



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

SUBMISSION OF THE EUROPEAN UNION

The following submission, received on 24 January 2024, is being circulated at the request of the delegation of the European Union.

1 INTRODUCTION

1.1. Last year, the Committee on Sanitary and Phytosanitary Measures (SPS Committee) undertook a work programme to examine challenges in the implementation of the SPS Agreement and the mechanisms available to address them, and the impacts of emerging challenges on the application of the SPS Agreement, as instructed by Ministers in the SPS Declaration adopted at the Twelfth Ministerial Conference.

1.2. During the implementation of this work programme, the Committee explored topics related to modern and emerging challenges, basing SPS measures on scientific evidence and principles, regionalization, cooperation with the International Standard-Setting Bodies (ISSBs) and observer organizations, support for the special needs of developing and least developed country Members.

1.3. In the draft report to the 13th Ministerial Conference, the Committee recommends continuing its targeted discussions and reflections on the implementation of the SPS Agreement in light of emerging challenges and opportunities beyond the finalization of the MC12 SPS Declaration Work Programme, including in the context of the upcoming Sixth Review of the Operation and Implementation of the SPS Agreement and in specific thematic sessions and events, as appropriate, while reaffirming the existing rights and obligations of Members established by the SPS Agreement.

1.4. In addition, following the recommendations of the Fifth Review of the Operation and Implementation of the SPS Agreement, the Committee, among others, worked on issues related to control, inspection and approval procedures, and notification procedures and transparency. The conclusions of these exchanges indicate that it would be beneficial to further explore some aspects of these topics.

2 PROPOSALS

2.1. As it described in the above draft report to the 13th Ministerial Conference, the European Union proposes to continue the discussions on several of the topics touched upon during the implementation of the work programme; emerging challenges, cooperation with the standard setting bodies and the observers and the special needs of developing and least developed country Members.

2.1 Emerging risks

2.2. The European Union proposes to continue the discussions on modern challenges and emerging risks, building on the work carried out earlier.

2.3. As a first step, the European Union would like to suggest for consideration by the Committee a thematic session on how WTO Members and the relevant international organizations identify

emerging risks in the SPS field, assess their potential impacts and develop methods to address them. (Please see separate proposal.)

2.2 Cooperation with ISSBs and observer organizations

2.4. The European Union suggests to further explore ways to enhance the cooperation with the International Standard-Setting Bodies with special regards to their ongoing observatory projects on monitoring the implementation of the international standards in their areas. In addition, the European Union proposes to look at possibilities to foster enhanced cooperation with the observer organizations in order to better use their expertise during the work of the SPS Committee.

2.3 Support for special needs of developing and least developed country Members

2.5. During the implementation of the work programme and in the framework of the Committee of Trade and Development, valuable targeted discussions took place on the special needs of developing and least developed country Members in the SPS area. Nevertheless, these sessions highlighted the areas where further exchanges would be useful to better address these needs and provide more targeted support.

2.6. Therefore, the European Union proposes to continue the work with exploring how the existing flexibilities in the SPS Agreement could be used more efficiently.

2.4 Recognition of regionalization

2.7. The concept of regionalization is one of the fundamental principles of the SPS Agreement and as such, it has been identified by the SPS Committee as an issue that requires the Committee's continuing attention.

2.8. According to the European Union's experience, the recognition of trade partners' regionalization measures is often not in line with Article 6 of the WTO SPS Agreement, which may result in non-justified trade restrictions.

2.9. Against this background, the European Union would encourage further exchanges on recognition of regionalization, in view of building high levels of trust and confidence needed between Members to recognize their regionalization measures and ultimately facilitate trade.

2.10. With reference to developing countries, Members could consider technical assistance and mentorship as tools for supporting implementation of Article 6.

2.11. There are some horizontal issues which were highlighted both during the implementation of the work programme and throughout the previous review of the SPS Agreement. They are relevant for many topics listed above and the Committee should carry out targeted reflections on how to further improve their understanding and application among the Membership.

2.5 Transparency

2.12. In the light of the recommendations of the Fifth Review of the SPS Agreement and the outcome of the previous transparency workshops and other exchanges, the European Union proposes to continue this work concentrating on improving the quality of SPS notifications, the comments on notifications and the replies to comments.

2.13. In addition, building on the recommendations of the working group of approval procedures, it would be useful to further examine the possibilities of greater transparency on national SPS legislation, timelines for approval procedures and other related information which would facilitate safe trade.

2.6 Better use of available IT tools in order to facilitate safe trade

2.14. In the last years, partly due to the COVID epidemic, the Membership witnessed many developments in the information technology and more and more IT tools are available in the SPS field as well.

2.15. Building on the outcome of the thematic sessions and working groups since the last review of the SPS Agreement, the European Union suggests taking stock of these improvements and exploring further possibilities to facilitate safe trade via new IT solutions (e.g., improvement of the ePing system, wider use of e-certificates, more IT platforms, etc.)
