Sixth Review of the Operation and Implementation of the SPS Agreement

SPS Section, Agriculture and Commodities Division
World Trade Organization

Geneva, 13 March 2024
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?
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?

Topic

Exchange of experiences

Recommendations

⇐ what the SPS Committee has done (factual)

what the SPS Committee will do … ➔
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 2018.25 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.
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

Page: 1/23

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)

- Members submit issues/papers/proposals
  - Secretariat issues overview of proposals (07.02.24)
  - March 2024 Informal Committee meeting
  - Members submit papers/proposals and proposals for action (19.04.24)
  - Secretariat issues revised overview of proposals (30.04.24)

- Secretariat issues background document (08.05.24)
  - Members comment on proposals (17.05.24)
  - Members comment on background document (05.06.24)
  - Secretariat issues compilation of comments on papers/proposals (05.06.24)

- June 2024 Informal Committee meeting

- Secretariat issues draft report and updated background document (Sept. 24)
  - Members comment (04.10.24)
  - Secretariat issues compilation of comments (23.10.24)

- Nov. 2024 Informal Committee meeting
  - Members comment on draft report (13.12.24)

- Secretariat issues compilation of comments (Dec. 24/Jan. 25)
  - Secretariat issues revised draft report (Jan.-Feb. 25)
  - March 2025 Informal Committee meeting: Members consider draft report
  - March 2025 Committee meeting: Members adopt review report
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

**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

**7 February 2024**

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

Source: G/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)

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<th>Members</th>
<th>Addressing modern challenges and emerging risks</th>
<th>Cooperation with ISSBs and observer organizations</th>
<th>Regionalization</th>
<th>Technical assistance / S&amp;D Treatment</th>
<th>Technology / IT tools</th>
<th>Transparency / Notification Procedures</th>
<th>Other Topics</th>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td>G/SPS/W/352 (Proposal for a new standing agenda item on consideration of comments on notifications)</td>
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<tr>
<td>Canada</td>
<td>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)</td>
<td>-</td>
<td>G/SPS/W/349</td>
<td>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)</td>
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<td>-</td>
</tr>
<tr>
<td>European Union</td>
<td>G/SPS/W/353 and G/SPS/W/354 (Proposal for a thematic session on SPS-related emerging risks)</td>
<td>G/SPS/W/353 (Proposal to explore ways to enhance cooperation with ISSBs and with observer organizations)</td>
<td>G/SPS/W/353</td>
<td>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)</td>
<td>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)</td>
<td>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)</td>
<td>-</td>
</tr>
<tr>
<td>India</td>
<td>-</td>
<td>-</td>
<td>Topic of interest (regionalization of pest- and disease-free areas)</td>
<td>-</td>
<td>-</td>
<td></td>
<td>Topics of interest (Issues of concern, particularly unilateral measures related to MRLs)</td>
</tr>
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</table>

**World Trade Organization**
## List of topics proposed (G/SPS/GEN/2194/Rev.1)

<table>
<thead>
<tr>
<th>Members</th>
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<th>Transparency/ Notification Procedures</th>
<th>Other Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Zealand</td>
<td>-</td>
<td>G/SPS/W/348 (Proposal to review STCs, list of relevant international standards, and notification template)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>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)</td>
<td>G/SPS/W/348 (Proposal for exchanges on the terms &quot;reservation&quot; and &quot;obstruction from acceptance&quot; in standards development in the ISSBs)</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>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)</td>
<td>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)</td>
<td>-</td>
<td>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)</td>
<td>G/SPS/W/351 (Proposal to explore the role of electronic tools and techniques to aid the application of SPS measures)</td>
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<td>United States</td>
<td>G/SPS/W/350 (Proposal to continue discussions that took place under the MC12 SPS Declaration Work Programme)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>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)</td>
<td>G/SPS/W/350 (Proposal for discussions on best practices related to facility registrations)</td>
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*Note: G/SPS/W/348 and G/SPS/W/351 refer to specific proposals discussed in the context of the World Trade Organization (WTO) meetings.*
## Proposals for thematic sessions / workshops (RD/SPS/244)

<table>
<thead>
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<th>Member</th>
<th>Proposal</th>
<th>Topic(s)</th>
<th>Symbol (date)</th>
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<tr>
<td>Canada</td>
<td>Workshop to explore SPS challenges associated with new agriculture technologies. Possible areas for consideration: Articles 6, 7, and 9</td>
<td>• Addressing modern challenges and emerging risks</td>
<td>G/SPS/W/349 (23 January 2024)</td>
</tr>
<tr>
<td>European Union</td>
<td>Thematic session on SPS-related emerging risks</td>
<td>• Addressing modern challenges and emerging risks</td>
<td>G/SPS/W/354 (24 January 2024)</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Thematic session on facilitating safe trade – Supporting developing and least developed countries in the development and application of SPS measures</td>
<td>• Technical assistance/ S&amp;D Treatment</td>
<td>G/SPS/W/351 (23 January 2024)</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>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</td>
<td>• Technical assistance/ S&amp;D Treatment</td>
<td>G/SPS/W/351 (23 January 2024)</td>
</tr>
</tbody>
</table>
Committee decisions and documents to be examined (RD/SPS/245)

Committee on Sanitary and Phytosanitary Measures

MAJOR DECISIONS AND DOCUMENTS

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

Source: G/SPS/W/346

Discussion

2\textsuperscript{nd} 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?

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 distinctly 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/W/1877 and G/SPS/W/1995, 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 organizations”. 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 consultation 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.

Want to find out more about the Sixth Review?

www.wto.org/sps_review
How to find SPS-related information

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<th><strong>eAgenda</strong></th>
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<td><a href="http://www.wto.org/sps">http://www.wto.org/sps</a></td>
<td>Contact your Delegation Coordinator and register to E-Delegate&lt;br&gt;Convening notices, annotated draft agendas, reminders, informal communication from the Chair and Secretariat</td>
<td>Credentials upon request&lt;br&gt;<a href="mailto:spscommittee@wto.org">spscommittee@wto.org</a>&lt;br&gt;Documents for current and past meetings</td>
<td><a href="https://docs.wto.org/">https://docs.wto.org/</a></td>
</tr>
<tr>
<td>Information on SPS issues, Committee, events, training, SPS disputes</td>
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<td>All WTO documents, including SPS (to create an account and access/receive alerts (eSubs) on restricted documents, contact your Delegation Coordinator)</td>
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<th><strong>ePing SPS&amp;TBT Platform</strong></th>
<th><strong>Trade concerns database</strong></th>
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<tr>
<td>Information on SPS &amp; TBT notifications, STCs, NNAs, NEPs, alerts on products/markets of interest</td>
<td>Information on STCs</td>
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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 a 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/spi.

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

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/spd.

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

Information relevant to the SPS Committee, including major decisions and documents, is available at www.wto.org/appsecretariat.

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/spi/sps-reviews.

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.standard-facility.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/appscommittees, 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 by:
  - 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/sta 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 appcommittee@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 eTNG-SPS@T 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 %: #WTOSpps
For any SPS-related issue, please contact us at appcommittee@wto.org
Thank you!

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

Audio presentation
Introduction to the SPS Committee

Follow us on X: #WTOsps