the lack of science-based maximum residue limits (MRL) for ractopamine in Chinese Taipei. Chinese Taipei had previously notified the SPS Committee of its science-based decision regarding ractopamine but then had failed to implement the measure as proposed. US exports had dropped due to the need to source pork from animals not treated with ractopamine in order to meet the zero-tolerance requirements. The United States urged Chinese Taipei to implement its notified measure, which would facilitate US pork exports.

9. The representative of Canada stated that his authorities had approved the use of ractopamine as an ingredient in pigs feed since July 2005 and in the cattle feed since May 2007. Health Canada had concluded that the product was safe to use after conducting several tests. Canada encouraged all Members to accept the use of ractopamine as long as residues in edible tissues were within the safe levels.

10. The representative of Chinese Taipei stated that the use of ractopamine was forbidden by many WTO Members. The Codex Alimentarius Commission had also been unable to make a final decision on MRLs for ractopamine.

11. The representative of Codex reported that the MRLs for ractopamine had been extensively discussed but no conclusion had yet been reached. He invited Members to submit more information regarding ractopamine for consideration by the next Codex Commission meeting.

12. The representative of the European Communities reported that the European Communities had consulted the European Food Safety Authority on the safety of ractopamine including the Maximum Residue Limits (MRLs). The representative hoped to have the information by early 2009 which could be sent to the FAO/WHO Joint Expert Committee on Food Additives (JECFA) for further evaluation.

(iii) *European Community's Maximum Residue Levels for Pesticides in Cacao – Concerns of Ecuador*

13. The representative of Ecuador reported that there had been some concerns regarding the MRLs set for the limited number of pesticides used in cacao production. This level was difficult to fulfil and could result in the exclusion of Ecuadorian cacao from the EC market. For pesticides not explicitly identified in the EC Regulation, MRLs were set at 0.01 mg per kg. The representative of Ecuador requested the European Communities to assess the possibility of establishing a limit of 0.1 mg per kg for substances such as Diuron, Melathion, Difenconozol and Tribufos, which were not explicitly identified within the regulation.

14. The representative of the European Communities recalled that Members had been fully informed of the new EC framework regarding residues of pesticides in plants. Third countries could also request that an import tolerance be established for any plant protection products that had not been approved for use in the European Communities. He suggested that Ecuador establish contacts with the relevant officials in importing countries of the European Communities to explore the possibilities of having such import tolerances established.

(b) Issues previously raised

(i) *Japan's Maximum Residue Levels (MRLs) Enforcement System (STC 212) – Concerns of the United States*

15. The representative of the United States raised concerns about Japan's enforcement system for MRLs. In particular, there were no reasons for Japan to employ country-wide sanctions where there was no indication of a country-wide problem. In cases of individual company violations, sanctions should be applied at the individual company level.

16. The representative of New Zealand noted that NZ exports had been subject to testing by Japan. New Zealand asked for further clarifications regarding the reasons behind testing products, especially asparagus products as these were normally frozen.

17. China shared the US concerns regarding Japan's testing regime.

18. The representative of Japan responded that in order to enforce their MRLs, Japan conducted monitoring inspection of agricultural chemical residues in imported food. These controls were strengthened if imported products did not comply with the established MRLs. Multiple violations had been detected on imported products from the United States, giving rise to increased monitoring.

(ii) *EC Regulation on Novel Foods (STC 238) – Concerns of Peru*

19. The representative of Peru requested that there should be a notification to the SPS Committee regarding the modification of the EC Novel Foods Regulation. Many exporting Members failed to understand the content of the regulation, why some products were banned, while others were not. Also, the regulation gave the exporting countries, many of which were developing countries, the burden of proof that their products were safe and complied with the EC Regulation.

20. The representatives of Brazil, Colombia, Costa Rica, Cuba, Ecuador, Mexico, Paraguay and the Philippines shared Peru's concerns regarding the EC Regulation on Novel Foods.

21. The representative of UNCTAD reported that UNCTAD was contributing to the review of the EC Regulation on Novel Foods. UNCTAD's main objective was to contribute to the process in three specific areas: (1) revising the procedure, which required more scientific clarification; (2) facilitating

dialogue between the European Communities and developing countries; and (3) analyzing legal aspects of current regulations in the context of multilateral agreements.

22. The representative of the European Communities stated that the existing legislation on Novel Foods was too ambitious in covering a whole range of Novel Foods. For this reason, the European Communities planned to revise the regulation, as had been notified to the TBT Committee. This proposal had been under negotiation in the EC Parliament and Council. However, there were concerns regarding the approval of some products. For instance, matters became complicated when exporters requested the classification of food supplements as Novel Foods, rather than whole fruits and vegetables. However, the revised procedure was expected to be more flexible, and some Novel Foods had already been approved for entry to the EC markets.

23. The representative of the European Communities noted that in this specific case, the legal advice had been to only notify the proposed revision to the TBT Committee since it covered approval procedures for Novel Foods in general. But, this did not preclude that the issue could be discussed at the SPS Committee. In response to his request, the Secretariat clarified that it generally recommended that any draft regulations with any SPS content should also be notified to the SPS Committee, even if these regulations were also notified to the TBT Committee.

(iii) Restrictions Due to BSE (STC 193) – Concerns of the European Communities

24. The representative of the European Communities recalled the concerns previously raised by Canada regarding Korea's restriction on beef imports. The European Communities also had concerns regarding restrictions maintained by other WTO Members on beef exported from the European Communities even though these beef products were considered safe and in compliance with the BSE chapter of the OIE Terrestrial Animal Health Code.

25. The representative of Canada shared the EC concerns and asked Members to base their measures on the BSE chapter provisions of OIE Terrestrial Animal Health Code. In May 2007, Canada was officially recognized by the OIE as controlled-risk for BSE and this was reconfirmed in May 2008. Canada was grateful to the increasing number of WTO Members that restored full or partial access for beef and cattle. The representative of Canada urged other Members to resume full trade in beef and cattle based on the OIE designation.

26. The representative of Uruguay supported the concerns of the European Communities and Canada. With regard to animal health regulations applied to trade, the representative of Uruguay stated that all WTO Members should conform to the OIE designation and to the standards of the three sisters in general.

27. The representative of Switzerland supported the EC concern on restrictions due to BSE

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

(iv) India's Restrictions Due to Avian Influenza (STC 185) – Concerns of the European Communities

29. The representative of the European Communities acknowledged India's efforts to remove its import restrictions on processed pig meat. However, India continued to apply a ban on live animals and on a wide range of products of animal origin. This ban had been based on the risk of entry into India of several diseases, in particular avian influenza. These restrictions did not conform to the OIE standards. India was also invited to acknowledge that heat-treated meat and meat products could be safely traded regardless of the avian influenza status of the exporting country. Moreover, India had not responded to the request for providing scientific justification and its risk assessment on pig meat

and pig meat products. The representative of the European Communities urged India to review the import restrictions on live animals and different products of animal origin.

30. The representative of the United States expressed concerns regarding India's extension of its emergency measures prohibiting a wide range of products because of avian influenza. These measures were not based on scientific evidence or on risk assessment. The United States renewed the request to India to provide a copy of their avian influenza risk assessment. Finally, India was requested to modify its measure to address the concerns expressed by several Members in the Committee.

31. In response to the US request, the representative of India proposed that a technical discussion between India and other technical experts be held. The representative of the United States invited India to bring its technical experts to the next meeting of the SPS Committee and again requested a copy of India's risk assessment.

32. The representative of India suggested that instead of waiting for the next meeting the experts could meet before then, perhaps through a video conference, which could allow a resolution before the next meeting.

33. The representative of India reported that the import restriction of avian influenza related products had been discussed in the OIE, in the SPS Committee, and in various bilateral meetings with countries including the European Communities and the United States. India treated high pathogenic and low pathogenic types of the virus in both poultry or wild birds with equal concern. Also, India did not import pig meat from countries with avian influenza outbreaks. India had been reviewing the policy of avian influenza and its trade implications every six months. This led to the removal of import restrictions on different processed pig products from avian influenza positive countries. India would continue to review its restrictions and keep only those which affected human and animal health. The representative of India suggested that the discussion should stay among experts from India and other concerned partners.

34. The representative of the OIE stated that countries should notify the presence of avian influenza in domestic and wild birds. However, notification of the early detection of avian influenza in wild birds was requested for purposes of transparency and should not lead to trade restrictions. Also, the representative urged OIE Members to send their scientific evidence to OIE, to be considered when making necessary amendments to the standards established in the OIE codes.

(v) US Import Restrictions on Cooked Poultry Products (STC 257) – Concerns of China

35. The representative of China raised concerns regarding US import restrictions on cooked poultry products from China, even though there were no technical problems with these products. However, the US Agriculture Appropriations Bill banned the use of federal funds to allow poultry products to be imported from China.

36. The representative of the United States affirmed that it would continue to raise China's concerns with the appropriate authorities in Washington and hoped to resolve the issue as soon as possible.

(vi) US Restrictions on Apples (STC 269) – Concerns of China

37. The representative of China reported that her country had submitted an application for the export of apples to the United States in 1998, with the necessary technical materials for a pest risk analysis. However, the process of pest risk analysis had been delayed for more than ten years with the claim of repeated technical problems. This had seriously impeded the export of Chinese apples.

Chinese apples had similar production areas, disease and pest occurrences, and regulations as pears in China. However, the United States allowed the importation of pears based on a risk assessment. This showed that there should not be any quarantine problem for Chinese apples to be exported to the United States.

38. The representative of the United States reported that since 2004, it had sought to finalize the list of apple pests of China. However, more scientific information was needed from the Chinese authorities to know whether some pests occurred in areas of China where apple production was concentrated.

(c) Consideration of Specific Notifications Received

39. No Member provided any information under this agenda item.

(d) Information on Resolution of Issues in G/SPS/GEN/204/Rev.8

(i) *Information Regarding EC Import Restrictions on Cooked Poultry (STC 256) – Concerns of China*

40. The representative of China thanked the European Communities for the removal of import restrictions on cooked poultry products from Shandong Province of China. However, this treatment was only limited to Shandong Province. The representative of China requested that the European Communities also remove the ban on other poultry production areas such as in Jilin Province. A delegation of FAO had visited Jilin Province and reported their satisfaction with local animal health conditions.

41. The representative of the European Communities expressed the intention of the European Communities to remove import bans of other provinces in China after conducting the necessary evaluations.

(ii) *Information Regarding Mexican Import Restriction on Rice (STC 270) - Concerns of Pakistan*

42. The representative of Mexico reported that the concern raised by Pakistan regarding restriction of rice imports was resolved, however, Mexico had not yet completed its assessment of plant health risks. The representative of Pakistan thanked the Government of Mexico for the efforts undertaken to carry out the required pest risk assessment. The representative of Pakistan also requested a time-line from Mexico for each step of the pest risk assessment process on plant health.

IV. OPERATION OF TRANSPARENCY PROVISIONS

43. The Secretariat recalled that the Committee had adopted new procedures for transparency in April 2008 that would take effect as of 1 December 2008 (G/SPS/7/Rev.3). The Secretariat was concerned that Notification Authorities needed to be informed about the new procedures in order to use them as of 1 December 2008. The Secretariat asked Members to ensure the accuracy of the list of addresses of Enquiry Points and National Notification Authorities.

44. The Secretariat also urged Members to provide, when available, unofficial translations of notified documents through a supplement so that other Members could take advantage of the translation.

45. The Chairman reported that documents G/SPS/GEN/867, G/SPS/GEN/869 and G/SPS/GEN/873 summarized the notifications received since the last Committee meeting

(a) Mentoring mechanism

46. The Secretariat briefed the Committee regarding the operation of the mentoring mechanism. The Committee had agreed to the proposal to set up a mentoring mechanism among Enquiry Points and National Notification Authorities. Document G/SPS/W/217 provided forms to be used by Members interested in the mechanism.

47. The objective of the mentoring mechanism was to build a supportive relationship and to share experience among Members' Enquiry Points and National Notification Authorities. The Secretariat had received requests from eleven Members and offers from six Members. The Secretariat would follow up with all those involved with the mentoring process to be able to provide an update to the Committee by early 2009. The Secretariat offer interested Members to participate in this mechanism.

48. The representative of Malawi reported that Malawi had requested mentoring through the Secretariat to improve the operation of the National Enquiry Point. Malawi had already been informed by the Secretariat that New Zealand would be its Mentor. However, Malawi's Enquiry Point was still waiting for the mentoring process to begin. The representative of New Zealand reported that New Zealand had agreed to mentor three Members: Armenia, Ukraine and Malawi. New Zealand had contacted the National Enquiry Points of the three Members but had not yet received any answers.

49. The representative of Mozambique thanked Switzerland for providing support to Mozambique through the mentoring mechanism.

(b) Development of a procedural manual

50. The representative of New Zealand recalled that a draft of a step-by-step manual to assist in the establishment and maintenance of the Enquiry Points and Notification Authorities had been provided to Members in October 2007. New Zealand's Enquiry Point was working to incorporate the latest decisions on how to apply the transparency provision of the SPS Agreement into the procedural manual, which would shortly be sent to the Secretariat.

V. IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT

(a) Chairman's report on informal meeting

51. The Chairman reported that during the informal meeting held on Tuesday 7 October on special and differential treatment, the main focus was on the proposed revision of the procedure to enhance transparency of special and differential treatment in favour of developing country Members contained in G/SPS/33.

52. The Chairman had recalled that the procedure contained in G/SPS/33 had been adopted by the Committee in October 2004 in response to instructions from the General Council to consider the proposals referred to WTO bodies in view of strengthening S&D treatment provisions and making them more precise, effective and operational. G/SPS/33 was developed in part to address a proposal originally made by Egypt for enhanced transparency through modification of the notification formats.

53. At its meeting in June 2008, the Committee has further discussed proposed revisions to the procedure, based on a document prepared by the Secretariat. This document had been revised, based on comments received in June and subsequently by Canada, the European Communities and Japan, and had been circulated as G/SPS/W/224/Rev.1. The Secretariat had introduced document G/SPS/W/224/Rev.1 and the changes proposed therein.

54. Some Members had commented that they were still studying the proposed revision and hence were not yet in a position to accept the proposed changes. The delegate of Egypt had noted that his country had previously submitted a proposal on the issue but had no specific comments at this time. However, Egypt was concerned with the recommendation that this become a permanent procedure and would prefer the procedure to be temporary in order to see what kind of outcomes would derive from it.

55. A number of Members had requested clarifications on the wording used with regards to time limits for the different steps detailed in the proposed Decision. Other Members had raised concerns that the 60-day time frame for putting forward comments was often not long enough for most developing countries. In that context it had also been asked whether Step 6 should be modified to broaden the 60-day period. Clarification had also been sought on Step 3 and on who would decide on what was "practical" and the amount of time of delay. It had been suggested to include a reasonable period of time also in Step 4.

56. The Secretariat had noted that Steps 1 through 4 were based on the general recommended procedures on transparency adopted by the Committee. The time-related elements of the proposed procedure were taken from the transparency recommendations which had been revised by the Committee in April 2008. As for the 60-day comment period, it was in fact a recommendation dating back to 1995 and had been reviewed on four different occasions. The Secretariat had also highlighted that, in fact, many developing countries found it difficult to give the full 60 days. Starting on 1 December, the default time period on notifications would be 60 days if not otherwise indicated.

57. Regarding Step 2, the Secretariat had clarified that the Secretariat normally circulated a notification 2-3 days after reception of the notification from a Member. However, this delay depended on a number of factors such as whether the notification was received in electronic or paper form, whether it was complete and correct, whether it had arrived on a Friday afternoon or during a holiday period. The Secretariat had also noted that it was in the process of developing a new system for online notifications which should be introduced during 2009 and which would simplify and speed up the circulation procedure.

58. Some Members had raised queries on how a Member would inform the notifying Member and the SPS Committee under Step 9, in particular what would happen if the beneficiary Member was not satisfied with the S&D received, and what were the possible related legal consequences. The Secretariat had clarified that this recommendation did not change the legal rights and obligations of Members under the SPS Agreement. On the suggestion to create a link between the importer's measure and the exporter's notification qualifying the treatment received, the Secretariat had noted that it could prepare a format for a counter notification for consideration by the Committee. This counter notification could be submitted by the receiving Member with information on whether what it received responded to its needs and concerns.

59. In response to a query on Step 5 and the possible addition of "within the comment period" at the end of the second sentence, the Secretariat had clarified that those same words had been deleted from earlier drafts. It was suggested that the notifying Member should also respond within the comment period, in both steps 5 and 6. However, while the suggestion for a timely response made sense, problems could arise if the request for S&D came late during a comment period.

60. It was also clarified that in accordance with the SPS Agreement, S&D could be provided by developed and developing countries alike.

61. The Chairman had concluded that there did not yet appear to be a consensus among Members on the proposed revision to the procedure and he had suggested that the Committee revert to this matter at its next meeting. In the meantime, G/SPS/33 remained valid. However, the new

transparency formats would take effect on 1 December 2008. He had encouraged concerned Members to work together and see if they could reach some common agreement before the next meeting.

62. No other matters related to special and differential treatment had been raised at the informal meeting.

63. The representative of Cuba requested the Chairman to facilitate discussions among Members that were interested in this topic. The Chairman stressed his willingness to continue to assist Members to reach an agreement.

(b) Review of the Operation of G/SPS/33

64. The Secretariat recalled that this procedure had been adopted in October of 2004 and reviewed in February 2006, and the Committee had agreed to review it again in 2008. In 2008, there had been a proposal by Egypt and a number of comments by other Members which were reflected in G/SPS/W/224 and G/SPS/W/224/Rev.1. At the informal meeting proposals had been made to include an element of timeliness in steps 5 and 6; to clarify step 9, and to provide a format for counter-notification. In addition, Egypt had raised the concern of making this into a permanent procedure. These proposals would be included in the next revision. Members wishing to include any other suggestions in the next revision should submit their suggestions in writing before the end of the year.

VI. EQUIVALENCE -- ARTICLE 4

(a) Information from Members on their experiences

65. No Member provided any information under this agenda item.

(b) Information from relevant observer organizations

66. The representative of the OIE elaborated on a new approach whereby two ad hoc groups were analyzing various chapters in the terrestrial and aquatic animal health codes. The new approach focussed on the elaboration of new standards that guaranteed the safety of products for trade. The ad hoc terrestrial code group met in June 2008 and addressed issues such as identifying research studies on different diseases and getting feedback of Members regarding the safety of traded products. Members would receive a report on the work of the ad hoc group. Another ad hoc group was set to work on issues related to aquatic animals. Several major gaps had been identified and there was a need for further research on aquatic goods.

VII. PEST- OR DISEASE-FREE AREAS

(a) Information from Members on their Pest or Disease Status

67. The representative of Sierra Leone reported on the presence of fruit fly in his country. Noting that Sierra Leone had not received any SPS training, he asked for assistance to be provided to his country.

68. The representative of Chile urged Members to follow the guidelines on regionalization, and to share information about their progress in becoming disease free. Information on regionalization could help countries such as Sierra Leone.

(b) Information from Members on their Experiences

69. The representative of the European Communities gave several examples on how the European Communities had applied the concept of regionalization. However, the European Communities was concerned that other Members were not applying the concept of regionalization, which had resulted in unnecessary restrictions on trade.

70. The representatives of Argentina, Brazil and Paraguay shared the concerns of the European Communities. However, the representative of Brazil stated that the European Communities did not follow the OIE designation of areas free of pests in all cases.

71. The representative of Brazil announced that his country was working with the OIE on a project regarding the practical application of the concept of compartmentalization in poultry production. The project was seeking funding from the STDF.

72. The representative of the OIE stated that at this time there were no Members having official recognition of a compartment.

VIII. TECHNICAL ASSISTANCE AND COOPERATION

(a) Chairman's Report on the Workshop

73. The Chairman provided a brief report on the Workshop on Good Practice in SPS-Related Technical Cooperation, which was held on 6 October 2008. The event had been organized by the WTO Secretariat in collaboration with the Organisation for Economic Co-operation and Development (OECD), and with funding from the WTO Global Trust Fund and the STDF. Over 200 participants attended. The report of the workshop was subsequently circulated as G/SPS/R/52.

74. The workshop was based on the findings of research commissioned by the STDF on projects identified by Members as examples of good practice in three regions: East Africa, the Greater Mekong Delta Sub-Region and Central America. Presentations had been given by researchers, Spencer Henson, Kees van der Meer and Jason Hafemeister, who looked in depth at the 24 projects nominated by Members. The presentations had been well-received and promoted a lively discussion both in the plenary session and break-out sessions. An issue which emerged strongly had been the need to consider the principles set out in the OECD Paris Declaration on Aid Effectiveness in the design and implementation of future programmes of SPS-related assistance.

75. Members had considered how the conclusions arising from the STDF research compared with their own experiences in three break-out sessions. Discussions were framed around three questions; (1) how the OECD Paris Principles could be applied by both donors and beneficiaries; (2) how to maximize the positive trade impact of SPS-related technical cooperation; and (3) how good practice could be replicated more widely.

76. Nancy Kitonga, Mohammed Sidibe and Edmundo Toro Vallecillo had reported on conclusions arising from the three groups. In the discussions which followed, Fidelma O'Shaughnessy had given a presentation of how the European Communities was seeking to enhance the effectiveness of the aid it provided by integrating the Paris Principles into its operations.

77. The penultimate session had considered examples of SPS technical cooperation projects which had been particularly successful in gaining or maintaining market access. Examples had been given by Guy Stinglhamber, Daniel Orellana and Nguyen Huu Dat. Linda Fulponi of the OECD Secretariat and Michael Roberts, the STDF Secretary, had offered closing remarks.

78. The STDF research in each of the three pilot regions, the overview paper prepared by the Secretariat in G/SPS/GEN/875, copies of all PowerPoint presentations and an audio recording of the workshop were available on the SPS page of the WTO website. A summary report of the meeting would be circulated to the Committee and also added to the website.

79. The Chairman outlined his conclusions that after the workshop, Members had a clear idea of what to avoid. This included fragmented, supply-driven assistance, with little attention to absorption capacity or beneficiary ownership, and little long-term sustainability. What Members wanted for aim at was little less clearly defined, although the Paris Principles gave a robust framework to work within. One conclusion which emerged was that the technical nature of SPS issues did not make SPS-related technical capacity building a distinct category which should be considered outside the mainstream of development cooperation.

80. Where Members perhaps needed more clarity was with respect to how to meaningfully achieve the objective of good practice in SPS-related technical cooperation. On this point, several good ideas were put forward which could be taken up by the practitioners in this area, notably the STDF. One point to underline was the development and systematic use of impact indicators.

81. From an SPS Committee perspective, the idea for a workshop on this topic originated in the discussions on special and differential treatment, and concerns by developing country Members that the technical assistance provided was not always the most appropriate for addressing the real needs of beneficiaries. This workshop should prove useful for future discussions in this Committee and elsewhere relating to the implementation of Articles 9 and 10 of the SPS Agreement.

(b) Information from the Secretariat

82. The Secretariat reported that since the last Committee meeting it had organized two national seminars on the implementation of the SPS Agreement, in Rwanda and Indonesia. In addition, it participated in a seminar organized by Japan for its officials working on SPS-related issues.

83. The Secretariat also reported on the upcoming technical assistance activities, which included several regional and national seminars. In particular, regional seminars would be held in Qatar in November and in Lesotho in December. National seminars were scheduled for India in November and China in December.

84. The Secretariat further underlined the ongoing 4th Specialized Course on the SPS Agreement between 29 September and 17 October, in Geneva. The Specialized Course on the SPS Agreement was a unique WTO training activity since it was not only focused on transmitting knowledge and awareness about the SPS Agreement and the SPS Committee, but also on identifying actions to address specific implementation challenges and opportunities at the national level.

85. The representative of Indonesia thanked the Secretariat for the seminar on the SPS Agreement held in July 2008. Following the recommendations of the seminar, Indonesia would organize an international symposium on the SPS Agreement and the theme would be the strengthening of capacity of the SPS management on food safety and animal and plant health. The representative invited the Secretariat and Members to provide technical support for this symposium.

86. The Secretary of the STDF drew attention to document G/SPS/GEN/877 regarding STDF activities, as well as the STDF Newsletter. Any activities or news worthy items by Members could also be included in the Newsletter. The STDF Secretariat reported that there were two information sessions held in early 2008. The first held in March 2008 was on capacity evaluation tools and the second held in June 2008 was on private standards. The STDF was developing a brochure that gave

an overview of capacity evaluation tools which would be circulated to Members providing technical assistance.

87. With respect to forthcoming information activities, there were two planned for 2009. The first one was on cost/benefit analysis of SPS capacity building, and the other was on climate change. For the meeting in February 2009, the STDF was in the process of developing a DVD which would be used in training activities to provide information to SPS regulators and others.

88. The STDF was drawing attention to the SPS issue as a supply-side constraint within the Aid for Trade agenda. The STDF reported to the Committee on Trade and Development, UNIDO and others. As for the issue raised by Sierra Leone, fruit fly was an obvious supply-chain constraint for trade. There were some efforts to bring coordinated responses to the issue of control of fruit-flies.

89. The Enhanced Integrated Framework was a multi-partner initiated for Least Developed Countries (LDCs), trying to improve the performance of trade in LDCs. SPS was also a trade constraint for these LDCs. The STDF was also involved in project development, for example to help Sierra Leone to upgrade its SPS capacity. There was an on-going evaluation of the STDF, and the report of this evaluation which was a key to securing new funding, would be available in November 2008.

90. The representative of Zambia reported that political leaders in some countries did not understand the benefits that come from SPS capacity. The cost/benefit analysis should address the problem of how some countries could use technical assistance in light of political constraints.

91. The representative of Rwanda thanked the STDF for supporting Rwanda's efforts to comply with SPS standards and increasing awareness of both the private and public sectors regarding SPS measures. This assistance had also helped update Rwanda's legal system and helped Rwanda to become a contracting party of the IPPC.

92. Recalling Sierra Leone's question regarding technical assistance, the Secretariat reminded Members of the policy of the WTO whereby each of least-developed country Member could request up to three national seminars in relation to different agreements in the course of a year. Developing country Members could request up to two seminars per year.

(c) Information from Members

93. The representative of Paraguay thanked Chile for its cooperation and assistance.

94. The representative of the European Communities reported that a seminar on international food standards took place in June 2008, hosted by the Netherlands. The Pesticides Initiative Programme would continue its training activities due to the need to acquaint ACP countries with the pesticide regime of the European Communities.

95. The representative of Norway drew attention to the activities of his country in the field of technical assistance (G/SPS/GEN/879). Most projects included SPS elements.

(d) Information from Observers

96. The representative of the OIE reported that the OIE was working on several programmes. One was on capacity building for national laboratories. There were nine projects underway including the creation of four reference laboratories. Some programmes dealt with veterinary services to ensure they were able to comply with OIE standards. There were other projects to assist developing countries to update their legislation to comply with OIE standards.

97. The representative of Honduras thanked the OIE of the support given to Honduras.

98. The representative of Codex noted earlier reports on SPS-related technical assistance projects developed by FAO and WHO. The operation of the Codex Trust Fund had received more funding to improve its operation over the next years. The application period to benefit from the Trust Fund in 2009 was now open. Finally, following the request of Egypt, Codex was analyzing the capacity of developing countries to participate in setting standards at Codex. The representative of Codex clarified that there were, however, no statistics on the participation of the developing countries in the Codex working groups.

99. The representative of IICA informed the Committee that it was concluding a phase of the development of institutional capacities on SPS measures. More information on IICA's technical assistance could be found in G/SPS/GEN/882. Some of the results of the technical assistance were the following; (1) national committees were developed to follow up and manage SPS topics; (2) SPS topics were integrated into the national agenda; (3) trained staff were able to participate in SPS Committee meetings; (4) the financial resources of national budgets were better adapted to participate in international activities; and (5) coordination between institutions in capitals and the representatives in Geneva. These achievements were met in some countries but not in all of them. More work was needed to include as many countries as possible.

100. The representatives of Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Guatemala, Haiti, Honduras, Mexico, Peru, St. Lucia, St. Vincent and Grenadines, Uruguay and Venezuela, thanked IICA for the technical support initiatives given to their countries.

101. The representative of UNCTAD reported on two events. The first event was the twelfth UN Conference on Trade and Development held in early 2008, focussed on making sustainability standards work for small scale farmers. The second event was the eighth and final meeting of the International Task Force on Harmonization and Equivalence in Organic Agriculture. This event was an example of harmonization and equivalence in the areas of private voluntary standards.

IX. REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

(a) Report on Informal Meeting

102. The Chairman reported that at the informal meeting of the SPS Committee on the review of the SPS Agreement, the Committee had discussed two outstanding issues from the Second Review, as well as the procedures for undertaking the Third Review.

103. On the use of ad hoc consultations, the United States and Argentina had offered to submit a joint proposal for consideration at the next meeting of the Committee. Both Members had taken note of the concerns raised with regards to the horizontal mechanism in NAMA and remained confident that no conflicts would arise between the two proposals.

104. On the relationship between the SPS Committee and Codex, IPPC and OIE, it was agreed that the Secretariat would circulate a draft programme for a special workshop with the three sisters, to be organized in October 2009.

105. No concerns had been raised regarding the suggested procedure and timetable for the Third Review prepared by the Chairman and the Secretariat, and contained in document G/SPS/W/228.

106. In response to a question on the Chairman's report, the Secretariat clarified that this workshop would be useful to discuss the processes, procedures and participation of Members in the work of the three standard-setting bodies. The workshop was also intended to focus on strengthening the relationship between the work of the SPS Committee and that of the three bodies.

107. The representative of Chile noted that Members were not submitting documents in a timely manner, which made it difficult to consider those at meetings. The representative of Argentina supported the issue raised by Chile; several matters had been raised in the Second Review but no proposals had been submitted to allow progress on these issues.

(b) Use of ad hoc consultations

108. The Secretariat reported that the most recent proposal for a mechanism for the rapid resolution of disputes dealing with non-tariff barriers was contained in document TN/MA/W/103/Rev.2 and Annex 1. The proposal was under consideration in the negotiating group on Non-Agricultural Market Access, along with draft modalities and had not been adopted. One unresolved issue in the proposal was the scope of the mechanism. If it excluded agricultural products, some products covered by the SPS Agreement would be excluded and others not.

(c) Preparation for the Third Review

109. The Committee agreed to the procedure for undertaking the Third Review of the SPS Agreement, as presented in document G/SPS/W/228.

110. The Secretariat reported that by the end of the month of October, the first version of a background document would be circulated. This document would cover issues that had been addressed after the Second Review, and other issues that needed to be addressed in the Third Review. Members were invited to submit written comments on the background document and identify issues for the Third Review by 28 November 2008. Members should submit background proposals on the issues they had identified for the review by 9 February 2009. The Secretary suggested that an informal meeting be scheduled immediately prior to the next formal meeting for an initial discussion on the issues identified for the Third Review.

111. The representative of Chile raised general concerns regarding the implementation of guidelines adopted by the Committee. The representative of Cuba shared Chile's concern and asked for more time for developing countries to respond to the background document.

X. MONITORING OF THE USE OF INTERNATIONAL STANDARDS

(a) New Issues

112. The representative of China raised concerns relating to a draft regional standard of the North American Plant Protection Organization (NAPPO) entitled "Guidelines for Regulating the Movement of Ships and Cargoes Aboard those Ships from Areas Infested with the Asian Gypsy Moth". This draft would require NAPPO members (Canada, Mexico and the United States) to impose strict phytosanitary measures on the ships and cargoes from Russia, Korea, Japan, Mongolia and China. More detailed information was presented in at G/SPS/GEN/880.

113. The representative of China had the following concerns regarding the draft standard; (1) if passed and implemented, it would have serious impacts on international trade; (2) it was inconsistent with Articles 2.2 and 5.6 of the SPS Agreement; and (3) it had ambiguities regarding the technical application of the measure in different NAPPO countries and in different climatic conditions. The

representative of China urged NAPPO members to delay the implementation of the standard until it was recognized by relevant organizations including the IPPC.

114. The representatives of Japan, Korea and Indonesia indicated that they shared the concerns raised by China regarding the NAPPO draft standard.

115. The representative of the United States reported that the NAPPO standard pertaining to inspection and certification requirements related to the Asian Gypsy Moth was still in a draft form, and more changes could be made based on comments submitted by concerned countries. China had declined an invitation to participate in a meeting held in October 2008 to allow trading partners to present their concerns regarding the standard. A harmonized standard among the three NAPPO members would allow ships to enter any port in a NAPPO country after being approved by the first port of call. Finally, the United States invited Members with concerns to engage in discussions with NAPPO members regarding this issue.

116. The representative of Canada supported the United States and stated that previous incursions of the Asian Gypsy Moth had caused serious and costly problems for Canada. The representative of Mexico also supported the interventions made by the United States and Canada.

117. The representative of China stated that technical comments had already been sent to the NAPPO secretariat and hoped that further meetings could be held between NAPPO members and the concerned countries.

118. The representative of the European Communities reported that they had not taken new measures on the Asian Gypsy Moth, but they remained vigilant to any potential risk. There were parallels between this issue and ISPM 15 on wood packaging material that had previously been extensively discussed in the Committee. The European Communities hoped that similar solutions to the Asian Gypsy Moth problem could also be found.

119. The representative of Norway expressed interest in this issue and its impact on Norway's exports.

120. The representative of Mali asked if there were quarantine measures against the Asian Gypsy Moth and whether the pest existed in the NAPPO countries. The representative of the United States clarified that this pest was not present in NAPPO countries and that it was very invasive. Based on this information, the representative of Mali agreed that NAPPO countries should take the necessary measures to prevent the entry of Asian Gypsy Moth into their countries.

(b) Issues Previously Raised

121. No Member or observer organizations had an issue to raise.

XI. CONCERNS WITH COMMERCIAL AND PRIVATE STANDARDS

(a) Report on Chairman's Consultations

122. The Chairman recalled that at the last regular Committee meeting, in order to start to move from talking to action, the Committee had agreed that the Chairman circulate a questionnaire and that those Members who responded to the questionnaire in time would be invited to participate in informal consultations.

123. On 5 July 2008, the Chairman had circulated a number of questions seeking proposals on what the SPS Committee could and should do to (1) reduce the negative effects that private SPS

standards had on international trade, especially for developing countries, and (2) to enhance the potential benefits arising from private SPS standards for developing countries. These questions were contained in JOB(08)/58.

124. Thirty Members had responded to the questionnaire within the deadline, and their responses were compiled in document JOB(08)/97. The Secretariat had then summarized Members' responses, and circulated those summaries in document G/SPS/W/230, along with some proposals for possible actions.

125. On Tuesday, 7 October, the Chairman had met with those Members who had responded to the questions. The discussions had focused on the proposed actions identified in document G/SPS/W/230, which were broadly supported by these Members.

126. The consultative group had considered that it would be useful to invite all Members to provide information on any relevant study or analysis that they had undertaken or of which they were aware for consideration by the Committee. However, there had not been broad support for suggestions that the SPS Committee request UNCTAD or any other organization to undertake a specific study on private SPS standards.

127. The consultative group had also supported the proposal that the Secretariat continue to organize ad hoc information sessions on private standards, with representatives of private standard-setting bodies and other related institutions.

128. Most of the discussions had focused on the proposed comparative study on products identified by Members as affected by private SPS standards. There had been much support for such a study. It had been suggested that it would be useful if the Secretariat would prepare a format to be circulated to all Members of the SPS Committee before the end of this year. This format would aim at ensuring some consistency in the information provided by Members regarding products and markets of concern, the relevant private and international standards, trade effects, costs of compliance and of certification, and other elements as described on pages 11 and 12 of G/SPS/W/230.

129. The Members consulted had not, however, believed it necessary or appropriate to limit the number of products that each Member could identify to only one or two as proposed in G/SPS/W/230; Members should be able to identify as many products as they wished.

130. Several Members had highlighted the difficulty in getting detailed information from private traders regarding specific problems and costs, and it had been suggested that the lack of some of the requested data should not prevent consideration of the products/standards identified by a Member within the comparative study.

131. In concluding his report, the Chairman stressed his preference to continue to work with a limited number of Members on an informal and flexible basis, in order to advance the Committee work as quickly as possible, but with a commitment to keep the Committee as a whole fully and continuously informed.

132. The Committee adopted the proposals in document G/SPS/W/230, with the following modifications: (1) the Secretariat was requested to prepare a format for the information solicited for purposes of undertaking a comparative study (subsequently circulated as G/SPS/W/232); (2) there would be no limitation on the number of products a Member could identify as affected by private standards; and (3) although Members should make every effort to provide as complete information as possible with regard to each product identified, a lack of complete information should not necessarily prevent consideration of the product within the comparative study.

133. The Secretariat noted that some Members were concerned about their ability to obtain the information needed from the private sector. The Secretariat offered to prepare a document which listed contacts in organizations and other institutions involved in work on private standards that might be of assistance to Members (G/SPS/GEN/865).

134. The Chairman stated that when appropriate, the Codex, IPPC and OIE would be invited to participate in the work related to private standards.

135. The representative of Codex reported that the subject of private standards was discussed at the previous Codex Commission meeting. The Commission had requested the FAO and WHO to compile existing studies on private standards and their implications. The study was expected to be presented in the next session of the Codex Commission in July 2009.

136. The representative of Chile sought clarification as to whether the composition of the group would continue to be the respondents to the initial questionnaire. He also expressed the hope that sufficient time would be provided in the Codex Commission session to further discuss issues related to private standards. The Chairman confirmed his intention to continue to work with the former group.

137. The representative of UNCTAD expressed his interest to be part of the discussions on private standards due to its activities in helping developing countries with the implementation of standards.

XII. TRANSITIONAL REVIEW UNDER THE PARAGRAPH 18 OF THE PROTOCOL OF ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA

138. The Chairman recalled that in accordance with Paragraph 18 of the Protocol of Accession of the People's Republic of China, the SPS Committee was to undertake an annual review for eight years of the implementation by China of the SPS Agreement. He first invited the United States to present the questions it had submitted in document G/SPS/W/229.

139. The representative of the United States observed that the Transitional Review Mechanism allowed Members to assess and understand the progress that China had made in implementing the WTO agreements. She raised several issues relating to restrictions on agricultural trade. The concerns were: (1) on how China conducted risk assessments on US origin beef and beef products; (2) BSE-related restrictions on protein-free tallow; (3) pathogen residue standards; and (4) avian influenza. The representative signalled that several of these issues had been raised in 2007, however, China had provided only limited responses.

140. The representative of the United States requested information on the status of revision to China's sampling plans and microbiological criteria for food-borne pathogens. Moreover, the United States was also concerned that China had banned ractopamine without conducting a risk assessment. The other concern raised was regarding avian influenza-related bans affecting the states of Arkansas and Virginia.

141. Finally, the United States was interested in the plans to boost food safety regulations in China, especially regarding the recent problems with melamine in milk, the changes that would be made and when they would be notified to the WTO.

142. The representative of the European Communities shared the concerns of the United States and reiterated that OIE standards should be respected. The European Communities had specific concerns regarding the animal health standards, the microbiological criteria and the plant health standards implemented by China. Imports of EC beef and other bovine products were still banned by China despite the fact that 25 EC member States were classified by the OIE as having "negligible" or

"controlled risk" of BSE. Also, the European Communities was concerned regarding certain microbiological criteria such as *E. Sakazakii*, and the zero tolerance level applied for products not intended for infants. These standards were not in line with Codex. Finally, compliance with China's plant regulatory import system was unjustifiably difficult. The European Communities welcomed recent improvements in communication between the European Communities and China regarding the plant health issue.

143. The representative of China noted the questions raised by the United States and the European Communities. On BSE-related issues, the representative stated that China has conducted the necessary risk assessments on beef imported from the United States and there had been many technical communications on numerous occasions. The efforts made by the United States to prevent BSE contamination were appreciated, but there were still problems in the implementation of the cattle tracing system and the implementation of the feed ban. China hoped that the United States could address the loopholes and problems in the prevention and control systems of BSE on the basis of the related OIE standards. China was willing to continue working with the United States on this issue.

144. The representative of China reiterated that her officials had communicated with the US authorities on the issue of trade in protein-free tallow on several occasions. In March 2008, the United States had agreed to send relevant materials but China had not yet received these. China's measures on protein-free tallow were fully consistent with the regulations stipulated in the OIE Terrestrial Animal Health Code that a product containing specified risk materials (SRM) was not tradable worldwide, and protein-free tallow (maximum level of insoluble impurities of 0.15 per cent in weight) should enjoy free trade. The representative stated that China's requirement had taken into account the risk assessment results and international standards. China was willing to hold bilateral talks at technical level on the interpretation of the relevant articles of the OIE Terrestrial Animal Health Code with the United States to share views and address issues of concern.

145. On pathogen standards, the representative of China stated that China had never set zero tolerance requirements for pathogens in raw meat and poultry products. China used sampling and testing to identify whether the quality of meat products met relevant standards and requirements. Such practices had been adopted by many other countries and were fully consistent with Codex Alimentarius standards which stipulated that pathogens should not be detected in meat products for human consumption. The same pathogen standards applied to both foreign and domestically produced products in China. China was following the latest progress in the Codex regarding the standards for micro-organisms detected in food products and had started to formulate standards for maximum levels of animalcule detected in food products based on this progress and China's monitoring data on food-borne diseases.

146. On residue standards for ractopamine, China restricted the use of ractopamine in feedstuff to protect consumers' health and food safety. This restriction applied uniformly to import and domestic products. Similar regulations were adopted by many other countries. China was in the process of completing a risk assessment on ractopamine and was willing to communicate with other Members on this issue.

147. With regard to avian influenza (AI), China had lifted the ban on poultry and poultry products from six states of the United States including Pennsylvania, Rhode Island, Connecticut, New York, West Virginia and Nebraska, based on risk assessments of the AI situation in these states. However, with regard to the H5N1 strain of AI in Virginia, according to the technical information available to China, it appeared likely that this was the high pathogenic type of virus. Therefore, China requested that the United States provide the relevant viral strain for further study. The representative said that China had not yet received this. With regard to the state of Arkansas, China had received the application and the related technical materials from the United States at the end of September 2008 and was in the process of undertaking the risk assessment. China hoped that the United States could

provide the technical materials and virus strain relating to avian influenza at an early point in time. China also wished to intensify communications with the United States to solve the technical issues appropriately.

148. About the food safety issues, the representative of China had become aware of the concern only at this time. However, the Chinese delegation had already briefed the Committee on the progress regarding the dairy products and the testing results, and on how the Chinese authorities were dealing with this issue. The Chinese Premier had clearly stated that in dealing with the incident of milk and milk products, China would be transparent. China would keep the Committee informed regarding this matter.

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

149. The representative of the OIE suggested a need for better coordination between the OIE and the WTO Secretariat regarding the organization of regional seminars. The OIE had been in contact with the Secretariat regarding the seminars and the appropriate people that should be involved in the seminars regarding animal health. Finally, the OIE invited the Secretariat to engage actively in the special training sessions held after the regional seminars. The representative of the OIE also clarified that the OIE had also established new standards for aquatic species that were being reviewed by the committee. More information on OIE activities could be found in G/SPS/GEN/878.

150. The representative of the Codex Alimentarius referred to its report in document G/SPS/GEN/881. Appendix 1 of the document listed all standards, guidelines and recommendations that were adopted in July 2008 by the Codex Alimentarius Commission. Appendix 2 listed all items approved for new work by the Commission in July. At the last session of the Commission, the issue of developing countries' participation was extensively debated. Finally, the capacity of the Codex Secretariat was being evaluated by an external consultant due to the fact that its capacity was stretched to the limit.

151. The representatives of Cameroon and Mali expressed their gratitude to the Codex for helping with the conduct of workshops for developing countries. The representative of Codex in turn thanked those who made possible the seminars in developing countries.

152. The representative of Chile noted the active involvement of the Codex secretariat in many activities and stressed that Codex needed strong support to continue to work effectively.

153. The representative of the IPPC reported on several activities that took place after the meeting of the Commission on Phytosanitary Measures (CPM) held in 2007. The CPM had identified priorities for setting standards. Since then, the IPPC had progressed on setting some of these standards. Also, there was a meeting organized by the IPPC regarding pest-free areas. Finally, the IPPC was collaborating with STDF to work on several projects and workshops related to capacity building.

154. The representative of Senegal thanked the IPPC for assisting his country, but expressed his concerns as a French speaking Member regarding the use of English only in the meetings of technical committees. The representative of the IPPC stated that the lack of finances did not allow the translation of all working documents into other languages.

155. In response to a query from the representative of Burundi, the representative of the IPPC indicated that the IPPC assisted Members based on their request.

XIV. OBSERVERS – REQUESTS FOR OBSERVER STATUS

156. The Committee agreed to invite all of the ad hoc observers to participate in its next meeting, including the informal meetings on the Review and on special and differential treatment.

157. There was no change in the position of Members with respect to the pending requests for observer status from the Asian and Pacific Coconut Community (APPC), Convention on Biological Diversity (CBD), International Vine and Wine Office (OIV) and the Gulf Customs Council Standardization Organization. These outstanding requests would be considered at the next regular meeting.

XV. CHAIRMAN'S ANNUAL REPORT TO THE COUNCIL FOR TRADE IN GOODS

158. The Chairman indicated that he would submit a brief, factual annual report on the activities of the SPS Committee in 2008 for consideration by the Council for Trade in Goods. The Chairman would report on the number of meetings held in 2008 and on the main work undertaken at these meetings. In particular, the report would highlight the adoption by this Committee of new guidelines on the implementation of Article 6 of the SPS Agreement, on the revised recommended procedures on transparency, on the agreed procedures for the Third Review and finally on the decision on how to move ahead on the issue of private standards. The report would draw attention to the workshop on good practices in SPS-related technical assistance, as well as to the information session on private standards and the workshop early in the year on capacity evaluation tools. The report would also mention the large number of specific trade concerns discussed, and provide an overview of discussions under other agenda items. The report was subsequently circulated as G/L/866.

XVI. OTHER BUSINESS

159. The representative of Mali raised the concerns regarding private standards and the difficulty of LDCs to adopt these standards.

160. The representative of Ecuador informed the Committee that in October 2008, Panama and Ecuador had signed a phytosanitary protocol which resulted in Panama lifting the import restrictions it had applied on flowers and foliage. The representative of Panama described the procedure that led to the removal of the ban.

161. The representative of Canada raised again the issue of Greece's excessive inspection and testing requirements of imported cereals, including Canadian wheat exports, for the presence of genetically modified organisms even though genetically modified wheat is not commercially produced in Canada. The issue had been raised for the fourth time, and the matter had not been resolved. The representative of the European Communities stated that although there was harmonization among the EC member States, there was a degree of differences in the testing regimes of different countries. The European Communities would make every effort to resolve this issue.

162. The representative of Cuba noted that her country Cuba had been affected by many natural phenomenon in September, which along with some other difficulties, had meant that Cuba had not responded to the questions on private standards within the required deadline. The representative of Cuba asked nonetheless to be accepted as part of the informal group working on the issue. Several Members recalled the interest in keeping the informal group small, and that the Committee had agreed to the procedure regarding the inclusion of those who replied to the questionnaire on time. The Chairman stressed that all Members were invited to provide information on specific examples and information for inclusion in the comparative study agreed by the Committee.

XVII. DATE AND AGENDA FOR NEXT MEETING

163. The Chairman recalled that the next meeting was tentatively scheduled for 25-26 February 2009. Informal meetings on the Review and S&D were scheduled for 24 February 2009.

164. The Secretariat stated that the first Committee meeting in 2009 would be held earlier than usual to avoid conflicts with other meetings and activities. Members were asked to be vigilant regarding submitting reports within the specified deadlines.

165. The Committee agreed on the following tentative agenda for the next meeting:

1. Proposed agenda
2. Activities of Members
3. Specific trade concerns
 - (a) New issues
 - (b) Issues previously raised
 - (c) Consideration of specific notifications received
 - (d) Information on resolution of issues in G/SPS/GEN/204/Rev.9
4. Operation of transparency provisions
5. Implementation of special and differential treatment
 - (a) Report on informal meeting
 - (b) Review of operation of S&D transparency procedure (G/SPS/33)
6. Equivalence – Article 4
 - (a) Information from Members on their experiences
 - (b) Information from relevant observer organizations
7. Pest- and Disease-free areas – Article 6
 - (a) Information from Members on their pest or disease status
 - (b) Information from Members on their experiences in recognition of pest- or disease-free areas
 - (c) Information from relevant observer organizations
8. Technical assistance and cooperation
 - (a) Information from the Secretariat
 - (b) Information from Members
 - (c) Information from observers
9. Review of the Operation and Implementation of the SPS Agreement
 - (a) Issues arising from the Second Review
 - (i) Use of ad hoc consultations
 - (ii) Relationship between the SPS Committee, Codex, IPPC and OIE
 - (b) Third Review
 - (i) Report on informal meeting
10. Monitoring of the use of international standards
 - (a) New issues

- (b) Issues previously raised
 - 11. Concerns with private and commercial standards
 - (a) Report on Chair's consultations
 - 12. Matters of interest arising from the work of observer organizations
 - 13. Observers – Request for observer status
 - 14. Election of Chairperson
 - 15. Other business
 - 16. Date and agenda of next meeting
166. Members were asked to take note of the following deadlines:
- (i) For written comments on the background document and identify issues for the Third Review: **Friday, 28 November 2008.** For submission of background proposals on the issues identified for the review: **Monday, 9 February 2009**
 - (ii) For identifying new issues for consideration under the monitoring procedure, AND for requesting that items be put on the agenda: **Thursday, 12 February 2009;**
 - (iii) For the distribution of the airgram: **Friday, 13 February 2009.**
-