

Sixth Review of the Operation and Implementation of the **SPS Agreement**

SPS Section, Agriculture and Commodities Division
World Trade Organization

Outline

1. What is a review of the operation and implementation of the SPS Agreement?
2. Sixth Review Process
 - Overview and timeline
 - What has happened so far?
 - What comes next?
3. How to engage
 - How to submit a proposal?
 - What can a proposal look like?
4. Where to find information
5. Q&A

What is a review of the operation and implementation of the SPS Agreement?

Review mandate

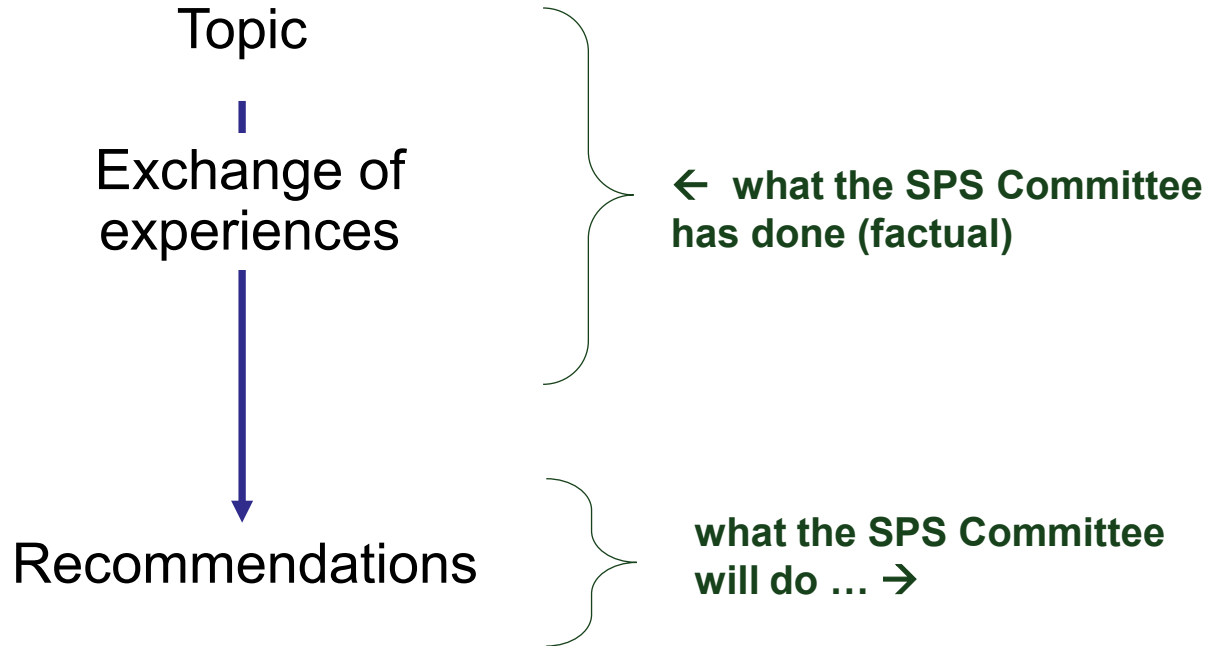
The WTO SPS Agreement, Article 12

7. The Committee shall review the operation and implementation of this Agreement three years after the date of entry into force of the WTO Agreement, and thereafter as the need arises. Where appropriate, the Committee may submit to the Council for Trade in Goods proposals to amend the text of this Agreement having regard, inter alia, to the experience gained in its implementation.

3.4. Pursuant to the provisions of Article 12.7 of the Agreement on the Application of Sanitary and Phytosanitary Measures, the Committee on Sanitary and Phytosanitary Measures is instructed to review the operation and implementation of the Agreement on Sanitary and Phytosanitary Measures at least once every four years.

Doha Ministerial
Decision
[WT/MIN\(01\)/17](#)

What happens in a review?



Example from the Fifth Review

Topic

3 CONTROL, INSPECTION AND APPROVAL PROCEDURES (ANNEX C)

Factual

(exchange of experiences)

3.1. The SPS Committee held a Workshop on Control, Inspection and Approval Procedures (Annex C) in July 2018.²⁶ The main objective of the workshop was to bring together officials responsible for the implementation of the SPS Agreement, as well as the relevant international standard-setting bodies and other international organizations, for discussion and experience-sharing on developments, challenges and practices in implementing Article 8 and Annex C of the SPS Agreement. Through presentations, practical case stories and discussions, the workshop aimed to expand Members' understanding of the relevant WTO Agreements and provisions; highlight the economic rationale for strengthening the implementation of Annex C to reduce trade transaction costs; and explain how the WTO Trade Facilitation Agreement (TFA) linked to and complemented the SPS Agreement.

Example from the Fifth Review

Recommendations (most 'negotiation' is on this!)

3.12. *Recommendations:*

- *The Committee should continue discussions and information exchange on the topic of control, inspection and approval procedures. To that end, the Committee should establish a formal SPS Committee agenda item on Annex C under the Operation and Implementation of the SPS Agreement agenda item to enable Members to share information on this topic.*
- *Following the fruitful exchange of experiences and ideas at the November 2019 SPS Committee Thematic Session on Approval Procedures, the Committee should create a working group open to the participation of all Members and Observers to continue to examine the topic of approval procedures. The working group could explore the:*
 - i. *Key challenges of approval procedures that impact international trade that Members should seek to address;*
 - ii. *Principles of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of sanitary or phytosanitary protection;*
 - iii. *Available tools and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures; and*
 - iv. *Possible future work of the Committee on this topic.*

Structure of the Fifth Review Report



G/SPS/64

3 August 2020

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(20-5369)

Committee on Sanitary and Phytosanitary Measures

REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

REPORT ADOPTED BY THE COMMITTEE ON 26 JUNE 2020 – PART A

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The Sixth Review process

Sixth Review – overview of process

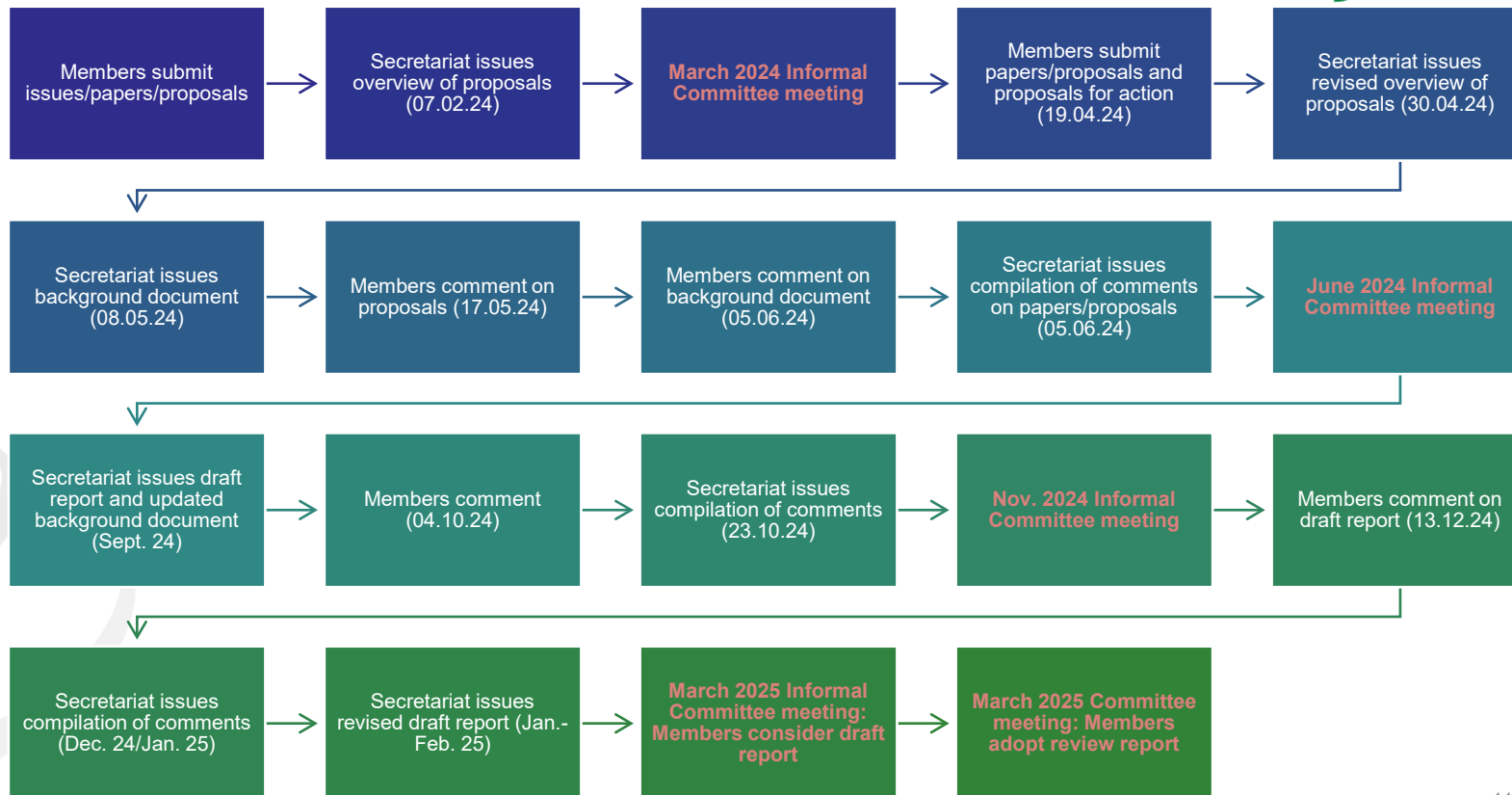
Review process to be driven by
substantive proposals from Members

Proposals to be discussed on a rolling
basis

Work on review report: Factual +
recommendations

Sixth Review to be completed by the
first Committee meeting of 2025

Sixth Review – timeline (G/SPS/W/346)



What happened so far?

Informal and formal meetings of 15-17 November 2023

- Consideration by the Committee, and possible adoption, of the procedure for the Sixth Review
- Initial identification and discussion by Members of issues they wish to be considered during the Review

Adoption of
review process

19 January 2024

- Written submission by Members of the issues they wish to be considered during the Review
- Submission by Members of papers/proposals on the issues for consideration

First set of
proposals

7 February 2024

- Circulation by the Secretariat of overview of issues/papers/proposals received

Overview of
proposals

Source: [G/SPS/W/346](https://www.wto.org/gatt/eng/SPS/W/346)

What has happened so far?

Member proposals

- Brazil ([G/SPS/W/352](#))
- Canada ([G/SPS/W/349](#))
- European Union ([G/SPS/W/353](#); [G/SPS/W/354](#))
- India (written expression of interest)
- New Zealand ([G/SPS/W/348](#))
- United Kingdom ([G/SPS/W/351](#))
- United States ([G/SPS/W/350](#))

Secretariat notes

- Overview of proposals submitted ([G/SPS/GEN/2194/Rev.1](#))
- Overview of thematic sessions and workshops submitted ([RD/SPS/244](#))
- Committee decisions and documents to be examined ([RD/SPS/245](#))

List of topics proposed (G/SPS/GEN/2194/Rev.1)



WORLD TRADE ORGANIZATION

Members	Addressing modern challenges and emerging risks	Cooperation with ISSBs and observer organizations	Regionalization	Technical assistance/ S&D Treatment	Technology/ IT tools	Transparency/ Notification Procedures	Other Topics
Brazil	-	-	-	-	-	G/SPS/W/352 (Proposal for a new standing agenda item on consideration of comments on notifications)	-
Canada	G/SPS/W/349 (Proposal for a workshop to explore SPS challenges associated with new agriculture technologies. Possible areas for consideration: Articles 6, 7, and 9)	-	G/SPS/W/349 (Proposal for a workshop to explore SPS challenges associated with new agriculture technologies. Possible areas for consideration: Articles 6, 7, and 9)	G/SPS/W/349 (Proposal for a workshop to explore SPS challenges associated with new agriculture technologies. Possible areas for consideration: Articles 6, 7, and 9)	-	G/SPS/W/349 (Proposal for a workshop to explore SPS challenges associated with new agriculture technologies. Possible areas for consideration: Articles 6, 7, and 9)	-
European Union	G/SPS/W/353 and G/SPS/W/354 (Proposal for a thematic session on SPS-related emerging risks)	G/SPS/W/353 (Proposal to explore ways to enhance cooperation with ISSBs and with observer organizations)	G/SPS/W/353 (Proposal to exchange on the recognition of regionalization and to consider technical assistance and mentorship to support the implementation of Article 6)	G/SPS/W/353 (Proposal to explore a more efficient use of existing flexibilities in the SPS Agreement)	G/SPS/W/353 (Proposal to take stock of the developments in IT and explore further possibilities to facilitate safe trade via new IT solutions)	G/SPS/W/353 (Proposal to continue improving the notification procedures and explore possibilities for greater transparency of national SPS legislation and timelines for approval procedures)	-
India	-	-	Topic of Interest (regionalization of pest- and disease-free areas)	-	-	-	Topics of Interest (issues of concern, particularly unilateral measures related to MRLs)

List of topics proposed ([G/SPS/GEN/2194/Rev.1](#))



WORLD TRADE ORGANIZATION

Members	Addressing modern challenges and emerging risks	Cooperation with ISSBs and observer organizations	Regionalization	Technical assistance/ S&D Treatment	Technology/ IT tools	Transparency/ Notification Procedures	Other Topics
New Zealand	-	G/SPS/W/348 (Proposal to review STCs, list of relevant international standards, and notification template)	-	G/SPS/W/348 (Proposal for a mentoring system)	-	G/SPS/W/348 (Proposal to explore solutions, in collaboration with TBT, to address the issue of notification of measures not clearly fitting within the scope of either the SPS or TBT Agreements)	G/SPS/W/348 (Proposal for exchanges on the terms "reservation" and "abstention from acceptance" in standards development in the ISSBs)
United Kingdom	G/SPS/W/351 (Proposal for discussions on emerging challenges and opportunities and contribution of SPS measures to food security and sustainable food systems, with a focus on harmonization and science and risk analysis)	G/SPS/W/351 (Proposal for discussions on emerging challenges and opportunities and contribution of SPS measures to food security and sustainable food systems, with a focus on harmonization and science and risk analysis)	-	G/SPS/W/351 (Proposal to explore ways to enhance accessibility and effective utilization of existing flexibilities in the SPS Agreement. Related proposals for thematic sessions)	G/SPS/W/351 (Proposal to explore the role of electronic tools and techniques to aid the application of SPS measures)	-	-
United States	G/SPS/W/350 (Proposal to continue discussions that took place under the MC12 SPS Declaration Work Programme)	-	-	-	G/SPS/W/350 (Proposal for discussions on technology and regulatory practices that encourage innovation and facilitate trade)	G/SPS/W/350 (In relation to misinformation and disinformation on consumer perception about SPS issues, proposal to enhance transparency in regulatory practices, facilitate and encourage cooperation and support capacity-building initiatives)	G/SPS/W/350 (Proposal for discussions on best practices related to facility registrations)

Proposals for thematic sessions / workshops (RD/SPS/244)

Member	Proposal	Topic(s)	Symbol (date)
Canada	Workshop to explore SPS challenges associated with new agriculture technologies. Possible areas for consideration: Articles 6, 7, and 9	<ul style="list-style-type: none"> Addressing modern challenges and emerging risks Regionalization Technical assistance/ S&D Treatment Transparency/ Notification Procedures 	G/SPS/W/349 (23 January 2024)
European Union	Thematic session on SPS-related emerging risks	<ul style="list-style-type: none"> Addressing modern challenges and emerging risks 	G/SPS/W/354 (24 January 2024)
United Kingdom	Thematic session on facilitating safe trade – Supporting developing and least developed countries in the development and application of SPS measures	<ul style="list-style-type: none"> Technical assistance/ S&D Treatment 	G/SPS/W/351 (23 January 2024)
United Kingdom	Thematic session on increasing awareness and compiling best practice on utilizing the development orientated flexibilities in the SPS Agreement to support developing and LDC Members	<ul style="list-style-type: none"> Technical assistance/ S&D Treatment 	G/SPS/W/351 (23 January 2024)

Committee decisions and documents to be examined (RD/SPS/245)

Committee on Sanitary and Phytosanitary Measures

MAJOR DECISIONS AND DOCUMENTS



August
2023

1.2. The Committee agreed to periodically review some of these documents as part of the periodic reviews of the operation and implementation of the SPS Agreement, namely:

- Procedure to Monitor the Process of International Harmonization ([G/SPS/11/Rev.1](#));
- Consistency – Guidelines to Further the Practical Implementation of Article 5.5 ([G/SPS/15](#));
- Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members ([G/SPS/33/Rev.1](#));
- Recommended Procedure to Encourage and Facilitate the Resolution of Specific SPS Issues among Members in Accordance with Article 12.2 ([G/SPS/61](#)); and
- Collection of Available Tools and Resources in relation to SPS Approval Procedures ([G/SPS/67](#)).

1.3. The Committee also agreed to keep the following document alive by adding additional resources, as appropriate:

- Collection of resources to facilitate implementation of national SPS coordination mechanisms ([G/SPS/GEN/1850/Rev.1](#)).

What comes next?

Informal meeting of 20-22 March 2024

- Discussion on issues identified and papers/proposals submitted

19 April 2024

- Submission by Members of additional papers/proposals on the issues for consideration, and specific proposals for actions

30 April 2024

- Circulation by the Secretariat of updated overview of issues/papers/proposals received

8 May 2024

- Circulation by the Secretariat of the background document

17 May 2024

- Submission of comments by Members, in writing, on papers/proposals on issues under consideration

5 June 2024

- Submission by Members of any written comments on the background document prepared by the Secretariat
- Circulation by the Secretariat of a compilation of the comments submitted by Members on papers/proposals on issues under consideration

Discussion

2nd set of proposals

Revised overview of
proposals
+ Background document

Comments

How to engage

How to submit a proposal

- How would you like to contribute to improving operation/implementation?
- What is the theme of the proposal?
 - Proposing a thematic session or an event?
 - Addressing modern challenges and emerging risks; Cooperation with ISSBs and observer organizations; Regionalization; Technical Assistance / S&D Treatment; Technology / IT tools; Transparency / Notification Procedures; Other topics?
 - Is there a more specific subtopic?
- How does this relate to past decisions/recommendations of the Committee and/or other proposals on the table?

What can a proposal look like?

- Background section: context and problem to be solved, situating within past work of the Committee
- Proposal section: proposed **recommendations/way forward**, covering e.g. thematic sessions / workshop, launch of new work, improving procedures, revising existing SPS Committee documents
 - Submitted to Secretariat (spscommittee@wto.org)
 - Circulated as G/SPS/W document

What can a proposal look like?



COMMUNICATION FROM NEW ZEALAND

TRANSPARENCY OF SANITARY AND PHYTOSANITARY REGULATIONS: NOTIFYING AT AN EARLY APPROPRIATE STAGE

PROPOSAL FROM BRAZIL

The following proposal, received on 23 January 2024, is being circulated at the request of the delegation of [Brazil](#).

1 BACKGROUND

1.1. Over the past 28 years, world trade has changed significantly, bringing new challenges to the WTO on its mission to avoid unnecessary barriers to trade while pursuing legitimate objectives. The SPS Committee has also changed; from one-day meetings in 1995 to full SPS weeks today. The implementation of the SPS Agreement has brought several improvements to the Committee that vastly distinguishes it from the first years after its signature.

1.2. Members have submitted more than 33,000 SPS notifications since 1995, including more than 6,000 in 2023. In addition, 575 trade concerns related to the implementation of the SPS Agreement have been discussed since 1995, including 67 in 2023.

1.3. Certainly, the increasing awareness of its usefulness and the growth of Members' capacity to deal with trade issues are important factors. But technology also plays an important role. Systems such as ePing and eAgenda have made it easier and more accessible to make notifications and track specific trade issues. These gains in transparency open up opportunities to strengthen clauses directly related to them.

2 PROPOSAL

2.1. The SPS Committee decides to define "Notifications - Consideration of comments" as a standing agenda item in order to open the dialog on sanitary and phytosanitary regulations.

Source: [G/SPS/W/352](#)

1 PROCEDURE TO MONITOR THE PROCESS OF INTERNATIONAL HARMONIZATION

1.1 BACKGROUND

1.1. We note the three New Zealand papers [G/SPS/GEN/1851](#), [G/SPS/GEN/1877](#) and [G/SPS/GEN/1915](#), which highlighted the renewed interest of the international standard-setting bodies (ISSBs) in the implementation of Article 3.5 and 12.4 of the SPS Agreement. As indicated in this series of papers, these Articles envisaged that the SPS Committee 'shall develop a procedure to monitor the process of international harmonization and coordinate efforts with the relevant international organisations'. At the time, the Committee agreed to and held a thematic session on Articles 3.5 and 12.4 of the SPS Agreement and initiatives of ISSBs in relation to international harmonization; however, other suggestions were found not to have enough resources for implementation at the time.

1.2 PROPOSAL – MONITORING THE PROCESS OF INTERNATIONAL HARMONIZATION

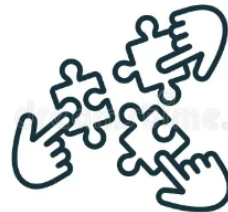
1.2. Given the continued discussions in the ISSBs is specifically around the use, implementation, and impact of their standards on trade and how best to monitor this process, the Sixth Review gives the Committee an opportunity to revisit some of the previous proposals.

- A review/analysis of specific trade concerns (STC), highlighting the themes and evidence of harmonization to ISSB standards;
- Relating specifically to Article 12.4, 'The Committee shall develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations. For this purpose, the Committee should, in conjunction with the relevant international organizations, establish a list of international standards, guidelines or recommendations relating to sanitary or phytosanitary measures which the Committee determines to have a major trade impact': review the list of international standards, etc. relating to sanitary or phytosanitary measures which the Committee determines to have a major trade impact. Once the analysis has been undertaken, use the data to inform future proposals to monitor the use of the international standards; and,
- Reviewing (in consultation with the ISSBs) the notification template to gather more specific information on international harmonization and ensure that useful data can be extracted from the WTO/SPS notification system. In addition, discuss with the ISSBs what previous analysis may have been done to date.

Source: [G/SPS/W/348](#)

Other ways to engage

- Participate in informal Committee meeting discussions
- Comment on proposals by other Members
- Engage with other Members to submit joint proposals
- Suggest updates to Committee decisions and documents to be examined in the review
- Take a view on the scheduling of thematic sessions and workshops (which one should have priority?)



Where to find information

Review of Operation and Implementation of SPS Agreement

The SPS Committee is required to review the operation and implementation of the SPS Agreement, as specified under Article 12.7 of the SPS Agreement. The Agreement was first reviewed three years after its entry into force in 1995. Subsequently, a [Decision](#) adopted at the fourth Ministerial Conference in 2001 instructed the Committee to undertake this review at least once every four years.

Reports of previous reviews

- Fifth Review (2020) – [G/SPS/64](#) and [G/SPS/64/Add.1](#)
- Fourth Review (2017) – [G/SPS/62](#)
- Third Review (2010) – [G/SPS/53](#)
- Second Review (2005) – [G/SPS/36](#)
- First Review (1999) – [G/SPS/12](#)

Relevant documents

- Sixth Review proposed process – [G/SPS/W/346](#)
- [Major decisions and documents](#)

Review-related News



Members advance discussion on addressing challenges in implementing SPS Agreement

17 NOVEMBER 2023

- Fifth Review (2020), [WTO members adopt report on food safety, animal and plant health, paving way for new work](#)
- Fourth Review (2017), [WTO members adopt report on food safety agreement](#)
- Third Review (2010), [African observers accepted in food safety, animal-plant health committee](#)
- Second Review (2005), [Private sector standards discussed as SPS Committee adopts two reports](#)

Sixth Review of Operation and Implementation of SPS Agreement

WTO members discussed and adopted the [proposed process](#) for the Sixth Review of the SPS Agreement at the November 2023 meeting of the SPS Committee. The Committee will work on the Review of the Agreement throughout 2024. The process is scheduled to be completed in early 2025.

- All documents related to the Sixth Review are available [here](#).
- Review proposals and documents submitted by members are available [here](#).
- An overview of issues/papers/proposals received is available [here](#).



Want to find out more about the Sixth Review?



www.wto.org/sps_review

How to find SPS-related information



SPS Gateway

<http://www.wto.org/sps>

Information on SPS issues, Committee, events, training, SPS disputes

SPS mailing list

Contact your Delegation Coordinator and register to E-Delegate

Convening notices, annotated draft agendas, reminders, informal communication from the Chair and Secretariat

eAgenda

Credentials upon request
spscommittee@wto.org

Documents for current and past meetings

ePing SPS&TBT Platform

<http://www.eping.wto.org>

Information on SPS & TBT notifications, STCs, NNAs, NEPs, alerts on products/markets of interest

Trade concerns database

<https://tradeconcerns.wto.org/en>

Information on STCs

Docs Online

<https://docs.wto.org/>

All WTO documents, including SPS (to create an account and access/receive alerts (eSubs) on restricted documents, contact your Delegation Coordinator)

Information for new delegates

February 2024

Relevant information for new delegates

Sanitary & Phytosanitary Measures



The [Agreement on the Application of Sanitary and Phytosanitary \(SPS\) Measures](#) sets out basic rules for food safety and animal and plant health measures. The **SPS Committee** is the forum where WTO Members discuss issues related to the implementation of the SPS Agreement and specific trade concerns.

Key SPS weblinks



A dedicated **SPS gateway** containing all relevant SPS information is available at www.wto.org/spis.



Transparency is a core WTO principle. SPS transparency obligations, relevant online tools and dedicated activities can be found at www.wto.org/spstransparency.



Every year, the SPS Committee organizes numerous **Events, workshops and trainings** aimed at enhancing the knowledge and expertise on SPS-related topics. Information on past and upcoming activities is available at www.wto.org/spis/ta.



All information relevant to the **SPS Committee**, including **major decisions and documents**, is available at www.wto.org/spiscommittee.



The **"SPS Declaration: Responding to modern SPS challenges"** was adopted in June 2022 at MC12. Information relevant to the work programme is available at www.wto.org/spisdeclaration.



The Committee reviews the **operation and implementation of the SPS Agreement** every four years. Information about ongoing, as well as about past Reviews is available at www.wto.org/spis_review.



The **Standards and Trade Development Facility (STDF)** is a global partnership to facilitate safe trade, contributing to sustainable economic growth, poverty reduction and food security. Information on deadlines for submission of funding proposals, as well as current and past activities is available at www.standardsfacility.org.

Initial actions upon arrival

New delegates may wish to undertake the following actions:



Consult the general WTO information for delegates: www.wto.org/english/forums_e/members_e/members_e.htm.



Check the information available on the dedicated SPS Committee page: www.wto.org/spiscommittee, including the audio presentation **"Introduction to the SPS Committee"** and the **"FAQ for SPS Committee delegates"**.



Contact their Delegation Coordinator to **create a WTO account in E-Registration** to:

- Access restricted documents
- Be able to register to eSubscriptions to receive alerts on new documents
- Follow virtual meetings



Access the **e-Delegate** platform through eRegistration or through www.wto.org > MyWTO to indicate the Committee(s) they follow, for which they are a focal point and for which they would like to be on the mailing list.



Send a message to spiscommittee@wto.org to request:

- Access to the **SPS eAgenda**, where delegates can raise items, including specific trade concerns (STCs), for the upcoming SPS Committee meetings.



Register on the [ePing SPS&TBT Platform](#) to receive alerts on notifications of interest.



Visit the [Trade Concerns Database](#) to become acquainted with discussions in the SPS and other WTO Committees.

Follow us on X: [#WTOspis](#)

For any SPS-related issue, please contact us at spiscommittee@wto.org



Questions

Answers

Thank you!

www.wto.org/spscommittee
spscommittee@wto.org

Audio presentation
[Introduction to the SPS Committee](#)

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