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**Committee on Sanitary and Phytosanitary Measures**

**SUMMARY OF THE MEETING OF 15-17 NOVEMBER 2023**

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## 1 ADOPTION OF THE AGENDA

1.1. The Committee on Sanitary and Phytosanitary Measures (the Committee) held its 87<sup>th</sup> regular meeting on 15-17 November 2023. The meeting was held in hybrid form, with some delegates attending in-person and others joining via a virtual platform.

1.2. The proposed agenda for the meeting ([JOB/SPS/32](#)) was adopted with amendments.

1.3. The Secretariat introduced Members to the eDelegate platform, a "one-stop shop" which would help delegates manage their access to different WTO systems, including access to platforms and online tools, and also to sign up to receive emails concerning particular WTO committees. An information session had been held on 6 November 2023 and the platform had already been made available to delegation coordinators only for testing and feedback. The platform would subsequently be made available for all Geneva- and capital-based delegates that already had access to eRegistration. Noting that in the future, SPS Committee communications would be distributed to those who had registered through the eDelegate system, the Secretariat requested Members to sign up through the platform, indicating which Committees they followed. Before switching over to the new system, there would be a transition period and the Secretariat would notify those subscribed to the current mailing list before discontinuing it.

1.4. The Secretariat also reminded Members that they were able to submit agenda items, support STCs, and upload statements through eAgenda. Members could support items through eAgenda until they were discussed in the meeting, and upload statements until Friday, 17 November 2023. Only oral interventions by Members who took the floor during the meeting would be reflected in the summary report. In addition, longer statements could be shared through eAgenda or circulated as GEN-documents.

## 2 INFORMATION SHARING

### 2.1 Information from Members on relevant activities

#### 2.1.1 Côte d'Ivoire - Information on the issuance of electronic phytosanitary certificates ([G/SPS/GEN/2175](#))

2.1. Since May 2023, Côte d'Ivoire was officially delivering electronic phytosanitary certificates for plants and plant products, using the model certificates provided by IPPC. ePhyto had been implemented through the Single Window for Foreign Trade platform, which had contributed to facilitate safe and sustainable trade, to reduce fraud, and to improve transparency, reliability and traceability, as well as to improve recording of phytosanitary issues. The platform also included a module to coordinate visits to reduce the number of inspections. Noting some pending challenges in the deployment of the ePhyto system, Côte d'Ivoire informed the Committee of the plan to develop an equivalent module for animal health certificates.

#### 2.1.2 European Union - Empowering learning and impact: Better Training for Safer Food in your language ([G/SPS/GEN/2157](#))

2.2. The European Union informed the Committee about the side event held on 14 November 2023 and drew Members' attention to the information contained in document [G/SPS/GEN/2157](#). The European Union reported that, since the start of the programme 18 years earlier, BTSF had held over 3,000 events, trained over 92,000 in-person participants, and 20% of its activities were dedicated to non-EU experts. The European Union thanked participants for contributing to the good discussion and looked forward to working with Members interested in this matter.

#### 2.1.3 United States - Summary of the two-part APEC Food Safety Cooperation Forum Workshop on "Risk Communication Related to Maximum Residue Limits"

2.3. The United States informed the Committee of the workshop titled "Risk Communication Related to Maximum Residue Limits" held for APEC member economies, aimed at strengthening their capacity to conduct risk communication. The workshops, co-sponsored by Australia and Canada and held as part of the Food Safety Cooperation Forum (FSCF), laid the groundwork for future cooperation and collaboration among APEC economies on this matter. Noting the importance of the

subject for the SPS Committee, the United States invited Members to consider the possible relevance of the resulting materials for future Committee discussions. The United States provided its statement in document [G/SPS/GEN/2176](#).

#### **2.1.4 United States - Enhancing food security: The WTO's role in supporting innovation and sustainable growth in agricultural productivity ([G/SPS/GEN/2168](#))**

2.4. The United States drew Members' attention to its document [G/SPS/GEN/2168](#). A prior US submission to the Council for Trade and Goods (CTG) ([JOB/SPS/28](#)) identified two ways in which WTO and its Members could play a role in addressing global food security challenges: the promotion of trade and open markets, and the promotion of policies that encourage more sustainable and efficient agricultural production. Noting the need to consider the intricate relationship between sustainable agricultural productivity growth and climate change, the United States was of the view that farmers needed access to innovative tools and technologies as well as policies empowering them to transition to more sustainable production practices, in order to achieve the respective food security goals. The United States expressed appreciation for Brazil's submission in [JOB/SPS/31](#) and called on Members to reflect on possible areas of common interests.

2.5. Referring to this and the next agenda item, Canada supported the idea that the WTO played a critical role in enhancing food security. Acknowledging the global challenges, Canada was dedicated to working with other Members to contribute to resilient and sustainable agrifood systems, and would discuss new innovations and technologies to continue regulating the safety of food and agricultural products. Canada strongly believed in a rules-based trading system underpinned by science and evidence.

#### **2.1.5 Brazil - Enhancing food security through the reform in agriculture and the use of current flexibilities ([JOB/SPS/31](#))**

2.6. Brazil drew Members' attention to document [JOB/SPS/31](#) and recalled that Members had recognized the vital role trade, along with domestic production, played in improving global food security in all its dimensions and enhancing nutrition. Brazil noted that WTO solutions to enhance global food security had to be trade-related and required a holistic approach within the trade scope, particularly focusing on domestic support and market access. Brazil stated that the agricultural reform process was a driver to increase domestic production and to achieve Sustainable Development Goals. Brazil also referred to its experience in fighting food insecurity and increasing productivity and explained Brazilian policies that integrated social protection with agriculture. Brazil invited Members to take a look at the document for more information.

2.7. Referring to the communications on food security from the United States and Brazil, Singapore shared the view that food insecurity issues were multifaceted and should be addressed in a comprehensive manner. Singapore echoed the US view and remained open to discussions on food security, particularly in the context of the upcoming Ministerial Conference.

#### **2.1.6 Japan - Safe discharge of the Advanced Liquid Processing System (ALPS) treated water into the sea and update on the safety and the import restrictions on Japanese food products regarding radioactive materials ([G/SPS/GEN/1233/Rev.6](#), [G/SPS/GEN/1233/Rev.6/Add.1](#), [G/SPS/GEN/1233/Rev.6/Add.2](#), [G/SPS/GEN/1233/Rev.6/Add.3](#) and [G/SPS/GEN/1233/Rev.6/Add.4](#))**

2.8. Japan updated Members on the safety of Japanese food products and the import restrictions regarding radioactive materials. Noting its robust food monitoring and control system, Japan acknowledged the assessment by the FAO/IAEA (International Atomic Energy Agency) Center that the food supply chain was controlled effectively and the public food supply was safe. Japan welcomed the Members who had lifted their import restrictions in August 2023, on the basis of scientific evidence. Underscoring that the restrictions still in place were without scientific basis and inconsistent with the SPS Agreement, Japan reiterated its request for Members that continued to maintain measures to lift them immediately.

2.9. Japan also provided detailed information on the safety of the discharge of ALPS treated water regarding tritium and radioactive materials other than tritium. Japan highlighted that the IAEA had concluded that the discharge of ALPS treated water would have negligible radiological impact on

people and the environment. All possible measures to ensure safety had been taken since the beginning of the discharge in August 2023, and both Tokyo Electric Power Company Holdings (TEPCO) and IAEA conducted analyses to ensure that treated water met regulatory standards. Japan was committed to continue providing the international community with explanations based on scientific evidence in a transparent manner. Japan explained that it would address import restrictions introduced after the discharge in more detail in the agenda item on specific trade concerns.

2.10. Canada welcomed the information provided and reminded the Committee that it had previously shared its assessment of the available scientific evidence, which had led to the lifting of import measures related to the accident. Acknowledging the conclusions of the IAEA report, Canada was of the view that the release of the treated water by Japan did not constitute a food safety concern.

2.11. Korea had previously explained the legitimacy of its safety control measures for radioactive materials in foods imported from Japan. Referring to the contamination caused by the release of radioactive material at the beginning of the accident, Korea feared that the risk for further potential contamination still existed. Korea noted that, as of May 2023, the release and consumption of some agriculture and fishery products were still restricted in Japan due to radioactive contamination. Korea urged Japan to comply with scientific standards and to provide information in a transparent manner during the release process.

2.12. Since the announcement of the discharge plan, China had raised its concerns about the risks imposed to environmental, food and public safety. China had adopted emergency measures against aquatic products from Japan, and drew Members' attention to its submission in [G/SPS/GEN/2153](#). Emphasizing the lack of precedent for such discharge, China stated that there were no internationally recognized disposal standards, that Japan lacked risk assessments for biological life or health, and that it had not compared the risks of different disposal options. China urged Japan to submit a risk assessment report on the possible disposal options, to allow stakeholders to conduct independent sample analysis of the water, and to handle the discharge in a responsible manner.

2.13. The United States urged Members to immediately repeal the restrictive measures applied due to the release of ALPS treated water. The United States agreed with IAEA that the discharge did not pose a concern for public safety and would have a negligible impact on any concentrations of elements in international waters. The United States provided its statement in document [G/SPS/GEN/2177](#).

2.14. The United Kingdom reiterated its support for Japan's decision to discharge ALPS treated water and welcomed its ongoing commitment to transparency. Voicing its satisfaction with the IAEA's monitoring and judgement that the release was safe, the United Kingdom urged Members to adopt measures consistent with the obligations in the SPS Agreement.

2.15. Australia acknowledged Japan's concerns regarding restrictions imposed by some Members on imports of aquatic products, and highlighted the need to base SPS measures on evidence and scientific risk assessments.

2.16. The Russian Federation had imposed emergency enhanced sanitary controls on fish products from Japan following the announcement of the water release. The Russian Federation called upon Japan to be more transparent and to provide neighbouring countries with access to the information necessary to confirm the safety of fish and fish products.

2.17. Underlining the importance of science-based analyses, the European Union stated that the IAEA report confirmed that Japan's approach was consistent with the highest nuclear international safety and radioactivity standards. The European Union supported IAEA's effort to provide technical assistance in reviewing the safety of the discharge and to provide continued independent monitoring, and further indicated that its involvement was key to ensure credibility and transparency in monitoring the process. The European Union invited Japan to continue providing regular updates in a timely and transparent manner.

2.18. Japan thanked those Members who expressed support for the information shared by Japan. In response to China, Korea and the Russian Federation, Japan indicated that the water was not radioactive nor contaminated, and it would only be released after sufficient purification and dilution.



Japan reiterated that the assessment of environmental impacts had been carefully conducted in line with international standards and guidelines, having considered the effect of bioaccumulation and long-term accumulation, and that TEPCO and IAEA had concluded that impacts on humans and on the environment would be negligible. Appropriate measures would be taken should any anomalies be found during the monitoring in place since the beginning of the discharge in August. IAEA would continue to review the monitoring activities and Japan would continue to disseminate monitoring data that could be used by the international community. In addition, IAEA and third-country analytical and research institutes had conducted interlaboratory comparison regarding environmental monitoring of ALPS treated water. Japan further clarified that its regulatory framework ensured that food items exceeding the Japanese maximum levels, as well as the same lot containing the items in question were to be recalled and disposed of, thus neither distributed domestically nor exported.

#### **2.1.7 Ukraine - Report on SPS activities**

2.19. Ukraine thanked Members for their support and provided an update on its SPS policy and activities related to the implementation of SPS measures. Ukraine continued to ensure compliance with the requirements from importing countries and international treaties. Regarding animal health, its competent authority implemented all necessary measures to ensure a stable epizootic situation in the territory under its control. In partnership with international organizations, Ukraine was implementing measures to strengthen the public health system based on the One Health approach. Regarding plant quarantine and plant protection, Ukraine was taking measures to ensure compliance with International Standards for Phytosanitary Measures (ISPMs) and with the requirements of its trading partners. Ukraine ensured food security as part of its national security and was working on the digitalization of the related procedures. The implementation of the "Vetcontrol system" to address veterinary control tasks in a unified platform and the introduction of the Trade Control and Expert System (TRACES) were currently ongoing. Ukraine emphasized that its competent authorities continued to fulfil its transparency obligations under the SPS Agreement and to ensure the effective functioning of its SPS system, despite the loss of critical infrastructure.

2.20. The European Union, the United States, the United Kingdom, Canada, Australia, New Zealand, Japan and Switzerland expressed their appreciation for Ukraine's efforts to fulfil its WTO SPS obligations, maintain food safety standards, and deliver food to international markets. They condemned the Russian Federation's military action in Ukraine, noting that it constituted a violation of international law. Several Members stated that the invasion was exacerbating the current food security crisis, had inflated prices and increased global hunger since Ukraine was unable to inspect and export grain. Members called on the Russian Federation to cease military operations in Ukraine.

2.21. The Russian Federation indicated that it continued to participate in global efforts to prevent food insecurity and hunger in developing countries and least developed countries (LDCs). In its view, allegations that it contributed to the global food crisis were ridiculous given other systemic factors. The Russian Federation noted that the Black Sea Grain Initiative could only be revived once all the requirements were met. The Russian Federation took the view that the Committee should refrain from discussing issues not within the scope of the WTO. Referring to attempts to politicize the Committee, the Russian Federation requested the Chairperson to moderate the discussions in accordance with the agenda and working procedures of the Committee.

#### **2.1.8 Brazil - Request for the Good Offices of the Chair**

2.22. Brazil informed the Committee of its request for the Good Offices of the Chair under Article 12.2 of the SPS Agreement, as a means to constructively engage with Nigeria in solving the issues discussed under the STC titled "Nigeria's Import Restrictions on Meat, Pork, Poultry, Milk, and Dairy Products" ([ID 523](#)). Brazil invited Nigeria to engage in this exercise.

2.23. Nigeria took the opportunity to respond to questions raised in document [G/SPS/GEN/2116](#), and maintained that it had no SPS measures in place restricting imports from Brazil. Nigeria was of the view that Brazil had not indicated the SPS measure at issue and that the SPS Committee was not the appropriate forum for discussion. In the Committee on Agriculture and the Council for Trade in Goods, Nigeria had indicated that the restrictions on agricultural products were imposed to address economic development, balance of payment and national security issues. Nigeria asked Brazil to

clarify what was the measure at issue and whether it fell within the scope of Annex A of the SPS Agreement, and to demonstrate how the restrictions were inconsistent with Articles 2, 5, 7 and 8 and Annex C of the Agreement, as claimed by Brazil in June 2022. Nigeria encouraged Brazil to take the issue off the agenda.

2.24. The Chairperson clarified that the underlying STC had not been raised in the agenda of the current meeting and that, under this item, Brazil was providing information on its request for the good offices of the Chair. The Chairperson invited both delegations to continue bilateral engagement and expressed his availability to intervene upon request.

2.25. Brazil thanked the Chairperson for the clarification provided and Nigeria for the information facilitated, and reiterated its willingness to continue bilateral dialogue.

2.26. Nigeria indicated that it would engage bilaterally with Brazil.

## **2.2 Information from Codex, IPPC and WOA on relevant activities**

### **2.2.1 Codex ([G/SPS/GEN/2173](#))**

2.27. Codex highlighted some key elements of the information contained in document [G/SPS/GEN/2173](#). Codex brought Member's attention to the finalization of the revision of the General Guidelines on Sampling (CXG 50-2004) and the Classification of Foods and Animal Feed (CXA 4-1989). In particular, Codex provided information on the ongoing work on the revision of MRLs for the group peppers to include okra, martynia and roselle that necessitated MRLs to facilitate international trade. Codex also reported on the work on new food sources and production systems and on the development of international standards aimed at protecting consumer health and ensuring fair practices in the food trade. Codex encouraged Members and observers to fully engage in the celebrations of the 60<sup>th</sup> anniversary of the Codex Alimentarius Commission (CAC) and to share information on their plans and activities.

2.28. Looking forward to fruitful discussions in CAC46, Brazil indicated that it had hosted an event to celebrate the 60<sup>th</sup> anniversary of Codex, with the participation of government officials and the private sector.

### **2.2.2 IPPC ([G/SPS/GEN/2169](#))**

2.29. The IPPC summarized some of the relevant activities detailed in document [G/SPS/GEN/2169](#). The IPPC reported on several topics that were to be discussed and agreed by the Commission on Phytosanitary Measures (CPM): adoption of international standards for phytosanitary measures, adjustments to the IPPC Standard Setting Procedure, CPM Recommendations for Sea Containers, and the update from other CPM Focus Groups on the Safe Provision of Food and Other Humanitarian Aid. The IPPC also provided an update on their work including standard setting, implementation and facilitation, integration and support, as well as some internal management initiatives such as the global phytosanitary programme, the global trade support team, and the IPPC centre of excellence. The IPPC referred to the discussions around sustainable funding for ePhyto, One Health and antimicrobial resistance, and coordination activities related to Banana *Fusarium oxysporium* TR4 global coordination. The IPPC also reported on the activities by the IPPC Observatory and on the new guides published in 2023.

### **2.2.3 WOA ([G/SPS/GEN/2161](#))**

2.30. The report of WOAH's activities is contained in document [G/SPS/GEN/2161](#).

2.31. The United States highlighted the importance of having the three sisters attending the SPS Committee meetings, preferably in person, given the relevance of their work for the implementation of the SPS Agreement.

2.32. The European Union echoed the US intervention.

2.33. The Chairperson suggested that Members continue this discussion in the context of the informal meetings on the improvement of the functioning of the Committee.

### 3 SPECIFIC TRADE CONCERNS

3.1. Before the adoption of the agenda, the United States withdrew the support it had initially indicated in eAgenda for STC ID 431, South Africa's import restrictions on poultry due to highly pathogenic avian influenza.

#### 3.1 New issues

##### 3.1.1 US delays in the authorization of sweet citrus fruits (ID 569) - Concerns of Argentina

3.2. Argentina raised its concerns about the lack of progress towards the opening of the US market to its sweet citrus fruits. In 2019, the US Animal and Plant Health and Inspection Service (APHIS) had audited Argentina's citrus production and control system to undertake a pest risk analysis (PRA) and in 2020, it had submitted a draft document with proposals of risk mitigation measures for the pests identified. Argentina regretted that the United States had not yet published the PRA for public comments, which was a necessary step to finalize the process of opening markets. Noting that exports of sweet citrus fruits constituted a priority in their bilateral SPS negotiations, and underscoring the numerous attempts to place this topic on the agenda for bilateral discussions, Argentina noted that the United States had not indicated a possible timeline for the resolution of the process. In Argentina's view, this delay was a violation of Articles 2.2, 5 and 8, as well as Annex C of the SPS Agreement. Argentina urged the United States to publish without delay the PRA for public comments and to promptly conclude the market opening for sweet citrus fruits. Argentina reiterated its availability for bilateral collaboration towards a prompt resolution of this issue.

3.3. The United States informed the Committee that APHIS was proceeding through its standard regulatory process for this request, and would release a draft PRA for stakeholder review. The United States would continue to work on Argentina's market access request according to the priorities indicated by Argentina.

##### 3.1.2 US undue delays in the publication of import requirements for table grapes under a systems approach (ID 570) - Concerns of Chile

3.4. Chile raised its concerns regarding the US undue delays in the publication of import requirements for table grapes under a systems approach, as an alternative to fumigation with methyl bromide. The delay was affecting the national production and export chain in the three main producing regions. In Chile's view, the United States was violating Articles 4, 5 and 8 and Annex C of the SPS Agreement. Following the confirmation received in May 2023 that the analysis for the authorization of the systems approach for table grapes had been finalized and that the measure was ready for publication, Chile requested its prompt publication in the Federal Register and reiterated its availability for an open communication towards the resolution of the issue.

3.5. The United States informed the Committee that the final notice for the importation of grapes from Chile under a systems approach was currently under review by the US Department of Agriculture (USDA).

##### 3.1.3 EU *Xylella fastidiosa* surveillance requirements for third countries (ID 571) - Concerns of South Africa

3.6. South Africa raised its concern over Commission Implementing Regulation (EU) 2020/1201 regarding measures to prevent the introduction into and the spread within the European Union of *Xylella fastidiosa*. South Africa questioned the need for *X. fastidiosa*-free countries to undertake risk-based surveys to trade with the European Union, where the pest had been recorded. Noting the high cost and resources involved in the surveys, South Africa was of the view that third countries should have the option to simply declare their pest freedom on a phytosanitary certificate. South Africa had strict import requirements against *X. fastidiosa*, which was a quarantine pest in the country.

3.7. Regretting the lack of prior information on this concern, the European Union confirmed that Regulation (EU) 2020/1201 was published in August 2020 following a consultation period, as notified in [G/SPS/N/EU/390](#). *X. fastidiosa* was a priority pest in the European Union and, as such, subject to

high level of protection regarding imports of host plants as well as movements between and within EU member States. To avoid trade disruptions by the entry into force of the requirements on 1 January 2023, reminders had been sent to third countries who had communicated their pest freedom status, to which South Africa had responded providing the necessary details indicating compliance. The European Union emphasized that the Commission had applied flexibility and accepted the old declarations until 31 January 2023 and, as a result, no trade disruption had occurred.

### **3.1.4 India's suspension of imports of apples, pears and marigold seeds (ID 572) - Concerns of China**

3.8. China indicated that, in 2017, India had suspended imports of apples, pears and marigold seeds from China in response to the identification of certain pests. China regretted the lack of feedback received after the bilateral technical consultations held, the provision of the requested technical materials and the field assessment undertaken in 2019. China looked forward to India's feedback in order to continue the negotiations to resume the exports.

3.9. Having taken note of China's statement, India indicated that it was not in a position to provide any response, since no information had been provided beforehand.

### **3.1.5 Thailand's HPAI restrictions on live poultry and poultry meat (ID 573) - Concerns of Brazil**

3.10. Brazil raised its concerns about the suspensions of transit of its poultry through Thailand's territory, which it considered to be a violation of Article 3 of the SPS Agreement and of WOH guidelines. Brazil stated that there was no proper justification to extend the initial 90-day suspension. Underscoring that cases of highly pathogenic avian influenza (HPAI) in Brazil did not occur in commercial poultry, which should thus not change the recognition of the country as a HPAI-free, Brazil hoped that Thailand would lift the suspension to be in line with the SPS Agreement and the relevant international references.

3.11. Thailand stated that its notification [G/SPS/N/THA/666](#) regarding the temporary suspension of importation of live poultry and poultry carcasses from Brazil was in conformity with its Animal Epidemics Act B.E. 2558 (2015). Highlighting the need to prevent the entry of HPAI into the country, Thailand would review the temporary suspension of importation and transit every 90 days. Thailand expressed its willingness to engage in bilateral technical consultations with the relevant competent authorities.

### **3.1.6 Import restrictions on aquatic products after the discharge of ALPS treated water (ID 574) - Concerns of Japan**

3.12. Japan regretted that China; Hong Kong, China; Macao, China and the Russian Federation had taken measures to restrict imports of Japanese fishery products and other products in response to the discharge of ALPS treated water. With the involvement of the IAEA, Japan had been monitoring the concentration of radionuclides including tritium since the beginning of the discharge in August 2023. Japan insisted that ALPS treated water was sufficiently purified until the concentration of radionuclides other than tritium was below the regulatory standard and it was diluted by seawater before being discharged. As for tritium, after the dilution, the concentration level would be less than 1,500 Bq/L, that was 1/7 of the WHO drinking water standard. All monitoring results were publicly available and clearly showed that the tritium concentration level at various monitoring points in the sea area was substantially lower than the operational standards, and Japan was committed to taking the appropriate measures if radionuclides exceeding the discharge suspension level were detected. Arguing that the restrictions were not based on scientific principles nor substantiated by scientific evidence, and were thus inconsistent with the SPS Agreement, Japan urged China; Hong Kong, China; Macao, China and the Russian Federation to immediately repeal their restrictions. Japan had submitted comments to the corresponding notifications of the measures requesting them to hold discussions with Japan in accordance with paragraph 6c of Annex B of the SPS Agreement, and called on those Members to respond to the request of holding bilateral discussions.

3.13. China shared its concern about the radioactive pollution risks posed to imports, agricultural products, the marine environment and food safety as a result of the discharge. China had notified

emergency precautionary trade measures against aquatic products from Japan, taken in accordance with China's national legislation and the SPS Agreement to prevent these risks. In its position paper circulated as [G/SPS/GEN/2153](#), China had pointed out that, after the discharge, Japanese aquatic products would pose threats to human life and health and risks to food safety. In a letter submitted to Japan, China had insisted on the emergency and preventive character of the measures, and had asked for comprehensive monitoring data and reports. China was of the view that data released by Japan contained gaps and was insufficient to support relevant assessments to eliminate Chinese concerns. China urged Japan to scientifically assess the potential risks posed to global food safety by the discharge and to provide reports for China to make a decision on next steps. China underscored the differences between nuclear contaminated water discharged from nuclear power plants in normal operation and the water from Fukushima.

3.14. Noting the difference between cooling water generated during normal operation of nuclear plants and nuclear-contaminated water, Hong Kong, China stated that such a discharge was unprecedented and that no international standards or practices had been established. Hong Kong, China was of the view that there was no guarantee that the discharge plan would not pose any potential risks to food safety and marine ecology in the long term, and that the impact could only be more accurately assessed once more surveillance data were available, sometime after the commencement of the discharge. Imports of aquatic products, sea salt, and seaweeds originating from Fukushima and nearby prefectures had been suspended, as a precautionary measure to mitigate possible dangers to public health. Hong Kong, China was engaging bilaterally with Japan, and would continue to monitor the situation regarding the import of food and the discharge plan to safeguard food safety and public health.

3.15. The Russian Federation had imposed precautionary emergency measures in accordance with Article 5.7 of the SPS Agreement to protect its population against the risks arising from introduction of radioactively contaminated food to the market. The Russian Federation was of the view that the release of water could pose risks to environmental, food and public safety, and complained that Japan had not provided any evidence on the safety of fish and seafood caught in the area where water was being discharged. The Russian Federation urged Japan to be more transparent and to provide comprehensive scientific information to confirm the safety of aquatic products.

3.16. Regarding the discharged ALPS treated water into the sea, Japan noted it would not repeat the explanations which had already been provided in the previous agenda item and yet added that it had provided explanations on its efforts to ensure safety, including the conclusions of the IAEA's comprehensive report that the discharge was consistent with relevant international standards. As a result of Japan's outreach activities to ensure transparency, a wide range of countries and regions had expressed their support for the efforts undertaken. Japan insisted that ALPS could remove such radionuclides which the accident reactor contained to levels below the regulatory standards, that in the IAEA safety standards, the method for evaluating the safety of wastewater was the same for both accident reactors or not, and that the safety of Fukushima Daiichi Nuclear Power Station was also evaluated based on the international concepts. Japan sought further clarification on the emergency precautionary character of China's measures, since it believed that sufficient scientific evidence had been provided on the matter and, as such, Article 5.7 of the SPS Agreement was not relevant. Japan further clarified that it had provided the Russian Federation with the additional information it had requested in their bilateral dialogue.

### **3.1.7 Viet Nam's undue delays in the authorization of beef imports (ID 575) - Concerns of Mexico**

3.17. Mexico raised its concern regarding lack of progress on the establishment of sanitary requirements for the authorization of its beef imports into Viet Nam. Mexico had provided all the information requested by Viet Nam's Ministry of Agriculture and Rural Development (MARD), and had requested the results of the risk analysis with a view to organizing *in situ* inspections to the Federal Inspection Type establishments wishing to export to Viet Nam. Stating that these delays were a violation of Article 8 and Annex C of the SPS Agreement, Mexico asked Viet Nam to provide information on the status of the risk analysis and to move forward in programming the *in situ* inspections. Mexico reiterated its willingness to maintain the open bilateral communication to progress towards the opening of the market for beef.

3.18. Noting the ongoing bilateral exchanges, Viet Nam informed the Committee that the MARD had requested Mexico to provide further information, including on the monitoring programme for



veterinary drug residues and on contamination with microorganisms, as well as a sample of health certificates used to export beef to other trading partners. The MARD would review the information once submitted and would finalize certificates accordingly.

### 3.2 Issues previously raised

#### 3.2.1 EU MRLs for alpha-cypermethrin, buprofezin, chlorothalonil, chlorpyrifos, chlorpyrifos-methyl, diflubenzuron, ethoxysulfuron, glufosinate, imazalil, ioxynil, iprodione, mancozeb, molinate, picoxystrobin and tepraloxydim (ID 448 - See also related STCs ID 453, 454, 457, 474, 475, 517) - Concerns of Colombia, Costa Rica, United States and Paraguay

3.19. Colombia expressed its concern regarding the approval process for the review of the MRLs of certain substances as established in the Regulations (EC) No 396/2005 and (EC) 1107/2009. Colombia questioned the alignment of the granting of import tolerances with the obligations in the SPS Agreement, and indicated that these measures should be based on solid scientific evidence considering the effects on trade and competitiveness. Colombia also added that, in some instances, emergency authorizations had been granted to crops treated with banned substances. Colombia looked forward for a constructive response from the European Union.

3.20. Costa Rica reiterated its concern relating to the impact that the reduction of MRLs to the level of detection could have on its production system, as these substances were necessary in tropical climates and did not have substitutes in the short term. Costa Rica highlighted the lack of conclusive scientific evidence and the divergence from the conclusions reached in other international fora, namely Codex. Costa Rica asked the European Union to reconsider its regulatory approach and to incorporate measures that reduced impact on global food security.

3.21. The United States recalled Members' obligation to ensure that SPS measures were based on science, imposed when necessary to achieve the appropriate level of protection, and applied in the least trade restrictive manner. The United States stated that the recent EU MRL reductions appeared to be more trade restrictive than necessary to meet the EU's level of protection and that imported products appeared to be treated differently than domestic products. Regarding the continued use of emergency authorizations for active substances no longer approved, the United States highlighted the importance of certain crop protection tools and the lack of effective and economical alternatives, and reiterated that the implemented transition periods were insufficient. The United States provided its statement in document [G/SPS/GEN/2178](#).

3.22. Paraguay acknowledged the responses provided by the European Union and reiterated its request for updates on the follow-up actions after the ruling of the Court of Justice of the European Union (CJEU) on emergency authorizations. Regarding the reduction of MRLs, Paraguay expressed its concern about the import tolerances for tricyclazole in rice and the non-renewal of glyphosate despite the scientific evidence available. Noting the importance of establishing measures consistent with the SPS Agreement, Paraguay requested the European Union to inform Members about the result of the voting procedures for the renewal of glyphosate and import tolerance for tricyclazole. In a subsequent intervention, Paraguay provided an update on the voting that has just occurred and reported that the EU member States had not reached a majority to reject the renewal of glyphosate. Paraguay requested the European Union to confirm that the Commission was going to approve the use of the substance for a period of ten years and to provide information about the associated requirements.

3.23. Regretting the lack of changes in the EU MRLs, Peru was of the view that the measures were more trade restrictive than necessary, contrary to the SPS Agreement and international standards. Peru asked the European Union to provide answers to the questions raised in the SPS subcommittee held in the context of their Multiparty Agreement.

3.24. Uruguay expressed its concerns regarding the EU approach to MRL reduction for an increasing number of substances to limits lower than those of Codex without a scientific risk assessment, which could affect its exports of apples, pears and citrus. Uruguay concurred with other Members that emergency authorizations granted by EU member States to domestic producers could conflict with EU health protection policies and trading conditions with third countries, and sought clarification on how the CJEU ruling would affect considerations for emergency authorizations. Highlighting that

pesticide regulations should be non-discriminatory and based on scientific principles and risk assessments, Uruguay pointed out that sufficient transition periods should be granted for producers to adapt to modified MRLs. Uruguay requested the European Union to reconsider its regulatory approach and expressed its openness to participate in a dialogue to avoid adverse effects on Members.

3.25. Argentina reiterated its concern regarding the technical and structural aspects of the issue that affected Members from all regions. Recalling the importance of science-based SPS measures, Argentina urged the European Union to apply a risk-based approach to its regulatory changes, in alignment with the relevant international organizations, such as Codex. Highlighting the importance of having measures based on conclusive scientific studies, Argentina invited the European Union to review its regulatory approach considering the local circumstances of production, the lack of substitutes, and the agreements reached by the international standard setting bodies.

3.26. Reiterating its concerns on the trade implications of the EU approach to the regulation of active substances in plant protection products, Canada emphasized the need for decision-making based on risk assessment techniques developed by relevant international organizations. Canada indicated its interventions at previous Committee meetings remained valid.

3.27. Brazil highlighted concerns related to the EU MRL regulatory policies, which it considered to be more trade restrictive than necessary to achieve the EU's appropriate level of protection and not aligned with Codex, thus violating Articles 3 and 5.6 of the Agreement. Brazil was also concerned at the emergency authorizations granted to EU member States. Brazil urged the European Union to base its SPS measures on scientific evidence and realistic exposure scenarios, and to consider trade facilitative approaches while establishing MRLs, with longer transitional periods and early and effective engagement in the process.

3.28. Ecuador invited the European Union to adhere to Codex standards and not to base its measures on inconclusive risk assessments. Noting its tropical weather conditions, Ecuador detailed the long and costly process needed to find alternative substances. Ecuador highlighted that the EU measures affected its production of banana, as there were no substitutes for the regulated substances and similar alternative products were also questioned by the European Union. Regarding [STC ID 475](#) on the non-renewal of the authorization for mancozeb, Ecuador reported that this substance was used according to Codex guidelines and asked the European Union to consider the recent studies showing that mancozeb was safe for consumers and environment. Regarding [STC ID 474](#), Ecuador explained the economic relevance of those substances in its production of banana. Ecuador referred to the emergency authorization granted to European producers and urged the European Union to grant similar conditions to producers from third countries. Thanking the European Union for its answers to the questions in document [G/SPS/GEN/2171](#), Ecuador expressed its openness to continue with the technical dialogue.

3.29. Reiterating its concerns, Guatemala stated that import tolerances were not an alternative to the reduction of MRLs to the level of detection, since most developing countries did not have the technical capacity to present these procedures. Guatemala recognized that emergency authorizations were granted as an exception for EU producers, but not for producers from third countries. Noting the ongoing review of the answers contained in document [G/SPS/GEN/2171](#), Guatemala requested the European Union to update Members on the result of the voting procedures for the renewal of certain substances.

3.30. Panama referred to its intervention made in the previous Committee meeting.

3.31. China urged the European Union to consider Members' concerns and to submit a comprehensive risk assessment report. Noting that Codex MRLs for pesticides were established to safeguard consumers while ensuring safe trade, China indicated that EU MRLs were inconsistent with international norms and guidelines, and represented a concern for third countries that did not have the same environmental conditions. China suggested to the European Union to establish the least trade restrictive measures until conclusive scientific evidence became available.

3.32. The European Union referred to the numerous answers already provided during past communications and to its previous statements. The European Union had engaged, organizing information sessions and providing information through various communications on the on-going

review of MRLs for pesticides, in particular on how non-EU countries could actively contribute to it. The European Union highlighted the recent answers contained in [G/SPS/GEN/2139](#) and in [G/SPS/GEN/2171](#), as a reply to [G/SPS/GEN/2076](#) and to [G/SPS/GEN/2140](#), respectively. The European Union referred to its presentation on the EU risk assessment process and the harmonization with Codex MRLs provided during the Thematic Session on Trade Facilitative Approaches to Pesticide MRLs held in March 2022. The European Union remained open to discussions on how to facilitate trade of agricultural products treated with plant protection products. The European Union praised its trusted, transparent, and predictable food safety approach, and underscored Members' shared interest in ensuring that pesticide residues were not present at levels presenting an unacceptable risk to human health and set at the lowest achievable level, consistent with good agricultural practices. The European Union also recalled that it continued to provide technical assistance to developing countries and LDCs in improving SPS capacity and market access.

3.33. The European Union confirmed that EU member States had not reached the required qualified majority to renew or reject the approval of glyphosate during a vote at the Appeal Committee. In line with EU legislation, and in the absence of the required majority in either direction, the Commission was now obliged to adopt a decision before 15 December 2023, when the current approval period expired. The Commission, based on comprehensive safety assessments, would proceed with the renewal of the approval of glyphosate for a period of 10 years, subject to certain new conditions and restrictions.

### **3.2.2 EU legislation on endocrine disruptors (ID 382) - Concerns of Paraguay**

3.34. Paraguay acknowledged the responses submitted by the European Union regarding the questions on the EU approach for the assessment of plant products protection. Paraguay was of the view that EU member States were not basing their decisions on the recommendation by EFSA nor on the MRLs established by Codex. Paraguay recalled Members' obligation to establish measures consistent with the SPS Agreement.

3.35. Peru was of the view that the EU regulation was inconsistent with Article 5 of the SPS Agreement. Peru noted that a hazard-based approach could lead to the establishment of trade measures more restrictive than necessary and have a negative impact on food trade. Peru would submit its previous questions to the European Union.

3.36. Ecuador underlined the importance of basing measures on a scientific risk assessment, in line with Article 5 of the Agreement, to avoid unnecessary obstacles to trade. Ecuador illustrated its disagreement with the European Union indicating that, in its view, substances had been banned based on alleged endocrine-disrupting effects.

3.37. Recalling that scientific evidence should be the basis for the risk assessment, Guatemala expressed its concern regarding the negative impact of the EU measure on international trade. Guatemala took the view that the EU approach for endocrine disruptors on the establishment of new MRLs of key substances were, *de facto*, a zero import tolerance that affected developing countries. Guatemala urged the European Union to recognize the importance of harmonization of measures at a global level and the work in Codex.

3.38. Uruguay reiterated its commercial and systemic concerns regarding the EU adoption and implementation of a hazard-based approach for products with potential endocrine-disrupting properties. Uruguay underscored the need to base such determinations on conclusive scientific evidence to avoid removing from the market safe active substances without contributing to the stated objective of public health. Uruguay continued to support multilateral work undertaken at Codex to develop a harmonized, risk-based approach that ensured health protection while facilitating international trade of food and agricultural products. Uruguay called on the European Union to address Members' concerns and to reconsider its regulatory approach to avoid discrimination and unjustified trade restrictions.

3.39. Brazil reaffirmed that the criteria for determining endocrine-disrupting substances had to be established in accordance with Article 5 of the SPS Agreement, in line with available scientific evidence to avoid unnecessary trade restrictions, instead of being based solely on the perception of hazard. Brazil highlighted the importance of conducting risk assessments appropriate to the



circumstances and the need to obtain additional information necessary for an objective assessment of risk.

3.40. The European Union was of the view that its transparent approach led to Members' knowledge of the EU decision making process, and emphasized that the European Union represented EU member States in the SPS Committee. The European Union affirmed that scientific criteria to identify endocrine disruptors were based on the WHO definition and had been applicable since November 2018. The European Union reiterated that so far there had not been any cases of substances that had not been approved at EU level solely because they met the endocrine disruptor criteria, and which had then been followed by the lowering of MRLs. The European Union noted that no new information had become available since the November 2022 SPS Committee meeting and reiterated its commitment to transparency and keeping Members informed of further developments.

### **3.2.3 EU import tolerances for certain pesticides to achieve environmental outcomes in third countries (ID 534) - Concerns of Colombia, Australia, the United States and India**

3.41. Noting the importance of protecting the environment, Colombia stated that risk assessments should be based on conclusive analysis and a scientifically validated methodology. Colombia was of the view that the EU measure should be re-evaluated based on Members' obligations under the SPS Agreement and considering Codex work on MLRs. In Colombia's view the measures constituted an unnecessary and unjustified barrier to trade that would negatively affect exports to the European Union and the livelihoods of rural producers.

3.42. Australia reiterated its concerns regarding the EU regulation on the neonicotinoid insecticides clothianidin and thiamethoxam, and the lack of response from the European Union regarding the reconsideration of its approach despite the widespread concerns expressed by third countries. Australia reinforced the objective of the MRL setting design in ensuring food safety and facilitating trade, and that MRLs were not an appropriate nor an efficient tool to pursue environmental outcomes. Australia considered that using food MRLs as a proxy to pursue environmental standards outside EU borders was incompatible with international standards and guidelines and threatened Members' ability to apply their own environmental policies consistent with their unique environmental circumstances, in contradiction with WTO rules. Australia called on the European Union to find a less restrictive alternative that would meet its objective while preserving trade and third countries' sovereignty to conduct their own unique risk assessments. Australia also considered there was a lack of scientific evidence in support of the link between the lowering of MRLs to the limit of determination and pollinator health. Australia referred to the recent statement by Cairns Group members on the contribution of the multilateral trading system to support sustainable and resilient agriculture and food systems, contained in document [G/AG/GEN/222/Rev.1](#).

3.43. The United States reiterated its concern with the application of EU domestic environmental policies to food and agricultural products imported from third countries. The United States reinforced the need for diverse approaches in different regions, and noted the unclear link between the stated objective of protecting global pollinator health and the EU requirement for imported food and agricultural products to meet the reduced MRLs for clothianidin and thiamethoxam. In the US view, pesticide MRLs were not the appropriate tool to address environmental health objectives, and the EU measure restricted trade more than necessary, given a shared scientific understanding that pollinator health was affected by complex interactions among multiple factors. The United States provided its statement in document [G/SPS/GEN/2179](#).

3.44. India shared the concerns regarding the extraterritorial application of domestic laws and urged the European Union to collaborate with other Members to find a viable solution.

3.45. Paraguay reiterated its concern regarding EU MRLs for clothianidin and thiamethoxam as a tool to regulate the use of neonicotinoids in the processes and methods of production in third countries. Paraguay sought clarification on how the European Union considered Members' comments for the modifications of MRLs and asked for an update on Regulation (EU) 2023/334. Regarding emergency authorizations, Paraguay was still waiting for EU responses to the questions about the CJEU ruling. Regarding the zero import tolerance, Paraguay referred to its statement under [STC ID 448](#). Noting the extraterritorial nature of the EU measure, Paraguay reminded the European Union about its obligations under the SPS Agreement.

3.46. Canada anticipated that the EU approach to integrating environmental objectives into their MRL and import tolerance setting processes would likely impact trade. The EU's extraterritorial application of its domestic standards to trading partners was not an effective way to pursue non-SPS objectives. In Canada's view, global environmental challenges would be more appropriately addressed in other multilateral fora. Canada indicated its willingness to collaborate with the European Union and other WTO Members.

3.47. Uruguay regretted that Regulation (EU) 2023/334 had been approved without substantive changes, despite Members' comments. Referring to the definition of MRLs in food and feed contained in Regulation (EC) No 396/2005, Uruguay recalled that MRLs were a tool to ensure food safety and, as such, Codex was the relevant international organization adopting MRLs based on health issues, not environmental aspects. Uruguay questioned the relevance of and the legal basis for the reduction of MRLs to the level of determination due to global environmental concerns or issues other than human health. Uruguay reported that the products under the scope of the EU measure were already regulated by its competent authority to ensure their safe use in accordance with good agricultural practices. Uruguay expressed its willingness to cooperate with other Members to find mechanisms towards the protection of pollinators, ensuring the preservation of the environment and the protection of human health, without compromising food security nor restricting trade. Highlighting that SPS measures should be in line with the SPS Agreement, Uruguay reiterated its interest in following further considerations on the use of emergency authorizations.

3.48. Argentina questioned the unilateral and extraterritorial nature of the EU approach and related trade measures, which seemed to be inconsistent with WTO rules and principles of international law. Argentina also referred to its intervention in the previous Committee meeting.

3.49. Japan reiterated its concerns about the reduction of the MRLs of clothianidin and thiamethoxam in or on certain products. Japan was of the view that the adopted measures were a deviation from current MRL setting principles and the trend towards harmonization of MRLs. Japan also noted that, given the effect on Members, the adopted policy should be thoroughly discussed in the relevant international fora. Underlining the extraterritorial approach of the EU measure, Japan sought clarification on the kind of scientific evidence to be provided in the application for import tolerances and on the criteria to measure the unacceptable risk to pollinators.

3.50. Chile echoed the concern on the EU approach to the adoption of MRLs for clothianidin in crops and thiamethoxam in fruit trees in Regulation (EU) 2023/334. Chile stated that MRLs were not an appropriate tool to achieve environmental objectives in exporting countries.

3.51. Guatemala stressed that each Member had the right to choose its measures to address global concerns regarding protection of pollinators. Guatemala stated that clothianidin and thiamethoxam were used in accordance with good agricultural practices and with international certification in order to ensure food safety. Guatemala urged the European Union to base its measure on science and critical risk assessments and requested cooperation to find a solution to this concern.

3.52. Ecuador shared its concern regarding the EU extraterritorial objectives, which seemed to deviate from Members' obligations under the SPS Agreement. Taking the view that the European Union had established the lowest MRLs for tropical fruits, coffee and cacao without having a conclusive risk assessment, Ecuador provided information about the negative effects of this measure on its exports of these products. Regarding the MRLs for neonicotinoids, Ecuador enquired about the international standard on which the European Union had based its measure. Ecuador invited the European Union to notify the measure to the SPS Committee and to continue the dialogue to avoid unnecessary trade barriers.

3.53. Brazil emphasized that trade liberalization and environmental protection were complementary when countries respected both the WTO trade principles and environmental agreements. However, measures with environmental purposes were outside the scope of the SPS Agreement. Brazil underscored that Members should not adopt SPS measures with extraterritorial effects, according to the definition established in the SPS Agreement, and invited the European Union to respect the SPS Agreement when establishing MRLs.

3.54. Costa Rica reiterated its concern regarding the systemic implications of the establishment of MRLs by the European Union as a tool to achieve environmental objectives in third countries.

While recognizing the importance of the protection of the environment, Costa Rica noted that this objective could not be justified under the scope of the SPS Agreement and that the establishment of MRLs was directly related to the objective of food safety. Costa Rica urged the European Union to reconsider its regulatory approach, to address Members' concerns, and to review its measures related to MRLs in the light of the principles of the SPS Agreement.

3.55. The European Union provided a joint response under STC ID 549.

### **3.2.4 EU regulation No 396/2005 setting pesticide MRLs in food and feed of plant and animal origin (ID 549) - Concerns of India**

3.56. India reiterated its concerns about the EU MRL approach as a tool to pursue environmental outcomes in third countries. India observed that the European Union had not shared information about the risk assessment and scientific studies that support the establishment of EU MRLs for clothianidin and thiamethoxam and the correlation of this measure with the risk to pollinators. India requested the European Union to engage with Members towards a harmonized solution and to delay the implementation of the amendments to the regulation.

3.57. The European Union was of the view that these ongoing discussions reflected the importance of the SPS Committee in the transformation to sustainable food systems. The European Union took into consideration environmental aspects when setting MRLs for substances no longer approved in its territory due to global environmental concerns, and reviewed active substances on a case-by-case basis. The European Union affirmed that, based on current knowledge, reducing the use of neonicotinoids was an effective action to tackle the decline of pollinators. Noting that no new information was available, the European Union reiterated that comments received had been taken into account and responses had been provided to third countries. Regulation (EU) 2023/334, adopted in February 2023, deferred the application date to 36 months after entry into force. The European Union also recalled that Members had been regularly updated on any progress since the circulation of [G/SPS/GEN/1868](#).

3.58. The European Union clarified that the Regulation would not prohibit the use of neonicotinoids by third countries, but products destined to the EU market would have to comply with the EU MRLs. The European Union considered that it was acting in compliance with its WTO obligations since there was not an equally effective and less trade restrictive alternative to protect pollinators. Acknowledging the difficulties third countries might face, import tolerances could be granted for active substances not authorized in the European Union. Regarding emergency authorisations, the European Union referred to document [G/SPS/GEN/2171](#), mentioned under [STC ID 448](#). Clarifying that in the SPS Committee it spoke on behalf of its member States, the European Union remained available to further discuss this matter, and invited Members to make use of bilateral channels.

### **3.2.5 EU Commission proposal for reduction of the current MRL for "nicotine" for imported tea from India ([G/SPS/N/EU/581](#)) (ID 550) - Concerns of India**

3.59. India expressed its concerns about the EU proposal to reduce the MRL for nicotine for tea from 0.6 mg/kg to 0.5 mg/kg. India stated that the nicotine present in tea plants was not derived from exogenous sources and that it was absorbed differently than nicotine in cigarettes, posed little risk to human health and was not addictive given its slow absorption and the low level in tea. In India's view, nicotine was not a pesticide, and the fact that there was no Codex MRL established for nicotine proved that it was not harmful to food. India requested the European Union to withdraw its MRL revision and to ensure compliance with the principles of the SPS Agreement.

3.60. The European Union informed Members that EFSA had performed a new acute dietary risk assessment for nicotine in teas, excluding some controversial consumption data, and had concluded that the current MRL for nicotine in tea was safe for consumers. The new Commission Regulation (EU) 2023/1536 had been published in July 2023 and was already applicable. This Regulation allowed for a transitional arrangement for teas produced before the lowered MRLs had become applicable, permitting the normal marketing, processing and consumption of products. The Commission would continue monitoring the levels of nicotine in teas and reviewing this temporary MRL accordingly. The European Union remained available to provide information to India, including EFSA's relevant reasoned opinion.

### **3.2.6 EU classification of 'anthraquinone' as a pesticide and the MRL for imported tea (ID 518) - Concerns of India**

3.61. India reiterated its concern regarding the classification of anthraquinone as a pesticide and the setting of the EU MRL at 0.02 mg/kg for tea. Anthraquinone was not registered in India and there was neither a standard as per the Food Safety and Standards Act 2011, nor a Codex MRL for anthraquinone in tea. Noting studies indicating that natural deposits of anthraquinone could lead to residues higher than the EU MRLs in certain areas, as well as the seasonal variation, India was concerned that the 0.02 mg/kg limit would affect India's tea exports to the European Union. India requested the European Union to remove the classification of anthraquinone as a pesticide and to avoid unnecessary trade disruptions.

3.62. The European Union noted there had been no new elements related to the active substance since it had first been discussed and referred to its statement in eAgenda. The European Union reiterated its openness to provide technical assistance to Members interested in laboratory methods and expressed its availability to provide India with any information required.

### **3.2.7 EU restrictions on exports of chocolate and cocoa products due to the application of the Commission Regulation (EU) No 488/2014 of 12 May 2014 amending Regulation (EC) No 1881/2006 as regards maximum levels of cadmium in foodstuff (ID 503) - Concerns of Peru**

3.63. Peru reiterated its concerns regarding Regulation (EU) No 488/2014 establishing maximum levels (MLs) for cadmium in chocolate and other cocoa products that, in practice, had an impact on trade in cocoa beans and cocoa powder. Citing Article 3 of the SPS Agreement, Peru stated that the EU levels were more trade restrictive than necessary to protect human health and did not take into consideration the relevant international standard by Codex. Peru asked the European Union whether it had considered the request to review its legislation and to implement the Codex standards and conclusions. Peru provided its statement in document [G/SPS/GEN/2187](#).

3.64. Ecuador expressed its concern regarding the negative impact of EU MLs for cadmium on the trade of cocoa beans and cocoa powder. Ecuador was of the view that the EU measure violated Article 3 of the SPS Agreement by not considering the Codex standard for cadmium in cocoa and establishing MLs for cadmium more that were trade restrictive than necessary to protect public health. Ecuador urged the European Union to review its regulation and to provide support to mitigate cadmium in the production of cocoa beans and other related products.

3.65. Colombia echoed the concern and requested the European Union to review its Regulation (EU) No 488/2014 taking into account JECFA's scientific opinion, which did not consider cadmium in cocoa and cocoa products as a risk to public health. Colombia stated that the regulation was also affecting other products such as avocado and asparagus. Colombia underscored the importance of cocoa and chocolate for small-scale producers and for the substitution of illicit crops, and called on EU support to Andean countries to mitigate cadmium in the production of cocoa and other products.

3.66. Noting the lack of new elements since the last discussion, the European Union emphasized the significant efforts undertaken during the preparation of the relevant regulation to alleviate the difficulties of its trading partners in complying with the legal requirements. In particular, the European Union had granted an exceptionally long transitional period for cocoa and chocolate products by deferring implementation to January 2019, and had established MLs for finished products, which did not apply to cocoa beans or other intermediary cocoa products. Reinforcing its right to establish measures to address public health concerns in line with the SPS Agreement, the European Union also referred the dedicated project Clima-LoCa and reiterated its commitment to work constructively with Members to address outstanding issues without prejudice to consumer safety. The European Union referred to its statement uploaded in eAgenda.

### **3.2.8 EU restrictions on spice imports and other food products due to European Commission Implementing Regulation (EU) 2021/2246 of 15 December 2021 (ID 533) - Concerns of India**

3.67. India was of the view that the MRLs of 0.02 mg/kg for chilli and ginger and 0.1 mg/kg for other spices, fixed for ethylene oxide (EtO) and its metabolite 2-chloroethanol or ethylene

chlorhydrin (ECH) together, were set on a hazard basis, lacked sufficient scientific basis, and were more stringent than the limits in other countries. Noting that the consumption patterns of chilli and ginger were not different from other spices, India urged the European Union to provide the risk assessment and scientific evidence for fixing higher MRLs for EtO for chilli and ginger or to harmonize MRLs for all spices at 0.1 mg/kg. India also observed that Regulation (EU) 2017/625 provided for re-dispatch of a non-compliant consignment outside the European Union, and for destruction of the consignment if it presented a risk to human, animal or plant health, and animal welfare which, in India's view, led to non-uniform interpretations of a non-compliance with the EtO MRL. India requested the European Union to permit the re-dispatch of the non-compliant consignments and consignments which were deemed to possess a risk as per the EU regulation.

3.68. The European Union reported that results of official controls at the border control posts during the second semester of 2023 and other relevant information would be analysed as of January 2024 for the next periodical review of Regulation (EU) 2019/1793, as a basis for a possible adjustment. Regarding the re-dispatch of the rejected consignment, the European Union informed the Committee that the entry of a consignment was rejected when a non-compliance was established. Subsequently, competent authorities assessed, on a case-by-case basis, whether the consignments presented a health risk, based on the definition of risk provided in Regulation (EU) 2017/625, prior to deciding further steps on the consignments. Noting that the harmonized application of these rules was currently under discussion with EU member States, the European Union stated that India had been kept regularly informed about the non-compliances and that bilateral meetings were regularly organized to check the implementation of the EU requirements. The European Union expressed its willingness to continue the technical discussion at bilateral level.

3.69. In response to the European Union, India remained concerned about the destruction of consignments, which prevented re-dispatching to other markets, and urged the European Union to review its measure in this regard.

### **3.2.9 EU review of legislation on veterinary medicinal products (ID 446) - Concerns of the United States**

3.70. The United States reiterated its concerns regarding the implementation of Article 118 of Regulation (EU) 2019/6, and requested the European Union to consider alternative regulatory approaches by third country systems that achieved the EU level of protection. The United States observed that the measure would unnecessarily limit access to animal production practices that were necessary and appropriate for farmers and producers within their own countries and that posed no food safety risks. The United States also requested scientific evidence demonstrating that the EU measure would significantly and effectively reduce the occurrence of foodborne antimicrobial resistance (AMR), and sought clarification on the date upon which the contemplated 30-month transition period would begin. The United States provided its statement in document [G/SPS/GEN/2180](#).

3.71. Japan acknowledged the information provided by the European Union, and sought clarification regarding the process and timeline for third countries to comply with the new regulation. Japan asked the European Union to provide at least a three-year transition period before the application of the delegated act to third countries. Japan expressed its willingness to continue bilateral discussions on these issues on the basis of scientific evidence.

3.72. Acknowledging that AMR represented a serious public health concern, Canada encouraged the European Union to continue engaging third countries in the process of developing the remaining implementing acts of the EU's revamped Veterinary Medicinal Products Regulation. Canada asked for the granting of appropriate transition periods prior to the implementation of the regulation, and expressed its commitment to provide comments on all remaining implementing legislation affecting third countries notified for consultation.

3.73. Australia reiterated its concerns regarding the proposed 24-month transition time for the implementation acts to be adopted, which would not provide third countries with sufficient time to implement the new rules, particularly for animal products originating from animals whose production cycle was more than two years. Australia continued to request that the proposed certification requirements not be retroactively applied to animals or products derived from animals. Australia also requested clarification on the steps taken by the European Union to minimize additional certification

costs, and questioned the need for consignment-based certification if countries had already met the requirements to be listed and approved to export animal products with appropriate controls. Australia urged the European Union to consider third country views as it designed the implementation settings of this measure.

3.74. Brazil reiterated its concern with Regulation (EU) 2019/6 on veterinary medicinal products. In Brazil's view, the legislation and its implementation imposed a heavy burden on producers in third countries, by limiting the use of currently available veterinary drugs and introducing sanitary requirements that were more trade restrictive than necessary to protect human, animal and plant life and health. Indicating the need to support the work of the ISSBs, Brazil urged the European Union to take into consideration the ongoing global effort to set international standards and guidelines for AMR.

3.75. Referring to its interventions in previous meetings, Paraguay asked the European Union to provide responses to the questions raised in their most recent bilateral meeting regarding the list of authorized third countries, certification, and timeline of implementation of the measure, among other issues. Paraguay insisted that these answers were necessary to avoid trade frictions during the approaching implementation of the regulation.

3.76. The European Union provided an update on the legal act for the amendment of the model export certificates, which included a new attestation that was pending adoption by the European Commission before its publication in the Official Journal. Regarding the legal act for the listing of third countries authorized to export to the European Union, a list was being drafted on the basis of written guarantees provided by third countries as requested by the Commission since May 2023. The European Union assured Members that additional information meetings would be organized to address pending questions, and invited them to make use of bilateral channels. The European Union remained committed to collaborating at the international level and bilaterally to promote and support effective strategies against AMR.

### **3.2.10 India's Draft Food Safety and Standards (Import) Amendment Regulation (ID 553) - Concerns of the European Union**

3.77. The European Union reiterated its concern about the possible disruption to trade associated with delays in listing registered foreign food manufacturing facilities. The European Union sought clarification on the risk assessment performed to establish the requirements for the registration of facilities; how to maintain the list of facilities updated; and the modalities related to audits to the exporting countries, inspections of facilities, border checks and health certificates. The European Union further requested India to consider a longer transition period before restricting imports based on the registration of facilities; to avoid suspending facilities that had yet been unable to register; and to avoid duplication in the signing of certificates. The European Union invited India to notify the measure to both the SPS and TBT Committees.

3.78. Japan indicated that it had submitted lists of food manufacturing facilities, but India had not yet registered some of the facilities on the list. Japan requested India to specify the HS codes for the designated food categories subject to the Order; to clarify the details on how to apply for the registration of foreign food manufacturing facilities and the procedures following the submission of the answers to the food safety assessment questionnaire for the evaluation of regulatory food control systems over milk and milk products; to respond to Japan's questions; and to notify the Order under the SPS Agreement.

3.79. Canada reiterated its concerns regarding India's Food Safety Standards (Import) Amendment Regulation. Canada regretted the lack of clarity on the criteria used to determine the level of risk for imported food products and of the circumstances that would instigate an audit, which could create unnecessary trade barriers. Acknowledging the prompt registration of its food manufacturing facilities and the publication of a list of establishments, Canada regretted the pending questions regarding the requirements and invited India to respond to its comments submitted earlier in 2023 and to notify the amendments to the SPS Committee.

3.80. India explained that, since 1 February 2023, manufacturers willing to export food products covered by the Regulation had to register with the Food Safety and Standards Authority of India (FSSAI) before exporting to India. Exporting countries were required to provide the list of existing



manufacturers and of those who intended to export milk and milk products to India, based on which FSSAI would register the facilities on its ReFoM portal. Information on the ongoing registration of facilities was available on FSSAI's website. Regarding the 2017 Food Safety and Standards (Import) Regulation, India clarified that the inspection of foreign food manufacturing facilities was not mandatory for all facilities, and Members would be informed accordingly.

### **3.2.11 India's Order related to requirement of health certificate accompanied with imported food consignment of milk, pork, fish and related products (ID 554) - Concerns of the European Union**

3.81. The European Union thanked India for postponing until 1 January 2024 the entry into force of the certificate for the importation milk and milk products, and for putting on hold until further notice the two certificates for imports of pork, fish, and their products. The European Union asked India to remove the requirements that were not covered by Codex for imports of milk and milk products or provide a scientific justification for maintaining them. In addition, the European Union sought confirmation on the state of play and on the required certificates for pork and fishery products, and asked India to remove from all certificates the non-animal health and non-food safety elements and requirements. The European Union also requested India to clarify and notify to the SPS and TBT Committees the modalities relating to audits of exporting countries as well as future certificates well in advance. The European Union expressed its availability to cooperate towards an enhanced mutual understanding.

3.82. Australia also thanked India for providing clarification on the requirements of the certification order, for extending the deadline for dairy certificate negotiations until 31 December 2023, and for providing a formal response to Australia's proposed dairy health certificate. Australia encouraged India to minimize requirements that duplicated commercial information provided and to consider recognizing equivalent food safety outcomes in certification. Referring to its previous statements, Australia requested India to confirm that the existing health certification for milk and milk products, previously bilaterally agreed, would continue should negotiations extend beyond 31 December 2023.

3.83. Japan reiterated its concerns regarding India's Order related to requirements of health certificates accompanying imported food consignments of milk, pork, fish and related products. Japan appreciated India's decision to extend the implementation date, but nonetheless opined that India should set a sufficient transition period before the implementation of the Order to allow time for exporting Members to adapt to the new health certificate forms. Noting that the Order pursued the safety of imported food products, Japan invited India to notify it to the SPS Committee.

3.84. Acknowledging the interactions that had led to the approval of its certificates, New Zealand requested India to grant at least six months, but preferably a twelve-month implementation period for any future change to India's certification requirements. This would provide time for FSSAI to consider Members' submissions and for Members to make the necessary assessments and changes.

3.85. Canada welcomed India's recent decision to delay the implementation of the new certificate requirements until further notice, but reiterated its concerns with a number of new FSSAI requirements. Canada requested India to streamline certification requirements, to base its requirements on international standards, and to notify its certification requirements to the SPS Committee.

3.86. Appreciating the delay in the implementation of the certificate requirements, Norway reiterated its concern and requested that India continue to delay implementation of any new certificates and take Members' comments into account prior to finalizing this and other possible measures.

3.87. Switzerland thanked India for the bilateral discussions held and expressed its willingness to work with the Indian authorities to find a solution for an amended Swiss health certificate, in particular for dairy products. Switzerland asked India to postpone the introduction of new health certification requirements until there was more clarity on the content, and suggested coordination of the competent authorities' procedures in order to avoid duplication and unnecessary obstacles.

3.88. India informed the Committee that FSSAI and the Department of Animal Husbandry and Dairying (DAHD) had agreed on an integrated veterinary health certificate (VHC) for milk and milk

products, covering both food safety and sanitary-related provisions, that FSSAI and DAHD required to facilitate trade. The transition time for implementing the integrated VHC had been extended till 31 December 2023, and imported consignments for which the bill of lading or the date of issuance of VHC was later than 31 December 2023 would only be considered for post-import clearance. FSSAI had examined the proposed integrated VHC received from various countries and had communicated the deficiencies observed.

### **3.2.12 China's actions related to COVID-19 that affect trade in food and agricultural products (ID 487) - Concerns of Australia**

3.89. Noting that China had rescinded the requirements to test imported product and its packaging for COVID-19 genetic material, Australia sought clarification from China on the removal of the outstanding COVID-19 suspensions in place. Australia expressed concern on the significant duration of these suspensions, which it considered inappropriate. Australia requested similar consideration as granted to other trading partners and requested the lifting of the COVID-19 related suspensions so that trade could recommence.

3.90. China clarified that since 8 January 2023, the General Administration of Customs of China (GACC) had already cancelled the prevention measures related to COVID-19 on cold-chain food and agricultural products at the border. Noting its strengthened cooperation with overseas authorities, China also reported that it had nearly resumed all imports of products from the suspended foreign companies. Chinese experts had evaluated the rectification information received from Australia, and exports from compliant companies would be restored in a timely manner.

### **3.2.13 China's administrative measures for registration of overseas manufacturers of imported food (26 November 2019) (ID 485) - Concerns of Australia**

3.91. Australia acknowledged the adjustments made to address the difficulties experienced on the implementation of the China Imported Enterprise Registration (CIFER) system. Australia appreciated the cooperation of GACC officials to mitigate the risk of trade disruption throughout the process of establishment registration. Australia reiterated its concerns about timeframes, lack of advice from the GACC, and delays in registration of new and existing food businesses. Australia encouraged China to provide reasonable timeframes for assessing, re-evaluating and adjusting applications in the CIFER system and to notify competent authorities of updates to the system. Australia further encouraged China to provide clear and timely advice on evidence required to support applications and on any changes to HS codes, and to provide appropriate guidance on meeting the registration. Australia appreciated the increased bilateral interaction and looked forward to continuing recent constructive dialogue to resolve these issues.

3.92. Chinese Taipei noted that the uncertainties and lack of transparency of China's measures remained an issue. Chinese Taipei asked China to regularly update and publish relevant guidance for registration of facilities and to disclose the timelines for the review and approval procedures, the individual stages of the application process and the reasons for rejections by the GACC to address the lack of sufficient information. Chinese Taipei urged China to comply with its obligations under the SPS Agreement and to ensure the efficiency and transparency of its review and approval procedures.

3.93. The European Union reiterated its concern regarding implementation of China's Decree 248 which it considered to be burdensome and time consuming. The European Union requested China to guarantee the continuity of trade while the Decree was being implemented, not to implement new requirements without providing advance notice, and to regularly publish updated guidance on the implementation of Decree 248.

3.94. China recalled that the revision of Decree 248 had entered into force on 1 January 2022, after accepting reasonable comments and providing transitional periods in line with SPS and TBT requirements. China stated that the registration of more than 80,000 overseas manufactures from 165 economies and the increase in food imports in 2022 were proofs of the effectiveness of the import registration in ensuring safety and promoting food trade. China indicated that it had regularly issued guidelines and information regarding the registrations and had held regulatory briefings and training sessions with Members, including on the margins of the June 2023 TBT Committee meeting.



China welcomed further questions from Members and expressed its willingness to provide technical support.

### **3.2.14 China's delay in approving requests for new listing and reinstatement of export establishments (ID 516) - Concerns of Australia, Canada, Japan and the United States**

3.95. Recalling that under the SPS Agreement, SPS control, inspection and approval activities should be timely and no less favourable than those undertaken for domestic circumstances, Australia requested China to provide timeframes and pathways for the removal of restrictions and suspensions of Australian establishments and products, and assess and approve establishments and other lists as well as eligible product lists for non-viable seafood in timely manner. Australia welcomed bilateral engagement with China to resolve these issues.

3.96. Referring to its interventions at previous Committee meetings, Canada stated that it continued to experience undue delays in China's approval procedures for market access requests and establishments seeking to export to China and for the reinstating of suspended Canadian establishments. While appreciating China's efforts to facilitate the registration and renewal process in the CIFER system, Canada reiterated its request for greater consistency and a reduced administrative burden to avoid delays. Canada underscored that the approval of Canadian food products and establishments would contribute to China's food security objectives.

3.97. Whereas Japan appreciated China's flexibility to address the difficulties faced by manufacturers in the renewal of registrations, Japan remained concerned that the procedures were not based on scientific principles and lacked predictability and transparency. Japan requested China to improve the operation of the CIFER system and to ensure that the procedures related to Decree 248 were undertaken without undue delay and in a transparent manner. Japan asked China to establish a standard processing period for applications made through the CIFER system and make that processing period known to Members and foreign manufacturers, to provide sufficient explanations in case of rejections, to promptly notify any changes in the operation of the regulations or in the CIFER system, to correct any defects in the CIFER system as soon as possible, to proceed in a timely manner with review of additional information submitted by registered manufacturers, and to respond to unanswered questions within a reasonable time. Japan expressed its desire to communicate closely with China to address concerns in a cooperative manner.

3.98. The United States requested China to publish the list of dairy and seafood establishments provided by the US Food and Drug Administration (FDA). The United States expressed its disappointment that GACC had not relisted meat facilities nor had outlined a process for relisting suspended facilities in general. In addition, the United States was concerned that GACC was testing for animal diseases in products that were deemed "safe to trade" by WOA and suspending establishments on the basis of such animal diseases. The United States requested China to accept the provided corrective actions and preventive measures taken by all affected establishments, to relist the suspended establishments, and to outline a process for relisting suspended facilities in the future. The United States provided its statement in document [G/SPS/GEN/2181](#).

3.99. Thanking China for lifting a number of suspensions of UK export establishments, the United Kingdom expressed its concern that two pork establishments remained suspended. The United Kingdom requested China to prioritize the review of this matter and to provide a timeline for resolution, and expressed its willingness to cooperate bilaterally on this issue.

3.100. Reiterating the importance of the Chinese market for its seafood industry, Norway regretted that the new process to register establishments was cumbersome. Acknowledging the recent approval of several establishments, Norway requested China to process the remaining 45 applications to avoid hampering trade. Norway thanked China's GACC for their cooperation and assistance.

3.101. China noted that the new listing and reinstatement of export establishments from Members were proceeding normally, and provided detailed information on the status of applications from Australia, Canada and the United States.

### **3.2.15 Russian Federation - Procedures for authorizing units eligible for export of fish and fish products to Eurasian Customs Union (ID 508) - Concerns of India**

3.102. India was of the view that the non-listing of processing establishments by the Federal Services of Veterinary and Phytosanitary Surveillance (FSVPS) were a trade barrier to export fish and fish products to the Russian Federation. Despite the Memorandum of Understanding signed in 2009, FSVPS insisted on inspecting the establishments included in India's list of approved fish and fishery products processing establishments intended to export to the Customs Union. India informed the Committee that 51 new fishery establishments were still pending for listing by the FSVPS, and 12 fishery establishments had been delisted earlier in 2023. India stated that this situation violated Articles 2.3 and 5 of the SPS Agreement and urged the Russian Federation to share the risk assessment in support of the inspections.

3.103. The Russian Federation confirmed that authorizations of exports of fish and fish products were subject to inspections of the foreign enterprises, in accordance with Eurasian Economic Commission Council Decision No 94. In letters sent to India in May 2023, the Russian Federation had explained to India that the issue of attestation of Indian fish processing plants and aquaculture feed plants could be considered after mutual inspections, and requested India to share a list of enterprises that could be included in the inspection program. In a recent bilateral meeting, both Members had agreed that India would provide answers to the pre-inspection questionnaire on fish and seafood sent in 2021. The Russian Federation expressed its readiness to include new Indian enterprises in the register of enterprises of third countries after the implementation of existing requirements and agreements.

### **3.2.16 India's undue delay in importing twelve species of fresh mushrooms (ID 566) - Concerns of Korea**

3.104. Korea shared its concern that seven years had passed since the agreement reached on the import requirements for 12 fresh mushrooms, yet India had not allowed imports of these products. Korea regretted the lack of explanations regarding the delay in import approval, and noted that India had proposed to re-initiate a PRA for three types of Korean mushrooms, instead of publishing a notice of the import approval for 12 types of Korean mushrooms for which the risk assessment was completed. Korea urged India to allow the importation of the 12 fresh mushrooms without undue delay in accordance with Article 8 and Annex C to the SPS Agreement.

3.105. India considered that Korea's concern was a market access issue, not an SPS issue, and that the SPS Committee was not the right forum to raise this matter. India expressed its commitment to further dialogue and cooperation through bilateral channels.

### **3.2.17 India's approval procedures to import plants, animals and their products (ID 565) - Concerns of the European Union**

3.106. The European Union regretted that India's approval procedures were unclear and slow and that the processing periods had not been communicated. The European Union noted that India had not provided details on the missing information to complete the assessment procedure for the approval of new exports and had not indicated the specific non-conformities for existing exports, which prevented the implementation of corrective actions. Despite some recent progress, the European Union regretted that there were a number of pending market applications, some for many years. The European Union urged India to comply with its WTO SPS obligations by ensuring transparency of its import legislation and approval procedures, and provide the requested clarifications to allow the finalization of the pending applications without undue delay. The European Union looked forward to discussions with India on this issue.

3.107. Referring to its intervention in the previous meeting, India considered that the EU concern was a market access issue, not an SPS issue, and that the SPS Committee was not the right forum to raise this matter. Expressing its commitment to further dialogue and cooperation through bilateral channels, India informed the Committee of a successful technical meeting on plant health held in September 2023 to discuss SPS and market access issues. In the meeting, all pending phytosanitary issues had been discussed and India was awaiting the EU response to the information provided on the status of the plant health status issues.

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**3.2.18 Indonesia's approval procedures for animal and plant products (ID 441) - Concerns of the Russian Federation and the European Union**

3.108. The Russian Federation reiterated its concerns regarding the lack of progress in Indonesia's approval of export certificates for several products. The Russian Federation expected to receive a response regarding questionnaires on poultry and beef establishments and regretted that Indonesia had not provided an answer regarding a proposal for veterinary inspections. Expressing its readiness for bilateral cooperation, the Russian Federation urged Indonesia to comply with Article 8 and Annex C of the SPS Agreement and to complete its approval procedures without undue delay.

3.109. The European Union shared the concerns regarding the undue delays of Indonesia's approval procedures for imports of plant products and animal products. The European Union acknowledged the bilateral exchanges and noted some progress on certain EU member State applications at the level of establishments, but regretted that many applications had remained pending for years, lacking the final approval of export applications. The European Union explained that its system of pre-listing, that was applied in the region, could be tailor-made to ease the burden and facilitate the approval of facilities. The European Union urged Indonesia to comply with its SPS obligations, by ensuring transparency of its procedures and finalizing the long-standing EU market access applications without undue delay, and looked forward to continue the technical exchanges.

3.110. Indonesia updated the Committee on the progress of approval procedures for animal and plant products from several EU member States, which was communicated through EU member States competent authorities and embassies. Indonesia had received three applications for market access of beef and poultry from the Russian Federation, which would be reviewed in 2024. Indonesia invited the Russian Federation to resubmit the application for processed meat, dairy products, and egg products for initial assessment. Despite its limited resources, Indonesia had tried to accelerate each step of the approval procedure assessment of the numerous market access applications from EU and Russian establishments. Indonesia considered that its measures were implemented in accordance with Articles 5, 7 and 8 and Annex B of the SPS Agreement, and remained committed to further bilateral dialogue to resolve the issue.

**3.2.19 Panama's undue delays in the renewal of authorizations for plants of fishery and livestock enterprises (ID 509) - Concerns of Peru**

3.111. Peru reiterated its concerns that Panama's undue delays and requests for additional information violated Article 8 of and Annex C of the SPS Agreement, and regretted the lack of information regarding the anticipated processing period and timeline for the renewal of authorizations of Peruvian enterprises. Peru noted that Panama had not indicated the sanitary reasons for not renewing the authorizations or granting new authorizations to Peruvian enterprises. Peru asked Panama to renew the authorizations of Peruvian export plants and to avoid further delays. Peru provided its statement in document [G/SPS/GEN/2186](#).

3.112. Chile expressed concerns regarding a number of Chilean beef, pork and poultry meat establishments whose export authorizations to Panama had expired, with no possibilities to export from that date. Despite repeated requests and advance consultations, no solution had been found to avoid what Chile considered an unjustified interruption to trade. Chile provided details on the number of affected establishments and asked Panama to renew the authorizations of affected establishments and to re-establish as soon as possible the possibility to obtain new authorizations.

3.113. The European Union indicated that Panamanian authorities blocked requests from EU member States to obtain market access for agricultural and livestock products and to update the lists of plants authorized to export. Acknowledging some progress on the pre-listing of EU member States establishments, the European Union noted that agreement had been reached to avoid delisting EU establishments that had been historically trading with Panama, and invited Panama to list the establishments of the remaining EU member States. The European Union also called on Panama to establish transparent, predictable, and swift procedures for the approval of products and the listing or re-listing of establishments in line with agreed international standards.

3.114. Costa Rica considered that Panama's regulatory practices for authorizing establishments seemed to be aimed at restricting trade and affected a wide range of Costa Rican agricultural products. Costa Rica noted that this was a long-standing practice for which Panama had not provided

justification under the SPS Agreement. Costa Rica called on Panama to address these concerns which warned of an improper application of SPS measures and non-compliance with the SPS Agreement.

3.115. Panama indicated that it was looking for dates to schedule a meeting of the Peru-Panama Free Trade Agreement Administrative Commission and to meet bilaterally with the European Union in December 2023. Panama reiterated its respect for commitments under the SPS Agreement and would continue to work with trading partners in search of mutually satisfactory solutions.

### **3.2.20 Korea's lack of progress on pending applications for authorization of beef imports (ID 490) - Concerns of the European Union**

3.116. The European Union reiterated its concerns regarding delays in market access for bovine products. While welcoming the reopening of Korea's markets for two EU member States in 2019, the European Union emphasized that harmonized food safety and animal health control conditions prevailed in all EU member States and that the time needed for the remaining approval procedures should be reduced. Recalling that several EU member States had market access applications pending, some of which for more than 15 years, the European Union viewed Korea's assessment procedure as overly lengthy and burdensome, and hoped that Korea would solve this issue. The European Union expressed its willingness to work constructively with Korea on this matter.

3.117. Korea indicated that it allowed imports without discrimination based on risk and sanitary assessments in line with the SPS Agreement, WOH and Codex standards. Korea recalled that beef imports from the Netherlands and Denmark had been approved and the procedure to recognize regionalization for African swine fever (ASF) and avian influenza in the European Union had been finalized in September 2022. In accordance with Korean domestic law, deliberation by the national assembly was inevitable for first-time beef imports originating from countries with bovine spongiform encephalopathy. Korea was ready to enhance bilateral cooperation to achieve progress in the approval process for EU beef.

### **3.2.21 Bolivia's import restrictions on agricultural and fisheries products (ID 530) - Concerns of Peru**

3.118. Peru stated that Bolivia's measures blocked market access for Peruvian exports of whole trout. Despite the approval of the health certificate in 2017, Bolivia had not yet complied with the corresponding commitments to allow imports. Peru also indicated that Bolivia had not notified its national legislation. Peru asked Bolivia to lift its restrictions. Peru provided its statement in document [G/SPS/GEN/2185](#).

3.119. Bolivia indicated that its sanitary legislation establishing import requirements for fish was in line with Codex and with the legislation of the Andean Community. Chilling or quick freezing of fish was essential to control pathogens and biotoxins. According to the evaluation undertaken by the National Agricultural Health and Food Safety Service, trout under Peru's export conditions was considered of high risk, according to the classification established by the FAO. Bolivia reiterated that it was not imposing arbitrary restrictions on any WTO Members and expressed its willingness to engage in bilateral dialogue.

### **3.2.22 EU delays in authorizing imports of Samgyetang (Korean ginseng chicken soup) (ID 526) - Concerns of Korea**

3.120. Korea reiterated concerns with the import authorization procedure of Korean chicken soup Samgyetang to the European Union, which had been stalled for 27 years. Korea asked the European Union to provide information on the remaining steps and to swiftly proceed with the remaining import approval procedures. Korea would enhance cooperation with the European Union to achieve progress in the EU approval process for Samgyetang.

3.121. The European Union indicated that it would inform Korea as soon as the procedure for granting market access for Samgyetang soup was finalized.

### **3.2.23 EU increased sampling frequency for inspection of farmed shrimps and newly listed fishery establishments not permitted to export aquaculture products (ID 552) - Concerns of India**

3.122. India reiterated its concerns about the increased level of sampling and testing on farmed shrimps exported to the European Union, despite the reduction of antibiotic rejections and the fulfilment of the two recommendations raised following an EU mission to audit the control of residues and contaminants in live animals and animal products. India requested the European Union to provide equivalence in sampling with other supplying countries; to list all the 36 new aquaculture establishments and to re-list the eight delisted establishments for which applications had been submitted in TRACES; and to lower the sampling frequency of aquaculture consignments.

3.123. The European Union confirmed the publication of the final report of the last audit, along with India's action plan to address the four recommendations made in the draft report. India had provided the additional evidence requested by the Commission on the proposed actions. The review of the information had led to the closure of the first recommendation, on the scope of substances, for actions taken. The assessment of the information provided on the three remaining recommendations had been communicated to India. The situation regarding pre-listing of aquaculture establishments would be reviewed in due course. The European Union looked forward to continuing the discussion with India on this matter.

### **3.2.24 General import restrictions due to BSE (ID 193) - Concerns of the European Union**

3.124. The European Union reiterated its concerns that some Members continued to maintain import bans and delays in their approval procedures to lift BSE restrictions. In its view, the delays by some Members including Australia, China, Korea, Malaysia, Mexico, South Africa, Chinese Taipei and the United States, were at odds with Article 8 and Annex C of the SPS Agreement. The European Union noted that some Members had burdensome and lengthy procedures in place to assess market access applications without providing indicative timelines which, in practical terms, translated to the market remaining closed even when a ban due to BSE was lifted. The European Union urged all Members to comply with their obligations under the SPS Agreement, apply international standards, lift remaining BSE-related restrictions, engage with the European Union to finalize the assessment of pending market access requests, and conclude administrative steps to lift the ban without further delay. The European Union expressed its willingness to engage with trading partners on this issue.

3.125. Switzerland supported this concern and reminded Members that it had been recognized by WOA as having negligible BSE risk for more than a decade. Switzerland urged trading partners to lift remaining import restrictions due to BSE and allow imports of beef products from Switzerland. Switzerland referred to its statement in eAgenda.

3.126. The United States considered that the current concerns were related to its equivalence administrative process and not animal health. The United States noted differences among EU member States in the implementation of the overarching EU measures for food safety. To resume exporting bovine meat products for human consumption, each EU member State needed to obtain an equivalence determination by the US Department of Agriculture Food Safety and Inspection Service (FSIS). FSIS was working through its equivalence process, had engaged with several EU member States at a technical level, and remained available for additional technical engagements.

3.127. China responded that it was highly cautious about BSE and that the ban imposed on EU member States was in accordance with its regulations. Recently, 19 EU member States had reported BSE outbreaks. Among them, 14 countries had applied for China to lift the ban on BSE after the outbreak had been effectively controlled. China was stepping up the risk assessment of related documents provided by five other EU member States. China would inform the relevant countries of the results of the assessment in a timely manner.

### **3.2.25 China's suspension of beef imports due to bovine spongiform encephalopathy (BSE) restrictions (ID 561) - Concerns of Canada**

3.128. Referring to its interventions at previous Committee meetings, Canada raised concerns regarding China's suspension of Canadian beef imports based on a single case of atypical BSE,



which Canada stated did not affect its WOAHP negligible risk status. Canada informed the Committee that it had continuously tried to engage with and responded to all requests from China, but was still waiting for trade to be restored after two years. Canada indicated that no import prohibitions were introduced following the detection of atypical BSE in other Members supplying beef to China which, in Canada's view, was a violation of Article 2.3 of the SPS Agreement. Recalling the importance of basing SPS measures on international standards, Canada urged China to remove its trade prohibition and restore market access for Canadian beef without further delays.

3.129. The European Union echoed the concern, in particular regarding restrictions imposed after detections of atypical BSE, and urged China to lift the restrictions and follow international standards.

3.130. China confirmed that beef imports from Canada were temporarily suspended due to the BSE outbreak. Consultations on the control of atypical BSE and Canada's risk status were ongoing, and China expressed its willingness to resume trade after the completion of the procedure and the determination that Canada's negligible risk status of BSE had not changed.

### **3.2.26 EU recognition of Mexico as a country with WOAHP negligible BSE risk (ID 543) - Concerns of Mexico**

3.131. Mexico regretted that the European Union had not accommodated its repeated request to recognize its negligible BSE risk status, granted by WOAHP in 2016. Mexico noted that other Members who had obtained the recognition from WOAHP subsequent to Mexico had already been included in EU Decision 2007/453/CE. Mexico detailed that the delay in this recognition affected the marketing of medical devices derived from bovine animals, affecting the public health and employment sectors. Referring to Articles 2 and 6 and to Annex C of the SPS Agreement, Mexico objected that there was no scientific justification for the EU delay, and requested to be included in EU Decision 2007/453/EC and to receive the scientific justification for the non-recognition of the status granted by WOAHP.

3.132. The European Union had taken note of Mexico's status and was considering the request. The European Union had provided an answer to Mexico's communications, and the issue was being discussed bilaterally in the framework of the EU-Mexico Economic Partnership, Political Coordination and Cooperation Agreement. The European Union looked forward to continuing the technical discussions and exchanging detailed information on the respective BSE import conditions.

### **3.2.27 South Africa's import restrictions on poultry due to highly pathogenic avian influenza (ID 431) - Concerns of the European Union**

3.133. The European Union regretted that South Africa maintained country-wide bans on poultry products from 14 EU member States following HPAI outbreaks. The European Union indicated that the restrictions remained in place even though WOAHP stamping out requirements were strictly applied, several EU member States had been free from HPAI for many months, and many tons of poultry meat and by-products crossed intra-EU borders every day with no records of HPAI outbreaks. Acknowledging the recognition by South Africa of the HPAI-free status of three EU member States, the European Union considered the measures to be at odds with Article 6 of the SPS Agreement.

3.134. The United Kingdom informed the Committee that the import restrictions maintained by South Africa since 2017 on the grounds of HPAI significantly restricted UK poultry meat access. Highlighting its strong HPAI-related control system, the United Kingdom indicated its willingness to reach an agreement on regionalization with South Africa, in accordance with WOAHP Terrestrial Code and the SPS Agreement, to resume exports of safe poultry meat.

3.135. South Africa noted it applied all of the WOAHP guidelines for safe trade of animals and animals. South Africa hoped that the ongoing workshop on regionalization would bring both parties to a mutual understanding on the application of zoning/regionalization for HPAI as defined in the WOAHP Terrestrial Code.

### **3.2.28 China's import restrictions due to highly pathogenic avian influenza (ID 406) - Concerns of the European Union**

3.136. The European Union informed the Committee that China continued to maintain country-wide bans on several EU member States on account of HPAI. The European Union had repeatedly

requested China to lift these import restrictions in accordance with WOAHP standards to allow trade from unaffected areas. The European Union welcomed the technical exchanges with China and looked forward to the next discussion, progress and resolution of this concern.

3.137. Acknowledging China's recent actions to lift restrictions from seven US States, the United States remained concerned that China had not lifted restrictions on US States that had been declared HPAI-free in accordance with WOAHP guidance and existing bilateral animal health agreements. The United States requested China to lift the remaining restrictions to allow resumption of exports of US poultry meat and expressed its willingness to continue bilateral discussions. The United States provided its statement in document [G/SPS/GEN/2184](#).

3.138. China responded that HPAI continued to occur in the European Union, with cross-species transmissions in mink farms. China had suspended imports of live poultry and related products from EU member States with HPAI outbreaks in accordance with relevant regulations and international rules. Acknowledging positive results on prevention and control in EU member States, China had begun its assessment to lift restrictions in some countries and launched technical exchanges with the European Union with regard to zoning. China expressed its willingness to negotiate with relevant EU member States on poultry meat exports to China once those who had effectively controlled the epidemic carried out the procedures for lifting the ban.

### **3.2.29 China's import restrictions on heat-treated pet food containing poultry ingredients due to highly pathogenic avian influenza (ID 562) - Concerns of Canada**

3.139. Referring to its interventions at previous Committee meetings, Canada reiterated concerns with China's arbitrary and discriminatory treatment of Canadian pet food exports, and questioned the scientific basis for China's prohibition on Canadian heat-treated pet food containing poultry ingredients. Canada further indicated that pet food products were processed and heat-treated at a temperature exceeding WOAHP recommendations, which inactivated HPAI pathogens, and that it strictly followed the import requirements bilaterally agreed in 2013. Referring to Articles 2.3 and 3 of the SPS Agreement, Canada urged China to respect WOAHP guidelines, to remove its HPAI-related prohibitions, and to allow exports to resume without further delays.

3.140. Referring to its relevant laws and regulations, China clarified that Canadian poultry-derived commercial processed canned pet food was not affected by HPAI and could be exported to China. However, China considered that dried pet food still had a risk of transmitting HPAI due to the simple processing. Noting ongoing bilateral consultations, China would conduct a risk assessment on the basis on the responses to the questionnaire provided by Canada. China stated that it would step up technical exchanges with Canada and resolve relevant issues through amending the protocol.

### **3.2.30 China's import restrictions due to African swine fever (ID 392) - Concerns of the European Union**

3.141. The European Union expressed concerns regarding China's ASF-related country-wide import bans on pork products, including from EU member States that had long eradicated the disease in livestock and wildlife. Since 2015, when the concern had first been raised, China had expanded the trade bans, despite China having the same sanitary status. The European Union called on China to respect the SPS Agreement and WOAHP standards and to allow trade from disease-free areas. Noting three recent technical exchanges on regionalization, the European Union looked forward to the next discussion and to concrete progress towards the recognition of EU regionalization measures.

3.142. China indicated that it prohibited exports of pig products from countries with ASF epidemics, in accordance with its domestic legislation and the SPS Agreement. China conducted assessments to lift country-wide ASF bans on countries that regained free status and was also exploring technical exchanges and cooperation related to zoning management in EU member States. China had initiated the assessment to lift the ASF ban for Belgium.

### **3.2.31 Peru's non-application of regionalization for African swine fever (ID 544) - Concerns of the European Union**

3.143. The European Union expressed concerns regarding Peru's country-wide import bans imposed on EU pork products from EU member States that reported outbreaks of ASF. Despite repeated

requests, most recently at the EU-Andean Community SPS subcommittee, the European Union regretted that Peru did not apply the principle of regionalization for pork meat nor accepted the WOAHSF-free self-declarations, as in the case of Belgium. The European Union urged Peru to respect its international obligations and to allow trade from disease-free areas, to review its procedures, and to engage in solution-oriented exchanges.

3.144. Noting its respect for the regionalization principle, Peru indicated it had addressed EU requests for information and reiterated its willingness to continue consultations. Peru further elaborated that regionalization was not automatically granted and that the procedures were initiated upon request from the interested party. On that basis, a procedure was ongoing for an EU member State and the relevant information had been duly communicated.

### **3.2.32 Mexico's import restrictions due to African swine fever (ID 563) - Concerns of the European Union**

3.145. The European Union reiterated its concerns regarding country-wide import suspensions imposed by Mexico on pork products from EU member States that had reported ASF outbreaks. The European Union regretted the lack of progress despite repeated requests, most recently at an EU-Mexico SPS subcommittee meeting in October 2022, for Mexico to respect its obligations, to apply regionalization to pork meat imported from the European Union, and to allow trade from disease-free areas. The European Union requested bilateral technical discussions to solve these concerns.

3.146. Mexico indicated that it was considering the EU request for regionalization for the territories of Germany, Italy, and Poland and it was aware of the EU official ASF status. Noting that responses had been provided to EU communications, Mexico recalled that the issue was being discussed in the framework of the bilateral Economic Partnership, Political Coordination and Co-operation Agreement. Mexico's National Health, Food Safety and Agri-food Quality Service and the European Commission DG TRADE had emphasized the mutual interest in resolving pending issues and strengthening communication, and Mexico expressed its willingness to continue bilateral dialogues.

### **3.2.33 Canada's restrictions on Brazilian pork from internationally recognized FMD free zones without vaccination (ID 568) - Concerns of Brazil**

3.147. Brazil expressed its concern that Canada did not recognize new areas free from foot and mouth disease (FMD) without vaccination, which had been recognized by WOAHSF in May 2021. Canada had recognized Santa Catarina as FMD free without vaccination for pork based on its procedure to recognize FMD free zones. In Brazil's view, the lack of recognition of its updated status for new zones was contrary to Articles 3, 5, and 6 of the SPS Agreement. Acknowledging ongoing bilateral efforts, Brazil asked Canada to review its decision of carrying out a new evaluation only when the entire Brazilian territory would be free of FMD without vaccination, and express its willingness for further bilateral discussions.

3.148. Canada noted that, in order to grant access to Brazilian pork from states considered free from FMD disease without vaccination, it needed to perform a comprehensive status evaluation including other animal diseases that affect swine. Canada further specified that the multi-disease assessment initiated by the Canadian Food and Inspection Agency (CFIA) in 2018 did not include areas other than Santa Catarina. Canada confirmed that the CFIA would evaluate Brazil's FMD status after recognition by WOAHSF of the whole country as free from FMD without vaccination and the completion of the scientific risk assessment and an on-site evaluation required to conduct a disease status evaluation. Canada reiterated its commitment to continue technical engagement to discuss Brazil's request for expanded market access for pork.

### **3.2.34 Chinese Taipei's import restrictions on poultry and beef (ID 521) - Concerns of Brazil**

3.149. Acknowledging the ongoing bilateral dialogue, Brazil reiterated its concern regarding the import restrictions on poultry and beef imposed by Chinese Taipei which, in its view, were in violation of Articles 5 and 8 and Annex C of the SPS Agreement. Brazil would submit any pending requested questionnaires. Brazil referred to the Working Group on Approval Procedures, where the lack of predictability on the length of approval procedures and the benefits of anticipated procedures had



been discussed. Specifically, Brazil asked Chinese Taipei to provide an expected timeframe both for review of the latest documentation submitted and the subsequent on-site audit, as a last step to complete the approval procedure to export poultry and beef.

3.150. Chinese Taipei reminded the Committee that Brazil had not been recognized as being free from HPAI and Newcastle disease (ND). If Brazil had the intention to resume the application for HPAI-free and ND-free approval, Chinese Taipei requested Brazil to conduct active surveillance and relevant measures in accordance with WOAHP guidelines. Chinese Taipei requested Brazil to provide the requested necessary supplementary information on the food safety, animal health and BSE questionnaires. Following the completion of the review, an on-site audit would be set up. Finally, Chinese Taipei reiterated that its measures were transparent, based on scientific principles, and implemented without undue delay. Chinese Taipei expressed its willingness to continue bilateral consultations with Brazil.

### **3.2.35 The Philippines' trade restrictions on imports of meat (ID 466) - Concerns of the European Union and the Russian Federation**

3.151. The European Union reiterated concerns that the Philippines maintained country-wide bans on imports of meat and meat products from EU member States on grounds of ASF and HPAI. The European Union indicated that several EU member States remained subject to country-wide import bans on pork meat or poultry meat, and considered that these measures were inconsistent with Articles 2.2 and 6 of the SPS Agreement. The European Union had provided the necessary evidence demonstrating the effectiveness of disease control measures and hoped that the invitation to officials from the Philippines within a technical assistance programme would facilitate understanding of the EU control system.

3.152. The Russian Federation expressed concerns regarding the Philippines' restrictions on imports of Russian beef and pork and the lack of progress in recognition of Russia's status on certain animal diseases. Noting that exports to the Philippines required WOAHP recognition of disease free-status for FMD, ASF, HPAI, and lumpy skin disease, as well as negligible risk status for BSE, the Russian Federation informed that it had provided the Philippines with information on its domestic epizootic situation, as well as on relevant control measures. The Russian Federation recalled its WOAHP status as a country with FMD-free zones where vaccination was not practiced and BSE-freedom. While waiting for a response to the invitation for a visit to become familiar with the national SPS control system and to Russian enterprises, the Russian Federation urged the Philippines to comply with Articles 6 and 8 as well as Annex C to the SPS Agreement, to recognize regionalization, and to accelerate the market access process.

3.153. The Philippines indicated that it was still finalizing its replies, which would be made available through eAgenda in due course.

### **3.2.36 EU Commission Decision 2002/994/EC on animal products (ID 442) - Concerns of China**

3.154. China explained that it strictly implemented residue monitoring plans on animal-derived products to meet the EU requirements, and that the implementation results and positive tracking materials were submitted to the European Union as requested. In view of the diversification of the export trade mode, China requested the European Union to reassess the requirements established in Commission Decision 2002/994/EC on the basis of the current situation, and to cancel the requirement for each batch of animal-derived products for human consumption to be chemically tested in China and accompanied by an additional certificate before shipment.

3.155. Aware of the request to streamline import requirements for products covered by Decision 2002/994/EC, the European Union underlined that exports of the commodities concerned were allowed with additional guarantees to ensure safety. The group of affected products had been reduced since its adoption in 2002 in response to China's progress in residue controls. The European Union asked China to address the recommendations of the recent audits on residues of veterinary drugs undertaken by the European Union. Noting that progress was being made, the European Union looked forward to continuing the bilateral cooperation.

### 3.2.37 EU import restrictions on ostrich meat (ID 558) - Concerns of South Africa

3.156. Despite the bilateral agreement in place that allowed for the exports of fresh ostrich meat from closed ratite holdings, South Africa expressed concerns over the implementation of Commission Delegated Regulation (EU) 2020/692, which *de facto* banned the importation of terrestrial animals and animal products from third countries' compartments. While Regulation (EU) 2016/429 (Animal Health Law) and Commission Delegated Regulations (EU) 2020/689 and 2020/687 recognized the disease-free status of terrestrial animal compartments for trade within and between EU member States, Regulation (EU) 2020/692 did not grant this possibility to third countries, violating the SPS Agreement and the WOH Terrestrial Code. South Africa regretted the lack of information by the European Union on its intention to terminate the bilateral agreements as well as the considerable expenditure incurred by establishments.

3.157. Indicating that it recognized and applied the principle of regionalization, the European Union invited South Africa to consider the animal health requirements foreseen in Commission Delegated Regulation (EU) 2020/692. A one-week training under the BSTF programme was currently ongoing to better inform South African competent authorities on the procedures to apply for regionalization recognition. The European Union looked forward to continuing bilateral discussions based on the results of the training. The European Union referred to its full statement uploaded in eAgenda.

### 3.2.38 Qatar's new import rules for dairy products (ID 529) - Concerns of the European Union

3.158. Acknowledging the constructive engagement, the European Union remained concerned about the import restrictions imposed by Qatar. One of the main concerns was the short shelf-life imposed for several dairy products, which the European Union stated was not based on science nor on international standards, and not in line with the SPS Agreement. The European Union argued that, in practice, this made it impossible for EU exporters to continue to ship some dairy products to Qatar and favoured Qatari producers. The European Union reiterated its request that Qatar withdraw its trade restrictions, adopt a permanent solution in line with WTO rules, and notify at a draft stage to the Committee.

3.159. The Chairperson invited the European Union to reach out to Qatar to share its concerns.

### 3.2.39 EU notifications of matrine and oxymatrine in honey (ID 546) - Concerns of China

3.160. Appreciating the ongoing technical consultation, China maintained its concerns about the resumption of normal trade of robinia honey. China had shared with the European Union the report of a foodborne safety risk assessment of matrine and oxymatrine in robinia honey, which confirmed that the matrine and oxymatrine in Chinese honey were derived from the nectar of *Sephora vicifolia*. Hence, a plant flowering at the same time as acacia, and not by artificial addition or contamination. China further indicated that there was no evidence that matrine and oxymatrine in honey might cause food safety risks, and regretted that the European Union had not provided the scientific evidence for the established limits. China expressed its willingness to hold technical discussions on the scope of the application and on the limit value. Additionally, China recommended the establishment of a bilateral consistency evaluation mechanism for the test methods of matrine and oxymatrine in honey, and the resolution of the issues associated to long detention periods and significant increases in trade costs caused by high sampling rates and long inspection times at the port of entry for the exported honey.

3.161. The European Union summarized the main elements of the discussions held with Chinese competent authorities: matrine and oxymatrine, used as pesticides in China, were not approved in the European Union; EFSA had never assessed the substances and, as such, there was no health-based guidance value derived for them; in the absence of other relevant data, the default MRL of 0.01 mg/kg applied for both active substances; and Regulation (EC) 396/2005 applied regardless of the origin of the occurrence of residues. The European Union clarified that China could request an import tolerance for matrine and oxymatrine in honey, which would be granted subject to a favourable assessment by EFSA. The European Union was open to continue bilateral discussions.

### **3.2.40 Thailand's sanitary requirements on wet blue leather imports (ID 539) - Concerns of Brazil**

3.162. Brazil stated that wet blue leather was not like raw, dried, or salted leather since the transformation of collagen into rot-proof fibres prevented the development and survival of etiologic agents of diseases affecting animals or humans. As such, a sanitary certificate was not required. Noting that Thailand's Animal Epidemics Act B.E. 2558 (2015) should not comprise wet blue leather, Brazil requested Thailand to evoke the international reference to this product, namely Article 8.8.27 of the WOAHP Terrestrial Code. Noting that Thailand did not consider the requirement as a restriction to trade, Brazil explained that the certificate complicated the export process and constituted an unnecessary barrier. Brazil requested that Thailand remove the sanitary requirement imposed on wet blue leather to comply with the SPS Agreement and follow international guidelines. Brazil also sought specific clarifications for Thailand's requirement including the related sanitary problems and scientific basis.

3.163. Thailand explained that the Animal Epidemics Act B.E. 2558 (2015) required wet blue leather imports to be accompanied by a health certificate for the safeguard of animal and human health, as mutually agreed in 2018. Thailand expressed its availability to conduct bilateral technical consultations between competent authorities.

### **3.2.41 Korea's requirement of a health certificate with a declaration of aquatic disease status (ID 557) - Concerns of India**

3.164. India reiterated its concern regarding Korea's requirement for a health certificate and disease status declaration for aquatic animal exports for some pathogens prevailing in both countries and pathogens not reported in India, and urged Korea to consider relaxing the testing requirements. India informed the Committee of the initiation of phase II of its National Surveillance Programme on Aquatic Animal Diseases and of its periodical submission of the Quarterly Aquatic Animal Disease Report to WOAHP. India requested Korea to consider the disease-free proof for the issuance of health certificates for some diseases covered under India's active disease surveillance programme, based on national disease surveillance controls; and to furnish the Quarterly Aquatic Animal Disease Report to the WOAHP Regional Representation (RR) Asia-Pacific. India also urged Korea to limit the certification requirements to those considered necessary.

3.165. Korea implemented import quarantine and domestic control measures for diseases designated by WOAHP to all countries. In previous Committee meetings, Korea had suggested that India issue disease-free certifications in accordance with WOAHP regulations, and had indicated that WOAHP was a more appropriate forum for these discussions. Korea requested India to provide a list of aquaculture facilities under target surveillance for exports, records of inspections conducted, and relevant legal regulations for its review, as a step prior to the recognition of disease-free certificates based on national surveillance programmes. Korea had submitted the Aquatic Animal Disease Report to the WOAHP since 2005, but would also consider the submission of the non-mandatory report to the WOAHP Regional Representation for Asia-Pacific.

### **3.2.42 India's requirement for certificate for non-GM origin and GM-free status (ID 501) - Concerns of the United States**

3.166. Acknowledging the right to regulate products for food safety, the United States reiterated its concern that India had not provided the scientific justification for requiring a GM-free certificate for the 24 agricultural products covered by the Order. The United States requested India to revoke its measure, and to engage in further dialogue to find less restrictive alternatives that facilitate trade of safe food and feed. The United States provided its statement in document [G/SPS/GEN/2182](#).

3.167. Japan reiterated the concern that India's measure was not based on scientific principles nor a proper risk assessment, was more trade restrictive than necessary, and could have a negative impact on agricultural trade. Under Japan's domestic laws, GM agricultural products for human consumption were subject to safety evaluations, and agricultural products not approved by the evaluation process could not be imported nor distributed domestically. Noting India's objectives could be addressed in a less trade-restrictive manner if certain items were already under appropriate control in the country of origin, Japan requested the withdrawal of the requirement for a non-GM origin and GM-free certificate.

3.168. Referring to its interventions at previous Committee meetings, Paraguay asked India to provide answers to its questions, namely with regard to the link with notification [G/SPS/N/IND/290](#) on the 2022 Draft Food Safety and Standards (Genetically Modified Foods) Regulations.

3.169. Reiterating concerns from previous SPS, TBT, and CTG meetings, Canada noted that it was still awaiting a response on comments submitted through India's TBT enquiry point, and sought clarification on how India's non-GM certification requirement would contribute to its intended objective. Foods derived from GM sources had a long history of safety and nutrition as compared to non-GM foods and underwent rigorous risk assessment processes worldwide. Canada would welcome the opportunity to share its experience regulating GM food safety while encouraging food innovation. Canada called on India to share the scientific and technical information for its approach and to consider alternative, less trade-restrictive approaches. Canada referred to its full statement uploaded in eAgenda.

3.170. Uruguay considered that there was no technical justification for the certification requirement, and noted the international consensus that GM products approved on the basis of Codex risk assessment recommendations were considered to be equivalent to their conventional counterparts. Recognizing India's rights to adopt measures to ensure food safety and protect the health of its population, Uruguay insisted that SPS measures should be based on scientific principles and implemented in the least trade-restrictive manner. Uruguay was of the view that this measure should be notified to the SPS Committee and referred to questions raised in SPS, TBT and CTG meetings, available on eAgenda, on the link between this measure and the one notified in [G/SPS/N/IND/290](#).

3.171. Argentina highlighted that SPS measures should be based on scientific principles and a risk assessment, as well as on international standards. Argentina asked for the scientific evidence underpinning India's order notified as [G/TBT/N/IND/168](#) and for the criteria used to deviate from the principle of substantial equivalence.

3.172. The European Union highlighted the substantial costs associated with the issuance of the required certificates, especially given that EU legislation did not allow for genetic modification of fruits or vegetables. The European Union requested explanations as to why India considered it necessary to impose such a burden on trading partners with a high prevalence of non-GM food on their domestic market and a robust regulatory regime covering the use of GMOs. The European Union asked India to waive its requirement for food items or to consider a less burdensome approach to meet the stated objectives.

3.173. Referring to its intervention at the previous meeting, India responded that the import of GM foods was not allowed in its territory. As such, the requirement that a non-GM certificate accompany imported food consignments was only an assurance provided by the exporting country that food crops which had not been approved by the Genetic Engineering Approval Committee (GEAC) were not imported to India. India further informed the Committee that GEAC had not yet approved any of the crop varieties of genetically modified/engineered origin listed on the Order. India noted that its full statement was available in eAgenda.

### **3.2.43 China's import suspension of fresh fruits (ID 532) - Concerns of Chinese Taipei**

3.174. Chinese Taipei expressed its concern regarding China's import suspension of pineapples, wax apples, citrus and mangoes, and requested China to resume imports in accordance with the SPS Agreement and international standards. Despite having implemented enhanced strengthened measures leading to significant improvements, Chinese Taipei had not received substantive responses from China regarding its requests for scientific and technical dialogues, detailed identification reports, the adopted ALOP nor the risk assessment reports. Chinese Taipei acknowledged that China had announced and resumed the importation of its sugar apples in June 2023. However, the list of approved orchards and packaging facilities in the announcement only covered a very small portion of its sugar apple production system. Chinese Taipei reiterated its request for China to provide information on the regulations and quarantine requirements for sugar apple orchards and packing facilities. Chinese Taipei looked forward to China complying with Articles 2, 3 and 5 of the SPS Agreement, providing the necessary scientific identification and risk assessment reports, and engaging in a bilateral scientific and technical dialogue to resolve this issue.

3.175. China had suspended imports of pineapples, wax apples and citrus from Chinese Taipei in response to the repeated interception of quarantine pests on fruits since 2020. The importation of sugar apples had been resumed in June 2023 and the registration of exporting enterprises that met the requirements had been approved after the comprehensive assessment of the rectification measures taken by the Chinese Taipei. Since August 2023, imports of mangoes had been suspended following the detection of quarantine pests which, in China's view, indicated that Chinese Taipei's source control measures were not in place. China requested Chinese Taipei to further improve its quarantine supervision system to ensure the safety and health of fruits exported to China.

3.176. In response, Chinese Taipei reiterated the great importance attached to this issue and its regret about the lack of substantive response to the requests for technical and scientific dialogue. Chinese Taipei insisted on the high quality of its products and urged China to resume imports.

#### **3.2.44 US import restrictions on apples and pears (ID 439) - Concerns of the European Union**

3.177. The European Union regretted that the United States still imposed import restrictions on EU apples and pears and that the publication of the final rule was blocked with no scientific justification, as all the technical work had been concluded long ago. The European Union indicated that, while the US market was open under a preclearance condition, this was very costly and trade was nearly inexistent. The European Union looked forward to continuing collaboration, and urged the United States to base its import conditions on science and publish its final rule.

3.178. The United States informed the Committee that the USDA was working through its administrative procedures on the request for expanded market access of eight EU member States under a systems approach. The United States reminded the European Union of the existing preclearance programme and remained interested in additional discussions that would meaningfully enhance bilateral trade.

#### **3.2.45 US non-recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle (ID 471) - Concerns of the European Union**

3.179. The European Union reiterated its concern regarding the US failure to recognize the EU pest-free status for Asian longhorn beetle and citrus longhorn beetle. Although it had satisfactorily finalized its risk assessment, the European Union indicated that the United States was delaying the remaining last administrative steps necessary to formalize the recognition of pest-free status. This undue delay also prevented further work on the recognition of pest-free areas of affected EU member States. Acknowledging the recent bilateral exchanges and the information provided on the ongoing administrative procedures, the European Union urged the United States to formally accept the pest-free areas and to publish its final notice in line with its commitments under the SPS Agreement.

3.180. The United States assured the European Union that it was working through its administrative procedures to process this request. The United States noted the technical engagement on the matter and looked forward to continued cooperation.

#### **3.2.46 Morocco's import ban on ornamental plants (ID 548) - Concerns of the European Union**

3.181. The European Union acknowledged the ongoing bilateral meeting regarding Morocco's requirements and implementation of measures to fight against the spread of *X. fastidiosa*. Despite having provided the information required, the EU member States where the disease was present had not received an official reply about the resumption of trade. In the view of the European Union, instead of the current full ban, the regionalization requirements set out for fruit plants could be extended to ornamental plants. Moreover, as long as fruit and ornamental plants originated from a disease-free area, they should be treated as safe and there should not be a reason to differentiate between them. The European Union expressed its willingness to continue technical exchanges.

3.182. Morocco had taken note of the EU position regarding the temporary ban on imports of ornamental plants from EU member States where *X. fastidiosa* was present. Morocco noted that it



was free from *X. fastidiosa*, which was considered a priority pest in the country; there was no effective or curative means of combating the bacteria; and the risk of introduction was higher through ornamental plants than through fruit plants. Unlike for ornamental plants, Morocco had the ability to manage the risks for fruit plants and, as such, these could be imported from EU infested member States applying the principle of regionalization. Highlighting that its measure was aligned with Articles 2.1 and 5.7 of the SPS Agreement and Article 7 of the IPPC Convention text, Morocco reiterated that the ban was necessary to preserve its status free from *X. fastidiosa*. Morocco remained available to continue discussions on this topic.

### **3.2.47 European Union - EU phytosanitary measures on citrus black spot (ID 356) - Concerns of South Africa**

3.183. South Africa was of the view that the EU measures were technically unjustified, since it disagreed with the statement that viable spores of citrus blackspot (CBS) could follow the pathway and value chain processes of imported fresh citrus fruit and transmit the disease to a citrus plant. Recognizing that spores or DNA traces of spores could be present on fruit, South Africa clarified that spores were very unlikely to remain viable after the normal processing undergone by the products. South Africa insisted that no viable spores had been detected in the 48 notifications of non-compliance received from the European Union, and that dead organisms posed no risk. South Africa regretted the high costs its producers had to cover in the ongoing trade with the European Union.

3.184. The European Union informed the Committee that CBS was considered a quarantine, priority pest of potential economic impact. Wanting to maintain its CBS-free status and concerned about the high number of non-compliances detected, the European Union urged South Africa to take concrete measures to comply with the EU requirements for CBS. Even after reviewing the comments received from a public consultation on its scientific opinion on CBS, EFSA maintained its conclusion that the pest could enter the European Union with citrus fruits and could be transferred to citrus trees from fruits. The European Union looked forward to continuing bilateral consultations on this matter.

### **3.2.48 US undue delays in opening its citrus market (ID 542) - Concerns of Brazil**

3.185. Brazil reiterated its concerns regarding the US undue delays in the opening of its citrus market. In 2019 Brazil had requested that the United States split the analysis for lime from other citrus genus, and the PRA and the results of the public consultations had been published in November 2022. Brazil requested an explanation for the lack of progress and a clear indication of the next steps and the timeframe for the conclusion of the process for the export of limes.

3.186. The United States confirmed that no significant scientific changes had been made to the PRA for the importation of Tahiti limes after the revision of the public comments received. The development and bilateral concurrence on risk mitigation measures was the next of the subsequent steps that APHIS needed to undertake prior to the development and publication of the initial and final notices in the Federal Register.

3.187. The Chairperson observed that the 55 STCs discussed at the current Committee meeting represented a historical record. Delegates had made more than 180 interventions, mostly in person; the use of eAgenda had been very successful, and the improvements made to the system could further streamline work. He invited the Committee to consider the possibility of rearranging the agenda, to discuss agenda items on the Operation and Implementation of the SPS Agreement, and on Cross-cutting Issues, before discussing the item on STCs.

## **3.3 Information on resolution of issues**

3.188. No Member took the floor under this agenda item.

3.189. The Secretariat provided an update on the annual report on the use of the procedure to encourage and facilitate the resolution of specific sanitary or phytosanitary issues among Members in accordance with Article 12.2 ([G/SPS/61](#)), contained in document [G/SPS/GEN/2154](#). The report contained information on a request submitted by Brazil for the good offices of the Chair to resolve a concern regarding exports of pork to Mexico. Following the publication of its import requirements,

Mexico had indicated that the consultations were no longer necessary. The underlying STC had been later report as resolved.

## **4 OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT**

### **4.1 Equivalence**

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

#### **4.1.1 Information from Members**

### **4.2 Pest- and disease-free areas (regionalization)**

#### **4.2.1 Information from Members**

##### **4.2.1.1 Brazil - Report on HPAI status according to WOAHP standards**

4.2. Brazil underscored the importance of adapting measures to sanitary conditions, in accordance with the criteria developed by the international organizations, to improve human, animal and plant health in their territories while avoiding unnecessary barriers to trade and the risk of food shortages. This was particularly relevant in the current HPAI outbreak. Recalling that the disease was transmitted by migratory wild birds, Brazil explained that outbreaks had occurred far from production areas of poultry for exports and that there had been no occurrences in commercial poultry. Underscoring that its HPAI status in WOAHP had not changed, Brazil invited Members to consider the principle of regionalization in Article 6 and [G/SPS/48](#) to ensure animal and human health in their territory and to avoid unnecessary obstacles to trade.

### **4.3 Operation of transparency provisions**

#### **4.3.1 Information from Members**

4.3. No Member took the floor under this agenda item.

4.4. The Secretariat drew Members attention to document [G/SPS/GEN/2163](#), explaining the different levels of access available to users of the ePing SPS&TBT Platform. The Secretariat also reminded Members that nine video tutorials explaining various functions of the ePing SPS&TBT Platform had been uploaded under the "More info" tab.

### **4.4 Control, inspection and approval procedures**

#### **4.4.1 Information from Members**

##### **4.4.1.1 Brazil - Actions to protect poultry production from HPAI**

4.5. Noting the global challenges to tackle outbreaks of HPAI, Brazil informed Members of its contingency plan providing for the diagnosis of any suspected case. When an outbreak was confirmed, Brazil strictly followed the protocol established by WOAHP. The HPAI surveillance plan, targeting industrial and backyard poultry as well as wild birds, also included Newcastle disease, and the rapid detection of cases of the diseases allowed for emergency response, control and eradication of the outbreak. Following WOAHP guidelines and recommendations, Brazil had also developed a model to minimize the risk of introduction and spread of the diseases. Brazil expressed its willingness to share information with trading partners to build confidence in its system and collaborate to jointly address the diseases.

4.6. Encouraging Members to make use of this agenda item, the Chairperson reminded Members of the discussions under the Fifth Review that had led to the addition of this item to the agenda, and of the work undertaken by the Working Group on Approval Procedures. The Committee agreed to request the Trade Facilitation (TF) team to make a presentation on the synergies between the TF and the SPS Agreements in the March 2024 Committee meeting.

## 4.5 Special and differential treatment (S&D)

### 4.5.1 Information from Members

4.7. No Member took the floor under this agenda item.

### 4.5.2 Information from the Secretariat

4.8. The Secretariat drew Members' attention to the proposals on the SPS and TBT Agreements introduced by the G-90 at the Special Session of the Committee on Trade and Development (CTD-SS) held in June 2023, contained in documents [JOB/TN/CTD/3](#) and [JOB/TN/CTD/3/Corr.1](#). A thematic session on the proposal had been held in October to discuss the S&D treatment in the SPS and TBT Agreements, and the developing Members' related challenges. Speakers from the WTO Secretariat, the STDF, Members and international organizations had discussed the SPS and TBT S&D provisions and Committee-related work; the transparency provisions, including the ePing SPS&TBT Platform; and technical assistance activities, including the new Transparency Champions Course. Some delegates indicated that the information provided could facilitate further discussions of the G-90 proposals. Presentations had been circulated to the SPS delegates list and a report of the thematic session would be provided at the November 2023 CTD-SS meeting.

4.9. The United States drew Members' attention to document [G/SPS/GEN/2162](#), which highlighted activities on better integration of developing countries in the SPS and TBT Agreements and explored challenges and opportunities of using digital tools, the collaborative role of enquiry points, and the progress made by developing countries towards compliance with the Agreements. The United States referred to its experiences with the application of both Agreements shared during the workshop, and expressed its support for a culture of mutual learning regarding efforts to better integrate developing countries into both Agreements. The United States indicated its willingness to build on the ideas in its submission and hoped to generate productive discussions.

4.10. Underscoring its interest and contributions to the ongoing work in the CTD-SS, the European Union noted the importance of enhanced coordination and exchanges of information in the future and regretted the lack of joint reflections during the discussions under the MC12 SPS Declaration Work Programme.

## 4.6 Monitoring of the use of international standards

### 4.6.1 New issues

4.11. No Member took the floor under this agenda item.

### 4.6.2 Issues previously raised

#### 4.6.2.1 European Union - ASF restrictions not consistent with the WOAHS international standard

4.12. The European Union pointed out inconsistencies in the application of WOAHS standards related to ASF. The European Union considered that many Members did not follow the WOAHS Terrestrial Code guidance for identification, treatment and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the 2021 Thematic Session on ASF. ASF was a disease affecting several Members and that it was a shared interest to maintain free and safe trade of pork and pork products. The European Union invited Members to address the issue of country-wide bans and implement science-based, rational, and proportionate import policies.

#### 4.6.2.2 European Union - HPAI restrictions not consistent with the WOAHS international standard

4.13. The European Union regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement and implemented country-wide bans after a local AI outbreak. The European Union indicated that these bans were not scientifically justified if effective movement controls were in place, and there was no justification to wait one year or more to restore



disease-free status. The European Union asked Members to respect their obligations on regionalization, to follow WOAHP recommendations, and to allow trade from non-affected zones.

#### **4.6.2.3 Canada - Update on WOAHP BSE negligible risk status**

4.14. Referring to its interventions at previous Committee meetings, Canada reiterated that it had been recognized by WOAHP a negligible risk country for BSE since May 2021. Canada requested Members who had not yet done so to remove the remaining BSE-related restrictions on Canadian cattle, beef and beef products, based on its WOAHP's status. Canada recalled the importance of basing SPS measures on international standards, including those established by WOAHP.

#### **4.7 Procedure for the Sixth Review ([G/SPS/W/346](#))**

4.15. The Chairperson reported on the discussions at the informal meeting on 15 March, and drew Members' attention to his draft report on the discussions. The Committee adopted the proposed process for the Sixth Review as outlined in [G/SPS/W/346](#). The final report on the informal meeting is included in [Annex C](#).

#### **4.8 Chairperson's Annual Report to CTG ([G/L/1508-G/SPS/69](#))**

4.16. The Chairperson reminded delegates that he would submit a factual report, on his own responsibility, on the activities of the Committee for consideration by the CTG at its meeting on 30 November and 1 December 2023. The Chairperson also noted that a first version of the report had been made available to Members for comments. The report would be revised to reflect the Committee's work at the present meeting. The final report was subsequently circulated as [G/L/1519](#).

### **5 CROSS-CUTTING ISSUES**

#### **5.1 SPS Declaration Work Programme ([G/SPS/W/344/Rev.3](#), [G/SPS/GEN/2134/Rev.3](#), [WT/MIN\(22\)/27](#) and [G/SPS/W/330/Rev.1](#))**

##### **5.1.1 Factual summary and draft report to the 13<sup>th</sup> Ministerial Conference**

5.1. The Chairperson drew the Committee's attention to his draft report on the dedicated informal meeting the Committee had held on 13 November, circulated by email for comments from Members. The final report is included in [Annex A](#). A third revision of both documents had been circulated earlier in the week.

5.2. Türkiye expressed its support for both outcome documents.

5.3. The Committee took note of the factual summary ([G/SPS/GEN/2134/Rev.3](#)), that was subsequently circulated as [G/SPS/70](#).

5.4. The Chairperson recalled that, according to the proposed process for the Work Programme, the Committee had to adopt the draft report to MC13 at the present meeting.

5.5. India and Egypt were still waiting instructions from capital and could not agree to the adoption of the report at the present meeting.

5.6. Paraguay expressed its regret that the report could not be adopted, despite Members' flexibility to accommodate the requests made. Noting the importance of exercising consensus in a responsible manner, Paraguay asked about the way forward.

5.7. The Chairperson took note of the request for additional time for internal consultations, and proposed the adoption of the report on an *ad referendum* basis.

5.8. India was not in a position to agree to the adoption of the report on an *ad referendum* basis.

5.9. Without prejudice to Members' internal processes, Canada enquired about a process that would recognize the lack of objection to the content of the text, reflecting that all the concerns had been

accommodated. Praising the achievements made on the substance, the [European Union](#) supported the proposal to secure the texts and urged Members to finalize their internal procedures as soon as possible.

5.10. [India](#) thanked Members for their constructive approach and flexibility. Recalling that the SPS Declaration had been adopted directly at MC12, India reiterated it was still waiting for formal clearance from capital.

5.11. The [Chairperson](#) invited Members to provide constructive, solution-oriented suggestions.

5.12. [Brazil](#) supported the proposal to secure the consensus on the substance of the report and try to find a procedural way to move forward. Brazil highlighted that, unlike the Declaration, this was a report on work already undertaken by the Committee.

5.13. The [Chairperson](#) noted the requests for more time, on one hand, and the desire to ensure that the consensus on the text was reflected, on the other. The Chairperson proposed a hybrid approach, providing two weeks for Members to finalize internal consultations, followed by an email, to be sent on 1 December, allowing for two additional weeks. If no objections were received by 15 December 2023, the Committee would be considered to have adopted the report on [G/SPS/W/344/Rev.3](#) by consensus. The Committee [agreed](#) to the proposed hybrid approach.

## **5.2 MC12 implementation matters ([G/C/W/824/Rev.1](#), [JOB/CTG/37](#), [JOB/SPS/25/Rev.3](#), [JOB/CTG/26/Rev.1](#), [WT/GC/W/874](#) and [G/L/1508-G/SPS/69](#))**

### **5.2.1 Update from the Chairperson**

5.14. The [Chairperson](#) informed the Committee that he had submitted his report on MC12 implementation matters to the CTG.

5.15. [Paraguay](#) drew Members' attention to the document jointly submitted with the United Kingdom, [JOB/CTG/43](#), on enhancing clarity and accessibility of information. Following discussions in the CTG, some proposals might be presented to the SPS Committee with the aim of harmonizing practices, namely regarding a Committee page as an information hub.

## **5.3 Thematic Session on Risk Communication, Misinformation and Disinformation**

### **5.3.1 Report on the Thematic Session**

5.16. The [Chairperson](#) drew the Committee's attention to his draft report on the Thematic Session on 14 November, circulated by email for comments from Members. The final report is included in [Annex B](#).

5.17. No Member took the floor under this agenda item.

## **5.4 Topics for 2024 thematic sessions/workshop**

5.18. No Member took the floor under this agenda item.

5.19. The [Secretariat](#) noted that Members would not have the opportunity to discuss proposals for a thematic session in March 2024 if they were submitted by the deadline of 19 January that had been mentioned in the informal meeting. The Committee would have to explore an alternative way to reach consensus or, alternatively, not hold a thematic session in March.

5.20. [Canada](#) enquired whether it would be possible to hold a transparency workshop in March 2024, should there not be other proposals.

5.21. The [Chairperson](#) confirmed that could be the approach to follow in case no topic was proposed by Members.

5.22. The Secretariat recalled that a transparency workshop was normally held every two or three years, and the last one had been held on 2022. Noting the challenges of organizing a workshop in March 2024 at such short notice, the Secretariat indicated several topics that could be explored, such as eTools to enhance transparency, the needs of developing and least developed countries, and the use of ePing to improve national coordination. Reiterating the possibility to set a deadline for Members to submit further ideas for this workshop, the Secretariat confirmed its availability to organize the event.

5.23. The Chairperson invited Members to submit ideas for the transparency workshop and possible topics for thematic sessions to be held in 2024 by 19 January 2024.

## **6 TECHNICAL ASSISTANCE AND COOPERATION**

### **6.1 Information from the Secretariat**

#### **6.1.1 WTO SPS Activities**

6.1. The Secretariat provided an overview of relevant technical assistance activities held since the last Committee meeting. These activities included national seminars in the Philippines, the Gambia, and India; a joint national SPS and TBT seminar for Bahrain; a regional SPS workshop for CEEAC countries, co-organized with the Joint Vienna Institute; three WTO Regional Trade Policy Courses for the Caribbean, for English-speaking Africa and for French-speaking Africa; and an Advanced Trade Policy Course organized by the WTO in English. The Secretariat had also participated in a workshop jointly hosted by FAO on Advancing Food Standards and Codex Participation in Europe and Central Asia; a Nordic Seminar for Market Access held in Norway; and a workshop co-organized by the STDF in Ghana on Using Good Regulatory Practice to Facilitate Safe Trade in Africa. The Secretariat had also organized a briefing session for new SPS delegates on the work and functioning of the SPS Committee; and delivered two other sessions on the work and functioning of the SPS Committee for officials from Sri Lanka and Ukraine respectively, to facilitate their preparation for the November SPS Committee meeting. The 26 participants from 26 WTO Members and Observers who had attended the two-week Advanced SPS Course in October 2023 were rolling out action plans in their home countries with a view to improving implementation of the SPS Agreement. Coaches from Uganda, the STDF and the SPS Section would monitor the implementation of the action plans by participants, who would share the results of the actions taken in their countries in a follow-up session of the course to be held in 2024. Upcoming activities included national SPS seminars for Chinese Taipei and for Sri Lanka and national SPS and TBT seminars for Guyana and for Namibia. Requests had also been received from Ecuador and Cambodia. General training would be provided for Turkmenistan, for a group of Kazakh students, for Korean officials visiting WTO and for acceding countries. More information was available on the SPS Gateway under [events, workshops and training](#). The Secretariat also reminded the Committee that the e-Learning Course on the SPS Agreement was available in English, French and Spanish on the WTO's e-Learning Platform.

#### **6.1.2 STDF ([G/SPS/GEN/2158](#))**

6.2. The STDF secretariat reported on activities detailed in document [G/SPS/GEN/2158](#). It first drew Members' attention to a new briefing note on climate change, that was available on the STDF website. The STDF secretariat would soon start an external evaluation to analyze the integration of the environment, biodiversity and climate change across STDF's work and the SPS capacity development work led by other organizations. Secondly, the STDF announced that its programme was currently undergoing an external evaluation to objectively assess the results and impact achieved by the Facility and to capture key lessons learned. The process was expected to be completed by the first quarter of 2024. Finally, the STDF presented its work aimed at facilitating regional trade in Africa, and referred to a two-day learning event for SPS regulators held in Ghana to promote the use of Good Regulatory Practices (GRP) in Africa. The STDF also reported on a webinar, organized together with the Food Trade Coalition for Africa, to disseminate the conclusions of a joint policy brief on regional food trade in Africa, which was also available on the STDF's website. The STDF thanked its donors for their contributions to the trust fund.

## 6.2 Information from Members

### 6.2.1 Russian Federation - Technical support in the area of AMR

6.3. The Russian Federation reported on its technical assistance activities to countries of the Eurasian region aimed at the development and implementation of national strategies and action plans to address the risks of AMR, and expected to train about 900 specialists by 2026. The Russian Federation also provided capacity building on monitoring of antimicrobial resistant pathogens, control of the efficient use of antibiotics and research on residues of antibiotics in food, as well as training and methodological support for food safety services. The Russian Federation invited Members to contact the Russian competent authority for additional information.

### 6.2.2 United States - Technical assistance to developing countries ([G/SPS/GEN/181/Add.16](#))

6.4. The United States brought the Committee's attention to document [G/SPS/GEN/181/Add.16](#) on the technical assistance provided between October 2020 and September 2021 to support Members in the implementation of the SPS Agreement, adding up to USD 14 million. The United States underscored that its activities had been adapted in light of the COVID-19 pandemic, and also referred to its distance learning courses available at [www.SPScourses.com](#). The United States detailed its partnership with the STDF and other collaborators on biopesticides, the ePhyto solution and the P-IMA tool. Noting the timeliness of the topic in light of the upcoming Sixth Review, the United States welcomed the continued collaboration on how to facilitate impactful capacity building activities, and looked forward to continuing cooperation with the STDF, the ISSBs and intergovernmental organizations. The United States provided its statement in document [G/SPS/GEN/2183](#).

6.5. Ukraine highlighted the importance of participation of technical experts in the SPS Committee and the opportunity it provided for bilateral negotiations with trading partners. Ukraine thanked the US Commercial Law Development Program for the support and advice provided for face-to-face participation, and the WTO Secretariat for the training session on the margins of the Committee.

### 6.2.3 Canada - Technical assistance to developing countries ([G/SPS/GEN/2159](#))

6.6. Canada updated the Committee on the SPS-related technical assistance to developing countries delivered in 2022, for which it had committed approximately CDN \$1.3 million. Canada had delivered or initiated a total of 43 SPS-related technical assistance projects, which supported Members in Africa, Latin America and the Caribbean, Central Asia and the Asia-Pacific region. Canada's assistance addressed information, training, and soft infrastructure development, and covered most of the typical areas of competence listed in [G/SPS/GEN/206](#).

### 6.2.4 Japan - Technical assistance to developing countries ([G/SPS/GEN/1160/Add.9](#))

6.7. Japan reported on its technical assistance activities to developing countries from April 2022 to March 2023, which amounted to a total value of approximately 291 million Japanese yen. These activities, aimed at facilitating the implementation of SPS measures based on science, supported more than 50 countries and regions in Asia, the Pacific, Central America, South America, Central Asia and Africa. Japan invited Members interested in SPS projects to contact its enquiry point and looked forward to cooperating with developing countries and international organizations.

## 7 CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS

7.1. No Member took the floor under this agenda item.

## 8 OBSERVERS

### 8.1 Information from Observer Organizations

#### 8.1.1 OECD ([G/SPS/GEN/2156](#))

8.1. The report of the OECD's activities is contained in document [G/SPS/GEN/2156](#).

**8.1.2 ECOWAS ([G/SPS/GEN/2160](#))**

8.2. The report of ECOWAS' activities is contained in document [G/SPS/GEN/2160](#).

**8.1.3 OIRSA ([G/SPS/GEN/2164](#))**

8.3. The report of OIRSA's activities is contained in document [G/SPS/GEN/2164](#).

**8.1.4 CAHFSA ([G/SPS/GEN/2165](#))**

8.4. The report of CAHFSA's activities is contained in document [G/SPS/GEN/2165](#).

**8.1.5 IICA ([G/SPS/GEN/2166](#))**

8.5. IICA drew Members' attention to the report of its past activities contained in document [G/SPS/GEN/2166](#). Looking ahead, IICA and USDA would fund the physical participation of Latin America and Caribbean delegates in the March 2024 SPS Committee meeting. The selection criteria would be published in January 2024, and IICA invited interested countries to apply to receive the support. In addition to the virtual coordination sessions on SPS Committee matters, IICA would also host physical meetings to address some complex and conceptual matters related to the application of the SPS Agreement to promote stronger coordination and partnership bonds in the Western Hemisphere.

**8.1.6 IGAD ([G/SPS/GEN/2167](#))**

8.6. The report of IGAD's activities is contained in document [G/SPS/GEN/2167](#).

**8.1.7 ITC ([G/SPS/GEN/2170](#))**

8.7. The report of ITC's activities is contained in document [G/SPS/GEN/2170](#).

**8.1.8 GSO ([G/SPS/GEN/2172](#))**

8.8. The report of GSO's activities is contained in document [G/SPS/GEN/2172](#).

**8.1.9 SADC ([G/SPS/GEN/2174](#))**

8.9. The report of SADC's activities is contained in document [G/SPS/GEN/2174](#).

**8.2 Requests for observer status****8.2.1 New requests**

8.10. No Member took the floor under this agenda item.

8.11. The Committee agreed to invite organizations with *ad hoc* observer status in the Committee to participate in all Committee meetings in 2024 - with the exception of any closed meeting - unless any Member raised an objection in advance of a meeting.

**8.2.2 Pending requests**

8.12. The Chairperson referred to document [G/SPS/W/78/Rev.15](#), listing outstanding requests for observer status. The Chairperson indicated that, absent any intervention, he would assume that the positions of Members had not changed.

8.13. The Committee agreed to request the Secretariat to send a letter, on behalf of the Chairperson, to these organizations indicating that the Committee had been unable to reach a consensus on their requests, which had been pending for several years, and asking them to renew their interest if they still wished these requests to be considered.

## 9 OTHER BUSINESS

9.1. No Member took the floor under this agenda item.

## 10 DATE AND AGENDA OF NEXT MEETING

10.1. The Chairperson recalled that the next regular meeting of the Committee was tentatively scheduled for the 20-22 March 2024. The proposed calendar of Committee meetings for 2024 had been circulated as [G/SPS/GEN/2117](#).

10.2. The Secretariat indicated that it would prepare a summary report based on oral interventions in the meeting, complemented by Members' ability to download complete statements via eAgenda.

10.3. The Chairperson reminded the Committee of the following deadlines, also circulated by email:

- a) For submitting statements: Friday, 17 November 2023;
- b) For submitting comments on the Chairperson's draft annual report to CTG: Wednesday, 22 November 2023;
- c) For submitting comments on the Chairperson's draft reports on the informal Committee meetings: Friday, 24 November 2023;
- d) For submitting comments on the Chairperson's draft report on the Thematic Session on Risk Communication, Misinformation and Disinformation: Friday, 24 November 2023;
- e) For submitting specific transparency-related topics/themes to be covered during the March Committee Workshop: Friday, 19 January 2024;
- f) For submitting proposals for 2024 thematic sessions (June and November 2024): Friday, 19 January 2024;
- g) For submitting issues to be considered during the Sixth Review and submission of papers/proposals on issues for consideration ([G/SPS/W/346](#)): Friday, 19 January 2024;
- h) For identifying new issues for consideration under the monitoring procedure, AND for requesting that items be put on the agenda: Wednesday, 28 February 2024; and
- i) For the distribution of the annotated draft agenda: Friday, 1 March 2024.



**ANNEX A****INFORMAL MEETING – 13 NOVEMBER 2023****REPORT BY THE CHAIRPERSON****1 OUTCOME DOCUMENTS OF THE MC12 SPS DECLARATION WORK PROGRAMME**

1. At the informal meeting on 13 November 2023, Members discussed the two outcome documents of the MC12 SPS Declaration Work Programme, in order to finalize the text prior to the formal meeting, the last scheduled meeting ahead of the Thirteenth Ministerial Conference (MC13). These documents were the factual summary, prepared by the Secretariat, and the draft report to be presented to Ministers in MC13, prepared by former Chairperson of the Committee. I recalled that a first version of both documents, circulated on 21 June, had been discussed in a dedicated informal meeting in July. A subsequent revision of both documents, circulated on 14 September, had been further discussed in an intersessional consultation held on 29 September to pave the path towards the adoption of the report at the November Committee meeting. A second revision of both documents had been circulated on 27 October, followed by a room document circulated on 10 November. I recalled that Members had provided comments on the first revisions at the intersessional consultations held on 29 September.

2. No Member had provided comments on the Chairperson's draft report of those intersessional consultations, of which final version had been circulated on 27 October. I also reminded Members that the Committee had requested that the former Chairperson, Mr. Tang-Kai Wang, continued to act as a facilitator of the process. I reiterated that the current informal meeting was specifically dedicated to the MC12 outcome documents, since an additional informal meeting would take place on Wednesday morning to discuss other topics.

3. Before giving the floor to the Facilitator, I reminded the Committee that the texts put forward were the result of several rounds of consultations where all Members' interests and concerns had had space for discussion and consideration by the Committee, and that the proposed texts reflected in a fair manner the many compromises that had to be made. I praised the collaborative, pragmatic and constructive approach taken by Members to find common ground in sensitive areas. I thanked the Facilitator for the work done, highlighting the inclusivity, transparency and neutrality in its interactions with all Members and in the drafting process. Finally, I underscored that the current meeting required a different dynamic, as we were moving towards the finalization of this process. I suggested the Committee to engage on the basis of positive silence if Members could accept the current proposal and could join consensus.

4. The Facilitator reiterated that the purpose of the meeting was to review the second revision of the two outcome documents of the Work Programme with a view to adopting the report in the formal meeting. Given the different views on certain parts of the text expressed by some Members at the intersessional consultations held in September, the Facilitator had again invited them to consult each other. The Secretariat and the Facilitator had also held bilateral consultations with several Members who had made comments, to try and find a balance among the views expressed and to reach consensus on the documents.

5. Following the circulation of the second revision, the Facilitator had held consultations with some Members who had expressed concerns on very specific parts of the documents. Those Members had reached out to others who had expressed contradictory views and had proposed a compromise language, that had been circulated to all Members in [RD/SPS/228](#). The Facilitator reiterated that the documents put forward for discussion were the result of the consideration of all comments received.

**2 FACTUAL SUMMARY OF THE WORK PROGRAMME OF THE MC12 SPS DECLARATION (G/SPS/GEN/2134/REV.2)**

6. The Facilitator first considered the second revision of the factual summary ([G/SPS/GEN/2134/Rev.2](#)), prepared by the Secretariat on the basis of stewards' reports about the activities of the five Thematic Groups, with the small change to the text proposed in [RD/SPS/228](#).

7. The first version of the document had been circulated in June 2023. A first revision of the document had been circulated on 14 September, after consideration of the oral comments received at the July informal meeting and the written comments subsequently provided by two Members. In the intersessional consultations held in September, Members had expressed their appreciation for the balance included in the document and had also expressed interest in exploring the possibility to include in the factual summary some elements discussed in the Work Programme, but that were unlikely to reach consensus in the report to Ministers. A second revision of the document had been circulated on 27 October, following consultations with the Members who had submitted oral comments in the intersessional consultations and with a Member who had subsequently submitted written comments. The Facilitator specified that a factual reference had been added to reflect discussions and experiences shared by Members or presenters, specifically an inclusion in paragraph 4.6 of a reference to the human-animal-environment interface.

8. Following the circulation of the second revision, one Member had initiated consultations with two interested Members on the inclusion of a reference to maximum residue limits (MRLs). The Facilitator had facilitated a dialogue between those Members, who had converged on the language contained in the room document [RD/SPS/228](#), which would be inserted in paragraph 4.6. of the factual summary. The proposed language factually reflected the concerns expressed by some Members on the issue of establishing pesticide MRLs, particularly in the cases where they considered these to be based on uncertainty.

### **3 DRAFT REPORT TO THE THIRTEENTH MINISTERIAL CONFERENCE (G/SPS/W/344/REV.2)**

9. The Facilitator then considered the second revision of the draft report to MC13 ([G/SPS/W/344/Rev.2](#)), with the proposed small change to the text included in [RD/SPS/228](#). The zero draft of the report had been discussed at the July 2023 meeting, and Members had submitted written comments, which had been incorporated in the first revision circulated in September. At the Committee's intersessional consultation held on 29 September, many Members had expressed their satisfaction with the document, and some had offered suggestions. The Facilitator reiterated that the second revision of the document, circulated on 27 October, was the result of the consideration of the oral and written suggestions received from Members, and of the consultations held with those who proposed comments. Although comments on some parts of the document had gone in very different directions, the compromise language provided by Members in other cases had contributed to the very careful balance in the second version of the document.

10. The Facilitator briefly highlighted the few changes that had been incorporated in the second revision of the report:

- The finding in [paragraph 3a](#) had been amended to further clarify that the SPS Agreement is only one of the elements contributing to food security, to address a concern about the reference to food security and the emerging challenges and opportunities.
- The Facilitator had held extensive consultations with the various Members who had expressed views on [paragraph 3b](#), and had tried to accommodate all the concerns raised. He thanked those Members who had provided compromise language and hoped that Members perceived the careful balance which aimed to address all concerns.
- Although no changes had been made to [paragraph 3c](#) in the second revision, the first sentence had been subsequently modified to address a concern raised by one Member. Concerned Members had consulted among themselves and had proposed compromise language indicating that "The Committee recognizes that scientific evidence and risk assessment are the basis of SPS measures". The Facilitator trusted that this new language would be acceptable to other Members as well.
- The word "including" had been added to [paragraph 3d](#) to reflect a concern raised by several Members. This had improved the drafting by approaching it to the text of the Agreement.
- Finally, [paragraph 3g](#) now included two suggestions presented in the September intersessional consultations that had enjoyed a broad convergence. These were the inclusion of a reference to emerging challenges and opportunities in relation to the work of the STDF, and the involvement of developing and least developed country Members in the design of technical assistance and cooperation programmes.
- Regarding the recommendation in paragraph 4, after consulting different textual proposals, an edit had been included to address one comment received in the September

intersessional consultations, to anchor the future discussions more clearly to the SPS Agreement.

- Finally, a paragraph 5 had been added to reflect a suggestion made by one Member in the intersessional consultations to include additional language to recommend that Ministers accept the report and endorse the findings and recommendations.

11. The Facilitator hoped that these versions could be acceptable for everyone and underscored that the texts were an attempt to address the remaining concerns, proposed after several rounds of consultations with Members who had expressed concerns and many conversations among interested Members themselves. The Facilitator summarized his intervention by indicating that the documents being put forward for Members' consideration were the second revisions of the factual summary and the report to MC13, together with a one small proposed change to each document, as circulated in [RD/SPS/228](#).

12. I reiterated my request for Members to engage on the basis of positive silence if they could agree with the proposed texts and could join consensus. I requested Members wishing to take the floor on either of the documents to provide as much detailed information as possible and called for restraint, flexibility, pragmatism and constructive spirit.

13. One Member indicated that the change introduced in the factual summary reflected its concerns on MRLs. That Member indicated it had concerns on paragraphs 3a, 3b, 3c, 3d and 4 of the draft report, but noted that if its concerns on paragraph 3a could be addressed, the remaining concerns would not be raised. Specifically, the Member reiterated its position raised in previous meetings that the SPS Agreement was about food safety and not about food security, and requested the reference to food security in paragraph 3a to be removed.

14. The Facilitator recalled that prior discussions on food security had been held in the Committee intersessional consultations and in consultations between Members. The Member presented alternative text suggestions to delete the reference to food security, and also proposed removing the reference of emerging challenges and opportunities at the end of the paragraph.

15. Referring to the addition of MRLs to paragraph 4.6 of the factual summary, another Member suggested clarifying that the MRLs in question were those that were not consistent with international standards. That same Member was of the view that paragraph 3c of the report was not in line with Article 2 of the SPS Agreement, and that the wording from the Agreement could be used.

16. Another Member praised the solution proposed by the first Member to a concern raised in the past and indicated its agreement with the modification to paragraph 3a suggested, in the spirit of reaching consensus. That Member also indicated that, while it agreed with the additional modifications requested, it was necessary to restrict changes to the minimum to avoid potentially controversial edits, in the spirit of reaching consensus and keeping in mind the delicate balance in the documents.

17. Two Members sought clarification on the language previously proposed on paragraph 3a, regretting having to engage in a drafting exercise at this stage of the process. The Member who had suggested the modification in paragraph 3a clarified its intention with the proposed text and expressed willingness to look at the drafting of the paragraph.

18. The Facilitator reiterated the invitation for Members to consult each other to bridge any outstanding concerns, and proposed a small group meeting following the informal meeting. He reiterated that the current text tried to address all the concerns raised, and invited Members to reach out to him if they had pending editorial changes. I highlighted the constructive spirit shown by Members and the need to reach consensus on the text, and reiterated the call for a small group meeting to reach convergence on paragraph 3a.

#### **4 NEXT STEPS**

19. Before closing the meeting, I summarized the next steps. I indicated that I had taken note of all the comments made, and that I might invite the Facilitator to provide an update in the informal meeting on Wednesday. Subsequent steps would depend on the outcome of the conversations that were still to be held.

20. Regarding the rest of this week, I reminded Members that, according to the airgram that the Secretariat had circulated the previous week with symbol [WTO/AIR/SPS/42](#), a Thematic Session on Risk Communication, Disinformation and Miscommunication would be held on Tuesday, 14 November. On Wednesday, 15 November, a separate informal would be held to discuss the procedure for the Sixth Review and topics for the 2024 thematic sessions/workshop, followed by time for bilateral consultations among Members. The formal session of the SPS Committee would start on the afternoon of Wednesday, 15 November, and hopefully the Committee would be in a position to adopt the report to MC13 at that meeting.

21. Before adjourning the meeting, I reminded Members that there would be time available to hold bilateral consultations following the informal meeting on Wednesday morning, and that the Facilitator and myself would offer some refreshments at that time. I encouraged Members to try and organize bilateral meetings with trading partners, as a very effective approach to addressing trade concerns, and to report on the results of these consultations in the Committee meeting. I also informed the Committee that the United States and Australia had offered to sponsor a coffee break on Thursday morning during the formal Committee meeting, and invited other delegations who might be in a position to contribute to future social events to approach me or the Secretariat.

22. Before closing the meeting, I indicated that a factual summary of the meeting would be circulated for comments, and included in the summary report of the November meeting.

**ANNEX B****THEMATIC SESSION ON RISK COMMUNICATION, MISINFORMATION AND DISINFORMATION – 14 NOVEMBER 2023****REPORT BY THE CHAIRPERSON**

1. A Thematic Session on Risk Communication, Misinformation and Disinformation was held on 14 November 2023, as discussed by the SPS Committee in November 2022. The final programme, circulated on 6 November 2023 as document [G/SPS/GEN/2155/Rev.1](#), built on proposals submitted by the United States in documents [G/SPS/GEN/2067](#) and [G/SPS/GEN/2067/Rev.1](#). The thematic session was held in hybrid format, with Members and Observers invited to attend in person or virtually via Zoom. It was also livestreamed on the WTO YouTube channel and the links to the recording in English, French and Spanish are available on the WTO website.
2. The thematic session aimed to explore the concepts surrounding information manipulation and their relevance within the context and implementation of the SPS Agreement. Speakers were invited to focus on the evolution of misinformation and disinformation, including its possible effect on policy decisions, how it is being deployed around agricultural food safety issues, and how Members can identify and address it at early stages. The thematic session included perspectives and experiences from representatives of Members, industry, consumer organizations, and academia.
3. In the first session on "what is disinformation/misinformation?", a speaker from the European Union presented on [challenges in times of disinformation and the EU's measures to tackle it](#). He noted that disinformation was an important issue for European citizens and shared how the European Union was addressing the challenges around disinformation through legislation, external action, and communication. The second speaker, from the Alternative Proteins Council, shared a [case study on plant-based meat alternatives, discussing industry needs and the consumer experience](#). She shared data demonstrating significant growth in plant-based meat alternative products in Australia and New Zealand, explained the importance of consumer perception of a product including clear communication and labelling, and highlighted how collaboration was key for strong food safety outcomes. The third speaker, from the DISARM Foundation, introduced [disinformation and the DISARM framework](#). He presented some historical background of information sharing and the differences brought by the internet and social media. He also explained that agriculture was emotional, complex, and highly regulated, making it a target for disinformation. He shared how the DISARM frameworks can help to counter disinformation. In the Q&A session, there was discussion on the contexts in which the DISARM frameworks had been used.
4. Session 2 focused on the relevance to SPS. The first speaker from the United Kingdom presented on [trustworthiness](#). She discussed public worries vis-à-vis the complexity of the food system and the importance of building trustworthiness as a regulator in the food system, and she shared seven principles for communicating risk: context, purpose, control, transparency, presentation, delivery, and evaluation. Following this, a speaker from The Gambia shared [his country's experience on misinformation/disinformation related to food safety issues](#). He presented cases of issues related to the presence of plastic rice and misinformation about expired foods, and the steps taken to engage with consumers, establish facts and debunk claims. In the next presentation, a speaker from FoodDrinkEurope presented its [actions in food safety and the role of communication](#). He noted that food and drink industries needed regulatory consistency and predictability for healthier and more sustainable food systems. He also highlighted the importance of communicating benefits as well as risks and provided examples of FoodDrinkEurope's engagement with various stakeholders.
5. Session 2 continued with a speaker from the Joint FAO/IAEA Centre of Nuclear Techniques in Food and Agriculture, who presented on [irradiated food](#). He described the different processes to irradiate food and highlighted some misunderstandings and confusion around how irradiation affects the safety of food. He also referred to international standards and codes of practices from Codex and IPPC, and provided some examples of concerns on irradiation in specific sectors. The last speaker in session 2, from Rutgers University, presented on [the psychology of risk perception, misinformation, disinformation, and SPS risk management](#). He explained that most risks and benefits associated with food were invisible and that risk communication was about "making the invisible visible". He described ways in which food was connected to emotion and noted that a key mistake in addressing mis/disinformation was the tendency to stick to facts or try to address emotional

content with cognitive content. In the Q&A session, there was discussion on a number of issues such as sustainable food systems, the susceptibility of low-income populations, gaps in knowledge of irradiation, the importance of standards for consumers, working with third party trusted amplifiers to deliver more accurate information, market segmentation, social trust and risk perceptions.

6. Session 3 looked at "how did we get here and what do we do now?". The first speaker, from Indonesia, presented [her country's experience on risk communication: misinformation and disinformation](#). She referred to definitions of risk communication, misinformation and disinformation and provided examples of how effective risk communication can encourage changes in behaviours between importing and exporting countries. The next speaker, from the European Union, presented on the [use of societal insights in risk communication, discussing an evidence based approach by the European Food Safety Authority \(EFSA\)](#). His presentation included an example of how coverage of EFSA's assessments on edible insect foods generated media attention around the globe. He highlighted three main ingredients to minimize the risk of misinformation, including the use of societal insights, being proactive with communications, and investing in research and tools that help to detect and address sources of false information. In the following presentation, a speaker from Canada presented on a [public trust case study on communicating about maximum residue limits](#). She shared how Health Canada took a multifaceted approach to addressing misinformation. She also explained that audiences have distinct information needs and required different levels of information, and provided examples of how different types of multimedia products were used to engage with different audiences. Session 3 continued with a speaker from Chile who presented on [communication as the key to the outcome of an emergency](#). She shared the plan of action, communication strategies and tools that were used in Chile to raise the awareness of different public groups on avian influenza, for example, to encourage reporting, and how proactive and transparent communication helped to build trust in the efforts of the authorities. I opened the floor for questions, and there was a conversation on risk assessment and risk management in the European Union, EFSA's approach to gathering information and its engagement with other authorities, and the possibility of using models shared by the EFSA speaker in other organizations.

7. The following presentation in session 3 on [the perspective of EU consumer organizations on misinformation and disinformation around food](#) was delivered jointly by speakers from the European Consumer Organisation and the Federation of German Consumer Organisations. The speaker from the European Consumer Organisation explained how disinformation around food can come from unexpected sources and noted that food safety incidents making headlines were often linked to lack of compliance with or enforcement of existing rules rather than inadequate legislation. The speaker from the Federation of German Consumer Organisations presented examples of how it communicated to consumers and contributed to countering misinformation and disinformation. Following this, a speaker from Red Flag presented [examples of misinformation/disinformation undermining good regulation and science from a public relations and risk communication perspective](#). She discussed the changing landscape of news and shifting audiences but noted that news continued to matter. She also drew attention to specific examples of communication challenges in relation to scientific information such as health risks related to cancer. The final speaker, from the United States, delivered a presentation on [navigating misinformation and disinformation in food safety communications](#), which included a number of examples of misinformation and disinformation over time. He also highlighted increases in the weaponization of information and presented short-term responses and long-term strategies to try to address the challenges. I opened the floor for questions, and there was a discussion related to communication with consumers such as the messaging around food safety risks, and how regulators can be clearer and better respond to consumer dissatisfaction.

8. In session 4, I opened the floor to see if there were any views on the presentations or possible next steps. The United States thanked Members for agreeing to its proposal for a thematic session focused on risk communication. The US representative noted that the presentations highlighted that we were all affected by misinformation and disinformation, and he encouraged the Committee to keep seeking ways to further analyze the implications of misinformation and disinformation on SPS issues. He also encouraged Members to think about how to strengthen efforts to identify and combat misinformation and disinformation particularly when developing SPS measures. He also suggested keeping the topic in mind in the deliberations under the 6th Review of the SPS Agreement. Three other Members took the floor in this session, thanking speakers for their contributions and recognizing the diverse set of perspectives, examples, tools or solutions presented. The importance of this type of discussion for regulators was also highlighted. All three Members expressed their openness to further discuss the topic.



9. In session 5, I provided a few closing remarks. I noted that the presentations had been interesting and informative and also provided various perspectives on the topic including from Members, industry, academia, and consumer organizations. I thanked the speakers for the information provided and all participants for the discussion. I also recalled that presentations from the thematic session would be made available on the [SPS Events, Workshops and Training](#) webpage.

**ANNEX C****INFORMAL MEETING – 15 NOVEMBER 2023****REPORT BY THE CHAIRPERSON****1 OUTCOME DOCUMENTS OF THE MC12 SPS DECLARATION WORK PROGRAMME (G/SPS/W/344/REV.3 AND G/SPS/GEN/2134/REV.3)**

1. At the beginning of the meeting, I explained that we had added an agenda item on the MC12 SPS Declaration Work Programme to allow for an update before the start of the formal meeting. The Facilitator informed the Committee that he had engaged in dialogue with some Members to address some concerns on paragraphs 3a and 3c raised in the informal meeting held on Monday, 13 November. He announced that a third revision of the draft report to Ministers ([G/SPS/W/344/Rev.3](#)) and the factual summary ([G/SPS/GEN/2134/Rev.3](#)) had been circulated on Tuesday, 14 November, on the basis of the second revision, the text contained in [RD/SPS/228](#) and the compromise text on both paragraphs reached in consultations in the past couple of days.

2. The Facilitator explained the amendments introduced in the third revision of the draft report: (i) footnote 1 had been amended to refer to the third revision of the factual summary (instead of the second revision); (ii) in paragraph 3a, the phrase ", and is therefore one of the elements contributing to food security" had been deleted to address one Member's concern; and (iii) in paragraph 3c, the words "scientific principles" had been added to the first sentence, and the word "scientific" had been added before "uncertainty" in the second sentence to address another Member's concern.

3. The Facilitator emphasized the thorough discussions the two documents had undergone and the periodic reports on the process and outcomes he had provided. The Facilitator expressed hope that the text would be adopted in the formal meeting.

4. I noted that the Committee was very close to the objective of adopting the report, which contained a consensual text, and proposed adopting the text in the formal meeting.

5. Two Members indicated that they had not received instructions from capital and that they would need more time before being able to join the consensus. One of those Members specifically indicated its conformity with the text, but it indicated it might not be in a position to agree to its adoption before the end of the week.

6. Two other Members expressed appreciation for the Committee's constructive spirit to reach compromises, but regretted that some Members' internal procedures might not allow for adoption of the report in the timeline stipulated at the beginning of the Work Programme. These two Members urged those with pending internal procedures to try and resolve them by the end of the week, and also enquired about the possibilities to secure the acceptance of the text for a potential subsequent adoption without modifications to the content. One of those Members clarified that the Committee was adopting a technical report that included a non-binding recommendation to be put forward to Ministers, and that it should not be linked to the procedures related to the MC13.

7. I noted the need to balance some Members' request for more time with the desire by other Members to finalize the process at the current meeting. I invited the Secretariat to explain the *ad referendum* adoption procedure mentioned by one Member, should it be necessary for this report. Noting that this approach had frequently been used, the Secretariat explained that an *ad referendum* adoption implied that the Committee would agree that the text was final and set a deadline. If no objections were received by the deadline, the report would be considered to have been adopted. If objections or questions were raised before the deadline, the report would not have been adopted. The Committee would normally revert to the topic in the upcoming meeting, which was not possible in this case, since the upcoming Committee meeting would take place after MC13.

8. I suggested that Members try to finalize the process in the formal meeting. I also announced that I would reflect and consult Members on the way forward.

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## 2 PROCEDURE FOR THE SIXTH REVIEW ([G/SPS/W/346](#))

9. I recalled that at the July meeting, the Committee had begun reflecting on the preparations for the Sixth Review. I further reminded Members of the SPS Committee's mandate to review the operation and implementation of the SPS Agreement at least once every four years, pursuant to the provisions of Article 12.7 of the Agreement and the Doha Ministerial Decision on Implementation-Related Issues and Concerns ([WT/MIN\(01\)/17](#)). For the last Review, the process had started in March 2018, and had ended with the adoption of the Fifth Review Report in 2020.

10. I also recalled that at the last meeting, the Secretariat had outlined the review process and that the Committee had requested the Secretariat to prepare a draft timeline for consideration and discussion at this meeting, and subsequent adoption.

11. I then drew attention to the draft procedure prepared by the Secretariat in document [G/SPS/W/346](#). I reminded Members that in the July discussions, some Members had indicated their preference to have a shorter review than the last time, and that since the Review process normally took one year, this could be the benchmark for the Sixth Review. I noted that in order to meet this one-year timeline, the proposed procedure envisioned that Members would already submit topics and papers/proposals in January 2024. However, there would be a second opportunity in April to make submissions. I then invited the Secretariat to present the proposed procedure.

12. The Secretariat outlined the proposed procedure, highlighting that the Sixth Review timeline was shorter than that of the Fifth Review, as had been discussed in the July meeting, and that the Review report could set out actions to be undertaken in the future. The Secretariat explained the proposed steps of the procedure, which started with the submission of topics and proposals for discussion, and also drew attention to the various deadlines in the document.

13. The Secretariat recalled that in the last Review, 22 proposals had been submitted by 29 Members covering 10 topics. The Committee had considered proposals and suggestions submitted by Members on the following topics: appropriate level of protection, risk assessment and science; control, inspection and approval procedures (Annex C); equivalence; fall armyworm; national SPS coordination mechanisms; notification procedures and transparency; MRLs for plant protection products; regionalization; role of Codex, WOA and IPPC with respect to specific trade concerns; and voluntary third-party assurance schemes.

14. The Secretariat also noted that, for the current Review, thematic sessions could be organized on identified topics, if of interest to Members. The Secretariat further explained that the Review would end with the adoption of the Review Report, which under the Fifth Review had two parts: (i) a descriptive part, based on a background document prepared by the Secretariat; and (ii) a summary of the discussion of the submitted proposals, and also recommendations. In addition, as part of the process, the Committee would also need to review the existing Committee decisions and procedures, such as the procedure to monitor the process of international harmonization, regionalization, etc. The Secretariat could prepare a list of these decisions for the March 2024 meeting, if requested by Members.

15. I then invited Members to raise any questions or comments regarding the information provided by the Secretariat on document [G/SPS/W/346](#). One Member took the floor to indicate that the January deadline for Members' submissions seemed ambitious in light of the December holidays. In the spirit of starting the process on a positive note, the Member suggested pushing the deadline back to February. The Secretariat explained that the timeline in [G/SPS/W/346](#) had been proposed in order to fit the process within the one-year timeframe, as suggested by Members. However, the Committee could decide to push back the January deadline to February or postpone the start of the overall process to March.

16. Another Member indicated that while it supported the one-year timeline for the process, it noted that its resources had been absorbed by the Declaration Work Programme, so it had not been able to fully examine the proposed timeline and suggested that there could be further reflection on starting the process later. The Member also identified potential areas that could be examined during the Sixth Review, such as: the emerging challenges from the MC12 SPS Declaration Work Programme; IT-related improvements to eTools; and transparency, specifically taking into

account the special needs of developing countries in the sharing of information. The Member also identified one minor edit in [G/SPS/W/346](#).

17. I then suggested that we keep the timeline as indicated in [G/SPS/W/346](#) as a reference point, since there were two opportunities for Members to submit topics/proposals, first in January 2024 and then in April 2024. I expressed my concern that if the deadline was pushed back to February, there would not be sufficient time for Members to review the documents ahead of the March meeting. By retaining the deadline of 19 January 2024, the Committee could already consider at its March meeting any submissions received, with the understanding that Members could still make submissions after that deadline, which could also be considered at the March meeting, depending on the time of submission. I again highlighted the second deadline of 19 April, which would provide another opportunity for submissions, following which all of the proposals could be discussed in the June 2024 Committee meeting.

18. I queried whether this approach was acceptable to the Committee. No Member took the floor. On this basis, I indicated my intention to put document [G/SPS/W/346](#) up for adoption at the formal meeting.

### **3 MC12 IMPLEMENTATION MATTERS ([G/C/W/824/REV.1](#), [JOB/CTG/37](#), [JOB/SPS/25/REV.3](#), [JOB/CTG/26/REV.1](#), [WT/GC/W/874](#) AND [G/L/1508](#); [G/SPS/69](#))**

19. On the topic of MC12 implementation matters, I first recalled that all CTG subsidiary bodies had been requested to submit a written report to CTG describing the discussions held and improvements introduced. On that basis, I had prepared a report under my responsibility, with the assistance of the Secretariat. A first draft had been shared with Members for their comments by the deadline of 25 October. No specific comments had been raised on the report itself, and the final report had subsequently been circulated in document [G/L/1508](#); [G/SPS/69](#). I also noted that one Member had submitted some written suggestions on the functioning of the SPS Committee, which would be addressed later in the meeting.

20. I then provided an opportunity for Members to continue discussions on improving the functioning of the SPS Committee and also invited Members to make any additional suggestions. No Member took the floor.

21. I then provided a few updates and revisited some observations and suggestions on how the Committee could improve its functioning, which I had previously highlighted in the September intersessional consultations for further consideration and discussion in this meeting.

#### **(i) In-person participation at Committee meetings and bilateral consultations**

22. I reinforced the importance of in-person attendance at Committee meetings, and highlighted the advantage of delegates being in Geneva to hold bilateral consultations, as this could be a very effective approach to addressing trade concerns. I indicated that I had been reflecting on and discussing with the Secretariat how to provide more structured space for bilateral discussions among Members during the Committee week, and I invited Members to communicate any suggestions they might have in this regard. I also encouraged Members to conduct bilateral consultations after the informal meeting, and also during the coffee break.

23. I invited Members to provide any comments on this topic. Some Members took the floor to support the idea of in-person participation at SPS Committee meetings. One Member noted the number of bilateral consultations it had organized during the Committee week, underscoring the importance of this type of engagement, and emphasizing that the start times for the morning and afternoon sessions of Committee meetings were designed to encourage these types of interactions on the margins of meetings. The Member also highlighted the special nature of the SPS Committee, and the importance of having the presence of technical persons to engage in discussions.

24. Another Member further underscored the importance of allotting time for the informal sharing of perspectives and engaging in bilateral consultations, which was facilitated by in-person participation. In its view, in-person participation at meetings was valuable, and the option to also have remote participation was useful. Another Member supported the approach and noted that while

in-person participation was very demanding, given the number of meetings and bilateral consultations, the time spent in these meetings represented a good use of professional time.

25. I welcomed the positive feedback from Members and noted the objective of further improving the ambiance of the Committee.

**(ii) Specific trade concerns and order of agenda items**

26. I highlighted that Members had various options when presenting their specific trade concerns in Committee meetings. In addition to the oral intervention, Members could provide extra information in detailed statements which could be uploaded to eAgenda, and submit GEN documents. I encouraged Members to use these options to provide more detailed information on trade concerns, and make shorter oral interventions in the Committee meeting.

27. I also indicated that I had been reflecting on some additional tools already available to this Committee regarding STCs, and in particular on agenda item "3(c) – Information on Resolution of Issues in [G/SPS/GEN/204/Rev.23](#)". Under this agenda item, Members were encouraged to inform the Committee of the resolution of specific trade concerns which had been raised in earlier meetings. This allowed the Committee to have a better overview of the status of specific trade concerns raised, and helped the Secretariat keep document GEN/204 and the Trade Concerns Database up to date. I further underscored that this was an important reminder that the Committee was keeping track of unresolved STCs, even when not recently raised, and that there were databases and reference documents that reflected their current situation. These were another set of tools that could be particularly useful for certain STCs, whether recent or much older.

28. I further indicated that I might revisit this point at the next Committee meeting in March 2024 with more concrete ideas, and encouraged Members to continue reflecting on this topic in the interim. I invited Members to provide any comments on this topic. No Member took the floor.

29. I also recalled that there had been a suggestion in the July meeting for the Committee to consider restructuring the order of agenda items for formal meetings. Specifically, the idea was to have discussions on substantive items before STCs, similar to the approach in CTG meetings. In the July meeting, the Secretariat had indicated that the order of the agenda could be examined and suggested that the Committee could experiment with changes in the agenda for one meeting, if Members were in agreement.

30. I invited Members to provide any comments on this suggestion. One Member took the floor to express support for restructuring the order of the agenda items in the formal meetings, noting the extensive discussions that would normally take place on STCs, which meant that substantive items were only discussed on Friday of the Committee week when some delegates might have already left due to travel arrangements. In its view, STCs were only relevant to the Members in question, while substantive topics were relevant to all Members as they allowed a focus on overarching SPS issues and facilitated a more in-depth discussion. The Member proposed changing the placement of STCs for the March 2024 formal meeting to assess the implications before making a final decision. Another Member indicated its support for the suggestion which would facilitate the participation of capital- and Geneva-based delegates, given the challenges in keeping track of STC discussions, and knowing when substantive issues would be discussed.

31. Some Members observed that the ideal situation would be for delegates to attend the entire week of Committee meetings, but recognized that for various reasons some delegates might have to prioritize and return to capital before the end of the meeting. In addition, some Members queried the distinction made between substantive and non-substantive parts of the agenda.

32. One Member underscored that, for its stakeholders, STCs were the entire reason for its presence in the meeting and that it would be important for the Committee to cover STCs when most delegates were present. The Member also observed that if STCs were placed at the end of the agenda and the Committee went over time, it would cause a problem for those Members whose STCs were not heard. While the process was not perfect, it worked and the Member preferred to maintain the current focus of the agenda. The Member further recalled that there had been some instances in the past when the Committee had immediately started its formal meeting after an early conclusion of the informal meeting, and proposed that this could be a suggestion for reflection, with a 15 minute

break added in between the informal and formal meeting. Another Member supported this idea of exploring other ways to maximize the use of the Committee's time, while cautioning experimental changes with STCs, which in its view needed to be the centre of the Committee's discussions.

33. Other Members highlighted the importance of STCs in explaining trade issues and the value of having these conversations with Members present. One Member also indicated its willingness to try switching the order of agenda items, but not necessarily moving STCs to the end. Another Member further encouraged Members to make full use of all agenda items, noting that STCs were a particular feature of the Committee which worked well, and that it was useful to hear about STCs, not only those with a direct impact. In its view, the STC mechanism allowed Members to be held accountable in front of peers, and provided another forum for discussions different from that of bilateral consultations. The Member encouraged the Committee not to turn the exercise into an administrative one with written exchanges, but to keep the dynamics of having discussions in the Committee meeting.

34. One Member further clarified that it recognized the importance of STCs, but underscored the difficulties faced by smaller delegations in participating in various WTO Committee meetings at the same time. It noted that there were several SPS agenda items that did not really involve discussions and that its suggestion was not to move STCs to the end of the agenda, but to place it right before agenda items which were for the purpose of being noted by the Committee. In bringing forward the substantive discussions, the Member suggested that this would provide an opportunity for the Chairperson to have some informal discussions on sensitive topics before reaching a conclusion at the end of the meeting, similar to the CMA approach. The Member again reiterated its support to try a different order of agenda items in March and indicated its willingness to engage in bilateral discussions with other Members on this suggestion.

35. Another Member noted that time could be saved in SPS Committee meetings, if discussions were not politicized.

36. I observed that the Committee was working very well and that it was important to identify areas for improvement without touching areas that were already functioning well, which represented a delicate balance. I underscored the importance of having these types of conversations and invited the Committee to further continue this discussion to see whether there was more space for improving the use of the Committee's time.

### **(iii) eAgenda improvements**

37. I drew attention to eAgenda and more specifically the work that had been undertaken by the Secretariat to improve the platform, including the development of a new practical guide which was one of the recent suggestions made by Members this year. I also emphasized that tools, such as eAgenda, were only effective if actually used by Members. I further encouraged Members to make full use of this platform, while the Secretariat worked in parallel to improve and implement additional features to further enhance the efficacy of the platform.

38. I then invited the Secretariat to present some updates on a number of improvements that had been implemented in eAgenda. The Secretariat recalled that eAgenda had continuously been improved, since its first use in 2020, and noted that there were currently almost 400 users. There had also been an increasing number of requests for other Committees to adopt the platform, as well as a request by Members for the increased harmonization of the platform among the different bodies. The Secretariat indicated that it was trying to harmonize the features and functioning of the platform as much as possible, while maintaining the uniqueness of each Committee, and given available resources.

39. The Secretariat also highlighted several ongoing improvements to the platform, such as the three options for the uploading of statements, which reflected the preferred practice of delegations and also facilitated the Secretariat's work. All three options allowed statements to be automatically made available to the Secretariat and interpreters. However, with the first (default) option, statements were not immediately made available to Members, and only became derestricted after the deadline to submit statements (i.e. Friday midnight of the Committee week). The second option made statements immediately visible to all other Members, increasing transparency before the intervention was actually made, while with the third option statements were not made available to



other Members, not even after the Committee meeting. Members had the possibility to update the text of their statements or change the chosen option up to the Friday of the Committee week. As per the usual practice, the summary report only reflected the oral intervention during the meeting. The Secretariat encouraged Members to upload their statements at an early stage, before taking the floor, so that their statements would be available to interpreters.

40. A second improvement was the option to reflect in eAgenda, decisions made by the Committee on an agenda item (e.g. the adoption of a document) or conclusions by the Chairperson, which would facilitate reporting to capital. Future improvements would also include the possibility to receive alerts when agenda items other than STCs were added to eAgenda.

41. Lastly, the Secretariat drew attention to a new practical guide available on the platform which had been prepared in response to Members' request. This guide would be updated as new features became available. Members were invited to submit their comments on the practical guide and, more generally, on the functioning of the platform. No Member took the floor. I again reminded Members to make good use of the platform.

#### **(iv) Issuance of summary reports**

42. I informed the Committee that one of the topics mentioned by a Member in its general comments on the functioning of the SPS Committee dealt with the expedited issuance of summary reports. I noted that the Committee had discussed this topic on several occasions, and so far had preferred the Secretariat to prepare shorter, more summarized reports, which took more time to prepare than longer, verbatim versions. In addition, I highlighted one of the features of eAgenda which allowed Members to generate a compilation of submitted statements. This allowed quick access to full statements which supported Members' need to submit reports to their capitals, ahead of the Secretariat's preparation of the shorter version of the summary reports. I took the opportunity to encourage Members to upload more of their interventions to eAgenda, so that a more complete report could be immediately generated via eAgenda after each meeting.

43. I invited Members to provide any comments on this topic. No Member took the floor.

#### **(v) Availability of presentations during Committee events**

44. I also referred to the written suggestion submitted by one Member that speakers' presentations should be made available during Committee meetings, similar to other meeting documents. I highlighted that this suggestion was discussed in the May intersessional consultations and that the Secretariat had noted that many presentations were submitted at the last minute, but that those received in time could be circulated. I also indicated that presentations made at thematic sessions and workshops were normally made available on a dedicated webpage and were circulated as [RD/SPS](#) documents for easy tracking by Members.

45. I invited Members to provide any comments on this topic. No Member took the floor.

#### **(vi) Communication with organizations with pending requests**

46. I explained that the Committee had had a number of outstanding requests for observer status for some years and that a list was provided in document [G/SPS/W/78/Rev.15](#). I recalled the suggestion that I had made at the September intersessional consultations, that a communication be sent to those organizations indicating that their requests had been pending for several years without consensus on granting them observer status, and that the Committee would consider it important for them to renew their interest if they still wished to be considered. I further proposed that the Secretariat send a letter to the organizations with pending requests, on behalf of the Chairperson, establishing a timeline for this process. In the absence of a response, organizations would be removed from the list of pending requests.

47. I then invited Members to provide comments on this proposed approach. No Member took the floor.

48. Before moving to the next agenda item, I also provided an opportunity for Members to raise any other issues/areas on the functioning of the SPS Committee. However, no Member took the floor.

#### **(vii) Feedback on introductory session for new delegates and communications to Members**

49. I again invited delegates to provide feedback on the introductory session for new SPS delegates that was held in September, specifically on how this type of training could be further enhanced to speak to the needs of new delegates. No Member took the floor.

50. In addition, I indicated that it would be useful for the Secretariat to receive feedback on the various communications sent to delegates before and after Committee meetings, specifically as it related to the clarity of the communications, length and level of detail, as well as the information provided on accessing Committee documents. I further noted that the Secretariat had been seeing how best to shorten these messages, while still including all the relevant details.

51. I invited Members to provide feedback either in this meeting or to send comments to the Secretariat. No Member took the floor.

#### **4 TOPICS FOR 2024 THEMATIC SESSIONS/WORKSHOP**

52. I then moved on to discuss the scheduling of SPS Committee thematic sessions and/or a workshop for 2024, recalling that this topic had been discussed at the July meeting, and Members invited to submit proposals for topics by the deadline of 31 August 2023. I informed the Committee that no submissions were made by the deadline and gave the floor to the Secretariat to provide some information on the tentative planning of meetings for 2024.

53. The Secretariat drew the Committee's attention to the proposed calendar of meetings for 2024 in document [G/SPS/GEN/2117](#), which foresaw either: (i) three SPS Committee thematic sessions in March, June and November 2024; or (ii) two SPS Committee thematic sessions in March and November, and one SPS Committee workshop in June 2024. The Secretariat explained that a thematic session lasted one day or less while a workshop normally lasted two days and allowed the Committee to take a more in-depth look at a topic. In the past, there used to be a budget for the in-person participation of a number of governmental officials from developing country Members and Observers in the workshop.

54. The Secretariat invited Members to submit themes for the thematic sessions and/or workshop, which could also be organized on some of the topics to be undertaken during the Sixth Review. In addition, it was useful to bear in mind that every two years, the Committee normally organized a workshop on transparency, which could be an option, since the last workshop on transparency and coordination was held in June 2022.

55. No proposals were made at the meeting. I reminded Members that suggestions on thematic sessions and/or workshops could be submitted by **Friday, 19 January 2024**.

#### **5 OTHER SPS ISSUES**

56. I provided an opportunity for Members to raise any other SPS issues. However, no Member took the floor.

57. Before closing the meeting, I indicated that a factual summary of this meeting would be circulated for comments, and a final version would be included in the summary report of the November Committee meeting. I also encouraged Members to make use of the additional time after the informal meeting for their bilateral discussions, and invited them to report on the results of these consultations in the formal meeting.

**ANNEX D****INTERSESSIONAL SPS COMMITTEE CONSULTATIONS****MC12 SPS DECLARATION WORK PROGRAMME – 29 SEPTEMBER 2023****REPORT BY THE CHAIRPERSON****1 INTRODUCTORY POINTS**

1. At the informal meeting on 29 September 2023, I recalled that the Committee had held a dedicated informal meeting in July 2023 to discuss the two draft documents of the MC12 SPS Declaration Work Programme ([G/SPS/GEN/2134](#) and [G/SPS/W/344](#)). At that meeting, Members had requested to hold an additional intersessional consultation to further discuss a revised version of the documents with a view to paving the path towards the adoption of the report in November.

2. I also recalled that the Committee had requested that the former Chairperson, Mr. Tang-Kai Wang, continue to act as a facilitator of the process. I then invited the Facilitator to guide the discussions on the two draft documents.

3. The Facilitator explained that the aim of the intersessional meeting was to discuss the revised version of the factual summary of the MC12 SPS Declaration Work Programme and the draft report to be presented to Ministers in MC13. The Facilitator recalled that a first draft of both documents had been circulated on 21 June 2023. Subsequently, Members had a first opportunity to discuss the documents at the SPS Committee meetings held in July 2023. The Facilitator also recalled that he had invited Members to consult each other and submit written comments that would help to reach consensus, by the deadline of 31 July 2023.

**2 FACTUAL SUMMARY BY THE SECRETARIAT OF THE WORK PROGRAMME OF THE MC12 SPS DECLARATION ([G/SPS/GEN/2134/REV.1](#))**

4. The Facilitator recalled that the Secretariat had prepared a draft factual summary of the MC12 SPS Declaration Work Programme building on the stewards' reports about the activities of the five Thematic Groups, following the request made by Members at the intersessional consultations held in May. After an initial round of discussions at the July informal meeting, the Secretariat had received written comments from two Members and had prepared a revision of the factual summary that had been circulated as [G/SPS/GEN/2134/Rev.1](#) on 14 September 2023 for Members' consideration.

5. The Secretariat recalled that the factual summary contained two parts: a first part which described the process of the Work Programme; and a second part which summarized the work of the Thematic Groups, based on the reports of the stewards on the work of their respective groups and with some harmonization of the level of detail included for each of the groups. The second part of the factual summary referred to the information available on the [dedicated website](#) and the information contained in the two reports that each of the stewards had circulated in March (G/SPS/W/332 to 336<sup>1</sup>) and in May (G/SPS/W/339 to 343<sup>2</sup>).

6. The Secretariat highlighted that, in addition to the oral comments received at the July meeting, written comments had been received from two Members. After holding consultations with both Members, the Secretariat had prepared a revised version of the document that had been circulated as [G/SPS/GEN/2134/Rev.1](#). The Secretariat noted that a few references had been included in the document to reflect some themes that had been discussed in the Thematic Groups.

7. Some Members agreed that the factual summary was a balanced document that aimed to reflect the discussed topics in an objective manner with the overall purpose to achieve consensus. In addition, some Members highlighted that some areas of the document could be improved. One Member drew attention to the last sentence of paragraph 4.2, which referred to the topics of

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<sup>1</sup> [G/SPS/W/332](#) (Group 1); [G/SPS/W/333](#) (Group 2); [G/SPS/W/336](#) (Group 3); [G/SPS/W/334](#) (Group 4) and [G/SPS/W/335](#) (Group 5).

<sup>2</sup> [G/SPS/W/339](#) (Group 1); [G/SPS/W/340](#) (Group 2); [G/SPS/W/341](#) (Group 3); [G/SPS/W/342](#) (Group 4) and [G/SPS/W/343](#) (Group 5).

"food security" and "sustainable food systems", noting that it would make additional comments under the following agenda point. The Facilitator indicated that the Secretariat would take the suggestions into consideration.

### **3 DRAFT REPORT TO THE THIRTEENTH MINISTERIAL CONFERENCE ([G/SPS/W/344/Rev.1](#))**

8. The Facilitator informed the Committee that, in addition to the oral comments shared at the July 2023 informal meeting, written comments from three Members and a joint submission by several other Members had been received. The Facilitator recalled that, despite his request for Members to consult and provide suggestions that could reach consensus, some of the comments received were divergent. He had consulted with all the Members who had submitted comments to seek clarification on the proposals received and to explain some of the conflicting suggestions made by different Members, with a view to only incorporating modifications that could reach consensus.

9. Based on these consultations, the Facilitator had prepared a revised version of the document that had been circulated as [G/SPS/W/344/Rev.1](#) on 14 September 2023 for Members' consideration. The Facilitator highlighted the importance of making progress in this meeting towards the adoption of the document in November.

#### **(i) Paragraph 1**

10. The Facilitator recalled that the first paragraph was mostly taken from the text of the Declaration agreed by all Members in June 2022. One minor editorial change had been suggested by one Member and incorporated in the document to harmonize the tense of the text.

11. One Member, speaking on behalf of the African Group, noted an error in the French translation in the introductory paragraph of the document.

12. The Facilitator indicated that the Secretariat had taken note of this and would take it into consideration.

#### **(ii) Paragraph 2**

13. The Facilitator explained that despite the comments received, paragraph 2 had not been modified based on his understanding that Members did not want to redraft the agreed text from the Declaration.

14. Several Members expressed their support for the current text as they understood that the document intended to reflect the process of discussions related to opportunities and emerging challenges for international trade in food, animals, and plants. However, one Member indicated that its proposed edit on pest- and disease-free areas had not been included in this paragraph. The Member indicated that it would resubmit its comments. The Facilitator explained that the comment on the inclusion of pest or disease-free areas had been captured in paragraph 3 d).

15. In response to the Member's request to have its comments shown on screen, several Members noted that the discussions should focus on the current version of the draft report. Members also requested the use of self-constraint and compromise to achieve consensus on the text, and the Facilitator reiterated the importance of reaching consensus.

#### **(iii) Paragraph 3 a)**

16. The Facilitator noted that he had made edits to the first part of finding 3 a). The Facilitator also indicated that conflicting edits on the reference to food security and the emerging challenges and opportunities had been received. Since these elements were at the core of the SPS Declaration, those suggestions had not been reflected in the revised version.

17. One Member referred to the scope of the SPS Agreement, which in its view is about food safety and not food security. However, other Members recalled that the Declaration mentioned food security. In addition, Members asked not to continue the discussion on a topic that was already agreed and reflected in the Declaration.

**(iv) Paragraph 3 b)**

18. The Facilitator indicated that this paragraph seemed to be of key importance to many of the Members who had submitted comments, and further noted that opposite views on how to refer to sustainable and resilient food systems had been received. The Facilitator also highlighted his efforts to record, in a balanced manner, the elements that had been most discussed during the Work Programme. He drew attention to one theme where Members seemed to be in agreement, which was around the concept of "no one-size-fits-all", where the language had been adapted to reflect the general understanding around this concept.

19. Members also expressed opposite views on other parts of this paragraph. Some Members agreed on the text and indicated that they would not accept any further changes as it already reflected the balance of different perspectives among Members. Other Members expressed their concerns with the lack of reference to SDGs, the cross-reference to paragraph 2, and the way that the "relevance of science" and "sustainable and resilient food systems" were addressed. Some Members suggested using the original language of the first draft.

**(v) Paragraph 3 c)**

20. The Facilitator informed the Committee that there had been different approaches to this finding. He noted that several Members had requested a reference to compliance with the provisions of the SPS Agreement even in situations of uncertainty, which had been included in the document to provide context to the finding. Additionally, he highlighted that Members had agreed on the need for a transparent approach in the documentation and communication of uncertainty, which had also been reflected in the text.

21. Some Members expressed concerns regarding the addition of the two first sentences, which in their view did not add value to the substance of the finding, might be repetitive and potentially cause inconsistencies in the interpretation of the paragraph. One Member instead suggested the inclusion of a reference to Article 2.2 of the Agreement, while another Member indicated that the text could be further improved without a complete removal of the new sentences. Another Member had suggested the inclusion of the topic of MRLs, which had not been included in the revised version, and which another Member indicated would not warrant consensus in such a succinct document.

**(vi) Paragraph 3 d)**

22. The Facilitator recalled that Members had agreed that the guidance and guidelines developed by the Three Sisters and the SPS Committee could be beneficial to avoid trade restrictions. He drew attention to a written suggestion to include specific references to the recognition of pest- and disease-free areas which had been inserted, as well as a clarification of the usefulness of these elements to facilitate safe trade.

23. One Member questioned the inclusion of the new text, which in its view was repetitive, and it also raised a concern regarding the selective inclusion of IPPC regionalization concepts in the text. In addition, one Member proposed a specific edit related to the wording in the SPS Agreement, another Member indicated that it would submit its comments on the paragraph, and one other acknowledged and agreed with the revised text in the paragraph.

24. The Facilitator reminded Members that the language used in this paragraph reflected the text of Article 6 of the SPS Agreement.

**(vii) Paragraph 3 e)**

25. The Facilitator indicated that, other than an editorial change, one addition had been made to reflect the extensive discussions held on the importance of observers to report on forthcoming, and not only past actions.

26. One Member regretted that there were not enough changes in the text to reflect its submitted comments, such as the proposed inclusion of the "One Health approach" in this paragraph. The Member further suggested that the factual summary could be an option for the inclusion of themes, such as this, which would not enjoy consensus in the report.

**(viii) Paragraph 3 f)**

27. The Facilitator indicated that some clarifications suggested by Members had been included. There were no interventions from Members.

**(ix) Paragraph 3 g)**

28. The Facilitator explained that the suggestions received on this paragraph were aligned with comments made in previous discussions in July. The Facilitator noted a broad convergence in Members' submissions and expressed his gratitude for the consultations held on this point. He also indicated that some clarifications had been received and reflected at the end of this finding.

29. One Member proposed to include the text "including when dealing with emerging challenges and opportunities" at the end of this paragraph. Another Member expressed its support for this proposal as it was aligned with paragraph 3 a).

30. Another Member suggested adding a reference to the need for developing countries to be actively involved in the design of these technical assistance and cooperation programs, and further stated that technical assistance was broader than the work of STDF. This comment was supported by another Member that highlighted the importance of taking into consideration the countries involved in technical assistance. One Member also suggested reviewing specific parts of the proposed language to ensure consistency with the rest of the document.

**(x) Paragraph 4**

31. The Facilitator reported that no written comments had been received on the recommendation put forward in the document.

32. One Member clarified that the future discussions should be limited to the scope of the SPS Agreement. While two other Members expressed their support for this suggestion, some Members disagreed and stated that the proposal was redundant and might generate a clash on the scope of the SPS Agreement and the interpretation of the document. One Member proposed the following addition to the recommendation in this paragraph: "The SPS Committee recommends that Ministers accept this report and endorse these findings..."

33. The Facilitator reminded Members that they had discussed the relationship between both outcome documents in May, and suggested that it might be important to review this again in November.

**4 NEXT STEPS**

34. I reminded Members that, according to the airgram that the Secretariat had circulated the previous week with symbol [WTO/AIR/SPS/42](#), an informal meeting dedicated to the discussion of the outcome documents had been scheduled for the afternoon of Monday, 13 November. The meeting would take place in hybrid format. On Tuesday, 14 November there would be a thematic session. Then, a separate informal on other topics would be held on the morning of 15 November, followed by time for bilateral consultations among Members. The formal session of the SPS Committee would start on the afternoon of Wednesday, 15 November, and hopefully the Committee would be in a position to adopt the report to MC13 at that meeting.

35. Before closing the meeting, I provided a summary of the next steps:

- a. The Secretariat had taken note of the comments provided by Members.
- b. I invited Members to continue having informal consultations with each other and with the Facilitator to provide common language that would be acceptable for all of them. I invited the Facilitator to decide the next steps, which would be communicated with all Members.
- c. I reminded Members that an informal meeting, prior to the adoption of the document in November, would be held on **Monday, 13 November 2023 at 15 h.**



36. One Member asked when to expect the next draft. I informed that the agenda for the SPS Committee would be circulated on 27 October, so Members should expect a revised version of the draft before that date. In addition, another Member asked to coordinate with the Secretariat of the Working Group of Food Security of the Committee on Agriculture. The Secretariat took note of this suggestion.

## **5 OTHER BUSINESS**

### **(i) Introductory session for new delegates**

37. I reported on the introductory session for new SPS delegates, held by the Secretariat on Monday, 18 September 2023. More than 65 delegates had participated either in the room or online to hear some practical aspects on how to prepare for Committee meetings. The Secretariat had introduced the SPS team and explained its functions, and detailed the why, who, when, where and what regarding participation and discussions in the Committee. In addition, the Secretariat had made a live demo of the new functions of the WTO calendar for meetings, as well as of the SPS eAgenda. The Secretariat had also mentioned the opportunity to hold bilateral discussions on the margins of SPS Committee meetings that could contribute to solving trade issues, and also the options to upload detailed statements in eAgenda, as well as the submission of GEN documents. The presentation had been shared with all the participants after the session.

38. I invited new delegates to provide feedback on the introductory session and to indicate how this type of training could be further enhanced to speak to the needs of new delegates. I also drew the attention of delegates to the flyer that appeared in the signature of the SPS Committee emails, that contains relevant information for new delegates.

### **(ii) Improvements to the functioning of the Committee**

#### **• Report to CTG**

39. I indicated that the written report to the CTG, describing the discussions held and improvements introduced in this Committee, was currently in progress. I informed that the Secretariat expected to be able to circulate a first draft soon.

#### **• In person participation at Committee meetings and bilateral consultations**

40. I highlighted the importance of delegates attending Committee meetings in person, and the advantage of delegates being in Geneva to hold bilateral consultations, as this could be a very effective approach to addressing trade concerns. I indicated that during the week of the Committee, there would be some space to organize bilateral consultations. Thus, I encouraged Members to take advantage of this and to report on the results of these consultations in the Committee meeting.

41. I reminded Members that the November SPS Committee week would start with an informal meeting on the SPS Declaration Work Programme on the afternoon of Monday, 13 November. Then, a Thematic Session on Risk Communication, Misinformation and Disinformation would be held on Tuesday, 14 November. A second informal meeting to discuss the procedure for the Sixth Review and topics for the 2024 thematic sessions/workshop would take place on the morning of Wednesday, 15 November. Specifically, Members would have time after this meeting for bilateral discussions. Lastly, the formal meeting would start on the afternoon of Wednesday, 15 November and continue until Friday, 17 November.

#### **• Specific trade concerns and order of agenda items**

42. I highlighted that Members had various options when presenting their specific trade concerns in a Committee meeting. In addition to the oral intervention, Members could provide extra information in detailed statements which could be uploaded to eAgenda, and submit GEN documents. I encouraged Members to use these options to provide more detailed information on trade concerns, and make shorter oral interventions in the Committee meeting that could provide balance between quality and quantity.

43. I recalled that there had been a suggestion for the Committee to consider restructuring the order of agenda items for formal meetings. Specifically, the idea was to have discussions on substantive items before STCs, similar to the approach in CTG meetings. The Secretariat had indicated that the order of the agenda could be examined and suggested that the Committee could experiment with changes in the agenda for one meeting, if Members were in agreement. I invited Members' views on this topic at the Committee meeting in November.

- **Communication with observer organizations with pending requests**

44. I explained that the Committee had had a number of outstanding requests for observer status for some years and that a list was provided in document [G/SPS/W/78/Rev.15](#).

45. I suggested that a communication be sent to these observer organizations indicating that the request had been pending for several years and this Committee would consider important for them to renew their interest if they still wished to be considered. A letter would be sent to the observer organizations with pending requests on behalf of the Chairperson. A pertinent timeline would be established for this process.

- **eAgenda improvements**

46. I reported that following Members' request for harmonization of eAgenda, and in order to improve the functioning of the meetings, the Secretariat had implemented a new option for statements in eAgenda. Due to the lack of time, I asked the Secretariat to provide information on this item by email.

47. Before closing the meeting, I indicated that a factual summary of this meeting would be circulated for comments, and included in the summary report of the November meeting.

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