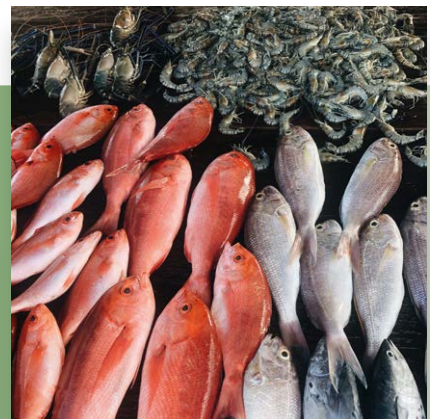


Committee on Sanitary and Phytosanitary Measures

MAJOR DECISIONS AND DOCUMENTS



May
2025



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES

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May 2025

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**AGREEMENT ON THE APPLICATION OF
SANITARY AND PHYTOSANITARY MEASURES**

15 April 1994

AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES

Members,

Reaffirming that no Member should be prevented from adopting or enforcing measures necessary to protect human, animal or plant life or health, subject to the requirement that these measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between Members where the same conditions prevail or a disguised restriction on international trade;

Desiring to improve the human health, animal health and phytosanitary situation in all Members;

Noting that sanitary and phytosanitary measures are often applied on the basis of bilateral agreements or protocols;

Desiring the establishment of a multilateral framework of rules and disciplines to guide the development, adoption and enforcement of sanitary and phytosanitary measures in order to minimize their negative effects on trade;

Recognizing the important contribution that international standards, guidelines and recommendations can make in this regard;

Desiring to further the use of harmonized sanitary and phytosanitary measures between Members, on the basis of international standards, guidelines and recommendations developed by the relevant international organizations, including the Codex Alimentarius Commission, the International Office of Epizootics, and the relevant international and regional organizations operating within the framework of the International Plant Protection Convention, without requiring Members to change their appropriate level of protection of human, animal or plant life or health;

Recognizing that developing country Members may encounter special difficulties in complying with the sanitary or phytosanitary measures of importing Members, and as a consequence in access to markets, and also in the formulation and application of sanitary or phytosanitary measures in their own territories, and desiring to assist them in their endeavours in this regard;

Desiring therefore to elaborate rules for the application of the provisions of GATT 1994 which relate to the use of sanitary or phytosanitary measures, in particular the provisions of Article XX(b)¹;

Hereby agree as follows:

¹In this Agreement, reference to Article XX(b) includes also the chapeau of that Article.

Article 1

General Provisions

1. This Agreement applies to all sanitary and phytosanitary measures which may, directly or indirectly, affect international trade. Such measures shall be developed and applied in accordance with the provisions of this Agreement.
2. For the purposes of this Agreement, the definitions provided in Annex A shall apply.
3. The annexes are an integral part of this Agreement.
4. Nothing in this Agreement shall affect the rights of Members under the Agreement on Technical Barriers to Trade with respect to measures not within the scope of this Agreement.

Article 2

Basic Rights and Obligations

1. Members have the right to take sanitary and phytosanitary measures necessary for the protection of human, animal or plant life or health, provided that such measures are not inconsistent with the provisions of this Agreement.
2. Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health, is based on scientific principles and is not maintained without sufficient scientific evidence, except as provided for in paragraph 7 of Article 5.
3. Members shall ensure that their sanitary and phytosanitary measures do not arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail, including between their own territory and that of other Members. Sanitary and phytosanitary measures shall not be applied in a manner which would constitute a disguised restriction on international trade.
4. Sanitary or phytosanitary measures which conform to the relevant provisions of this Agreement shall be presumed to be in accordance with the obligations of the Members under the provisions of GATT 1994 which relate to the use of sanitary or phytosanitary measures, in particular the provisions of Article XX(b).

Article 3

Harmonization

1. To harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members shall base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, where they exist, except as otherwise provided for in this Agreement, and in particular in paragraph 3.

2. Sanitary or phytosanitary measures which conform to international standards, guidelines or recommendations shall be deemed to be necessary to protect human, animal or plant life or health, and presumed to be consistent with the relevant provisions of this Agreement and of GATT 1994.

3. Members may introduce or maintain sanitary or phytosanitary measures which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, if there is a scientific justification, or as a consequence of the level of sanitary or phytosanitary protection a Member determines to be appropriate in accordance with the relevant provisions of paragraphs 1 through 8 of Article 5.² Notwithstanding the above, all measures which result in a level of sanitary or phytosanitary protection different from that which would be achieved by measures based on international standards, guidelines or recommendations shall not be inconsistent with any other provision of this Agreement.

4. Members shall play a full part, within the limits of their resources, in the relevant international organizations and their subsidiary bodies, in particular the Codex Alimentarius Commission, the International Office of Epizootics, and the international and regional organizations operating within the framework of the International Plant Protection Convention, to promote within these organizations the development and periodic review of standards, guidelines and recommendations with respect to all aspects of sanitary and phytosanitary measures.

5. The Committee on Sanitary and Phytosanitary Measures provided for in paragraphs 1 and 4 of Article 12 (referred to in this Agreement as the "Committee") shall develop a procedure to monitor the process of international harmonization and coordinate efforts in this regard with the relevant international organizations.

Article 4

Equivalence

1. Members shall accept the sanitary or phytosanitary measures of other Members as equivalent, even if these measures differ from their own or from those used by other Members trading in the same product, if the exporting Member objectively demonstrates to the importing Member that its measures achieve the importing Member's appropriate level of sanitary or phytosanitary protection. For this purpose, reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures.

2. Members shall, upon request, enter into consultations with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures.

²For the purposes of paragraph 3 of Article 3, there is a scientific justification if, on the basis of an examination and evaluation of available scientific information in conformity with the relevant provisions of this Agreement, a Member determines that the relevant international standards, guidelines or recommendations are not sufficient to achieve its appropriate level of sanitary or phytosanitary protection.

Article 5

*Assessment of Risk and Determination of the Appropriate Level
of Sanitary or Phytosanitary Protection*

1. Members shall ensure that their sanitary or phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations.
2. In the assessment of risks, Members shall take into account available scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods; prevalence of specific diseases or pests; existence of pest- or disease-free areas; relevant ecological and environmental conditions; and quarantine or other treatment.
3. In assessing the risk to animal or plant life or health and determining the measure to be applied for achieving the appropriate level of sanitary or phytosanitary protection from such risk, Members shall take into account as relevant economic factors: the potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a pest or disease; the costs of control or eradication in the territory of the importing Member; and the relative cost-effectiveness of alternative approaches to limiting risks.
4. Members should, when determining the appropriate level of sanitary or phytosanitary protection, take into account the objective of minimizing negative trade effects.
5. With the objective of achieving consistency in the application of the concept of appropriate level of sanitary or phytosanitary protection against risks to human life or health, or to animal and plant life or health, each Member shall avoid arbitrary or unjustifiable distinctions in the levels it considers to be appropriate in different situations, if such distinctions result in discrimination or a disguised restriction on international trade. Members shall cooperate in the Committee, in accordance with paragraphs 1, 2 and 3 of Article 12, to develop guidelines to further the practical implementation of this provision. In developing the guidelines, the Committee shall take into account all relevant factors, including the exceptional character of human health risks to which people voluntarily expose themselves.
6. Without prejudice to paragraph 2 of Article 3, when establishing or maintaining sanitary or phytosanitary measures to achieve the appropriate level of sanitary or phytosanitary protection, Members shall ensure that such measures are not more trade-restrictive than required to achieve their appropriate level of sanitary or phytosanitary protection, taking into account technical and economic feasibility.³
7. In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members. In such circumstances, Members shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly within a reasonable period of time.

³For purposes of paragraph 6 of Article 5, a measure is not more trade-restrictive than required unless there is another measure, reasonably available taking into account technical and economic feasibility, that achieves the appropriate level of sanitary or phytosanitary protection and is significantly less restrictive to trade.

8. When a Member has reason to believe that a specific sanitary or phytosanitary measure introduced or maintained by another Member is constraining, or has the potential to constrain, its exports and the measure is not based on the relevant international standards, guidelines or recommendations, or such standards, guidelines or recommendations do not exist, an explanation of the reasons for such sanitary or phytosanitary measure may be requested and shall be provided by the Member maintaining the measure.

Article 6

Adaptation to Regional Conditions, Including Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence

1. Members shall ensure that their sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary characteristics of the area - whether all of a country, part of a country, or all or parts of several countries - from which the product originated and to which the product is destined. In assessing the sanitary or phytosanitary characteristics of a region, Members shall take into account, *inter alia*, the level of prevalence of specific diseases or pests, the existence of eradication or control programmes, and appropriate criteria or guidelines which may be developed by the relevant international organizations.
2. Members shall, in particular, recognize the concepts of pest- or disease-free areas and areas of low pest or disease prevalence. Determination of such areas shall be based on factors such as geography, ecosystems, epidemiological surveillance, and the effectiveness of sanitary or phytosanitary controls.
3. Exporting Members claiming that areas within their territories are pest- or disease-free areas or areas of low pest or disease prevalence shall provide the necessary evidence thereof in order to objectively demonstrate to the importing Member that such areas are, and are likely to remain, pest- or disease-free areas or areas of low pest or disease prevalence, respectively. For this purpose, reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures.

Article 7

Transparency

Members shall notify changes in their sanitary or phytosanitary measures and shall provide information on their sanitary or phytosanitary measures in accordance with the provisions of Annex B.

Article 8

Control, Inspection and Approval Procedures

Members shall observe the provisions of Annex C in the operation of control, inspection and approval procedures, including national systems for approving the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs, and otherwise ensure that their procedures are not inconsistent with the provisions of this Agreement.

Article 9

Technical Assistance

1. Members agree to facilitate the provision of technical assistance to other Members, especially developing country Members, either bilaterally or through the appropriate international organizations. Such assistance may be, *inter alia*, in the areas of processing technologies, research and infrastructure, including in the establishment of national regulatory bodies, and may take the form of advice, credits, donations and grants, including for the purpose of seeking technical expertise, training and equipment to allow such countries to adjust to, and comply with, sanitary or phytosanitary measures necessary to achieve the appropriate level of sanitary or phytosanitary protection in their export markets.
2. Where substantial investments are required in order for an exporting developing country Member to fulfil the sanitary or phytosanitary requirements of an importing Member, the latter shall consider providing such technical assistance as will permit the developing country Member to maintain and expand its market access opportunities for the product involved.

Article 10

Special and Differential Treatment

1. In the preparation and application of sanitary or phytosanitary measures, Members shall take account of the special needs of developing country Members, and in particular of the least-developed country Members.
2. Where the appropriate level of sanitary or phytosanitary protection allows scope for the phased introduction of new sanitary or phytosanitary measures, longer time-frames for compliance should be accorded on products of interest to developing country Members so as to maintain opportunities for their exports.
3. With a view to ensuring that developing country Members are able to comply with the provisions of this Agreement, the Committee is enabled to grant to such countries, upon request, specified, time-limited exceptions in whole or in part from obligations under this Agreement, taking into account their financial, trade and development needs.
4. Members should encourage and facilitate the active participation of developing country Members in the relevant international organizations.

Article 11

Consultations and Dispute Settlement

1. The provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Dispute Settlement Understanding shall apply to consultations and the settlement of disputes under this Agreement, except as otherwise specifically provided herein.
2. In a dispute under this Agreement involving scientific or technical issues, a panel should seek advice from experts chosen by the panel in consultation with the parties to the dispute. To this end, the panel may, when it deems it appropriate, establish an advisory technical experts group, or consult the relevant international organizations, at the request of either party to the dispute or on its own initiative.

3. Nothing in this Agreement shall impair the rights of Members under other international agreements, including the right to resort to the good offices or dispute settlement mechanisms of other international organizations or established under any international agreement.

Article 12

Administration

1. A Committee on Sanitary and Phytosanitary Measures is hereby established to provide a regular forum for consultations. It shall carry out the functions necessary to implement the provisions of this Agreement and the furtherance of its objectives, in particular with respect to harmonization. The Committee shall reach its decisions by consensus.

2. The Committee shall encourage and facilitate ad hoc consultations or negotiations among Members on specific sanitary or phytosanitary issues. The Committee shall encourage the use of international standards, guidelines or recommendations by all Members and, in this regard, shall sponsor technical consultation and study with the objective of increasing coordination and integration between international and national systems and approaches for approving the use of food additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs.

3. The Committee shall maintain close contact with the relevant international organizations in the field of sanitary and phytosanitary protection, especially with the Codex Alimentarius Commission, the International Office of Epizootics, and the Secretariat of the International Plant Protection Convention, with the objective of securing the best available scientific and technical advice for the administration of this Agreement and in order to ensure that unnecessary duplication of effort is avoided.

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. The list should include an indication by Members of those international standards, guidelines or recommendations which they apply as conditions for import or on the basis of which imported products conforming to these standards can enjoy access to their markets. For those cases in which a Member does not apply an international standard, guideline or recommendation as a condition for import, the Member should provide an indication of the reason therefor, and, in particular, whether it considers that the standard is not stringent enough to provide the appropriate level of sanitary or phytosanitary protection. If a Member revises its position, following its indication of the use of a standard, guideline or recommendation as a condition for import, it should provide an explanation for its change and so inform the Secretariat as well as the relevant international organizations, unless such notification and explanation is given according to the procedures of Annex B.

5. In order to avoid unnecessary duplication, the Committee may decide, as appropriate, to use the information generated by the procedures, particularly for notification, which are in operation in the relevant international organizations.

6. The Committee may, on the basis of an initiative from one of the Members, through appropriate channels invite the relevant international organizations or their subsidiary bodies to examine specific matters with respect to a particular standard, guideline or recommendation, including the basis of explanations for non-use given according to paragraph 4.

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.

Article 13

Implementation

Members are fully responsible under this Agreement for the observance of all obligations set forth herein. Members shall formulate and implement positive measures and mechanisms in support of the observance of the provisions of this Agreement by other than central government bodies. Members shall take such reasonable measures as may be available to them to ensure that non-governmental entities within their territories, as well as regional bodies in which relevant entities within their territories are members, comply with the relevant provisions of this Agreement. In addition, Members shall not take measures which have the effect of, directly or indirectly, requiring or encouraging such regional or non-governmental entities, or local governmental bodies, to act in a manner inconsistent with the provisions of this Agreement. Members shall ensure that they rely on the services of non-governmental entities for implementing sanitary or phytosanitary measures only if these entities comply with the provisions of this Agreement.

Article 14

Final Provisions

The least-developed country Members may delay application of the provisions of this Agreement for a period of five years following the date of entry into force of the WTO Agreement with respect to their sanitary or phytosanitary measures affecting importation or imported products. Other developing country Members may delay application of the provisions of this Agreement, other than paragraph 8 of Article 5 and Article 7, for two years following the date of entry into force of the WTO Agreement with respect to their existing sanitary or phytosanitary measures affecting importation or imported products, where such application is prevented by a lack of technical expertise, technical infrastructure or resources.

ANNEX A

DEFINITIONS⁴

1. *Sanitary or phytosanitary measure* - Any measure applied:
 - (a) to protect animal or plant life or health within the territory of the Member from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
 - (b) to protect human or animal life or health within the territory of the Member from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs;
 - (c) to protect human life or health within the territory of the Member from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or
 - (d) to prevent or limit other damage within the territory of the Member from the entry, establishment or spread of pests.
- Sanitary or phytosanitary measures include all relevant laws, decrees, regulations, requirements and procedures including, *inter alia*, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety.
2. *Harmonization* - The establishment, recognition and application of common sanitary and phytosanitary measures by different Members.
 3. *International standards, guidelines and recommendations*
 - (a) for food safety, the standards, guidelines and recommendations established by the Codex Alimentarius Commission relating to food additives, veterinary drug and pesticide residues, contaminants, methods of analysis and sampling, and codes and guidelines of hygienic practice;
 - (b) for animal health and zoonoses, the standards, guidelines and recommendations developed under the auspices of the International Office of Epizootics;
 - (c) for plant health, the international standards, guidelines and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention in cooperation with regional organizations operating within the framework of the International Plant Protection Convention; and

⁴For the purpose of these definitions, "animal" includes fish and wild fauna; "plant" includes forests and wild flora; "pests" include weeds; and "contaminants" include pesticide and veterinary drug residues and extraneous matter.

- (d) for matters not covered by the above organizations, appropriate standards, guidelines and recommendations promulgated by other relevant international organizations open for membership to all Members, as identified by the Committee.

4. *Risk assessment* - The evaluation of the likelihood of entry, establishment or spread of a pest or disease within the territory of an importing Member according to the sanitary or phytosanitary measures which might be applied, and of the associated potential biological and economic consequences; or the evaluation of the potential for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins or disease-causing organisms in food, beverages or feedstuffs.

5. *Appropriate level of sanitary or phytosanitary protection* - The level of protection deemed appropriate by the Member establishing a sanitary or phytosanitary measure to protect human, animal or plant life or health within its territory.

NOTE: Many Members otherwise refer to this concept as the "acceptable level of risk".

6. *Pest- or disease-free area* - An area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest or disease does not occur.

NOTE: A pest- or disease-free area may surround, be surrounded by, or be adjacent to an area - whether within part of a country or in a geographic region which includes parts of or all of several countries - in which a specific pest or disease is known to occur but is subject to regional control measures such as the establishment of protection, surveillance and buffer zones which will confine or eradicate the pest or disease in question.

7. *Area of low pest or disease prevalence* - An area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest or disease occurs at low levels and which is subject to effective surveillance, control or eradication measures.

ANNEX B

TRANSPARENCY OF SANITARY AND PHYTOSANITARY REGULATIONS

Publication of regulations

1. Members shall ensure that all sanitary and phytosanitary regulations⁵ which have been adopted are published promptly in such a manner as to enable interested Members to become acquainted with them.
2. Except in urgent circumstances, Members shall allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members, and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing Member.

Enquiry points

3. Each Member shall ensure that one enquiry point exists which is responsible for the provision of answers to all reasonable questions from interested Members as well as for the provision of relevant documents regarding:
 - (a) any sanitary or phytosanitary regulations adopted or proposed within its territory;
 - (b) any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory;
 - (c) risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
 - (d) the membership and participation of the Member, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems, as well as in bilateral and multilateral agreements and arrangements within the scope of this Agreement, and the texts of such agreements and arrangements.
4. Members shall ensure that where copies of documents are requested by interested Members, they are supplied at the same price (if any), apart from the cost of delivery, as to the nationals⁶ of the Member concerned.

Notification procedures

5. Whenever an international standard, guideline or recommendation does not exist or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the regulation may have a significant effect on trade of other Members, Members shall:

⁵Sanitary and phytosanitary measures such as laws, decrees or ordinances which are applicable generally.

⁶When "nationals" are referred to in this Agreement, the term shall be deemed, in the case of a separate customs territory Member of the WTO, to mean persons, natural or legal, who are domiciled or who have a real and effective industrial or commercial establishment in that customs territory.

- (a) publish a notice at an early stage in such a manner as to enable interested Members to become acquainted with the proposal to introduce a particular regulation;
 - (b) notify other Members, through the Secretariat, of the products to be covered by the regulation together with a brief indication of the objective and rationale of the proposed regulation. Such notifications shall take place at an early stage, when amendments can still be introduced and comments taken into account;
 - (c) provide upon request to other Members copies of the proposed regulation and, whenever possible, identify the parts which in substance deviate from international standards, guidelines or recommendations;
 - (d) without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account.
6. However, where urgent problems of health protection arise or threaten to arise for a Member, that Member may omit such of the steps enumerated in paragraph 5 of this Annex as it finds necessary, provided that the Member:
- (a) immediately notifies other Members, through the Secretariat, of the particular regulation and the products covered, with a brief indication of the objective and the rationale of the regulation, including the nature of the urgent problem(s);
 - (b) provides, upon request, copies of the regulation to other Members;
 - (c) allows other Members to make comments in writing, discusses these comments upon request, and takes the comments and the results of the discussions into account.
7. Notifications to the Secretariat shall be in English, French or Spanish.
8. Developed country Members shall, if requested by other Members, provide copies of the documents or, in case of voluminous documents, summaries of the documents covered by a specific notification in English, French or Spanish.
9. The Secretariat shall promptly circulate copies of the notification to all Members and interested international organizations and draw the attention of developing country Members to any notifications relating to products of particular interest to them.
10. Members shall designate a single central government authority as responsible for the implementation, on the national level, of the provisions concerning notification procedures according to paragraphs 5, 6, 7 and 8 of this Annex.

General reservations

11. Nothing in this Agreement shall be construed as requiring:
- (a) the provision of particulars or copies of drafts or the publication of texts other than in the language of the Member except as stated in paragraph 8 of this Annex; or
 - (b) Members to disclose confidential information which would impede enforcement of sanitary or phytosanitary legislation or which would prejudice the legitimate commercial interests of particular enterprises.

ANNEX C

CONTROL, INSPECTION AND APPROVAL PROCEDURES⁷

1. Members shall ensure, with respect to any procedure to check and ensure the fulfilment of sanitary or phytosanitary measures, that:

- (a) such procedures are undertaken and completed without undue delay and in no less favourable manner for imported products than for like domestic products;
- (b) the standard processing period of each procedure is published or that the anticipated processing period is communicated to the applicant upon request; when receiving an application, the competent body promptly examines the completeness of the documentation and informs the applicant in a precise and complete manner of all deficiencies; the competent body transmits as soon as possible the results of the procedure in a precise and complete manner to the applicant so that corrective action may be taken if necessary; even when the application has deficiencies, the competent body proceeds as far as practicable with the procedure if the applicant so requests; and that upon request, the applicant is informed of the stage of the procedure, with any delay being explained;
- (c) information requirements are limited to what is necessary for appropriate control, inspection and approval procedures, including for approval of the use of additives or for the establishment of tolerances for contaminants in food, beverages or feedstuffs;
- (d) the confidentiality of information about imported products arising from or supplied in connection with control, inspection and approval is respected in a way no less favourable than for domestic products and in such a manner that legitimate commercial interests are protected;
- (e) any requirements for control, inspection and approval of individual specimens of a product are limited to what is reasonable and necessary;
- (f) any fees imposed for the procedures on imported products are equitable in relation to any fees charged on like domestic products or products originating in any other Member and should be no higher than the actual cost of the service;
- (g) the same criteria should be used in the siting of facilities used in the procedures and the selection of samples of imported products as for domestic products so as to minimize the inconvenience to applicants, importers, exporters or their agents;
- (h) whenever specifications of a product are changed subsequent to its control and inspection in light of the applicable regulations, the procedure for the modified product is limited to what is necessary to determine whether adequate confidence exists that the product still meets the regulations concerned; and
- (i) a procedure exists to review complaints concerning the operation of such procedures and to take corrective action when a complaint is justified.

⁷Control, inspection and approval procedures include, *inter alia*, procedures for sampling, testing and certification.

Where an importing Member operates a system for the approval of the use of food additives or for the establishment of tolerances for contaminants in food, beverages or feedstuffs which prohibits or restricts access to its domestic markets for products based on the absence of an approval, the importing Member shall consider the use of a relevant international standard as the basis for access until a final determination is made.

2. Where a sanitary or phytosanitary measure specifies control at the level of production, the Member in whose territory the production takes place shall provide the necessary assistance to facilitate such control and the work of the controlling authorities.

3. Nothing in this Agreement shall prevent Members from carrying out reasonable inspection within their own territories.

RULES OF PROCEDURE FOR MEETINGS OF
THE COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES

Approved by the Council for Trade in Goods on 11 June 1997

At its meeting of 19-20 March 1997, the Committee agreed that the Rules of Procedure for meetings of the General Council (WT/L/161) shall apply *mutatis mutandis* for meetings of the Committee on Sanitary and Phytosanitary Measures except as otherwise provided in the Working Procedures (G/SPS/1) as established or as subsequently amended by the Committee on Sanitary and Phytosanitary Measures and except as provided below:

(i) Rule 5 of Chapter II (Agenda) is not applicable.

(ii) Rule 6 of Chapter II (Agenda) shall be modified to read as follows:

The first item of business at each meeting shall be the consideration and approval of the agenda. Representatives or the Chairperson may suggest amendments to the proposed agenda, or additions to the agenda under "Other Business". Representatives shall provide the Chairperson or the Secretariat, and the other Members directly concerned, whenever possible, advance notice of items intended to be raised under "Other Business".

(iii) Rules 12, 13 and 14 of Chapter V (Officers) shall be modified to read as follows:

Rule 12

The Committee on Sanitary and Phytosanitary Measures shall elect a Chairperson¹ from among the representatives of Members. The election shall take place at the first meeting of the year and shall take effect at the end of the meeting. The Chairperson shall hold office until the end of the first meeting of the following year.

¹The Committee on Sanitary and Phytosanitary Measures shall apply the relevant guidelines contained in the "Guidelines for Appointment of Officers to WTO Bodies" (WT/L/31 dated 7 February 1995).

Rule 13

If the Chairperson is absent from any meeting or part thereof, the Committee on Sanitary and Phytosanitary Measures shall appoint an interim Chairperson for that meeting or that part of the meeting.

Rule 14

If the Chairperson can no longer perform the functions of the office, the Committee on Sanitary and Phytosanitary Measures shall appoint an interim Chairperson to perform those functions pending the election of a new Chairperson.

(iv) Rule 16 of Chapter VI (Conduct of Business) is not applicable.

(v) Rule 24 of Chapter VI (Conduct of Business) shall be modified to read as follows:

In order to expedite the conduct of business, the Chairperson may invite representatives that wish to express their support for a given proposal to show their hands; thus, only representatives with dissenting views or wishing to make explicit points or proposals would actually be invited to make a statement. This procedure shall only be applied in order to avoid undue repetition of points already made, and will not preclude any representative who so wishes from taking the floor.

(vi) Rule 33 of Chapter VII (Decision-Making) shall be modified to read as follows:

In accordance with Article 12:1 of the Agreement on the Application of Sanitary and Phytosanitary Measures, the Committee shall reach its decisions by consensus.

(vii) Rule 34 of Chapter VII (Decision-Making) is not applicable.

(viii) Rule 36 of Chapter IX (Records) shall be replaced by the following:

Records of the Committee on Sanitary and Phytosanitary Measures meetings shall take the form of a summary report to be prepared by the Secretariat. Any delegation may, at their request, verify those portions of the draft report containing their statements prior to the issuance of the Secretariat summary report in accordance with the customary GATT practice. Delegations that wish to avail themselves of this verification procedure should so indicate to the Secretariat within 10 days of the close of the meeting concerned.

RULES OF PROCEDURE FOR SESSIONS OF THE MINISTERIAL CONFERENCE
AND MEETINGS OF THE GENERAL COUNCIL *

RULES OF PROCEDURE FOR SESSIONS OF THE MINISTERIAL CONFERENCE

Note: For the purposes of these Rules, the term "WTO Agreement" includes the Multilateral Trade Agreements.

Chapter I — Sessions

Rule 1

Regular sessions of the Ministerial Conference shall be held at least once every two years. The date of each regular session shall be fixed by the Ministerial Conference at a previous session.

Rule 2

A special session may, however, be held at another date on the initiative of the Chairperson, at the request of a Member concurred in by the majority of the Members, or by a decision of the General Council. Notice of the convening of any such session shall be given to Members at least twenty-one days before the opening of the session. In the event that the twenty-first day falls on a weekend or a holiday, the notice shall be issued no later than the preceding WTO working day.

Chapter II — Agenda

Rule 3

The provisional agenda for each regular session shall be drawn up by the Secretariat in consultation with the Chairperson and shall be communicated to Members at least five weeks before the opening of the session. It shall be open to any Member to propose items for inclusion in this provisional agenda up to six weeks before the opening of the session. Additional items on the agenda shall be proposed under "Other Business" at the opening of the session. Inclusion of these items on the agenda shall depend upon the agreement of the Ministerial Conference.

* This document reproduces the rules of procedure for sessions of the Ministerial Conference and meetings of the General Council adopted by the General Council on 31 January 1995 (WT/L/28), as amended by the General Council on 3 April 1995 with regard to Chapter V - Officers of the Rules for the General Council, and on 18 July 1996 with regard to Annex 3 referred to in Rule 11 of the Rules for both the Ministerial Conference and the General Council.

Rule 4

The provisional agenda for a special session shall be drawn up by the Secretariat in consultation with the Chairperson and shall be communicated to Members at least twenty-one days before the opening of the session. It shall be open to any Member to propose items for inclusion in this provisional agenda up to twenty-one days before the opening of the session. Additional items on the agenda shall be proposed under "Other Business" at the opening of the session. Inclusion of these items on the agenda shall depend upon the agreement of the Ministerial Conference.

Rule 5

The first item of business at each session shall be the consideration and approval of the agenda.

Rule 6

The Ministerial Conference may amend the agenda or give priority to certain items at any time in the course of the Session.

Chapter III — Credentials

Rule 7

Each Member shall be represented by an accredited representative.

Rule 8

Each representative may be accompanied by such alternates and advisers as the representative may require.

Rule 9

The credentials of representatives shall be submitted to the Secretariat at least one week before the opening of the session. They shall take the form of a communication from or on behalf of the Minister for Foreign Affairs or the competent authority of the Member authorizing the representative to perform on behalf of the Member the functions indicated in the WTO Agreement.¹ The Chairperson after consulting with the Secretariat shall draw attention to any case where a representative has omitted to present credentials in due time and form.

Chapter IV — Observers

Rule 10

Representatives of States or separate customs territories may attend the meetings as observers on the invitation of the Ministerial Conference in accordance with paragraphs 9 to 11 of the guidelines in Annex 2 to these Rules.

¹It is understood that in the case of a separate customs territory Member the credentials of its representatives shall have no implication as to sovereignty.

Rule 11

Representatives of international intergovernmental organizations may attend the meetings as observers on the invitation of the Ministerial Conference in accordance with the guidelines in Annex 3 to these Rules.

Chapter V — Officers

Rule 12

During the course of each regular session a Chairperson and three Vice-Chairpersons shall be elected from among the Members. They shall hold office from the end of that session until the end of the next regular session.

Rule 13

If the Chairperson is absent from any meeting or part thereof, one of the three Vice-Chairpersons shall perform the functions of the Chairperson. If no Vice-Chairperson is present the Ministerial Conference shall elect an interim Chairperson for that meeting or that part of the meeting.

Rule 14

If the Chairperson can no longer perform the functions of the office, the Ministerial Conference shall designate one of the Vice-Chairpersons to perform those functions pending election of a new Chairperson in accordance with rule 12.

Rule 15

The Chairperson shall normally participate in the proceedings as such and not as the representative of a Member. The Chairperson may, however, at any time request permission to act in either capacity.

Chapter VI — Conduct of business

Rule 16

A simple majority of the Members shall constitute a quorum.

Rule 17

In addition to exercising the powers conferred elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting, shall direct the discussion, accord the right to speak, submit questions for decision, announce decisions, rule on points of order and, subject to these rules, have complete control of the proceedings. The Chairperson may also call a speaker to order if the remarks of the speaker are not relevant.

Rule 18

During the discussion of any matter, a representative may raise a point of order. In this case the Chairperson shall immediately state the ruling. If the ruling is challenged, the Chairperson shall immediately submit it for decision and it shall stand unless overruled.

Rule 19

During the discussion of any matter a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proponent of the motion, one representative may be allowed to speak in favour of, and two representatives against, the motion, after which the motion shall be submitted for decision immediately.

Rule 20

A representative may at any time move the closure of the debate. In addition to the proponent of the motion, not more than one representative may be granted permission to speak in favour of the motion and not more than two representatives may be granted permission to speak against the motion, after which the motion shall be submitted for decision immediately.

Rule 21

During the course of the debate, the Chairperson may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Chairperson may, however, accord the right of reply to any representative if a speech delivered after the list has been declared closed makes this desirable.

Rule 22

The Chairperson, with the consent of the meeting, may limit the time allowed to each speaker.

Rule 23

Proposals and amendments to proposals shall normally be introduced in writing and circulated to all representatives not later than twelve hours before the commencement of the meeting at which they are to be discussed.

Rule 24

If two or more proposals are moved relating to the same question, the meeting shall first decide on the most far-reaching proposal and then on the next most far-reaching proposal and so on.

Rule 25

When an amendment is moved to a proposal, the amendment shall be submitted for decision first and, if it is adopted, the amended proposal shall then be submitted for decision.

Rule 26

When two or more amendments are moved to a proposal, the meeting shall decide first on the amendment farthest removed in substance from the original proposal, then, if necessary, on the amendment next farthest removed, and so on until all the amendments have been submitted for decision.

Rule 27

Parts of a proposal may be decided on separately if a representative requests that the proposal be divided.

Chapter VII — Decision-Making

Rule 28

The Ministerial Conference shall take decisions in accordance with the decision-making provisions of the WTO Agreement, in particular Article IX thereof entitled "Decision-Making".

Rule 29

When, in accordance with the WTO Agreement, decisions are required to be taken by vote, such votes shall be taken by ballot. Ballot papers shall be distributed to representatives of Members present at the session and a ballot box placed in the conference room. However, the representative of any Member may request, or the Chairperson may suggest, that a vote be taken by the raising of cards or by roll call. In addition, where in accordance with the WTO Agreement a vote by a qualified majority of all Members is required to be taken, the Ministerial Conference may decide, upon request from a Member or the suggestion of the Chairperson, that the vote be taken by airmail ballots or ballots transmitted by telegraph or telefacsimile in accordance with the procedures described in Annex 1 to these Rules.

Chapter VIII — Languages

Rule 30

English, French and Spanish shall be the working languages.

Chapter IX — Records

Rule 31

Summary records of the meetings of the Ministerial Conference shall be kept by the Secretariat.²

Chapter X — Publicity of meetings

Rule 32

The meetings of the Ministerial Conference shall ordinarily be held in private. It may be decided that a particular meeting or meetings should be held in public.

Rule 33

After a private meeting has been held, the Chairperson may issue a communiqué to the Press.

Chapter XI — Revision

Rule 34

The Ministerial Conference may decide at any time to revise these rules or any part of them.

²The customary practice under the GATT 1947, whereby representatives may, upon their request, verify those portions of the draft records containing their statements, prior to the issuance of such records, shall be continued.

RULES OF PROCEDURE FOR MEETINGS OF THE GENERAL COUNCIL

Note: For the purposes of these Rules, the term "WTO Agreement" includes the Multilateral Trade Agreements.

Chapter I — Meetings

Rule 1

The General Council shall meet as appropriate.

Rule 2

Meetings of the General Council shall be convened by the Director-General by a notice issued not less than ten calendar days prior to the date set for the meeting. In the event that the tenth day falls on a weekend or a holiday, the notice shall be issued no later than the preceding WTO working day. Meetings may be convened with shorter notice for matters of significant importance or urgency at the request of a Member concurred in by the majority of the Members.

Chapter II — Agenda

Rule 3

A list of the items proposed for the agenda of the meeting shall be communicated to Members together with the convening notice for the meeting. It shall be open to any Member to suggest items for inclusion in the proposed agenda up to, and not including, the day on which the notice of the meeting is to be issued.

Rule 4

Requests for items to be placed on the agenda of a forthcoming meeting shall be communicated to the Secretariat in writing, together with the accompanying documentation to be issued in connection with that item. Documentation for consideration at a meeting shall be circulated not later than the day on which the notice of the meeting is to be issued.

Rule 5

A proposed agenda shall be circulated by the Secretariat one or two days before the meeting.

Rule 6

The first item of business at each meeting shall be the consideration and approval of the agenda. Representatives may suggest amendments to the proposed agenda, or additions to the agenda under "Other Business". Representatives shall provide the Chairperson or the Secretariat, and the other Members directly concerned, whenever possible, advance notice of items intended to be raised under "Other Business".

Rule 7

The General Council may amend the agenda or give priority to certain items at any time in the course of the meeting.

Chapter III — Representation

Rule 8

Each Member shall be represented by an accredited representative.

Rule 9

Each representative may be accompanied by such alternates and advisers as the representative may require.

Chapter IV — Observers

Rule 10

Representatives of States or separate customs territories may attend the meetings as observers on the invitation of the General Council in accordance with paragraphs 9 to 11 of the guidelines in Annex 2 to these Rules.

Rule 11

Representatives of international intergovernmental organizations may attend the meetings as observers on the invitation of the General Council in accordance with the guidelines in Annex 3 to these Rules.

Chapter V — Officers

Rule 12

The General Council shall elect a Chairperson* from among the representatives of Members. The election shall take place at the first meeting of the year and shall take effect at the end of the meeting. The Chairperson shall hold office until the end of the first meeting of the following year.

Rule 13

If the Chairperson is absent from any meeting or part thereof, the Chairperson of the Dispute Settlement Body or the Chairperson of the Trade Policy Review Body, shall perform the functions of the Chairperson. If the Chairperson of the Dispute Settlement Body and of the Trade Policy Review Body are also not present, the General Council shall elect an interim Chairperson for that meeting or that part of the meeting.

Rule 14

If the Chairperson can no longer perform the functions of the office, the General Council shall designate a Chairperson in accordance with Rule 13 to perform those functions pending the election of a new Chairperson.

Rule 15

*The General Council shall apply the relevant guidelines contained in the "Guidelines for Appointment of Officers to WTO Bodies" (WT/L/31).

The Chairperson shall not normally participate in the proceedings as the representative of a Member. The Chairperson may, however, at any time request permission to do so.

Chapter VI — Conduct of business

Rule 16

A simple majority of the Members shall constitute a quorum.

Rule 17

In addition to exercising the powers conferred elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting, shall direct the discussion, accord the right to speak, submit questions for decision, announce decisions, rule on points of order and, subject to these rules, have complete control of the proceedings. The Chairperson may also call a speaker to order if the remarks of the speaker are not relevant.

Rule 18

During the discussion of any matter, a representative may raise a point of order. In this case the Chairperson shall immediately state the ruling. If the ruling is challenged, the Chairperson shall immediately submit it for decision and it shall stand unless overruled.

Rule 19

During the discussion of any matter, a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proponent of the motion, one representative may be allowed to speak in favour of, and two representatives against, the motion, after which the motion shall be submitted for decision immediately.

Rule 20

A representative may at any time move the closure of the debate. In addition to the proponent of the motion, not more than one representative may be granted permission to speak in favour of the motion and not more than two representatives may be granted permission to speak against the motion, after which the motion shall be submitted for decision immediately.

Rule 21

During the course of the debate, the Chairperson may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Chairperson may, however, accord the right of reply to any representative if a speech delivered after the list has been declared closed makes this desirable.

Rule 22

The Chairperson, with the consent of the meeting, may limit the time allowed to each speaker.

Rule 23

Representatives shall endeavour, to the extent that a situation permits, to keep their oral statements brief. Representatives wishing to develop their position on a particular matter in fuller detail may circulate a written statement for distribution to Members, the summary of which, at the representative's request, may be reflected in the records of the General Council.

Rule 24

In order to expedite the conduct of business, the Chairperson may invite representatives that wish to express their support for a given proposal to show their hands, in order to be duly recorded in the records of the General Council as supporting statements; thus, only representatives with dissenting views or wishing to make explicit points or proposals would actually be invited to make a statement. This procedure shall only be applied in order to avoid undue repetition of points already made, and will not preclude any representative who so wishes from taking the floor.

Rule 25

Representatives should avoid unduly long debates under "Other Business". Discussions on substantive issues under "Other Business" shall be avoided, and the General Council shall limit itself to taking note of the announcement by the sponsoring delegation, as well as any reactions to such an announcement by other delegations directly concerned.

Rule 26

While the General Council is not expected to take action in respect of an item introduced as "Other Business", nothing shall prevent the General Council, if it so decides, to take action in respect of any such item at a particular meeting, or in respect of any item for which documentation was not circulated at least ten calendar days in advance.

Rule 27

Representatives should make every effort to avoid the repetition of a full debate at each meeting on any issue that has already been fully debated in the past and on which there appears to have been no change in Members' positions already on record.

Rule 28

Proposals and amendments to proposals shall normally be introduced in writing and circulated to all representatives not later than twelve hours before the commencement of the meeting at which they are to be discussed.

Rule 29

If two or more proposals are moved relating to the same question, the meeting shall first decide on the most far-reaching proposal and then on the next most far-reaching proposal and so on.

Rule 30

When an amendment is moved to a proposal, the amendment shall be submitted for decision first and, if it is adopted, the amended proposal shall then be submitted for decision.

Rule 31

When two or more amendments are moved to a proposal, the meeting shall decide first on the amendment farthest removed in substance from the original proposal, then, if necessary, on the amendment next farthest removed, and so on until all the amendments have been submitted for decision.

Rule 32

Parts of a proposal may be decided on separately if a representative requests that the proposal be divided.

Chapter VII — Decision-Making

Rule 33

The General Council shall take decisions in accordance with the decision-making provisions of the WTO Agreement, in particular Article IX thereof entitled "Decision-Making".

Rule 34

When, in accordance with the WTO Agreement, decisions are required to be taken by vote, such votes shall be taken by ballot. Ballot papers shall be distributed to representatives of Members present at the meeting and a ballot box placed in the conference room. However, the representative of any Member may request, or the Chairperson may suggest, that a vote be taken by the raising of cards or by roll call. In addition, where in accordance with the WTO Agreement a vote by a qualified majority of all Members is required to be taken, the General Council may decide, upon request from a Member or the suggestion of the Chairperson, that the vote be taken by airmail ballots or ballots transmitted by telegraph or telefacsimile in accordance with the procedures described in Annex 1 to these Rules.

Chapter VIII — Languages

Rule 35

English, French and Spanish shall be the working languages.

Chapter IX — Records

Rule 36

Records of the discussions of the General Council shall be in the form of minutes.³

Chapter X — Publicity of meetings

Rule 37

The meetings of the General Council shall ordinarily be held in private. It may be decided that a particular meeting or meetings should be held in public.

Rule 38

After a private meeting has been held, the Chairperson may issue a communiqué to the Press.

Chapter XI — Revision

³The customary practice under the GATT 1947, whereby representatives may, upon their request, verify those portions of the draft records containing their statements, prior to the issuance of such records, shall be continued.

Rule 39

The General Council may decide at any time to revise these rules or any part of them.

ANNEX 1

RULES FOR AIRMAIL BALLOTS AND BALLOTS
TRANSMITTED BY TELEGRAPH OR TELEFACSIMILE

In any case where the Ministerial Conference or the General Council decides that a vote be taken by airmail ballots or ballots transmitted by telegraph or telefacsimile, ballot papers shall be distributed to representatives of Members present at the meeting and a notice shall be sent to each Member. The notice shall contain such information as the Chairperson considers necessary and a clear statement of the question to which each Member shall be requested to answer "yes" or "no".

The Chairperson of the Ministerial Conference or the General Council shall determine the date and hour by which votes must be received. The time-limit shall be set at no later than 30 days after the date the notice is sent. Any Member from which a vote has not been received within such time-limit shall be regarded as not voting.

Members entitled to participate in a vote by airmail ballots or ballots transmitted by telegraph or telefacsimile are those which are Members at the time of the decision to submit the matter in question to a vote.

ANNEX 2

GUIDELINES FOR OBSERVER STATUS FOR GOVERNMENTS IN THE WTO

2b

1. Governments seeking observer status in the Ministerial Conference shall address a communication to that body indicating their reasons for seeking such status. Such requests shall be examined on a case-by-case basis by the Ministerial Conference.
2. Governments accorded observer status at sessions of the Ministerial Conference shall not automatically have that status at meetings of the General Council or its subsidiary bodies. However, governments accorded such status in the General Council and its subsidiary bodies in accordance with the procedures described below, shall be invited to attend sessions of the Ministerial Conference as observers.
3. The purpose of observer status in the General Council and its subsidiary bodies is to allow a government to better acquaint itself with the WTO and its activities, and to prepare and initiate negotiations for accession to the WTO Agreement.
4. Governments wishing to request observer status in the General Council shall address to that body a communication expressing the intent to initiate negotiations for accession to the WTO Agreement within a maximum period of five years, and provide a description of their current economic and trade policies, as well as any intended future reforms of these policies.
5. The General Council shall examine requests for observer status by governments on a case-by-case basis.
6. Observer status in the General Council shall be granted initially for a period of five years. In addition to being invited to sessions of the Ministerial Conference, governments with observer status in the General Council may participate as observers at meetings of working parties and other subsidiary bodies of the General Council as appropriate, with the exception of the Committee on Budget, Finance and Administration.
7. During its period of observership, an observer government shall provide the Members of the WTO with any additional information it considers relevant concerning developments in its economic and trade policies. At the request of any Member or the observer government itself, any matter contained in such information may be brought to the attention of the General Council after governments have been allowed sufficient time to examine the information.
- 8.(a) If, at the end of five years, an observer government has not yet initiated a process of negotiation with a view to acceding to the WTO Agreement, it may request an extension of its status as observer. Such a request shall be made in writing and shall be accompanied by a comprehensive, up-dated description of the requesting government's current economic and trade policies, as well as an indication of its future plans in relation to initiating accession negotiations.
- (b) Upon receiving such a request, the General Council shall review the situation, and decide upon the extension of the status of observer and the duration of such extension.
9. Observer governments shall have access to the main WTO document series. They may also request technical assistance from the Secretariat in relation to the operation of the WTO system in general, as well as to negotiations on accession to the WTO Agreement.
10. Representatives of governments accorded observer status may be invited to speak at meetings of the bodies to which they are observers normally after Members of that body have spoken. The right to

speak does not include the right to make proposals, unless a government is specifically invited to do so, nor to participate in decision-making.

11. Observer governments shall be required to make financial contributions for services provided to them in connection with their observer status in the WTO, subject to financial regulations established pursuant to Article VII:2 of the WTO Agreement.

ANNEX 3

OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL
ORGANIZATIONS IN THE WTO⁴

2b

1. The purpose of observer status for international intergovernmental organizations (hereinafter referred to as "organizations") in the WTO is to enable these organizations to follow discussions therein on matters of direct interest to them.
2. Requests for observer status shall accordingly be considered from organizations which have competence and a direct interest in trade policy matters, or which, pursuant to paragraph V:1 of the WTO Agreement, have responsibilities related to those of the WTO.
3. Requests for observer status shall be made in writing to the WTO body in which such status is sought, and shall indicate the nature of the work of the organization and the reasons for its interest in being accorded such status. Requests for observer status from organizations shall not, however, be considered for meetings of the Committee on Budget, Finance and Administration or of the Dispute Settlement Body.⁵
4. Requests for observer status shall be considered on a case-by-case basis by each WTO body to which such a request is addressed, taking into account such factors as the nature of work of the organization concerned, the nature of its membership, the number of WTO Members in the organization, reciprocity with respect to access to proceedings, documents and other aspects of observership, and whether the organization has been associated in the past with the work of the CONTRACTING PARTIES to GATT 1947.
5. In addition to organizations that request, and are granted, observer status, other organizations may attend meetings of the Ministerial Conference, the General Council or subsidiary bodies on the specific invitation of the Ministerial Conference, the General Council or the subsidiary body concerned, as the case may be. Invitations may also be extended, as appropriate and on a case-by-case basis, to specific organizations to follow particular issues within a body in an observer capacity.
6. Organizations with which the WTO has entered into a formal arrangement for cooperation and consultation shall be accorded observer status in such bodies as may be determined by that arrangement.
7. Organizations accorded observer status in a particular WTO body shall not automatically be accorded such status in other WTO bodies.
8. Representatives of organizations accorded observer status may be invited to speak at meetings of the bodies to which they are observers normally after Members of that body have spoken. The right to speak does not include the right to circulate papers or to make proposals, unless an organization is specifically invited to do so, nor to participate in decision-making.
9. Observer organizations shall receive copies of the main WTO documents series and of other documents series relating to the work of the subsidiary bodies which they attend as observers. They may receive such additional documents as may be specified by the terms of any formal arrangements for cooperation between them and the WTO.

⁴These guidelines shall apply also to other organizations referred to by name in the WTO Agreement.

⁵In the case of the IMF and the World Bank, their requests for attendance as observers to the DSB will be acted upon in accordance with the arrangements to be concluded between the WTO and these two organizations.

10. If for any one-year period after the date of the grant of observer status, there has been no attendance by the observer organization, such status shall cease. In the case of sessions of the Ministerial Conference, this period shall be two years.

WORLD TRADE ORGANIZATION

RESTRICTED

G/SPS/1

4 April 1995

(95-0804)

2c

Committee on Sanitary and Phytosanitary Measures

WORKING PROCEDURES OF THE COMMITTEE¹

Adopted by the Committee at its Meeting of 29-30 March 1995

Meetings of the Committee

1. The Committee shall meet to carry out the functions necessary to implement the provisions of the Agreement, or such other tasks which it may be required to deal with.
2. Notice of meetings of the Committee and a draft agenda shall be issued at least 10 days prior to the date of the meeting. It shall be open to any Member to request, in writing to the Secretariat, the inclusion of items under the proposed agenda up to, but not including, the day on which the notice convening the meeting is to be issued.
3. Matters relating to notifications, including notifications considered at previous meetings, can be raised or reverted to in the course of any meeting. A Member which proposes to raise any matter relating to a particular notification in the course of a meeting shall give notice of its intention to the notifying Member concerned and the Secretariat, together with an outline of its concerns, as far as possible in advance of the meeting.
4. The Committee shall hold at least two meetings per year. Each meeting shall provisionally schedule the dates and agenda for the next meeting. Additional meetings of the Committee may be scheduled as appropriate.

¹ These working procedures are to apply until consideration of this matter by the Committee at its second meeting.

5. At the request of a Member, or at his/her own initiative, and where the matter involved is one of significant importance or urgency, the Chairperson may, unless it is considered that resort to other procedures would be more appropriate, convene a special meeting of the Committee.

Other Matters

6. With respect to any matter which has been raised under the Agreement, the Chairperson may, at the request of the Members directly concerned, assist them in dealing with the matter in question. The Chairperson shall normally report to the Committee on the general outcome with respect to the matter in question.

7. Representatives of the FAO/WHO Codex Alimentarius Commission (Codex), the Office international des epizooties (OIE) and the FAO Secretariat for the International Plant Protection Convention (IPPC) will be invited to attend meetings as observers, pending the final decision by the General Council. Representatives of other international intergovernmental organizations may be invited by the Committee to attend meetings as observers in accordance with the guidelines to be adopted by the General Council. Notwithstanding the above, the Committee may, as appropriate, decide to hold restricted sessions with participation of Members only.

Committee on Sanitary and Phytosanitary Measures

REVISION OF THE PROCEDURE TO MONITOR THE PROCESS OF INTERNATIONAL HARMONIZATION

3

Decision of the Committee

Revision

At its meeting of 27-28 October 2004, the Committee adopted modifications to the provisional procedure to monitor the use of international standards, which had initially been adopted by the Committee in October 1997.

Introduction

1. Articles 3.5 and 12.4 of the SPS Agreement require the Committee to develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations. With the aim of encouraging Members to use international standards, guidelines and recommendations, the underlying purpose of this procedure is to identify where there is a major impact on trade resulting from the non-use of those international standards, guidelines or recommendations and to determine the reasons for the non-use of the standard, guideline or recommendation concerned. Moreover, it should also help to identify, for the benefit of the relevant international organizations, where a standard, guideline or recommendation was needed or was not appropriate for its purpose and use. This requires (a) identification of the international standards, guidelines or recommendations of concern or an identification of the cases where an international standard, guideline or recommendation was required; and (b) information from Members on their use or non-use of the identified standards, guidelines or recommendations, and the reasons therefore. In the light of Members' reasons for non-use, the SPS Committee might want to invite the relevant international standard-setting body to consider reviewing the existing standard, guideline or recommendation.

2. The development of a monitoring procedure was discussed at every formal meeting of the SPS Committee from 1995 to October 1997. Three submissions from Members suggested possible approaches: G/SPS/W/51 from the European Communities (March 1996), G/SPS/W/76 from the United States (October 1996) and G/SPS/W/81 from the United States (March 1997). During the discussion of these various submissions participants made it clear that they did not want a burdensome procedure, that duplication of the work undertaken by the relevant standard-setting bodies must be avoided, and that the monitoring procedure should focus on those standards, guidelines or recommendations that have a major impact on trade. On the basis of these concerns, and to avoid further delays, in July 1997 the Chairperson proposed a provisional procedure (G/SPS/W/82) and requested comments on this (reflected in G/SPS/W/82/Rev.1 and G/SPS/W/85).

3. At its meeting of 15-16 October 1997, the Committee agreed to implement the following monitoring procedure on a provisional basis. The proposal is drawn from the submissions by the Members mentioned above, as well as from the discussion in the Committee on these submissions. The Committee also agreed to review the operation of the provisional monitoring procedure 18 months after its implementation, with a view to deciding at that time whether to continue with the same procedure, amend it or develop another one.¹

Monitoring Procedure

4. In the initial stages, the scope of the monitoring system will be limited to the standards, guidelines or recommendations developed by the international organizations specifically cited in the SPS Agreement.² The Committee may, at a subsequent stage and if the need arises, consider standards, guidelines or recommendations produced by other relevant international organizations.

5. The international standards, guidelines or recommendations proposed by a Member to be monitored (see paragraph 6), on the basis of the lists available to the Committee³, should be limited to those which have a major trade impact. The trade impact of an international standard, guideline or recommendation should be determined primarily on the basis of the extent to which Members use the standard (apply it to imports) and the frequency or severity of problems experienced in the trade of the goods covered by the standard.

6. Members should submit, at least ten days in advance of each regular meeting of the Committee, concrete examples of what they consider to be problems with a significant trade impact which they believe are related to the use or non-use of relevant international standards, guidelines or recommendations.⁴ In their submissions, Members should describe the nature of each of these trade problems and note whether it is the result of:

- (a) the non-use of an appropriate existing international standard, guideline or recommendation; or
- (b) the non-existence or inappropriateness of an existing international standard, guideline or recommendation, i.e. that it is out-dated, technically flawed, etc.

7. The standards, guidelines or recommendations identified by Members as above will be identified on the proposed agenda for the Committee meeting. The Secretariat should circulate the submissions it has received to all Members, as much in advance of the Committee's meeting as possible, in order to provide Members with the opportunity to prepare comments on their use or non-use of the standards, guidelines or recommendations and the reasons therefore. Should any Member so request, the Secretariat will not include in its annual report on this monitoring procedure (see paragraph 10) any specific issue raised in these submissions until Members have had the opportunity to provide further comments and to discuss those comments in one additional Committee meeting subsequent to the meeting in which the issue is first raised.

8. Based on the information provided by Members, and in the light of discussion in the Committee, a list of standards, guidelines or recommendations which have a major impact on international trade shall be established by the Committee. This list shall be reviewed at each meeting

¹ Through Decisions of the Committee in July 1999 (G/SPS/14), July 2001 (G/SPS/17) and July 2003 (G/SPS/25), the Committee has extended the provisional procedure until July 2006.

² Codex, OIE and IPPC

³ G/SPS/GEN/512 (OIE), G/SPS/GEN/513 (IPPC) and G/SPS/GEN/514 (Codex).

⁴ Although no format has been adopted by the Committee, the format proposed in G/SPS/W/87 received considerable support from Members and has been widely used.

of the Committee. Members should provide information, for each of the standards, guidelines or recommendations identified, of any relevant trade impact, and on their use or non-use of the standard, guideline or recommendation and the reasons therefore.⁵ The Committee may invite the relevant international standard-setting body to consider reviewing the existing standard, guideline or recommendation.

9. The Committee may invite the relevant standard-setting body to provide information, either in writing or through presentations at the relevant regular meeting of the Committee, on any standard, guideline or recommendation under consideration, including with regard to any changes or on-going revisions.

10. The Secretariat should prepare an annual report to the Committee on the list of standards, guidelines or recommendations established under paragraph 8, the major trade impacts identified by Members and their comments regarding the use or non use of the identified international standards, guidelines or recommendations and of those cases identified where there was no international standard, guideline or recommendation, and any conclusions drawn by the Committee. The Committee will transmit this report to the international organizations responsible for developing the relevant sanitary and phytosanitary standards, guidelines or recommendations. It is expected that Members will take this information into account, through their participation in these international organizations, in establishing those organizations' work priorities.

Further Action

11. Following the review noted in paragraph 3 of the operation of this provisional monitoring procedure, the Committee may want at a later stage to consider the need for a more focused monitoring procedure. In particular, the Committee may wish to consider developing standard formats for the supply of information under paragraphs 6-8⁶, and using those standards, guidelines or recommendations which have been identified as having a major impact on international trade and are of widespread concern to Members (paragraph 8 refers) as the basis for a pilot project to obtain additional information as to how Members are dealing with the standards, guidelines or recommendations of concern.

⁵ See G/SPS/W/100.

⁶ See footnote 4.

Committee on Sanitary and Phytosanitary Measures

**DECISION TO MODIFY AND EXTEND THE PROVISIONAL PROCEDURE TO
MONITOR THE PROCESS OF INTERNATIONAL HARMONIZATION**

3

Adopted on 28 June 2006

The Committee on Sanitary and Phytosanitary Measures,

Having regard to Articles 3.5 and 12.4 of the SPS Agreement;

Taking into account the provisional procedure to monitor the use of international standards adopted by the Committee at its meeting of 15-16 October 1997 and as subsequently revised on 27-28 October 2004 (G/SPS/11/Rev.1); the Committee's decisions of July 1999, July 2001 and of June 2003 to extend this provisional procedure, and to decide by July 2006 whether to continue with the same procedure, amend it or develop another one (G/SPS/25);

Considering that in reviewing the operation of the provisional procedure, it has noted that the procedure provided an effective mechanism for Members to raise specific standards-related issues;

Considering that at the Fourth Session of the Ministerial Conference, Ministers instructed the Committee to review the operation and implementation of the Agreement, as provided for in Article 12.7 of the Agreement, at least once every four years;

Considering that this procedure to monitor the use of international standards is related to the operation and implementation of the Agreement;

Decides as follows:

1. The provisional procedure to monitor the use of international standards, as modified, is extended indefinitely.
 2. The Committee will review the operation of the provisional procedure as an integral part of its periodic Review of the Operation and Implementation of the Agreement under Article 12.7, with a view to deciding whether to continue with the same procedure, amend it or develop another one. The next such Review is to be completed in 2009, and every four years subsequently.
 3. The Committee encourages Members to make use of this procedure to address their concerns regarding specific international standards or the need for such standards.
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Committee on Sanitary and Phytosanitary Measures

**DECISION ON THE IMPLEMENTATION OF ARTICLE 4
OF THE AGREEMENT ON THE APPLICATION OF SANITARY
AND PHYTOSANITARY MEASURES**

4

Revision¹

The Committee on Sanitary and Phytosanitary Measures,

Having regard to paragraph 1 of Article 12 of the Agreement on the Application of Sanitary and Phytosanitary Measures;

In response to the request from the General Council that the Committee examine the concerns of developing country Members regarding the equivalence of sanitary or phytosanitary measures and develop concrete options as to how to deal with them;

Reaffirming the right of Members to establish sanitary and phytosanitary measures necessary to ensure the protection of human, animal and plant life or health and the protection of their territory from other damage caused by the entry, establishment or spread of pests, in accordance with the Agreement on the Application of Sanitary and Phytosanitary Measures;

Desiring to make operational the provisions of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures;

Noting that equivalence of sanitary or phytosanitary measures does not require duplication or sameness of measures, but the acceptance of alternative measures that meet an importing Member's appropriate level of sanitary or phytosanitary protection;

Recognizing that equivalence can be applied between all Members, irrespective of their level of development;

Noting that Members have faced difficulties applying the provisions of Article 4 recognizing the equivalence of sanitary and phytosanitary measures;

Taking into account the specific concerns raised by developing country Members, and particularly the least developed among them, regarding their difficulties in having the equivalence of their sanitary or phytosanitary measures accepted by importing Members;

¹ This revision provides updated information with respect to actions taken pursuant to the Decision as adopted on 26 October 2001. This information is provided in footnotes to the relevant provisions in the Decision.

Recognizing the importance of minimizing possible negative effects of sanitary or phytosanitary measures on trade and of improving market access opportunities, particularly for products of interest to developing country Members;

Recognizing that transparency, exchange of information and confidence-building by both the importing and exporting Member are essential to achieving an agreement on equivalence;

Recognizing that there may be other less resource-intensive and time-consuming means for Members to enhance trade opportunities;

Decides as follows:

1. Equivalence can be accepted for a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis. Members shall, when so requested, seek to accept the equivalence of a measure related to a certain product or category of products. An evaluation of the product-related infrastructure and programmes within which the measure is being applied may also be necessary.² Members may further, where necessary and appropriate, seek more comprehensive and broad-ranging agreements on equivalence. The acceptance of the equivalence of a measure related to a single product may not require the development of a systems-wide equivalence agreement.
2. In the context of facilitating the implementation of Article 4, on request of the exporting Member, the importing Member should explain the objective and rationale of the sanitary or phytosanitary measure and identify clearly the risks that the relevant measure is intended to address. The importing Member should indicate the appropriate level of protection which its sanitary or phytosanitary measure is designed to achieve.³ The explanation should be accompanied by a copy of the risk assessment on which the sanitary or phytosanitary measure is based or a technical justification based on a relevant international standard, guideline or recommendation. The importing Member should also provide any additional information which may assist the exporting Member to provide an objective demonstration of the equivalence of its own measure.
3. An importing Member shall respond in a timely manner to any request from an exporting Member for consideration of the equivalence of its measures, normally within a six-month period of time.
4. The exporting Member shall provide appropriate science-based and technical information to support its objective demonstration that its measure achieves the appropriate level of protection identified by the importing Member. This information may include, *inter alia*, reference to relevant international standards, or to relevant risk assessments undertaken by the importing Member or by another Member. In addition, the exporting Member shall provide reasonable access, upon request, to the importing Member for inspection, testing and other relevant procedures for the recognition of equivalence.
5. The importing Member should accelerate its procedure for determining equivalence in respect of those products which it has historically imported from the exporting Member.

The Committee agrees that historic trade provides an opportunity for an importing Member to become familiar with the infrastructure and measures of an exporting

² Product-related infrastructure and programmes is in reference to testing, inspection and other relevant requirements specific to product safety.

³ In doing so, Members should take into account the *Guidelines to Further the Practical Implementation of Article 5.5* adopted by the Committee on Sanitary and Phytosanitary Measures at its meeting of 21-22 June 2000 (document G/SPS/15, dated 18 July 2000).

Member, and to develop confidence in the regulatory procedures of that Member. This information and experience, if directly relevant to the product and measure under consideration, should be taken into account in the recognition of equivalence of measures proposed by the exporting Member. In particular, information already available to the importing Member should not be sought again with respect to procedures to determine the equivalence of measures proposed by the exporting Member.

An importing Member should consider the relevant information and experience that the sanitary and phytosanitary services have on the measure(s) for which recognition of equivalence is requested as applied to the product for which that request relates.

This information and experience refers to:

- (i) The historic knowledge and confidence that the competent authority of the importing Member has of the competent authority of the exporting Member.*
- (ii) The existence of an evaluation and recognition of the products-related system of inspection and certification of the exporting Member by the importing Member.*
- (iii) The available scientific information supporting the request for the recognition of equivalence.*

The more such relevant information and experience is available to the importing Member, the more rapid should be the procedure for recognition of equivalence by that Member.

A Member should consider the existence of information between competent authorities related to sanitary and phytosanitary measures of other products (different from the one for which equivalence is requested) when this information is useful.

A Member should consider the risk of the product to which the sanitary and phytosanitary measures are applied, in order to reduce requirements and accelerate the procedure in cases of low risk.

The importing Member should not seek again information already available with respect to the determination of the equivalence of sanitary and phytosanitary measures proposed by the exporting Member, unless this information needs to be updated.

For accelerated procedures, the importing Member should estimate the steps that the demonstration of equivalence will require, and inform the exporting Member, when it is possible, of an estimated time schedule for the whole process. These steps should be considered between the exporting and importing Members, on an issue-by-issue basis, in order to give predictability to the process of determination of equivalence.

When more than one agency is involved, the relevant requirements of all of these agencies must be taken into account and included in the steps and timetable identified above.

The Committee notes that the importance of this knowledge based on historic trade has been fully recognized in the draft FAO/WHO Joint Codex Alimentarius Commission Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems.⁴ The Committee further notes that the importance of such prior experience is also recognized in the draft paper of the World Organization for Animal Health (OIE) on the Judgement of Equivalence of Sanitary Measures relating to International Trade in Animals and Animal Products.⁵ The Committee encourages that further elaboration of specific guidance by these organizations should ensure that such recognition is maintained.

The Committee draws the attention of the Interim Commission on Phytosanitary Measures (ICPM) to the Decision on Equivalence (G/SPS/19), and to the above clarification with respect to Paragraph 5 of the Decision. The Committee requests that the ICPM take into consideration the Decision and this clarification in its future work on judgement of equivalence with regard to sanitary measures to address plant pests and diseases.⁶

6. The consideration by an importing Member of a request by an exporting Member for recognition of the equivalence of its measures with regard to a specific product shall not be in itself a reason to disrupt or suspend on-going imports from that Member of the product in question.

The Committee agrees that since a request for recognition of equivalence does not in itself alter the way in which trade is occurring, there is no justification for disruption or suspension of trade. If an importing Member were to disrupt or suspend trade solely because it had received a request for an equivalence determination, it would be in apparent violation of its obligations under the SPS Agreement (e.g. under Article 2).

At the same time, a request for recognition of equivalence does not impede the right of an importing Member to take any measure it may decide is necessary to achieve its appropriate level of protection, including in response to an emergency situation. However, if the decision to impose some additional control measure were to coincide with consideration by the same Member of a request for recognition of equivalence, this might lead an exporting Member whose trade is affected to suspect that the two events were linked. To avoid any misinterpretation of this kind, the Committee recommends that the importing Member should give an immediate and comprehensive explanation of the reasons for its action in restricting trade to any other Members affected, and that it should also follow the normal or emergency notification procedures established under the SPS Agreement.

The Committee notes that this issue has been addressed also in the draft Codex Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems⁴, and should encourage the maintenance of such a provision in the further elaboration of specific guidance by the Codex. The

⁴ The Codex Alimentarius Commission adopted the Guidelines for the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems at its 26th Session held in Rome, Italy, from 30 June to 7 July 2003.

⁵ The International Committee of the OIE adopted the Guidelines for Reaching a Judgement on Equivalence of Sanitary Measures at its 71st General Session held in Paris, France, from 18 to 23 May 2003.

⁶ The Interim Commission on Phytosanitary Measures (ICPM) noted the request of the SPS Committee at its 5th Session held in Rome, Italy, from 7 to 11 April 2003. The ICPM agreed to include Equivalence and Efficacy of Measures, considered a pre-requisite to an ISPM on Equivalence, as priorities in its work programme. Work on these two issues is currently underway.

Committee draws the attention of the World Organization for Animal Health (OIE) and the Interim Commission on Phytosanitary Measures (ICPM) to the above clarification with respect to Paragraph 6 of the Decision on Equivalence, and requests that the OIE and the ICPM take this clarification into consideration in their future work on equivalence with regard to sanitary or phytosanitary measures.^{5,6}

7. When considering a request for recognition of equivalence, the importing Member should analyze the science-based and technical information provided by the exporting Member on its sanitary or phytosanitary measures with a view to determining whether these measures achieve the level of protection provided by its own relevant sanitary or phytosanitary measures.

The Committee notes that conscientious implementation of the Guidelines to Further the Practical Implementation of Article 5.5 (G/SPS/15) will assist Members in determining equivalence.

The Committee further notes that the relationship between the level of protection provided by the importing Member's own measures and what it requires from imported products has been explicitly addressed in the draft Codex Guidelines on the Judgement of Equivalence of Sanitary Measures Associated with Food Inspection and Certification Systems.^{4,7} The Committee notes that the OIE Guidelines for Reaching a Judgement of Equivalence of Sanitary Measures also recognizes the importance of facilitating comparison of the exporting and importing Members' measures. The Committee agrees that Members should consider the Codex approach of establishing an objective basis for comparison or the similar OIE approach when determining the equivalence of sanitary measures.

The Committee encourages the FAO/WHO Codex Alimentarius Commission and the World Organization for Animal Health to ensure that the recognition of the importance of facilitating comparison of the exporting and importing Members' measures is maintained in any elaboration of guidance by these organizations.

The Committee requests that the Interim Commission on Phytosanitary Measures (ICPM) take into consideration the Decision on Equivalence and this clarification in its future work on judgement of equivalence with regard to measures to address plant pests and diseases.

The Committee agrees that where the objective basis for comparison, or a similar approach established by a relevant international organization, demonstrates that the level of protection achieved by the importing Member's sanitary or phytosanitary measure differs from its appropriate level of protection, the importing Member should resolve this difference independently of the procedure for determination of equivalence.

If the exporting Member demonstrates by way of an objective basis of comparison or similar approach established by a relevant international organization that its measure has the same effect in achieving the objective as the importing Member's measure, the importing Member should recognize both measures as equivalent.

⁷ The Committee recognizes that the Codex Guidelines for the Development of Equivalence Agreements Regarding Food Import and Export Inspection and Certification Systems are also relevant in this regard.

8. In accordance with Article 9 of the Agreement on the Application of Sanitary and Phytosanitary Measures, a Member shall give full consideration to requests by another Member, especially a developing country Member, for appropriate technical assistance to facilitate the implementation of Article 4. This assistance may, *inter alia*, be to help an exporting Member identify and implement measures which can be recognized as equivalent, or to otherwise enhance market access opportunities. Such assistance may also be with regard to the development and provision of the appropriate science-based and technical information referred to in paragraph 4, above.

9. Members should actively participate in the ongoing work in the Codex Alimentarius Commission on the issue of equivalence, and in any work related to equivalence undertaken by the World Organization for Animal Health and in the framework of the International Plant Protection Convention. Bearing in mind the difficulties faced by developing country Members to participate in the work of these bodies, Members should consider providing assistance to facilitate their participation.

10. The Committee on Sanitary and Phytosanitary Measures recognizes the urgency for the development of guidance on the judgement of equivalence and shall formally encourage the Codex Alimentarius Commission to complete its work with regard to equivalence as expeditiously as possible.⁴ The Committee on Sanitary and Phytosanitary Measures shall also formally encourage the World Organization for Animal Health and the Interim Commission on Phytosanitary Measures to elaborate guidelines, as appropriate, on equivalence of sanitary and phytosanitary measures and equivalence agreements in the animal health and plant protection areas.^{5,6} The Codex Alimentarius Commission, the World Organization for Animal Health and the Interim Commission on Phytosanitary Measures shall be invited to keep the Committee on Sanitary and Phytosanitary Measures regularly informed regarding their activities relating to equivalence.

11. The Committee on Sanitary and Phytosanitary Measures shall revise its recommended notification procedures to provide for the notification of the conclusion of agreements between Members which recognize the equivalence of sanitary and phytosanitary measures.⁸ Furthermore, the procedures shall reinforce the existing obligation in paragraph 3(d) of Annex B of the Agreement on the Application of Sanitary and Phytosanitary Measures for national Enquiry Points to provide information, upon request, on the participation in any bilateral or multilateral equivalence agreements of the Member concerned.

12. Members should regularly provide to the Committee on Sanitary and Phytosanitary Measures information on their experience regarding the implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures. In particular, Members are encouraged to inform the Committee on Sanitary and Phytosanitary Measures of the successful conclusion of any bilateral equivalence agreement or arrangement. The Committee on Sanitary and Phytosanitary Measures shall consider establishing a standing agenda item for its regular meetings for this purpose.

13. The Committee on Sanitary and Phytosanitary Measures shall develop a specific programme to further the implementation of Article 4, with particular consideration of the problems encountered by developing country Members.⁹ In this respect, the Committee on Sanitary and Phytosanitary Measures shall review this decision in light of the relevant work undertaken by the Codex

⁸ G/SPS/7/Rev.2 and Rev.2/Add.1.

⁹ In the light of this paragraph and the decision at the Fourth Ministerial Conference regarding implementation-related issues and concerns (WT/MIN(01)17, paragraph 3.3), the SPS Committee adopted a programme for further work on equivalence at its meeting of 19-21 March 2002 (G/SPS/20). The Committee completed this work programme in March 2004 but agreed that equivalence would be a standing agenda item for its regular meetings.

Alimentarius Commission, the World Organization for Animal Health and the Interim Commission on Phytosanitary Measures, as well as the experience of Members.

14. The Committee on Sanitary and Phytosanitary Measures requests that the General Council take note of this decision.

Committee on Sanitary and Phytosanitary Measures

GUIDELINES TO FURTHER THE PRACTICAL IMPLEMENTATION OF ARTICLE 5.5

At its meeting of 21-22 June 2000, the Committee adopted¹ the following guidelines called for in Article 5.5 of the Agreement on the Application of Sanitary and Phytosanitary Measures to further the practical implementation of that provision.

INTRODUCTION

Article 5.5 of the Agreement on the Application of Sanitary and Phytosanitary Measures ("SPS Agreement") states that:

With the objective of achieving consistency in the application of the concept of appropriate level of sanitary or phytosanitary protection against risks to human life or health, or to animal and plant life or health, each Member shall avoid arbitrary or unjustifiable distinctions in the levels it considers to be appropriate in different situations, if such distinctions result in discrimination or a disguised restriction on international trade. Members shall cooperate in the Committee, in accordance with paragraphs 1, 2 and 3 of Article 12, to develop guidelines to further the practical implementation of this provision. In developing the guidelines, the Committee shall take into account all relevant factors, including the exceptional character of human health risks to which people voluntarily expose themselves.

The following guidelines are intended to provide assistance to Members in the practical implementation of the provisions of Article 5.5 of the SPS Agreement. These guidelines do not add to nor detract from the existing rights and obligations of Members under the SPS Agreement nor any other WTO Agreement. These guidelines do not provide any legal interpretation or modification to the Agreement itself. The guidelines are without prejudice to the right of a Member to determine its appropriate level of sanitary and phytosanitary protection against risks to human life or health, or to animal and plant life or health.²

The guidelines address the two elements within Article 5.5: (1) the objective of achieving consistency in the application of the concept of the appropriate level of protection and (2) the obligation

¹ At its meeting, the Committee adopted the guidelines on an ad referendum basis. Members who objected to the adoption of the guidelines were asked to make this known by 14 July 2000. No objections were raised by that date.

² "Risk" in the context of the SPS Agreement refers to the *likelihood* that an adverse event (pest or disease) will occur **and** the *magnitude of the associated potential consequences* on plant or animal life or health of the adverse event, or to the *potential for adverse effects* on human or animal life or health from food-borne risks. See paragraph 4, Annex A of the SPS Agreement.

to avoid arbitrary or unjustifiable distinctions in the levels considered appropriate if such distinctions result in discrimination or a disguised restriction on international trade. The determination of the appropriate level of protection is an element in the decision-making process which logically precedes the selection and use of one or more sanitary or phytosanitary measures. The following guidelines therefore address the application of the concept of the appropriate level of protection, and subsequently its practical implementation.

The comments accompanying the guidelines are designed to facilitate understanding of the guidelines through the provision of examples and further clarifications. These comments and examples are purely illustrative and not intended to be exclusive or complete.

The guidelines will be reviewed periodically and revised as necessary by the SPS Committee in the light of experience gained through the implementation of the SPS Agreement, the use of the guidelines themselves and any pertinent work done by the relevant international standard-setting organizations.³ The Committee should undertake a first review of the guidelines within 36 months of their adoption by the Committee and thereafter as the need arises.

A. APPLICATION OF THE CONCEPT OF THE APPROPRIATE LEVEL OF PROTECTION

A.1. A Member should indicate the level of protection which it considers to be appropriate with respect to risks to human life or health, to animal life or health or to plant life or health in a sufficiently clear manner so as to permit examination of the extent to which any sanitary or phytosanitary measure achieves that level.

Such an indication may be contained in a published statement or other text generally available to interested parties. The statement of the appropriate level of protection may be qualitative or quantitative, and should serve to guide its consistent implementation over time, and also to increase the transparency of the sanitary or phytosanitary regime. Examples might include government policy statements with regard to appropriate levels of protection in response to certain risks, or documents on animal health protection objectives or with respect to plant protection. The use of quantitative terms, where feasible, to describe the appropriate level of protection can facilitate the identification of arbitrary or unjustified distinctions in levels deemed appropriate in different situations.

A.2. A Member should, when determining an appropriate level of protection, either as an overall policy objective or for a specific situation, consider:

- whether there is a difference between the level of protection under consideration and levels already determined by the Member in different situations and, if so,
- whether these differences are arbitrary or unjustifiable, and, if so,
- whether they may result in discrimination or in a disguised restriction on international trade.

The comparison of levels of protection in different situations requires the existence of sufficient common elements to render them comparable and must be performed on a case-by-case basis. In the case of protection of plant or animal life or health from pests or disease, situations might be compared if they involve either the risk of entry,

³ As indicated in Annex A, paragraph 3.

establishment or spread of the same or a similar disease, or the risk of the same or similar associated potential biological and economic consequences. In the case of protection of human life or health from specific risks, i.e. food-borne risks, or of animal life or health from risks arising from feedstuffs, situations involving the same type of substance or pathogen, and/or the same type of adverse health effect, could be compared to one another.

The determination of whether differences in appropriate levels of protection are arbitrary or unjustifiable depends on the particular case and has to be determined on a case-by-case basis. The establishment of different levels of protection in the face of similar risks in different situations may raise the question as to whether the differences in the levels of protection are arbitrary or unjustifiable.

The determination of whether arbitrary or unjustifiable differences in levels of protection established by a Member in different situations do in fact result in discrimination or a disguised restriction on trade should be examined in the context of the circumstances of each case, including the potential effects on international trade. Although no precise definition of "discrimination or a disguised restriction on international trade" currently exists, cumulative occurrence of the following "warning signals" could indicate the existence of discrimination or a disguised restriction on trade:

- substantial differences in the levels of protection considered to be appropriate in different situations;*
- the existence of arbitrary or unjustifiable differences in the levels of protection considered by a Member as appropriate in different situations;*
- the absence of a scientific justification for a sanitary or phytosanitary measure applied allegedly to achieve the appropriate level of protection, or the fact that a measure is not based on a risk assessment as appropriate to the circumstances (either because there is no risk assessment or because there is an insufficient risk assessment).*

A.3. A Member should establish clear and effective communication and information flows within and between the authorities responsible for the determination of appropriate levels of protection.

An important element in seeking to ensure that decisions on an appropriate level of protection meet the provisions of Article 5.5 is information and communication. The authorities responsible for the preparation and implementation of such decisions should be aware of relevant decisions taken by that Member in other cases, and particularly in situations comparable to the one at hand.

A.4. To avoid arbitrary or unjustifiable differences in the level of protection a Member considers to be appropriate in different situations, a Member should compare any proposed decision on the level of protection in a particular situation with the level it has previously considered or is considering to be appropriate in situations which contain sufficient common elements so as to render them comparable with regard to human life or health, to animal life or health, or to plant life or health.

It can be useful to compare a proposed appropriate level of protection with previous decisions, including those that might have been taken in an ad hoc fashion, to ensure

that any differences in levels of protection applied in a similar situation are justifiable and would not result in discrimination or a disguised restriction on international trade. If differences are observed in comparable situations, either the proposed level may need to be modified, or the level of protection previously determined may need to be revised in light of the Member's current views on its appropriate level of protection, or a combination of the two.

*What a Member is comparing are the levels of protection against the risks posed by potential hazards to human, animal or plant life or health. Risk in the context of the SPS Agreement refers to the likelihood that an adverse event (pest or disease) will occur **and** the magnitude of the associated potential consequences on plant or animal life or health of the adverse event, or to the potential for adverse effects on human or animal life or health from food-borne risks. (See paragraph 4, Annex A of the SPS Agreement.) Accordingly, categorizing risks as "similar" must include a comparison of both the relevant likelihood and the corresponding consequences. To facilitate comparison of levels of protection considered appropriate in different situations, Members may wish to categorize the various risks they are examining into groups of what they consider to be similar. (See also the first comment to guideline A2.)*

The comparison of the levels of protection considered appropriate in one situation with those considered appropriate in another situation can be facilitated if the potential damage is expressed in common terms, whether qualitative or quantitative. Where feasible, use of quantitative terms and/or common units can facilitate comparisons.

A.5. In determining a new or modified appropriate level of protection, a Member should review its previous decisions regarding appropriate levels of protection in the light of the objectives and obligations of Article 5.5, taking into account current decisions and developments.

In undertaking this review, a Member may wish to give priority to the review and revision, as necessary, of those decisions which most substantially deviate from the objectives and obligations of Article 5.5 and which may have the most negative impact on international trade.

Unless changes are made at the same time to all its comparable decisions on appropriate levels of protection, a Member may find it difficult to avoid (at least temporary) unjustifiable differences in levels of protection.

A Member should review its previous decisions on appropriate levels of protection at suitable intervals.

A.6. In determining a new or modified appropriate level of protection a Member may find it helpful to examine any relevant international standards, guidelines or recommendations, or decisions taken by other Members facing similar risks and situations.

Notwithstanding that it is the right of each Member to determine its appropriate level of protection and that there is no obligation for a Member to harmonize its level of protection with that of other Members, comparisons with the level of protection other Members have considered appropriate when addressing similar risks and situations may assist a Member in making its own decision.

Likewise, significant differences between the level of protection which would result from the application of the relevant international standard, guideline or recommendation

and the level of protection which a Member is considering may prompt the Member to re-consider its proposed level of protection.

A.7. A Member may consider seeking expert advice to contribute to its decision-making process with regard to the determination of a new or modified appropriate level of protection.

Advice may be sought from recognized, qualified experts, and could include commenting on any unjustifiable distinctions in levels of protection, potential discriminatory trade effects or other aspects related to consistency in the application of its appropriate level of protection. A Member may seek assistance from the relevant international standard-setting organizations in identifying appropriate experts.

A.8. A Member should clearly identify those situations which it considers justify its acceptance exceptionally of a lower level of protection for human health specifically with respect to risks to which people voluntarily expose themselves.

Reasons for a significant difference in a proposed or accepted level of protection for human health may, in exceptional circumstances, include a risk which humans voluntarily accept. Such circumstances might arise with respect to traditional foods or some other products for which consumers knowingly accept a higher risk than that generally considered to be appropriate for food products.⁴

B. PRACTICAL IMPLEMENTATION OF THE CONCEPT OF AN APPROPRIATE LEVEL OF PROTECTION

The SPS Agreement does not contain explicit provisions which oblige a Member to determine its appropriate level of protection, although there is an implicit obligation to do so. In practice, and for various reasons, Members are not always able to indicate precisely their appropriate level of protection. In such cases, the appropriate level of protection may be determined on the basis of the level of protection reflected in the sanitary or phytosanitary measures in place. Therefore, to further the practical implementation of this provision, the following guidelines address the selection and use of measures. This is without prejudice to the other provisions of the SPS Agreement which relate to measures, which the Committee may decide to address separately.

B.1. A Member should establish clear and effective communication and information flows within and between the authorities responsible for the determination of appropriate levels of protection, and those responsible for the selection and implementation of sanitary or phytosanitary measures designed to achieve the appropriate level of protection.

Since the concept of appropriate level of protection is applied in practice through sanitary or phytosanitary measures, communication and transparency between the government authorities responsible for the selection and implementation of sanitary or phytosanitary measures and those responsible for the determination of the appropriate level of protection is an important element in enhancing consistency.

⁴ Examples which were identified during the negotiation of this provision include the consumption of alcoholic beverages, or substantial consumption of some traditional foods such as smoked fish, or of varieties of fish known to be toxic.

B.2. A Member should establish common approaches or consistent procedures for use by the authorities assessing risks and evaluating the measures which might be applied to achieve the desired levels of protection. In particular, a common approach should be developed with respect to risks affecting human life or health, a common approach for consideration of risks to animal life or health, and a common approach for risks to plant life or health.

Clearly identified, comprehensive and consistent procedures for assessing risks and for evaluating measures to reduce risk to acceptable levels will assist a Member to be more consistent in the application of its appropriate level of protection.

*What a Member is comparing are the measures against the risks posed by potential hazards to human, animal or plant life or health. Risk in the context of the SPS Agreement refers to the likelihood that an adverse event (pest or disease) will occur **and** the magnitude of the associated potential consequences on plant or animal life or health of the adverse event, or to the potential for adverse effects on human or animal life or health from food-borne risks. (See paragraph 4, Annex A of the SPS Agreement.) Accordingly, categorizing risks as "similar" must include a comparison of both the relevant likelihoods and the corresponding consequence. To facilitate comparison of levels of protection considered appropriate in different situations, Members may wish to categorize the various hazards they are examining into groups of what they consider to be similar.*

To the extent possible, risk should be assessed using the principles and procedures developed by the relevant international standard-setting organizations, taking into account the nature of the hazards in question.

B.3. A Member should compare any proposed measure intended to achieve the appropriate level of protection in a particular situation with other sanitary or phytosanitary measures it has taken, or is considering, with regard to human life or health, to animal life or health, and plant life or health in situations which present sufficient common elements so as to render them comparable.

Since the concept of an appropriate level of protection is applied through the selection and implementation of a sanitary or phytosanitary measure (or measures), such a comparison can be useful to ensure the consistency of the proposed measure with any previous measures designed to achieve the same level of protection in situations which present sufficient common elements so as to render them comparable.

B.4. A Member should routinely review existing measures applied to achieve its appropriate level of protection in accordance with the objectives of guideline A.5, taking also into account current decisions and developments.

In undertaking this review, a Member may wish to give priority to the review and revision, as necessary, of the measures applied to achieve the appropriate levels of protection reviewed in accordance with guideline A.5.

B.5. In considering a measure to achieve an appropriate level of protection in a particular situation, a Member should determine whether a relevant international standard, guideline or recommendation exists, and if it does, whether adoption of it would achieve the Member's appropriate level of protection.

Comparisons with the manner in which an international standard, guideline or recommendation would address a particular risk may assist a Member in clarifying its own decision. Significant differences in the measure applied by a Member to address assessed risk compared to the measures that would result from the application of a relevant international standard, guideline or recommendation, may encourage the Member to reconsider whether it is acting in accordance with its obligations under the SPS Agreement.

B.6. In considering a proposed measure to achieve its appropriate level of protection in a particular situation, a Member may find it helpful to examine measures applied by other Members facing similar risks and situations.

Notwithstanding that there is no obligation for a Member to harmonize its measures with those of other Members, significant differences in the measures applied by a Member in order to address a particular risk compared to the measures applied by other Members facing similar risks and situations, and in particular measures which are less restrictive of trade, may prompt the Member to reconsider whether it is acting consistently with its obligations under the SPS Agreement. The Member should in particular compare its proposed measure with those applied by other Members seeking a similar level of protection from risks.

B.7. A Member may consider seeking expert advice on the selection and implementation of sanitary and phytosanitary measures to achieve its appropriate level of protection.

Advice may be sought from recognized, qualified experts, and could include commenting on any potential discriminatory trade effects arising from specific sanitary and phytosanitary measures. A Member may seek assistance from the relevant international standard-setting organizations in identifying appropriate experts.

Committee on Sanitary and Phytosanitary Measures

**GUIDELINES TO FURTHER THE PRACTICAL IMPLEMENTATION OF
ARTICLE 6 OF THE AGREEMENT ON THE APPLICATION OF
SANITARY AND PHYTOSANITARY MEASURES**

At its meeting of 2-3 April 2008, the Committee adopted¹ the following guidelines to further the practical implementation of Article 6.

6

The Committee on Sanitary and Phytosanitary Measures ("the Committee"),

Having regard to paragraph 1 of Article 12 of the Agreement on the Application of Sanitary and Phytosanitary Measures ("the Agreement");

Recalling that in its first review of the operation and implementation of the Agreement, concluded in 1999, the Committee, while noting that adaptation to regional conditions, including the recognition of pest- or disease-free areas or areas of low pest or disease prevalence, was of significant importance for trade in agricultural products, also noted that Members faced difficulties in the implementation of Article 6 of the Agreement;

Recalling that at its June 2003 meeting the Committee initiated substantive discussion of problems linked with the implementation of the provisions for recognition of pest- or disease-free areas and areas of low pest or disease prevalence in Article 6;

Recalling that in its second review of the operation and implementation of the Agreement, concluded at its June 2005 meeting, the Committee agreed that it should develop a proposal for a decision on the effective application of Article 6, taking as the point of departure the various proposals submitted by Members and the discussions in the Committee;

Taking into account the work of the OIE and the IPPC in developing international standards, guidelines and recommendations to further the practical implementation of Article 6;

Recognizing the constructive manner in which the OIE and IPPC have responded to requests from the Committee for technical and administrative guidance;

Decides as follows:

¹ At its meeting, the Committee adopted the guidelines on an ad referendum basis. Members who objected to the adoption of the guidelines were asked to make this known by 15 May 2008. No objections were raised by that date.

1. These guidelines are intended to provide assistance to Members in the practical implementation of Article 6 by improving transparency, exchange of information, predictability, confidence and credibility between importing and exporting Members. These guidelines are not intended to duplicate the technical and administrative guidance provided to Members by the IPPC and OIE.

2. These guidelines do not add to nor detract from the existing rights and obligations of Members under the Agreement nor any other WTO Agreement. These guidelines do not provide any legal interpretation or modification to the Agreement itself. These guidelines are without prejudice to the right of a Member to determine its appropriate level of sanitary or phytosanitary protection against risks to human life or health, or to animal and plant life or health.

3. These guidelines will be reviewed periodically and revised as necessary by the Committee in light of experience gained through the implementation of the Agreement and the use of these guidelines themselves. The Committee should undertake a first review of these guidelines within 36 months of their adoption by the Committee and thereafter as the need arises.

I. GENERAL CONSIDERATIONS

4. Importing Members should publish the basis for recognition of pest- or disease-free areas and areas of low pest or disease prevalence and a description of the general process used, including the information generally required to evaluate such requests and a contact point responsible for requests for recognition of pest-or disease-free areas or areas of low pest or disease prevalence.

5. Members should proceed with a recognition process without undue delay.

6. The process should be applied without discrimination between Members.

7. Members should endeavour to maintain transparency in all aspects of the recognition process.

8. Any determination under Article 6 should consider the strength and credibility of the veterinary or phytosanitary infrastructure of the exporting Member in accordance with the importing Member's appropriate level of sanitary or phytosanitary protection. The veterinary or phytosanitary authorities of the exporting Member should be able to demonstrate their ability to maintain freedom from specified pests or diseases to encourage confidence on the part of the importing Member.

9. The importing Member should take into account any relevant knowledge of and prior experience with the authorities of the exporting Member.

10. Where an exporting Member resubmits a request for recognition of pest- or disease-free areas or areas of low pest or disease prevalence, the importing Member should take into consideration all information previously provided, if verification has been provided by the exporting Member that the information remains valid.

11. If an exporting Member submits multiple requests to the importing Member, the exporting Member should identify its priority among these requests and this will be taken into account by the importing Member.

12. Upon request from the exporting Member, an importing Member should provide information on the stage of the exporting Member's request within its evaluation process.

II. INITIAL DISCUSSIONS

13. The importing Member should, upon request, enter into discussions with the exporting Member with the aim of clarifying the importing Member's general process and the information generally required to facilitate a request for the recognition of a pest- or disease-free area or area of low pest or disease prevalence.

14. In this regard, the discussions should, *inter alia* clarify:

- (a) the general process used by the importing Member in the evaluation of requests for the recognition of pest- or disease-free areas and areas of low pest or disease prevalence;
- (b) the general information required to evaluate the request;
- (c) the process for the exchange of information relating to the request, including a contact point, and a language or languages to be used, which should include at least one of the official languages of the WTO; and
- (d) if possible, an anticipated timeframe for completion of the recognition process.

15. The discussions should be undertaken within a reasonable period of time, and normally within 90 days of a request or as otherwise mutually decided.

16. The clarification(s) made in the course of the discussions should, if necessary, be appropriately recorded by the importing Member and transmitted to the exporting Member to avoid any misunderstandings of the general process.

17. When an importing Member has limited resources to undertake work on new requests for recognition, discussions may be postponed for a reasonable period of time. In deciding whether to postpone discussions, the importing Member should take into account as relevant factors, *inter alia*:

- (a) the number of requests for recognition of pest- or disease-free areas or areas of low pest or disease prevalence it has received;
- (b) the priority of the exporting Member in situations where it has submitted multiple requests, and
- (c) capacity to undertake work on new requests.

18. When an importing Member has postponed discussions in accordance with paragraph 17 of this decision, it should inform the exporting Member and provide an explanation in writing for the delay.

III. TYPICAL ADMINISTRATIVE STEPS IN THE RECOGNITION PROCESS

19. While Members have the sovereign right to determine their own processes for the evaluation of requests for recognition of pest- or disease-free areas or areas of low pest or disease prevalence, a process for making a determination under Article 6 typically involves a number of steps such as the following.

Step A: Exporting Member requests information about procedures and/or recognition

20. The exporting Member requests information about the importing Member's requirements and procedures for the evaluation of requests for recognition of pest- or disease-free areas or areas of low pest or disease prevalence. An exporting Member may either request information about an importing Member's requirements and procedures prior to formally requesting recognition of an area as a pest- or disease-free area or an area of low pest or disease prevalence, or at the time it requests such recognition. In the latter case, the exporting Member at the same time communicates its sanitary or phytosanitary status to relevant trading partners along with a copy of its request for recognition of an area as a pest- or disease-free area or an area of low pest or disease prevalence.

21. The request for the recognition of a pest- or disease-free area or an area of low pest or disease prevalence may be accompanied by supporting scientific and technical information, including reference to relevant international recognition of the area as a pest- or disease-free area or an area of low pest or disease prevalence. In the interests of transparency, the exporting Member should indicate the organization and an individual within the organization to act as a contact point for the request, and request that the importing Member do the same.

Step B: Importing Member explains requirements

22. The importing Member explains its requirements and procedures for the evaluation of requests for recognition of pest- or disease-free areas or areas of low pest or disease prevalence. The importing Member may, for example, request answers to a specific questionnaire.

Step C: Exporting Member provides documentation

23. The exporting Member sends the documentation demonstrating compliance with the requirements laid down by the importing Member. Where applicable, the exporting Member provides supporting information showing that the procedures it used to identify that area as pest- or disease-free or of low pest or disease prevalence are based on an international standard, guideline or recommendation. The exporting Member also supplies any further information that could help the importing Member to make a determination.

Step D: Importing Member evaluates the documentation and, if necessary, requests additional information

24. The importing Member acknowledges the receipt of documentation provided by the exporting Member. The importing Member evaluates the documentation provided by the exporting Member and provides feedback to the exporting Member regarding whether the documentation is in order. In addition, the importing Member may indicate the necessity of additional information or an on-site verification, where justified, based on the results of the ongoing evaluation.

Step E: Exporting Member responds to feedback

25. The exporting Member provides any clarifications, additions or modifications requested by the importing Member.

Step F: Importing Member evaluates any additional information and, if required, seeks further clarifications

26. The importing Member evaluates any additional information provided by the exporting Member and provides further feedback to the exporting Member in accordance with step D. If further clarification is needed steps D and E are repeated.

Step G: Importing Member conducts on-site verification

27. If applicable, the importing Member carries out on-site verification in order to verify the information provided in support of the request for recognition of a pest- or disease-free area or an area of low pest or disease prevalence. Such inspections may consider, *inter alia*, the administrative structure of the regulatory bodies concerned and the programmes they implement with a view to prevention, control and eradication of pests and diseases. The strength and credibility of the veterinary or phytosanitary infrastructure of the exporting region(s) would also be part of this evaluation.

28. The importing Member provides a report on the on-site verification to the exporting Member.

Step H: Exporting Member responds to inspection report

29. If the inspection report so requests, the exporting Member provides further clarifications, additions or modifications.

Step I: Importing Member makes a determination

30. Where its evaluation of the evidence provided by the exporting Member results in a decision by the importing Member not to recognize the pest- or disease-free area or area of low pest or disease prevalence, the importing Member provides to the exporting Member the technical grounds for the determination, so that, if appropriate, the exporting Member may modify and adapt its system with a view to future requests for recognition of pest- or disease-free areas or areas of low pest or disease prevalence.

31. Where its evaluation of the evidence provided by the exporting Member results in recognition of the pest- or disease-free area or area of low pest or disease prevalence, the importing Member takes the necessary administrative or legal steps to facilitate trade from the exporting Member. If necessary, the importing Member modifies existing sanitary or phytosanitary regulations or elaborates new ones to support its recognition of the area in question as a pest- or disease-free area or an area of low pest or disease prevalence. In addition, the importing Member may circulate any modified or new regulation for public comment.

IV. EXPEDITED PROCESS

32. The importing Member may determine that an expedited process can be used to evaluate a request for recognition of pest- or disease-free areas or areas of low pest or disease prevalence. An expedited process may involve exclusion of one or more stages or some parts of a stage of the importing Member's general process for the recognition of pest- or disease-free or areas of low pest or disease prevalence. In determining the possibility of applying an expedited process, the importing Member should take into account factors including *inter alia*:

- (a) when there has been official recognition of an area as a pest- or disease-free area or an area of low pest of disease prevalence by a relevant international organization; or
- (b) when there has been an outbreak in an area previously recognized, and suspended, by the importing Member as a pest- or disease-free area or an area of low pest or disease prevalence and which has been restored to its former status as determined by the importing Member in accordance with the relevant international standards, guidelines or recommendations; or

- (c) when the infrastructure and operation of the responsible veterinary or phytosanitary service of the exporting Member are familiar to the importing Member as a result of existing trade relations; or
- (d) when there has been no previously notified occurrence of the pest or disease and the importing Member agrees that the surveillance procedures and activities implemented by the exporting Member have shown the non-existence thereof, the territory of the Member in question shall be considered free of that pest or disease.

V. MONITORING

33. The Committee will monitor the implementation of Article 6 under the standing agenda item at its regular meetings. In this regard, Members are encouraged to inform the Committee when:

- (a) a request for recognition of pest- or disease-free area or area of low pest or disease prevalence is made; and/or,
- (b) a determination on whether to recognize a pest- or disease-free areas or areas of low pest or disease prevalence is made.

34. Members are also encouraged to provide information on their experiences in the implementation of Article 6 and to provide relevant background information on their decisions to other interested Members upon request.

35. The Secretariat should prepare an annual report to the Committee on implementation of Article 6 based on the information provided by Members under paragraphs 33 and 34.



Committee on Sanitary and Phytosanitary Measures

**RECOMMENDED PROCEDURES FOR IMPLEMENTING
THE TRANSPARENCY OBLIGATIONS OF THE SPS AGREEMENT (ARTICLE 7)**

Revision¹

The term transparency in the context of the World Trade Organization (WTO) is used to signify one of the fundamental principles of its agreements: the aim is to achieve a greater degree of clarity, predictability and information about trade policies, rules and regulations of Members. In implementing this concept, Members use notifications. Under the SPS Agreement, notifications are used to inform other Members about new or changed regulations that may significantly affect their trading partners.² SPS notifications and other related documents can be accessed through the WTO Secretariat's *Documents Online* application (<https://docs.wto.org/>) and the ePing SPS&TBT Platform (<https://eping.wto.org/>).³ Transparency under the SPS Agreement also includes answering reasonable questions, and publishing regulations.

These procedures have been developed to assist Members fulfil their transparency obligations under [Article 7](#) and [Annex B](#) to the SPS Agreement regarding the notification of SPS regulations, answering information requests and publishing regulations.

These guidelines do not add to nor detract from the existing rights and obligations of Members under the SPS Agreement nor any other WTO Agreement. These guidelines do not provide any legal interpretation or modification to the SPS Agreement itself.

1 IDENTIFICATION OF THE NATIONAL NOTIFICATION AUTHORITY AND OF THE NATIONAL ENQUIRY POINT(S)

1.1. In accordance with paragraph 10 of Annex B to the SPS Agreement, Members are obliged to designate "a single central government authority" (the National Notification Authority (NNA)) as responsible for the implementation at the national level of the provisions concerning notification procedures. Paragraph 3 of Annex B to the SPS Agreement indicates that each Member "shall ensure that one enquiry point exists" (the National Enquiry Point (NEP)) which is responsible for the provision of answers to all reasonable questions as well as the provision of relevant documents.⁴

1.2. Contact information of Members' NNAs and NEPs is available through the [ePing SPS&TBT Platform](#). When a Member's NNA or NEP has been designated, or changed, the domestic entity designated as "Notification admin" is responsible for updating the contacts in this Platform.⁵ Alternatively, Members can request the Secretariat to update the contact information by sending an email to spscommittee@wto.org to provide the following details:

¹ This revision of the Recommended Transparency Procedures does not include any substantive changes to the text. It incorporates updates based on changes in the online tools ([ePing SPS&TBT Platform](#)). Since revision 4, all notification recommendations are consolidated in one document.

² The SPS Agreement uses the terms 'measures' and 'regulations' somewhat interchangeably when referring to any sanitary or phytosanitary measure such as laws, decrees, or ordinances applied to protect human, animal or plant life or health as defined under paragraph 1 of Annex A to the SPS Agreement.

³ More information on the [ePing SPS&TBT Platform](#) is available at: <http://www.wto.org/spstransparency>.

⁴ In practice, a number of Members have decided to designate the same entity as the National Enquiry Point and the National Notification Authority while others have found it more functional to establish more than one Enquiry Point to cover the areas of food safety, animal and plant health.

⁵ Notification admin rights, usually held by the NNA, can be requested by emailing the Secretariat at spscommittee@wto.org. Notification admins are also responsible for granting notification drafting rights or notification submission rights to other users registered on the [ePing SPS&TBT Platform](#).

- Contact name;
- Name of institution;
- Postal address/physical address;
- Phone;
- E-mail; and
- Website address.

2 RECOMMENDED NOTIFICATION PROCEDURES

2.1. Members should follow these procedures when notifying regulations as required in paragraphs 5 or 6 of Annex B to the SPS Agreement. The formats for regular notifications (see Annex A-1 of these procedures) should be used for notifications in accordance with paragraph 5 of Annex B to the SPS Agreement, whereas the formats for emergency notifications (see Annex B-1 of these procedures) should be used for notifications as provided for in paragraph 6 of Annex B to the SPS Agreement. These notification formats can be completed and submitted through the [ePing SPS&TBT Platform](#). Users with notification drafting rights or notification submission rights for this Platform can fill in only or fill in and submit the notification formats online.

2.1 Application of Annex B, paragraphs 5 and 6 (preambular part), to the SPS Agreement

2.2. In accordance with Article 7 and paragraph 5 of Annex B to the SPS Agreement, Members are required to notify all regulations the content of which is "not substantially the same as the content of an international standard, guideline or recommendation", if such regulations are expected to have a significant effect on trade of other Members.

2.3. Members are encouraged to notify all regulations that are based on, conform to, or are substantially the same as an international standard, guideline or recommendation, if they are expected to have a significant effect on trade of other Members.⁶

2.4. For the purposes of Annex B, paragraphs 5 and 6, to the SPS Agreement, the concept of "significant effect on trade of other Members" may refer to the effect on trade:

- of one sanitary or phytosanitary regulation only or of various sanitary or phytosanitary regulations in combination;
- in a specific product, group of products or products in general; and
- between two or more Members.

2.5. To assess whether the sanitary or phytosanitary regulation may have a significant effect on trade, the Member concerned should consider relevant available information such as: the value or other importance of imports to the importing and/or exporting Members concerned, whether from other Members individually or collectively; the potential development of such imports; and difficulties for producers in other Members, particularly in developing country Members, to comply with the proposed sanitary or phytosanitary regulations. The concept of a significant effect on trade of other Members should include both import-enhancing and import-reducing effects on the trade of other Members, as long as such effects are significant.

2.2 Timing of notifications

2.6. Paragraph 5(a) of Annex B to the SPS Agreement obliges Members to publish a notice at an early stage in such a manner as to enable interested Members to become acquainted with a proposal to introduce a particular regulation. This is useful so that other Members are better able to assess and if necessary, comment on the proposed measures. Members may wish to provide information to the SPS Committee regarding expected modifications to their national regulatory systems.

⁶ The Secretariat should provide an annual report on the level of implementation of the transparency provisions of the SPS Agreement and of the recommended transparency procedures contained in this document, including, *inter alia*, an overview of those notifications which relate to the adoption of international standards, guidelines and recommendations by Members. This annual report is circulated as a revision of document [G/SPS/GEN/804](#).

2.7. Paragraph 5(b) of Annex B to the SPS Agreement obliges Members to submit a notification at an early stage when amendments can still be introduced and comments taken into account. This should be done when a draft of the complete text of a regulation is available.

2.8. Paragraph 5(d) of Annex B to the SPS Agreement obliges Members to allow a reasonable period of time for submission, discussion and consideration of comments. Members should normally allow a period of at least 60 calendar days for comments, except for proposed measures which facilitate trade⁷ and those which are substantially the same as an international standard, guideline, or recommendation. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the notification by the WTO Secretariat. Any Member which is able to provide a time-limit beyond 60 days is encouraged to do so.

2.9. A notification should be made well before the entry into force of the relevant measure, except when urgent problems of health protection arise or threaten to arise for the Member concerned. In accordance with paragraph 6(a) of Annex B to the SPS Agreement, any regulation brought into force in urgent circumstances is required to be notified immediately and a rationale for the urgent action provided.

2.10. The late notification of a measure already in force does not in and of itself constitute sufficient reason for the use of the emergency format. When urgent problems of health protection are not involved, late notifications should be made using the regular format and consideration should still be given to all comments received, in accordance with paragraph 5(d) of Annex B to the SPS Agreement.

2.3 Requesting documents related to a notification

2.11. Members requesting documents related to a notification should provide all the information necessary to identify the documents and in particular the WTO SPS notification document symbol to which the requests refer.

2.12. When requesting an electronic transmission of documents from another Member, Members should indicate which electronic formats they are able to receive, including compatible versions.

2.4 Providing documents related to a notification

2.4.1 Address of body supplying the documents

2.13. Members should indicate under point 13 of the WTO notification format the full address of the body responsible for supplying the relevant documents if that body is not the National Notification Authority or the National Enquiry Point. Where the relevant documents are also available from a website, the website address or a specific hyperlink to these documents should be provided.

2.4.2 Responding to requests

2.14. Members are obliged to provide upon request to other Members copies of the proposed regulation in accordance with paragraph 5(c) of Annex B to the SPS Agreement. Documents requested should normally be provided within five working days. If this is not possible, the request for documentation or information should be acknowledged within that period and an estimate given of the time required to provide the requested documentation. With a view to facilitating the timely provision of comments on notifications, Members are strongly encouraged to comply with the five-day deadline.

2.15. Documents supplied in response to a request should be identified with the WTO SPS notification document symbol to which the request refers.

⁷ Trade facilitating measures could include, *inter alia*, the raising of the level of maximum residue limits of certain pesticides in certain products, the lifting of a ban on imports, or the simplification or elimination of certain certification/approval procedures.

2.16. Members should use e-mail facilities to the extent possible in responding to requests for documentation or information. Members are encouraged to publish their sanitary or phytosanitary measures on the Internet, to facilitate the supply of documents, and to provide the address of relevant websites.

2.17. Members may also submit an electronic version of the text of the notified draft regulation together with the notification format. These texts are stored on a WTO server and are accessible through a hyperlink in the notification format.⁸ Information about the provision, storage, and language of attachments to SPS notifications is contained in Annex C of these procedures.

2.4.3 Acknowledging receipt of documents

2.18. The Member requesting documents relating to a notification should acknowledge receipt of the documents provided.

2.4.4 Translation of documents

2.19. When a translation of a relevant document exists or is planned, this fact should be indicated on the WTO notification format next to the title of the document. If only a translated summary exists, the fact that such a summary is available should be similarly indicated.

2.20. If a translation of a document or summary exists in the language of the requesting Member, or, as the case may be, in the WTO working language used by the requesting Member, it should be automatically sent with the original of the document requested.

2.21. Where documents are not available in a WTO working language, developed country Members shall, upon request, supply a translation of the document, or in case of voluminous documents, a translation of a summary of the document, in a WTO working language in accordance with paragraph 8 of Annex B to the SPS Agreement.

2.22. When a Member seeks a copy of a document relating to a notification which does not exist in that Member's WTO working language, the notifying Member should advise the requesting Member of other Members that have requested, as of that date, a copy of the document. The Member seeking a copy of a document relating to a notification may contact other Members in order to determine whether the latter are prepared to share any translation that they have or will be making.

2.23. Any Member possessing an unofficial translation of a document relating to a notification should inform the notifying Member of the existence of the unofficial translation and should submit to the Secretariat a supplement to the original notification submitted by a Member. The supplement should indicate the address for requesting a copy or the website address where the unofficial translation can be found. The format of the supplement can be found in Annex D of these procedures. Neither the Secretariat nor the Member providing the unofficial translation can be held responsible for the accuracy or quality of these translations.⁹ Alternatively, Members can share unofficial translations of a document relating to a notification through the international forum of the [ePing SPS&TBT Platform](#).

2.5 Handling of comments on notifications

2.24. Each Member is responsible for updating the contact details of the authority or agency (e.g. its National Notification Authority) which it has designated to be in charge of handling comments received, if no other agency has been designated in the notification, and of any change and/or modification of such authority or agency.¹⁰

⁸ See [G/SPS/GEN/818](#).

⁹ See [G/SPS/GEN/487](#) for further information on this mechanism.

¹⁰ Notification admins are responsible for updating the contacts in the [ePing SPS&TBT Platform](#). Notification admin rights can be requested by emailing the Secretariat at spscommittee@wto.org.

2.25. Members submitting comments on a notified draft regulation should provide them without unnecessary delay to the authority designated to handle the comments, or to the National Notification Authority if no other designation is made.

2.26. A Member receiving comments through the designated body should, without further request:

- i. acknowledge the receipt of such comments;
- ii. explain within a reasonable period of time, and at the earliest possible date before the adoption of the measure, to any Member from which it has received comments, how it will take these comments into account and, where appropriate, provide additional relevant information on the proposed sanitary or phytosanitary regulations concerned;
- iii. provide to any Member from which it has received comments, a copy of the corresponding sanitary or phytosanitary regulations as adopted or information that no corresponding sanitary or phytosanitary regulations will be adopted for the time being.

2.27. A Member receiving comments through the designated body may consider making available to other Members, where possible, non-confidential comments and questions it has received and answers it has provided, or summaries thereof, preferably via electronic means.

2.28. Members should grant requests for extension of the comment period wherever practicable, in particular with regard to notifications relating to products of particular interest to developing country Members, where there have been delays in receiving and translating the relevant documents or where there is a need for further clarification of the measure notified. A 30-day extension should normally be provided and notified to the WTO (see section below on Addenda).

2.29. Members are also encouraged to use the "Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members" ([G/SPS/33/Rev.1](#)).¹¹

2.6 Addenda, revisions and corrigenda

2.30. In addition to their original notifications, Members can also provide supplementary information in three different formats:

- An addendum is used to provide additional information or changes to an original notification. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal;
- A corrigendum is used to correct an error in an original notification such as an incorrect address detail; or
- A revision is used to replace an existing notification.

2.31. Any addendum or corrigendum should be read in conjunction with the original notification.

2.6.1 Addenda

2.32. Members should notify changes in the status of a notified SPS regulation. The issuance of an addendum allows Members to track the status of an SPS regulation via its unique notification number. Addenda to SPS notifications should be made in a number of circumstances, such as:

- if the comment period has been extended;
- when a proposed regulation is either adopted, published or comes into force, if the relevant dates have not been provided in the original notification or have been changed. Members are strongly encouraged to follow this recommendation and inform other Members in a timely manner. A Member may wish to indicate on the addendum if the final regulation has been substantially modified from the notified proposal;
- if the content of a previously notified draft regulation is partially changed, or if the scope of application of the existing notification is modified, either in terms of Members affected or products covered. Such an addendum should provide for a new 60-day comment period unless the notified change is of a trade-facilitating nature or is negligible. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the notification by the WTO Secretariat;
- if a proposed regulation is withdrawn;

¹¹ See [Section 2.9](#) for more information on S&D notifications.

- in the case of an emergency notification, an addendum should also be submitted if the period of application of the existing notification is extended.

2.33. An addendum should:

- i. briefly recap what was notified, when and what it was about - this is a practical requirement, and reduces the need for Members to have to go back to the original notification to check what it was about;
- ii. specify what change has been made and why - briefly state why the information, dates, etc. have been changed; and
- iii. restate the comments deadline, even if it has not been changed - as a reminder to Members that if they wish to comment it must be done by this date.

2.34. A format for making an addendum is available in Annex A-2 of these procedures for regular notifications and in Annex B-2 for notifications of emergency measures. These notifications can be completed and submitted through the [ePing SPS&TBT Platform](#).

2.6.2 Revisions

2.35. Revisions replace an existing notification. Revisions should be submitted, for example, if a notified draft regulation was substantially redrafted or if a notification contained a large number of errors. A Member should provide a further period for comments on the revised notification, normally 60 calendar days, unless the notified change is of a trade-facilitating nature or would have a negligible effect on trade. Where domestic regulatory mechanisms allow, the 60-day comment period should normally begin with the circulation of the revised notification by the WTO Secretariat.

2.36. A format for making a revision is available in Annex A-3 of these procedures for regular notifications and Annex B-3 for notifications of emergency measures. These notifications can be completed and submitted through the [ePing SPS&TBT Platform](#).

2.6.3 Corrigenda

2.37. Members should inform the Secretariat of any error(s) contained in their original notification. The Secretariat will issue a corrigendum accordingly.

2.38. A format for making a corrigendum is available in Annex A-4 of these procedures for regular notifications and Annex B-4 for notifications of emergency measures. These notifications can be completed and submitted through the [ePing SPS&TBT Platform](#).

2.7 Regulations that contain both SPS and TBT measures

2.39. When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement (e.g., a food safety measure) and which parts fall under the TBT Agreement (e.g., quality or compositional requirements).

2.8 Notification of determination of the recognition of equivalence of sanitary or phytosanitary measures¹²

2.40. In accordance with the Decision on Equivalence ([G/SPS/19/Rev.2](#)), a Member which has made a determination recognizing the equivalence of sanitary or phytosanitary measures of another Member or Members shall notify other Members through the Secretariat of the measure(s) recognized to be equivalent and of the products affected by this recognition.

2.41. For the purposes of this notification, equivalence is defined to be the state wherein sanitary or phytosanitary measures applied in an exporting Member, though different from the measures applied in an importing Member, achieve, as demonstrated by the exporting Member and recognized

¹² At its meeting of 25-26 June 2002, the Committee adopted a format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures which can be found in [G/SPS/7/Rev.2/Add.1](#). This document was incorporated into [G/SPS/7/Rev.3](#) and subsequent revisions.

by the importing Member, the importing Member's appropriate level of sanitary or phytosanitary protection. A determination of the recognition of equivalence may be with respect to a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis.

2.42. Notification should also be made of significant variations to existing equivalence arrangements, including their suspension or rescission.

2.43. See Annex E of these procedures for further information on the format for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures. These notifications can be completed and submitted through the [ePing SPS&TBT Platform](#).

2.9 Notification of special and differential treatment (S&D notification)

2.44. In accordance with the Decision on Special and Differential Treatment ([G/SPS/33/Rev.1](#)), when an importing Member decides on whether and how special and differential treatment may be provided in response to a specific request, that Member should inform the SPS Committee.

2.45. This may be done in writing and/or under the agenda item on Special and Differential Treatment at any meeting of the SPS Committee. Information provided in writing should be submitted to the WTO Secretariat as an addendum to the original notification concerning the measure. The addendum shall indicate: (1) the name(s) of Member(s) that requested special and differential treatment; (2) if special and differential treatment was provided, the form of such treatment; and (3) if not provided, the addendum shall indicate why special and differential treatment was not provided and whether technical assistance or any other solution was found to address the identified concern.

2.46. The format for making an S&D notification as an addendum to the original notification is available in Annex A-5 of these procedures, and can be completed and submitted through the [ePing SPS&TBT Platform](#).

2.10 Completed notifications

2.47. Notifications should be submitted, preferably online by using the [ePing SPS&TBT Platform](#). Alternatively, they can be submitted by e-mail from the National Notification Authority to the Central Registry of Notifications (CRN) at the WTO. The e-mail address is: crn@wto.org.

2.48. Electronic copies of all notification formats can be downloaded from the WTO website at: https://www.wto.org/english/tratop_e/sps_e/notification_formats_e.htm.

2.49. Members may submit electronic copies, in PDF format, of proposed regulations along with the corresponding notifications to the WTO Secretariat. These texts will be accessible, in the format and language provided, through a hyperlink in the notification format (see paragraph 2.17.).

2.50. In addition, Members are encouraged to provide a website address or a specific hyperlink, if available, for the relevant documents in the appropriate section of the notification format.

2.51. The [ePing SPS&TBT Platform](#) is an online platform where WTO Members can directly complete and submit notifications. Submission through this Platform allows for notifications to be processed more accurately and efficiently by the WTO Secretariat, making notifications accessible to the Membership much more rapidly.

2.52. Members should contact the Secretariat (spscommittee@wto.org) to designate a notification admin for the [ePing SPS&TBT Platform](#), who will be responsible for granting notification drafting rights or notification submission rights to other registered users.

3 GUIDELINES FOR NATIONAL ENQUIRY POINTS

3.1. The National Enquiry Point (NEP) system established in paragraph 3 of Annex B to the SPS Agreement is an effective avenue for obtaining information regarding SPS systems and measures from other Members.

3.2. The NEP handles on a routine basis:

- document and information requests;
- general enquiries; and
- delivery and charging of documents.

3.3. NEPs should also provide, upon request, information on participation in any bilateral or multilateral equivalence agreements and arrangements in accordance with paragraph 3(d) of Annex B to the SPS Agreement.

3.4. While the mode of delivery is at the discretion of the Member concerned, it is recommended that delivery of documents should be by the fastest means possible. In the first instance, if the Member has such facilities, the documents should be made accessible through a website or sent by e-mail.

3.5. A Member may only charge the same cost for the documents as it would for its own nationals plus the cost of delivering the documents in accordance with paragraph 4 of Annex B to the SPS Agreement.

3.6. Members should also refer to the guidelines on transparency contained in the handbook *Practical Manual for SPS National Notification Authorities and SPS National Enquiry Points*, when notifying regulations and operating National Enquiry Points in accordance with Article 7 and Annex B to the SPS Agreement.¹³

4 PUBLICATION OF REGULATIONS

4.1. The publication of regulations is a fundamental component of transparency under the SPS Agreement. This is a general obligation on Members, and does not relate specifically to the work of either the National Notification Authority or National Enquiry Point.

4.2. In accordance with paragraphs 1 and 2 of Annex B to the SPS Agreement, Members are obliged to:

- i. ensure that all SPS regulations which have been adopted are published promptly in such a manner as to enable interested Members to become acquainted with them. Regulations to be published include laws, decrees or ordinances which are applicable generally;
- ii. except in urgent circumstances, allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force in order to allow time for producers in exporting Members and particularly in developing country Members, to adapt their products and methods of production to the requirements of the importing Member.

4.3. As agreed in the Doha Decision on Implementation-Related Issues and Concerns ([WT/MIN\(01\)/17](#), paragraph 3.2):

Subject to the conditions specified in paragraph 2 of Annex B to the Agreement on the Application of Sanitary and Phytosanitary Measures, the phrase "reasonable interval" shall be understood to mean normally a period of not less than 6 months. It is understood that timeframes for specific measures have to be considered in the context of the particular circumstances of the measure and actions necessary to implement it. The entry into force of measures which contribute to the liberalization of trade should not be unnecessarily delayed.

4.4. The reasonable interval specified above between the publication and entry into force of new regulations should be provided, including when these are based on, conform to, or are substantially the same as an international standard, guideline, or recommendation.

4.5. Members are encouraged to publish SPS regulations on the Internet where possible. Publication on the Internet has a number of advantages and benefits to Members over more traditional methods. It:

- i. allows for greater transparency;

¹³ Available at: <http://www.wto.org/spstransparency>.

- ii. makes it easier for Members to obtain documents; and
- iii. reduces the amount of work involved in processing and fulfilling document requests.

ANNEX A-1: REGULAR NOTIFICATIONS**COMPLETION OF FORMATS - REGULAR NOTIFICATIONS
(ANNEX B, PARAGRAPH 5, TO THE SPS AGREEMENT)**

Information contained in the notifications should be as complete as possible and no section should be left blank. Where necessary, "Not known." or "Not stated." should be indicated.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Union, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.
4. Regions or countries likely to be affected	The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable. Members are encouraged to be as specific as possible in identifying regions or countries likely to be affected.
5. Title, language and number of pages of the notified document	Title of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available. If a translation of the whole document or its summary exists, indicate this here. If a Member submits the text of the draft regulation or a summary or translation thereof in PDF format along with the notification, the WTO Secretariat will facilitate access to this text through a hyperlink in the notification format.
6. Description of content	A summary of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply. The summary should enable trading partners to determine whether the notified measure is likely to have an impact on products they wish to export to the notifying Member. When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.
7. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry, establishment or spread of pests.

Item	Description
8. Existence of international standard, guideline or recommendation	If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organization and give the appropriate reference of the existing standard, guideline or recommendation, e.g., Codex standard number, WOH (founded as OIE) Code chapter, ISPM number. Indicate whether the proposed regulation conforms to the relevant international standard and if not, describe, whenever possible, how and why the proposed regulation deviates from the international standard, guideline or recommendation. If no international standard, guideline or recommendation exists, put a cross in the box "None".
9. Other relevant documents and language(s) in which these are available	Documents referenced here are different from those listed in box 5. Documents which should be referenced include: (a) Publication where notice of the proposed regulation appears, including date and reference numbers; (b) Proposal and basic document to which proposal refers (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available; (c) Publication in which proposal will appear when adopted. If it is necessary to charge for documents supplied, the amount of the charge should be indicated. Provide the website address and hyperlink for these documents where available. If a Member submits texts of referenced documents in PDF format along with the notification to the WTO Secretariat, hyperlinks to these texts will be made available under this item.
10. Proposed date of adoption and of publication	The date when the sanitary or phytosanitary regulation is expected to be adopted. Also provide, where possible, the proposed date of publication of the final measure if this differs from the date of adoption.
11. Proposed date of entry into force	The date from which the requirements in the regulation are proposed or decided to enter into force shall normally be at least six months following the above date of adoption and/or publication. Where appropriate, Members should accord longer time-frames for compliance on products of interest to developing country Members. This shall normally be a period of not less than six months.¹ Put a cross in the box if the proposed measure contributes to the liberalization of trade. In this case, the implementation of the measure should not be unnecessarily delayed and no comment period need be provided.
12. Final date for comments and agency or authority handling comments	The date by which Members may submit comments in accordance with Annex B, paragraph 5(b), to the SPS Agreement. A Member should normally allow a period of at least 60 calendar days for comments. Check the box if this is 60 calendar days following the date of circulation of the notification as a WTO document; the Secretariat will indicate the corresponding date. If not, a specific date should be indicated. Any Member which is able to provide a time limit beyond 60 days is encouraged to do so. The agency or authority which has been designated to handle the comments should be indicated. If this is the National Notification Authority or the National Enquiry Point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address and e-mail address. For proposed measures which facilitate trade or those which are substantially the same as an international standard, guideline or

¹ Doha Decision on Implementation-Related Issues and Concerns ([WT/MIN\(01\)/17](#), paragraph 3.1).

Item	Description
	recommendation, Members may reduce or eliminate the period for receiving comments.
13. Texts available from	If available from the National Notification Authority or the National Enquiry Point, put a cross in the respective box. If available from another body, give its address and e-mail address. Such indications do not in any way discharge the relevant National Enquiry Point of its responsibilities under the provisions of Annex B, paragraphs 3 and 4, to the SPS Agreement. Provide the website address and specific hyperlink of the document notified, if available. If a Member submits the text of the draft regulation in PDF format along with the notification, a hyperlink to this text will be made available under this item.



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Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION

1.	Notifying Member: <u>SPS1A</u> If applicable, name of local government involved: sps1b
2.	Agency responsible: sps2a
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): sps3a
4.	Regions or countries likely to be affected, to the extent relevant or practicable: [sps4b] All trading partners sps4bbis [sps4abis] Specific regions or countries: sps4a
5.	Title of the notified document: sps5a. Language(s): sps5b. Number of pages: sps5c sps5d
6.	Description of content: sps6a
7.	Objective and rationale: [sps7a] food safety, [sps7b] animal health, [sps7c] plant protection, [sps7d] protect humans from animal/plant pest or disease, [sps7e] protect territory from other damage from pests. sps7f
8.	Is there a relevant international standard? If so, identify the standard: [sps8a] Codex Alimentarius Commission (<i>e.g. title or serial number of Codex standard or related text</i>): sps8atext [sps8b] World Organization for Animal Health (OIE) (<i>e.g. Terrestrial or Aquatic Animal Health Code, chapter number</i>): sps8btext [sps8c] International Plant Protection Convention (<i>e.g. ISPM number</i>): sps8ctext [sps8d] None Does this proposed regulation conform to the relevant international standard? [sps8ey] Yes [sps8en] No If no, describe, whenever possible, how and why it deviates from the international standard: sps8e

9.	Other relevant documents and language(s) in which these are available: sps9a sps9b
10.	Proposed date of adoption (dd/mm/yy): sps10a Proposed date of publication (dd/mm/yy): sps10bisa
11.	Proposed date of entry into force: [sps11c] Six months from date of publication, and/or (dd/mm/yy): sps11a [sps11e] Trade facilitating measure sps11ebis
12.	Final date for comments: [sps12e] Sixty days from the date of circulation of the notification and/or (dd/mm/yy): sps12a Agency or authority designated to handle comments: [sps12b] National Notification Authority, [sps12c] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps12d
13.	Text(s) available from: [sps13a] National Notification Authority, [sps13b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps13c

ANNEX A-2: REGULAR NOTIFICATIONS - ADDENDA



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Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION

Addendum

The following communication, received on DateReception, is being circulated at the request of the Delegation of Member.

Title

Measure

This addendum concerns a:

- [**ModificationComment**] Modification of final date for comments
- [**Notification**] Notification of adoption, publication or entry into force of regulation
- [**ModificationContent**] Modification of content and/or scope of previously notified draft regulation
- [**Withdraw**] Withdrawal of proposed regulation
- [**ModificationDate**] Change in proposed date of adoption, publication or date of entry into force
- [**ModificationOther**] Other: ModificationOtherText

Comment period: (If the addendum extends the scope of the previously notified measure in terms of products and/or potentially affected Members, a new deadline for receipt of comments should be provided, normally of at least 60 calendar days. Under other circumstances, such as extension of originally announced final date for comments, the comment period provided in the addendum may vary.)

[**SixtyDayCirculation**] Sixty days from the date of circulation of the addendum to the notification and/or (dd/mm/yy): DateComment

Agency or authority designated to handle comments: [CommentNNA] National Notification Authority, [CommentNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

CommentAddress

Text(s) available from: [TextAvailableNNA] National Notification Authority, [TextAvailableNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

TextSupplierAddress

ANNEX A-3: REGULAR NOTIFICATIONS - REVISIONS



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G/SPS/N/ISO COUNTRY CODE/#/Rev.#

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Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION

Revision

1.	Notifying Member: <u>SPS1A</u> If applicable, name of local government involved: sps1b
2.	Agency responsible: sps2a
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): sps3a
4.	Regions or countries likely to be affected, to the extent relevant or practicable: [sps4b] All trading partners sps4bbis [sps4abis] Specific regions or countries: sps4a
5.	Title of the notified document: sps5a. Language(s): sps5b. Number of pages: sps5c sps5d
6.	Description of content: sps6a
7.	Objective and rationale: [sps7a] food safety, [sps7b] animal health, [sps7c] plant protection, [sps7d] protect humans from animal/plant pest or disease, [sps7e] protect territory from other damage from pests. sps7f
8.	Is there a relevant international standard? If so, identify the standard: [sps8a] Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): sps8atext [sps8b] World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number): sps8btext [sps8c] International Plant Protection Convention (e.g. ISPM number): sps8ctext [sps8d] None Does this proposed regulation conform to the relevant international standard?

[sps8ey] Yes [sps8en] No If no, describe, whenever possible, how and why it deviates from the international standard: sps8e	
9.	Other relevant documents and language(s) in which these are available: sps9a sps9b
10.	Proposed date of adoption (dd/mm/yy): sps10a Proposed date of publication (dd/mm/yy): sps10bisa
11.	Proposed date of entry into force: [sps11c] Six months from date of publication, and/or (dd/mm/yy): sps11a [sps11e] Trade facilitating measure sps11ebis
12.	Final date for comments: [sps12e] Sixty days from the date of circulation of the notification and/or (dd/mm/yy): sps12a Agency or authority designated to handle comments: [sps12b] National Notification Authority, [sps12c] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps12d
13.	Text(s) available from: [sps13a] National Notification Authority, [sps13b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps13c

ANNEX A-4: REGULAR NOTIFICATIONS - CORRIGENDA



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Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION

Corrigendum

The following communication, received on DateReception, is being circulated at the request of the Delegation of Member.

7

Title

Measure

Text(s) available from: [TextAvailableNNA] National Notification Authority, [TextAvailableNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

TextSupplierAddress

ANNEX A-5: REGULAR NOTIFICATIONS - SPECIAL AND DIFFERENTIAL TREATMENT



WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#/Add.#

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Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION

Addendum

The following communication, received on DateReception, is being circulated at the request of the Delegation of Member.

Title

Measure

Special and Differential Treatment

- (1) Name(s) of Member(s) that requested special and differential treatment:
MembersRequested
- (2) Special and differential treatment provided [IsTreatmentProvided] Yes
[IsTreatmentProvidedNo] No

Describe how such treatment was provided, including what form it took.

TreatmentProvided

- (3) If special and differential treatment was not provided, indicate why it was not provided and whether technical assistance or any other solution was found to address the identified concern.

OtherSolution

Text(s) available from: [TextAvailableNNA] National Notification Authority,
[TextAvailableNEP] National Enquiry Point, or address, fax number and e-mail address (if available) of other body:

TextSupplierAddress

ANNEX B-1: EMERGENCY NOTIFICATIONS**COMPLETION OF FORMATS - EMERGENCY NOTIFICATIONS
(ANNEX B, PARAGRAPH 6, TO THE SPS AGREEMENT)**

Information contained in the notification form should be as complete as possible and no section should be left blank. Where necessary, "Not known." or "Not stated." should be indicated.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Union, which is making the notification.
2. Agency responsible	Body elaborating a proposal for or promulgating a sanitary or phytosanitary regulation.
3. Products covered	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO. ICS numbers should be provided in addition, where applicable. A clear description is important for an understanding of the notification by delegations and translators. Abbreviations should be avoided.
4. Regions or countries likely to be affected	The geographical regions or countries likely to be affected by the notified regulation should be identified to the extent relevant or practicable. Members are encouraged to be as specific as possible in identifying regions or countries likely to be affected.
5. Title, language and number of pages of the notified document	Title of the proposed or adopted (in the case of late submissions) sanitary or phytosanitary regulation. Number of pages in the notified document. Languages in which the notified document is available. If a translation of the whole document or its summary exists, indicate this here. If a Member submits the text of the draft regulation or a summary or translation thereof in PDF format along with the notification, the WTO Secretariat will facilitate access to this text through a hyperlink in the notification format.
6. Description of content	A summary of the proposed or adopted sanitary or phytosanitary regulation clearly indicating its content and health protection objective. The summary should be as complete and accurate as possible to allow the full understanding of the proposed regulation. To the extent possible, likely effects on trade should be described. Abbreviations should be avoided. Where practicable it should also include an outline of the specific sanitary measures the regulation will apply. The summary should enable trading partners to determine whether the notified measure is likely to have an impact on products they wish to export to the notifying Member. When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement and which parts fall under the TBT Agreement.
7. Objective and rationale	State whether objective is: protection of human health from food-borne risks; or protection of human health from plant- or animal-carried diseases; or protection of animal health from pests or diseases; or protection of animal health from contaminated feed; or protection of plant health from pests or diseases; or prevention of other damage from entry, establishment or spread of pests.
8. Nature of urgent problem(s) and reason for urgent action	Indication of the underlying reasons for resorting to emergency action, e.g., incursion of pests associated with imports, outbreak of a disease in supplying areas, etc.

Item	Description
9. Existence of international standard, guideline or recommendation	If a relevant international standard, guideline or recommendation exists, put a cross in the box provided for the appropriate standard-setting organization and give the appropriate reference of the existing standard, guideline or recommendation, e.g., Codex standard number, WOH (founded as OIE) Code chapter, ISPM number. Indicate whether the proposed regulation conforms to the relevant international standard and if not, describe, whenever possible, how and why the proposed regulation deviates from the international standard, guideline or recommendation. If no international standard, guideline or recommendation exists, put a cross in the box "None".
10. Other relevant documents and language(s) in which these are available	Documents referenced here are different from those listed in box 5. Documents which should be referenced include: (a) Measure(s) taken and basic regulation which was modified (with specific reference number or other identification), and the language(s) in which the notified documents and any summary of these are available; (b) Publication in which regulation will appear. If it is necessary to charge for documents supplied, the amount of the charge should be indicated. Provide the website address and hyperlink for these documents where available. If a Member submits texts of referenced documents in PDF format along with the notification to the WTO Secretariat, hyperlinks to these texts will be made available under this item.
11. Date of entry into force and period of application	The date from which the requirements entered into force, and, if applicable, the period of time during which they will apply. (For example: immediate entry into force [date], duration of two months.) Put a cross in the box if the proposed measure contributes to the liberalization of trade.
12. Agency or authority handling comments	The agency or authority which has been designated to handle the comments should be indicated. If this is the National Notification Authority or the National Enquiry Point, put a cross in the box provided. If another agency or authority has been designated, provide its name, address and e-mail address.
13. Texts available from	If available from the National Notification Authority or National Enquiry Point, put a cross in the respective box. If available from another body, give its address, fax number and e-mail address. Such indications do not in any way discharge the relevant National Enquiry Point of its responsibilities under the provisions of Annex B, paragraphs 3 and 4, to the SPS Agreement. Provide the website address and specific hyperlink of the document notified, if available. If a Member submits the text of the draft regulation in PDF format along with the notification, a hyperlink to this text will be made available under this item.



WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#

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Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION OF EMERGENCY MEASURES

1.	Notifying Member: <u>SPS1A</u> If applicable, name of local government involved: sps1b
2.	Agency responsible: sps2a
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): sps3a
4.	Regions or countries likely to be affected, to the extent relevant or practicable: [sps4b] All trading partners sps4bbis [sps4abis] Specific regions or countries: sps4a
5.	Title of the notified document: sps5a. Language(s): sps5b. Number of pages: sps5c sps5d
6.	Description of content: sps6a
7.	Objective and rationale: [sps7a] food safety, [sps7b] animal health, [sps7c] plant protection, [sps7d] protect humans from animal/plant pest or disease, [sps7e] protect territory from other damage from pests. sps7f
8.	Nature of the urgent problem(s) and reason for urgent action: sps8a
9.	Is there a relevant international standard? If so, identify the standard: [sps9a] Codex Alimentarius Commission (<i>e.g. title or serial number of Codex standard or related text</i>): sps9atext [sps9b] World Organization for Animal Health (OIE) (<i>e.g. Terrestrial or Aquatic Animal Health Code, chapter number</i>): sps9btext [sps9c] International Plant Protection Convention (<i>e.g. ISPM number</i>): sps9ctext [sps9d] None Does this proposed regulation conform to the relevant international standard? [sps9ey] Yes [sps9en] No If no, describe, whenever possible, how and why it deviates from the international standard: sps9e

10.	Other relevant documents and language(s) in which these are available: sps10a sps10b
11.	Date of entry into force (<i>dd/mm/yy</i>)/period of application (as applicable): sps11a sps11c sps11cbis sps11d [sps11e] Trade facilitating measure sps11ebis
12.	Agency or authority designated to handle comments: [sps12a] National Notification Authority, [sps12b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps12c
13.	Text(s) available from: [sps13a] National Notification Authority, [sps13b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps13c

ANNEX B-2: EMERGENCY NOTIFICATIONS - ADDENDA

WORLD TRADE
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Original: Language

NOTIFICATION OF EMERGENCY MEASURES*Addendum*

The following communication, received on DateReception, is being circulated at the request of the Delegation of Member.

7

Title

Measure

This addendum concerns a:

- [**ModificationComment**] Modification of final date for comments
- [**ModificationContent**] Modification of content and/or scope of previously notified regulation
- [**Withdraw**] Withdrawal of regulation
- [**ModificationDate**] Change in period of application of measure
- [**ModificationOther**] Other: ModificationOtherText

Agency or authority designated to handle comments: [CommentNNA] National Notification Authority, [CommentNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

CommentAddress

Text(s) available from: [TextAvailableNNA] National Notification Authority, [TextAvailableNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

TextSupplierAddress

ANNEX B-3: EMERGENCY NOTIFICATIONS – REVISIONS

WORLD TRADE
ORGANIZATION

G/SPS/N/ISO COUNTRY CODE/#/Rev.#

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Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION OF EMERGENCY MEASURES

Revision

1.	Notifying Member: <u>SPS1A</u> If applicable, name of local government involved: sps1b
2.	Agency responsible: sps2a
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): sps3a
4.	Regions or countries likely to be affected, to the extent relevant or practicable: [sps4b] All trading partners sps4bbis [sps4abis] Specific regions or countries: sps4a
5.	Title of the notified document: sps5a. Language(s): sps5b. Number of pages: sps5c sps5d
6.	Description of content: sps6a
7.	Objective and rationale: [sps7a] food safety, [sps7b] animal health, [sps7c] plant protection, [sps7d] protect humans from animal/plant pest or disease, [sps7e] protect territory from other damage from pests. sps7f
8.	Nature of the urgent problem(s) and reason for urgent action: sps8a
9.	Is there a relevant international standard? If so, identify the standard: [sps9a] Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text): sps9atext [sps9b] World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number): sps9btext [sps9c] International Plant Protection Convention (e.g. ISPM number): sps9ctext

[sps9d] None Does this proposed regulation conform to the relevant international standard? [sps9ey] Yes [sps9en] No If no, describe, whenever possible, how and why it deviates from the international standard: sps9e
10. Other relevant documents and language(s) in which these are available: sps10a sps10b
11. Date of entry into force (dd/mm/yy)/period of application (as applicable): sps11a sps11c sps11cbis sps11d [sps11e] Trade facilitating measure sps11ebis
12. Agency or authority designated to handle comments: [sps12a] National Notification Authority, [sps12b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps12c
13. Text(s) available from: [sps13a] National Notification Authority, [sps13b] National Enquiry Point. Address, fax number and e-mail address (if available) of other body: sps13c

ANNEX B-4: EMERGENCY NOTIFICATIONS – CORRIGENDA



WORLD TRADE
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Committee on Sanitary and Phytosanitary Measures

Original: Language

NOTIFICATION OF EMERGENCY MEASURES

Corrigendum

The following communication, received on DateReception, is being circulated at the request of the Delegation of Member.

Title

Measure

Text(s) available from: [TextAvailableNNA] National Notification Authority, [TextAvailableNEP] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

TextSupplierAddress

ANNEX C: FACILITY TO ACCESS FULL TEXTS OF NOTIFIED REGULATIONS

ATTACHMENTS SUBMITTED TOGETHER WITH WTO SPS NOTIFICATIONS

Guidelines

1 GENERAL

- (a) An "attachment" is a draft regulatory text or a translation or a summary thereof referred to in a WTO SPS notification.
- (b) An attachment will not be considered as a WTO document.
- (c) The Secretariat cannot be held responsible for the content of attachments.

2 PROVISION OF ATTACHMENTS TO THE WTO

- (a) Attachments should be provided electronically to the Central Registry of Notifications (crn@wto.org), in conjunction with the corresponding WTO SPS notification.
- (b) Attachments will not be scanned by the WTO Secretariat if submitted in hard copy.
- (c) Attachments should be provided in PDF format only. Notifications should continue to be submitted in Word.¹
- (d) Individual attachments should not exceed 4MB in size; multiple attachments may be provided.

3 STORAGE OF ATTACHMENTS

- (a) Attachments will be stored on a WTO central server.
- (b) Attachments stored on the WTO central server will be viewable online by clicking on the hyperlink in the notification format.
- (c) Attachments can also be downloaded directly by the user.
- (d) Attachments will not be circulated in hard copy form.

4 LANGUAGE OF ATTACHMENTS

- (a) Attachments may be provided in their original language.
- (b) If available, Members may also provide translations.
- (c) Attachments will not be translated by the Secretariat.

¹ The most efficient way to submit notifications is online through the [ePing SPS&TBT Platform](#). Refer to section 2 of the document for further guidance on the notification procedure.

ANNEX D: AVAILABILITY OF UNOFFICIAL TRANSLATIONS



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

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Committee on Sanitary and Phytosanitary Measures

AVAILABILITY OF TRANSLATIONS

NOTE BY THE SECRETARIAT

Supplement

The Secretariat has been informed that an unofficial translation into language of the document referenced in this notification is available for consultation at:

html address.

Comité des mesures sanitaires et phytosanitaires

TRADUCTIONS DISPONIBLES

NOTE DU SECRETARIAT

Supplément

Le Secrétariat a été informé qu'une traduction non officielle en langue du document auquel renvoie la présente notification pouvait être consultée à l'adresse suivante:

adresse html.

Comité de Medidas Sanitarias y Fitosanitarias

ACCESO A TRADUCCIONES

NOTA DE LA SECRETARÍA

Suplemento

Se ha comunicado a la Secretaría que en la dirección:

dirección html

se puede consultar una traducción no oficial al idioma del documento a que se hace referencia en la presente notificación.

ANNEX E: NOTIFICATION OF RECOGNITION OF EQUIVALENCE

RECOMMENDED PROCEDURES FOR THE COMPLETION OF THE NOTIFICATION FORMAT

In accordance with the Decision on Equivalence ([G/SPS/19/Rev.2](#)), a Member which has made a determination recognizing the equivalence of sanitary or phytosanitary measures of another Member or Members shall notify other Members through the Secretariat of the measure(s) recognized to be equivalent and of the products affected by this recognition.

For the purposes of this notification, equivalence is defined to be the state wherein sanitary or phytosanitary measures applied in an exporting Member, though different from the measures applied in an importing Member, achieve, as demonstrated by the exporting Member and recognized by the importing Member, the importing Member's appropriate level of sanitary or phytosanitary protection. A determination of the recognition of equivalence may be with respect to a specific measure or measures related to a certain product or categories of products, or on a systems-wide basis.

Notification should also be made of significant variations to existing equivalence arrangements, including their suspension or rescission.

Item	Description
1. Member notifying	Government, including the competent authorities of the European Union, which is making the notification.
2. Title of the text stating determination of the recognition of equivalence	Title of any formal or informal agreement, Memorandum of Understanding or other document establishing the determination of recognition of equivalence.
3. Parties involved	Name of the exporting Member or Members whose measure has been determined to be equivalent.
4. Date of entry into force of the determination of the recognition of equivalence and any associated procedures or regulations	Date from which procedures, regulations or other measures based on the determination of recognition of equivalence took effect.
5. Products covered (HS or ICS where applicable, otherwise national tariff heading)	Tariff item number(s) (normally HS, chapter or heading and number) as contained in national schedules deposited with the WTO of the product(s) which are imported on the basis of the determination of the recognition of equivalence.
6. Brief description of the measure(s) recognized to be equivalent	Clearly indicate the nature of the recognition of equivalence, including which measure(s) of the exporting Member have been determined to be equivalent and which elements of the importing Member's usual requirements are met by these equivalent measures.
7. Further information available from	The agency or authority from which an interested Member may request further information regarding the specific determination of equivalence being notified. If this is the National Enquiry Point, check the box provided. If available from another body, give its address, and e-mail address. Provide the website address of the document, if available.



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Committee on Sanitary and Phytosanitary Measures

Original: Language

**NOTIFICATION OF DETERMINATION OF THE RECOGNITION OF EQUIVALENCE
OF SANITARY OR PHYTOSANITARY MEASURES**

The following notification of determination of the recognition of equivalence has been received.

1.	Member notifying: <u>1A</u>
2.	Title of the text stating the determination of the recognition of equivalence: 2a
3.	Parties involved: 3a
4.	Date of entry into force of the determination of the recognition of equivalence and any associated procedures or regulations: 4a 4b
5.	Products covered (HS or CCCN where applicable, otherwise national tariff heading): 5a
6.	Description of measures recognized to be equivalent: 6a
7.	Further information available from: [7b] National Enquiry Point [7c] Other (specify) 7a



Committee on Sanitary and Phytosanitary Measures

**COLLECTION OF AVAILABLE TOOLS AND RESOURCES
IN RELATION TO SPS APPROVAL PROCEDURES**

ADOPTED BY THE COMMITTEE ON 24 MARCH 2023

The Report of the Fifth Review of the Operation and Implementation of the SPS Agreement included several recommendations on various topics, including a recommendation that the SPS Committee create a working group open to the participation of all Members and Observers to continue to examine the topic of approval procedures.¹ The Working Group on Approval Procedures was set up in November 2020 and concluded its work in March 2023.

Participants in the Working Group on Approval Procedures identified existing available tools and resources as they apply to approval procedures in the form of a collection.² The Collection of Available Tools and Resources in Relation to Approval Procedures was then circulated³, and adopted at the March 2023 formal meeting of the SPS Committee.

Tools and resources are indicated in the table below, organized by key themes. The identified tools and resources may be applicable to more than one theme; however each tool or best practice has only been included once for simplicity.⁴

This is not an exhaustive list of tools and resources. It does not represent a legal interpretation of the rights and obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and does not in any way exemplify a legal definition.

The SPS Committee will keep this Collection up to date with the assistance of the Secretariat.

¹ [G/SPS/64](#), para. 3.12.

² [G/SPS/GEN/2098](#).

³ [G/SPS/W/337](#).

⁴ The order in which these tools and resources have been included in the table below does not reflect any hierarchy among them or any particular level of importance.

Tool or resource	What is it?	Where to find it?
1. General		
WTO Thematic Session on Approval Procedures, 5 November 2019	Presentations from and webcasting of the Thematic Session.	https://www.wto.org/english/tratop_e/sps_e/workshop05112019_e.htm
SPS Committee Thematic Workshop on Control, Inspection and Approval Procedures (Annex C), 9-10 July 2018	Presentations from the Workshop.	https://www.wto.org/english/tratop_e/sps_e/workshop910718_e.htm
SPS Committee Events, Workshops and Training	Events and resources listed on this page range from special information sessions of the SPS Committee to workshops, training sessions and training material, some organized in conjunction with other organizations, including the Standards and Trade Development Facility (STDF).	https://www.wto.org/english/tratop_e/sps_e/events_e.htm
2. Timing and Undue Delays		
Global Low-Level Presence Initiative (GLI) Communiqué on Approaches to Reduce Asynchronous Authorizations in Food and Feed Derived From Recombinant-DNA (rDNA) Plant	Communiqué with the objective of offering a broad range of potential approaches for governments, technology developers, and other stakeholders to consider to minimize occurrences of asynchronous authorizations of food and feed derived from rDNA plants.	https://llp-gli.org/llp-communique.html
GLI Principles, Criteria and Practical Approaches for Addressing Low-Level Presence (LLP) of Food in International Food and Feed Trade of Plant Material	Document suggesting tools for addressing trade disruptions due to LLP, setting out guiding principles for the development of practical approaches to addressing LLP by governments and for bolstering continued industry stewardship efforts, supporting and encouraging essential elements of a given approach or approaches for addressing LLP, and supporting consideration of the possible approaches by governments and industry as practical means to address LLP.	https://llp-gli.org/llp-principles.html
GLI Information and Resources	Collection of resources offering approaches and principles for members, observers, international organizations, and individuals to consider to minimize asynchronous approvals and manage LLP.	https://llp-gli.org/llp-resources.html

Tool or resource	What is it?	Where to find it?
3. Transparency		
ePing SPS&TBT Platform	The new ePing SPS&TBT Platform integrates all SPS and TBT transparency tools into a single platform. It includes various functions related to notifications, STCs, and information exchange. Through the ePing SPS&TBT Platform, users can browse notifications on new and updated product regulations and sign up to receive daily or weekly email alerts and to follow notifications on products and/or markets of interest. Users can also find information on trade concerns discussed in the WTO SPS and TBT committees. Information on enquiry points and notification authorities can also be located in the Platform. The ePing SPS&TBT Platform enables Members to submit notifications online. This improved functionality allows Members to fill in all types of notification templates, improve national coordination with regulatory agencies, provide more accurate and complete data, prepare notification models to increase efficiency, and keep track of all notifications submitted.	https://eping.wto.org/en/
Thematic SPS Workshop on Transparency, 20 June 2022	Presentations from the Workshop, to serve as a reference for Members looking to strengthen their internal capacities to align with the SPS Agreement's transparency provisions.	https://www.wto.org/english/tratop_e/sps_e/workshop_transparency_20jun22_e.htm
Thematic SPS Workshop on Transparency and Coordination, 15-16 July 2019	Presentations from the Workshop, to serve as a reference for Members looking to strengthen their internal capacities to align with the SPS Agreement's transparency provisions.	https://www.wto.org/english/tratop_e/sps_e/workshop15072019_e.htm
SPS Workshop on Transparency, 30-31 October 2017	Presentations from the Workshop, to serve as a reference regarding implementation of the SPS Agreement's transparency provisions.	https://www.wto.org/english/tratop_e/sps_e/wkshoptttransparency_oct17_e.htm
Workshop on Transparency, 12-13 October 2015	Presentations from the Workshop.	https://www.wto.org/english/tratop_e/sps_e/wkshop_oct15_e/wkshop_oct15_e.htm
Workshop on the Transparency Provisions of the SPS Agreement, 18 and 22 October 2010	Presentations from the Workshop.	https://www.wto.org/english/tratop_e/sps_e/wkshop_oct10_e/wkshop_oct10_e.htm
Workshop on Transparency, 15-16 October 2007	Materials from the Workshop.	https://www.wto.org/english/tratop_e/sps_e/wkshop_oct07_e.htm

Tool or resource	What is it?	Where to find it?
4. Communication or Information Exchange		
OECD Guidance for Country Data Review Reports on Plant Protection Products and their Active Substances (Monograph Guidance)	Guidance as to the format and presentation of the documentation to be prepared by the regulatory authorities in the context of applications for the approval of particular active substances made to them, for the registration of plant protection products, for the establishment of maximum residue limits (MRLs), or for the establishment of import tolerances.	https://www.oecd.org/env/ehs/pesticides-biocides/38588738.pdf
GLI Memorandum on Improving Access to Data and Information for Food and Feed Safety Assessment in Situations of Low-Level Presence (LLP) of Recombinant-DNA (rDNA) Plant Material	Memorandum expressing the common understanding among GLI member countries that governments should be encouraged to share data and information about completed food and feed safety assessments of rDNA plant material with importing country governments in instances of LLP in imported food and feed.	https://llp-gli.org/llp-memorandum.html
5. Justification		
Guidance for Risk Management Options in Light of Different Risk Assessment Outcomes	Information document.	http://www.fao.org/fileadmin/user_upload/codexalimentarius/committee/docs/INF_CCCF_e.pdf
International Seed Testing Association (ISTA) Rules for Seed Testing	Standard procedures for sampling and testing of seeds, including genetically modified (GM) seeds for detection of approved/unapproved events present in imported consignments and also GM seeds for export to countries which require GM seed testing. It ensures seed quality and accuracy of testing by uniformity in seed sampling and testing.	https://www.seedtest.org/en/publications/international-rules-seed-testing.html
FAO GM Foods Platform and Resources	Online platform to share information on safety assessment of foods derived from rDNA plants authorized in accordance with Codex Guidelines. This Platform also facilitates the decision-making process with regard to possible LLP situations, through the effective utilization of food safety assessment in situations of LLP of rDNA plant materials in food. Resources section providing access to Codex documents, databases of safety assessments, training tools, and other relevant resources.	http://www.fao.org/food/food-safety-quality/gm-foods-platform/en/ http://www.fao.org/food/food-safety-quality/gm-foods-platform/resources/en/
OECD Work on Safety of Novel Foods and Feeds and on the Harmonisation of Regulatory Oversight in Biotechnology	OECD work on biosafety and food/feed safety assessment, which aims to assist countries evaluating the potential risks of transgenic products, ensure high safety standards, and foster mutual understanding of relevant regulations.	https://www.oecd.org/chemicalsafety/biotrack/oecdandrisksafetyassessmentinmodernbiotechnology.htm

Tool or resource	What is it?	Where to find it?
	Repository of science-based consensus documents which are mutually acceptable among member countries and contain technical information for use during the regulatory assessment of products of biotechnology.	
6. Harmonization with International Standards		
Codex Procedural Manual, 26 th edition	Manual to help Members participate effectively in the work of the joint FAO/WHO Food Standards Programme. It sets out the basic rules of procedures, procedures for the elaboration of Codex standards and related texts, basic definitions, and guidelines for the operation of Codex committees.	http://www.fao.org/documents/card/en/c/I8608EN/
Codex Principles for Food Import and Export Inspection and Certification	Codex guidance related to certification.	CAC/GL 20-1995
Codex Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems	Codex guidance related to certification.	CAC/GL 26-1997
Codex Principles and Guidelines for the Exchange of Information between Importing and Exporting Countries to Support the Trade in Food	Codex guidance related to certification.	CAC/GL 89-2016
Codex Guidelines for Food Import Control Systems	Codex guidance related to certification.	CAC/GL 47-2003
Codex Guidelines for Design, Production, Issuance and Use of Generic Official Certificates	Codex guidance related to certification.	CAC/GL 38-2001
Codex Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations	Codex guidance related to certification.	CAC/GL 19-1995
Codex Principles and Guidelines for National Food Control Systems	Codex guidance related to certification.	CAC/GL 82-2013
Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported Foods	Codex guidance related to certification.	CAC/GL 25-1997
Codex Principles and Guidelines for Monitoring the Performance of National Food Control Systems	Codex guidance related to certification.	CXG 91-2017

Tool or resource	What is it?	Where to find it?
Codex Principles for Traceability/Product Tracing as a Tool Within a Food Inspection and Certification System	Codex guidance related to certification.	CAC/GL 60-2006
Codex Guidelines for the Development of Equivalence Agreements Regarding Food Imports and Export Inspection and Certification Systems	Codex guidance related to certification.	CAC/GL 34-1999
Codex Working Principles for Risk Analysis for Food Safety for Application by Governments	Codex guidance related to risk assessments.	CAC/GL 62-2007
Codex Principles for the Risk Analysis of Foods Derived from Modern Biotechnology	Codex guidance related to biotechnology.	CAC/GL 44-2003
Codex Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants	Codex guidance related to biotechnology.	CAC/GL 45-2003
Codex Guideline for the Conduct of Food Safety Assessment of Foods Produced Using Recombinant-DNA Microorganisms	Codex guidance related to biotechnology.	CAC/GL 46-2003
Codex Guideline for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Animals	Codex guidance related to biotechnology.	CAC/GL 68-2008
Codex Guidelines on Performance Criteria and Validation of Methods for Detection, Identification and Quantification of Specific DNA Sequences and Specific Proteins in Foods	Codex guidance related to biotechnology.	CAC/GL 74-2010
Codex Guidelines on the Judgement of Equivalence of Sanitary Measures associated with Food Inspection and Certification Systems	Codex guidance related to equivalence.	CAC/GL 53-2003
Codex Food Control Laboratory Management: Recommendations	Codex guidance related to methods of analysis.	CAC/GL 28-1995
Codex Guidelines for the Assessment of the Competence of Testing Laboratories Involved in the Import and Export Control of Food	Codex guidance related to methods of analysis.	CAC/GL 27-1997
Codex Harmonized Guidelines for Internal Quality Control in Analytical Chemistry Laboratories	Codex guidance related to methods of analysis.	CAC/GL 65-1997

Tool or resource	What is it?	Where to find it?
Codex Guidelines for Settling Disputes over Analytical (Test) Results	Codex guidance related to methods of analysis.	CAC/GL 70-2009
Codex Principles for the Use of Sampling and Testing in International Food Trade	Codex guidance related to methods of analysis.	CAC/GL 83-2013
Codex Guidelines on Performance Criteria for Methods of Analysis for the Determination of Pesticide Residues in Food and Feed	Codex guidance related to pesticide residues.	CXG 90-2017
WOAH Handbook on Import Risk Analysis for Animals and Animal Products, Introduction and Qualitative Risk Analysis	WOAH handbook.	https://rr-africa.woah.org/wp-content/uploads/2018/03/handbook_on_import_risk_analysis_-_oie_-_vol_i.pdf
WOAH Terrestrial Animal Health Code - Chapter 2.1 - Import Risk Analysis	WOAH standards.	https://www.woah.org/fileadmin/Home/eng/Health_standards/tahc/2018/en_chapitre_import_risk_analysis.htm
WOAH Aquatic Animal Health Code - Chapter 2.2 - Import Risk Analysis	WOAH standards.	https://www.woah.org/fileadmin/Home/eng/Health_standards/aahc/2009/en_chapitre_1.2.2.htm#chapitre_1.2.2
World Animal Health Information System (WAHIS)	WOAH database, which provides access to details of countries' current animal health situation, as well as their notification record over the years and other relevant animal health information.	https://wahis.woah.org/#/home
WOAH Official Disease Status	WOAH official recognition of the animal health status of countries or zones for six diseases: foot and mouth disease (FMD), African horse sickness (AHS), classical swine fever (CSF), contagious bovine pleuropneumonia (CBPP), peste des petits ruminants (PPR), and bovine spongiform encephalopathy (BSE).	https://www.woah.org/en/what-we-do/animal-health-and-welfare/official-disease-status/
WOAH Self-declared Disease Status	WOAH system to allow countries to communicate self-declaration of disease freedom for diseases (excluding the six diseases subject to official recognition by WOAH). This is an open mechanism, under the responsibility of each WOAH Member, which decides to share the information supporting a claim of freedom from a given WOAH-listed disease, based on the relevant WOAH standards.	https://www.woah.org/en/what-we-offer/self-declared-disease-status/
WOAH Performance of Veterinary Services (PVS) Pathway	Reports and relevant information relating to the PVS Pathway, WOAH's capacity-building programme for the sustainable improvement of national Veterinary Services. The PVS Pathway provides an external perspective that analyses the structure, functioning and performance of a country's Veterinary Services, highlights strengths, and identifies gaps and opportunities for improvements.	https://www.woah.org/en/what-we-offer/improving-veterinary-services/pvs-pathway/

Tool or resource	What is it?	Where to find it?
	Available reports include: PVS Evaluation reports assessing the extent to which a country's Veterinary Services comply with WOAHP standards; Veterinary Legislation Identification Mission reports analysing the current state of veterinary legislations; and PVS Gap Analysis reports identifying priority goals, as well as strategies, activities and a rough estimate of the investments required to achieve these objectives.	https://www.woah.org/en/what-we-offer/improving-veterinary-services/pvs-pathway/pvs-pathway-state-of-play-and-mission-reports/
WOAH Compartmentalisation Guidelines – African Swine Fever – Biosecurity checklist	WOAH outcome-based biosecurity checklist for ASF-free compartments.	https://www.woah.org/en/document/compartmentalisation-guidelines-african-swine-fever-biosecurity-checklist/
WOAH Expertise Network	Network of WOAHP Collaborating Centres and WOAHP Reference Laboratories, which contribute to the work of WOAHP to ensure that standards, guidelines, and recommendations are scientifically sound and up to date.	https://www.woah.org/en/what-we-offer/expertise-network/
WOAH Register of Diagnostic Kits	WOAH register of diagnostic kits certified as validated as fit for purpose, which means that the kit has to be validated to such a level to show that the kit's results can be interpreted to have a defined meaning in terms of diagnosis or another biological property being examined.	https://www.woah.org/en/what-we-offer/veterinary-products/diagnostic-kits/the-register-of-diagnostic-kits/
International Standard for Phytosanitary Measures 2: Framework for Pest Risk Analysis	IPPC standards.	https://assets.ippc.int/static/media/files/publication/en/2019/05/ISPM_02_2007_En_Framework_PRA_2019-04-30_PostCPM14_InkAm.pdf
International Standard for Phytosanitary Measures 3: Guidelines for the Export, Shipment, Import and Release of Biological Control Agents and other Beneficial Organisms	IPPC standards.	http://www.fao.org/3/j5365e/j5365e.pdf
International Standard for Phytosanitary Measures 20: Guidelines for a Phytosanitary Import Regulatory System	IPPC standards.	http://www.fao.org/3/y5721e/y5721e.pdf
International Standard for Phytosanitary Measures 21: Pest Risk Analysis for Regulated Non-Quarantine Pests	IPPC standards.	https://assets.ippc.int/static/media/files/publication/en/2019/05/ISPM_21_2004_En_PRA_RNQPs_2019-04-30_PostCPM14_InkAm.pdf
International Standard for Phytosanitary Measures 11: Pest Risk Analysis for Quarantine Pests	IPPC standards.	https://assets.ippc.int/static/media/files/publication/en/2019/05/ISPM_11_2013_En_PRA_QPs_2019-04-30_PostCPM14_InkAm.pdf

Tool or resource	What is it?	Where to find it?
International Standard for Phytosanitary Measures 32: Categorization of Commodities According to their Pest Risk	IPPC standards.	https://assets.ippc.int/static/media/files/publication/en/2016/01/ISPM_32_2009_En_2015-12-22_PostCPM10_InkAmReformatted.pdf
7. Regulatory Cooperation		
Enabling Access to Tools and Technologies: Towards Safer and More Sustainable Agriculture Through Regulatory Collaboration, Submission from Brazil, Kenya, Paraguay, and the United States of America	Compilation of concepts that can be employed, on a voluntary basis, to improve and streamline regulatory processes, while safeguarding human, plant, and animal health. This compilation serves as a resource, in particular for authorities with capacity constraints to help identify regulatory efficiencies that can lead to greater and faster market access. This compilation refers to tools and technologies, although the general concepts are applicable to a variety of market access requests. These concepts include common application requirements, joint risk assessments, data portability, adaptation to regional conditions, unilateral recognition, mutual recognition, familiarity, history of safe use, equivalence, and harmonization.	G/SPS/W/317
APEC, A Trade Facilitative Approach to Pesticide MRL Compliance	Brochure providing an overview of the benefits to trade associated with harmonized MRLs.	http://mddb.apec.org/Documents/2018/SCSC/WKSP8/18_scsc_wksp8_003.pdf
Crop Life's Regulatory Harmonization Webpage	Example of regulated community's contribution to promoting and advancing regulatory harmonization.	https://croplife.org/plant-biotechnology/regulatory-2/regulatory-harmonization/
Update of the APEC Baseline Study: Regulations of Products Derived from Innovative Agricultural Technologies and Identification of Ways to Promote Greater Efficiencies and Alignment	Report outlining APEC economies' decision frameworks for products of biotechnology and providing foundational information to be able to identify economies with regulatory regimes compatible with regulatory cooperation and collaboration through, for example, the sharing of food safety assessments and/or the mutual recognition of safety assessments.	https://www.apec.org/Publications/2019/06/Update-of-the-APEC-Baseline-Study



Committee on Sanitary and Phytosanitary Measures

RECOMMENDATIONS IN RELATION TO SPS APPROVAL PROCEDURES

ADOPTED BY THE COMMITTEE ON 24 MARCH 2023

Following the recommendation from the Fifth Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), a Working Group on Approval Procedures was established with the goal of exploring:

- Key challenges of approval procedures that impact international trade and that the SPS Committee should seek to address;
- Principles of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of protection (ALOP) and the SPS Committee's role in highlighting these principles;
- Tools available and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures; and
- Other topics raised by participants over the course of the Working Group on Approval Procedures.

The Working Group on Approval Procedures developed a note on Outcomes and Recommendations.¹

The recommendations developed by the Working Group on Approval Procedures were then circulated as a standalone document², and adopted at the March 2023 formal meeting of the SPS Committee. The recommendations below do not represent a legal interpretation of the rights and obligations under the SPS Agreement and do not in any way exemplify a legal definition.

1 RECOMMENDATIONS

1.1. The Collection of Available Tools and Resources in document [G/SPS/67](#) will be kept up to date by the SPS Committee with the assistance of the Secretariat.

1.2. Members should consider the use of SPS Committee mechanisms to facilitate discussions on the challenges and principles of approval procedures, and to further explore the need for additional guidance or tools to be developed. These mechanisms include, but are not limited to:

- a. Agenda item 4(d) of the formal SPS Committee meeting on Operation and implementation of the SPS Agreement – Control inspection and approval procedures;
- b. The upcoming sixth review process; and
- c. The thematic groups established under the MC12 SPS Declaration work programme.

¹ [G/SPS/GEN/2099](#).

² [G/SPS/W/338](#).

1.3. Members are encouraged to further the implementation of Annex C of the SPS Agreement with respect to approval procedures.

1.4. Members are reminded of the importance of key principles of the SPS Agreement, including those reflected in Annex C of the Agreement. Members are reminded of the importance of the following principles of approval procedures to facilitate international trade while meeting the importing Member's ALOP:

- a. Science-based, risk-based SPS measures in accordance with Articles 2.2, 3, and 5;
- b. Timely approval and no undue delay in approval procedures in accordance with Annex C.1(a), and information requirements limited to what is necessary in accordance with Annex C.1(c);
- c. Transparency, communication, and publication with respect to approval procedures in accordance with Article 7 and Annexes B and C:
 - i. Members are encouraged to make relevant information on approval procedures available on official websites, ideally in multiple languages, and to use e-tools to provide clear and timely information on approval procedures;
 - ii. Members are encouraged to have up-to-date contact details of their SPS National Enquiry Points and National Notification Authorities available on the [ePing SPS&TBT Platform](#);
 - iii. Members are encouraged to notify all new or changed approval procedures that are expected to have a significant effect on trade of other Members;
 - iv. Members are encouraged to provide relevant information proactively at the start of the approval process, including with respect to the requirements for the approval procedure, anticipated processing period, steps of the approval procedure, and relevant deadlines and timeframes, as well as to provide regular status updates;
 - v. Members are encouraged to maintain an open and ongoing communication with applicants throughout approval processes; and
 - vi. Members are encouraged, to the extent possible, to use international tools for the electronic exchange of certificates;
- d. Non-discrimination and consistent treatment of Members with the same SPS status in accordance with Article 2.3, Article 5.5, and Annex C.1(a);
- e. Harmonization with international standards in accordance with Article 3 and Annex C; and
- f. Equitable fees in accordance with Annex C.1(f).

1.5. Members are encouraged to engage in regulatory cooperation to maximize capacity and resources, to facilitate approval procedures, and to address asynchronous approvals.

1.6. Members are encouraged to adopt approval procedures that make use of modern technologies and practices, such as remote audits, and to work with relevant international organizations in this area.

Committee on Sanitary and Phytosanitary Measures

**PROCEDURE TO ENHANCE TRANSPARENCY OF SPECIAL AND DIFFERENTIAL
TREATMENT IN FAVOUR OF DEVELOPING COUNTRY MEMBERS**

Decision by the Committee¹

Revision

The Committee on Sanitary and Phytosanitary Measures ("the Committee"),

Recalling that paragraph 1 of Article 10 of the Agreement on the Application of Sanitary and Phytosanitary Measures ("the Agreement") states that in the preparation and application of sanitary or phytosanitary measures, Members shall take account of the special needs of developing country Members, and in particular of the least-developed country Members;

Seeking to develop effective, concrete and operational means to facilitate the implementation of this provision;

Recognizing the difficulties that Members, and in particular developing country and least-developed country Members, may face in adapting their products and methods of production to new or changed requirements of importing Members;

Recognizing also the need to make transparency procedures more effective and operational for developing country Members, and in particular least-developed country Members;²

Noting that the provision of technical assistance, as referred to in Article 9 of the Agreement, may assist Members adapt their products and methods of production to new or changed requirements;

Recalling that paragraph 2 of Article 9 of the Agreement indicates that where substantial investments are required in order for an exporting developing country Member to fulfil the sanitary or phytosanitary requirements of an importing Member, the latter shall consider providing such technical assistance as will permit the developing country Member to maintain and expand its market access opportunities for the product involved;

¹ At its meeting of 28-29 October 2009, the Committee adopted this revision on an ad referendum basis. Members who objected to the adoption of the revision were asked to make this known by 16 December 2009. No objections were raised by that date.

² Developing country Members may request assistance to ensure the effective functioning of a National Notification Authority and Enquiry Point, including the capacity to effectively receive and review the notifications of other Members, in order to identify and react to those which may have a potential significant effect on their international trade. The "mentoring" procedure for assisting Members in the implementation of the transparency provisions of the SPS Agreement may also be useful in this regard (see G/SPS/W/217).

Recalling that the Committee's regular agenda items on the "Implementation of Special and Differential Treatment" and on the "Operation of Transparency Provisions" provide opportunities, on an on-going basis, for raising concerns or assessing progress with respect to the implementation of the procedure to enhance transparency of special and differential treatment in favour of developing country Members;

Encourages Members to make full use of this procedure and thereby to also contribute to enhanced transparency with respect to special and differential treatment and/or technical assistance being offered or provided upon request; and

Decides that the following procedure should be used to enhance transparency of special and differential treatment in favour of developing country Members:

1. This procedure to enhance transparency of special and differential treatment in favour of developing country Members should normally be used during the comment period following the circulation of an SPS notification in accordance with the relevant provisions and procedures contained in the Agreement or subsequently adopted by Members, except as provided in Step 5 below.³

Steps for proposed measures

2. If an exporting developing country Member identifies significant difficulties with a proposed measure that has been notified, that Member may, in the comments it submits in writing to the notifying Member, request an opportunity to discuss the issue of concern with the notifying Member. The exporting developing country Member should identify to the notifying Member the specific problems that the proposed measure may create for its exports, or the specific reasons why it is unable to comply with the notified measure by the implementation date.

3. In response to such a request, where the appropriate level of sanitary and phytosanitary protection allows scope for the phased introduction of the new measure, a longer time-frame for compliance should be accorded to developing country Members, which shall be understood to mean normally a period of not less than six months.⁴

4. Where the appropriate level of sanitary and phytosanitary protection does not allow scope for the phased introduction of a new measure, the Member notifying the measure shall, upon such request, enter into consultations with the exporting Member with a view to finding a mutually satisfactory solution to the problem while continuing to achieve the importing Member's appropriate level of protection.⁵ Such consultations shall preferably take place prior to the entry into force of the new measure. A possible resolution of the concern identified could include one of the following, or a combination thereof: (1) a change in the proposed measure; (2) the provision of technical assistance to the exporting developing country Member; or (3) the provision of special and differential treatment.

³ In particular, Article 7 and Annex B of the Agreement, and the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7) contained in G/SPS/7/Rev.3. In addition, the Procedural Step-by-Step Manual for SPS National Notification Authorities and SPS National Enquiry Points can assist Members in meeting the obligations and following the recommended procedures (available electronically at: http://www.wto.org/english/res_e/booksp_e/sps_procedure_manual_e.pdf). These texts also provide information regarding the availability of SPS notifications, including through the SPS Information Management System (<http://spsims.wto.org>).

⁴ Ibid.

⁵ WT/MIN(01)/17, paragraph 3.1. This step may also be used where the phased introduction of a measure will not resolve the specific problems identified by the exporting developing country Member.

Steps following entry into force of a new measure

5. If, following the adoption or entry into force of a new or modified measure (including an emergency measure), an exporting developing country Member identifies significant difficulties which its exports face in complying with the measure, it may request an opportunity to discuss its difficulties with the importing Member to attempt to resolve the issue of concern, especially where no time, or an insufficient period of time, had been provided for the submission of comments prior to the implementation of the measure. The importing Member shall, upon such request from an exporting developing country Member, enter into consultations with the exporting Member to discuss possible means to address the identified problem while continuing to achieve the importing Member's appropriate level of protection. A possible resolution of the concern identified could include one of the following, or a combination thereof: (1) a change in the measure; (2) the provision of technical assistance to the exporting developing country Member; or (3) the provision of special and differential treatment.

Transparency

6. When an importing Member decides on whether and how special and differential treatment may be provided in response to a specific request, that Member should inform the SPS Committee. This may be done in writing and/or under the agenda item on Special and Differential Treatment at any meeting of the SPS Committee. Information provided in writing should be submitted to the WTO Secretariat as an Addendum to the original notification concerning the measure. The Addendum shall indicate: (1) the name(s) of Member(s) that requested special and differential treatment; (2) if special and differential treatment was provided, the form of such treatment; and (3) if not provided, the Addendum shall indicate why special and differential treatment was not provided and whether technical assistance or any other solution was found to address the identified concern. A format for the Addendum is contained in the Annex.

Administration

7. The Committee shall review the implementation of this procedure, in light of the experiences of Members and relevant Addenda, as an integral part of its periodic Review of the Operation and Implementation of the Agreement under Article 12.7. The next such Review is to be completed in 2013, and every four years subsequently.

8. The Committee may decide to modify, suspend or terminate this procedure at any time, in light of the experiences of Members in its implementation.

9. This procedure is without prejudice to the rights and obligations of Members under Article 10.1 of the SPS Agreement. The Committee recognizes that this procedure does not fully resolve the issue of special and differential treatment, but that it is one step in addressing the problem of implementation of the special and differential treatment provisions of the Agreement. The Committee agrees to consider other proposals and possible actions.

ANNEX

**WORLD TRADE
ORGANIZATION**

G/SPS/N/COUNTRY/#/Add.#
date of distribution

(##-####)

Committee on Sanitary and Phytosanitary Measures

Original:

NOTIFICATION

Addendum

The following communication, received on DD/MM/YY, is being circulated at the request of the Delegation of [Member].

Title outlining the SPS measure at issue

[Text describing any modification to the notified measure.]

Special and Differential Treatment

- (1) Name(s) of Member(s) that requested special and differential treatment
- (2) Special and differential treatment provided ☐ Yes ☐ No
Describe how such treatment was provided, including what form it took.
- (3) If special and differential treatment was not provided, indicate why it was not provided and whether technical assistance or any other solution was found to address the identified concern.

Text available from: ☐ National Notification Authority, ☐ National Enquiry Point, or address, fax number and E-mail address (if available) of other body:

Committee on Sanitary and Phytosanitary Measures

REPORT ON PROPOSALS FOR SPECIAL AND DIFFERENTIAL TREATMENT

Adopted by the Committee on 30 June 2005

I. INTRODUCTION

A. BACKGROUND

1. On 1 August 2004, the General Council adopted the following decision with respect to special and differential treatment:

"... the General Council reaffirms that provisions for special and differential (S&D) treatment are an integral part of the WTO Agreements. The Council recalls Ministers' decision in Doha to review all S&D treatment provisions with a view to strengthening them and making them more precise, effective and operational. The Council recognizes the progress that has been made so far ...

The Council also instructs all WTO bodies to which proposals in Category II have been referred to expeditiously complete the consideration of these proposals and report to the General Council, with clear recommendations for a decision, as soon as possible and no later than July 2005. In doing so these bodies will ensure that, as far as possible, their meetings do not overlap so as to enable full and effective participation of developing countries in these discussions."¹

Furthermore, in the Doha Development Round Declaration, Ministers agreed:

"... that all special and differential treatment provisions shall be reviewed with a view to strengthening them, and making them more precise, effective and operational. In this connection, we endorse the work programme on special and differential treatment set out in the Decision on Implementation-Related Issues and Concerns."²

¹ WT/L/579.

² WT/MIN(01)/DEC/1, para. 44. Paragraph 12.1 of the Decision on Implementation-Related Issues and Concerns.(WT/MIN(01)/17) reads as follows:

12. Cross-cutting Issues

12.1 The Committee on Trade and Development is instructed:

(i) to identify those special and differential treatment provisions that are already mandatory in nature and those that are non-binding in character, to consider the legal and practical implications for developed and developing Members of converting special and differential treatment measures into mandatory provisions, to identify those that Members consider should be made mandatory, and to report to the General Council with clear recommendations for a decision by July 2002;

(ii) to examine additional ways in which special and differential treatment provisions can be made more effective, to consider ways, including improved information flows, in which developing countries, in

2. Among the 38 proposals in Category II, five were referred to the SPS Committee. These proposals concern specifically the provisions of Articles 9 and 10 of the SPS Agreement. The text of these articles and of the five proposals are reproduced below for ease of reference.

3. These proposals have previously been considered in various formal and informal meetings of the General Council, the Committee on Trade and Development, and the SPS Committee.³ This draft report is based on the discussions of these proposals and of special and differential treatment in the formal and informal meetings of the SPS Committee, as well as during informal consultations held on 28 January, 15 and 18 February, 18 and 24 May 2005. It also includes comments on the background document prepared by the Secretariat (G/SPS/GEN/543).

B. CONSIDERATIONS IN PREPARING THIS REPORT

4. In the context of the discussions of the proposals in the SPS Committee and in other WTO bodies, many Members have indicated that they are opposed to any formal modification of the text of the SPS Agreement at this time, whereas other Members have indicated that they would agree to consider such modification if this were deemed necessary. A broad consensus exists to actively seek alternative, concrete avenues to fulfil the mandate before undertaking specific changes in the text of the SPS Agreement. One major concern is that modification of Articles 9 and 10 could result in changes to the balance of rights and obligations established by the SPS Agreement, and could lead to changes in the text of other provisions. Many Members consider any such changes to be unacceptable, unnecessary to address the underlying concerns of developing country Members, and in particular least-developed country Members.

5. Members have stressed that it is not the intention of any of the proposals to impinge on the right of any Member to implement scientifically justified SPS measures necessary to ensure that products moving in international trade do not present unacceptable risks to human, animal or plant life or health, or to the territory of a Member. Trade in products considered to be unsafe or sub-standard would have deleterious effects on consumer demand, reflect poorly on the exporting Member's reputation, and unnecessarily call regulatory competencies into question. At the same time, Members recognize that developing country Members, and in particular least-developed country Members, face specific difficulties in meeting the sanitary and phytosanitary requirements of many of their trading partners, and need targeted technical assistance. Import requirements that differ from those based on the relevant international standards, while not necessarily inconsistent with the SPS Agreement⁴, can pose considerable difficulties to developing countries.

6. The SPS Agreement is relatively new, and some Members are still in the process of adjusting to and developing more effective implementation of the expanded new disciplines established by the Agreement. For developing country Members, most of the provisions of the Agreement became applicable only as of January 1997; for the least-developed country Members, the date of application was January 2000. Recent studies have shown that the level of knowledge and understanding of the

particular the least-developed countries, may be assisted to make best use of special and differential treatment provisions, and to report to the General Council with clear recommendations for a decision by July 2002; and
(iii) *to consider, in the context of the work programme adopted at the Fourth Session of the Ministerial Conference, how special and differential treatment may be incorporated into the architecture of WTO rules.*

The work of the Committee on Trade and Development in this regard shall take fully into consideration previous work undertaken as noted in WT/COMTD/W/77/Rev.1. It will also be without prejudice to work in respect of implementation of WTO Agreements in the General Council and in other Councils and Committees.

³ See relevant sections of reports of meetings of the SPS Committee (G/SPS/R/Series), as well as G/SPS/23, G/SPS/24, G/SPS/27 and Corr.1, G/SPS/30.

⁴ See, *inter alia*, Article 3.3

Agreement remains relatively low, and that academic and institutional responses are also nascent.⁵ A number of WTO Members have not as yet fulfilled obligations relating to the identification of a national notification authority and of an SPS enquiry point, and many have not submitted any notifications of new or revised SPS measures.⁶

7. At the same time, it is apparent from the studies undertaken by the World Bank⁷ and others that SPS measures and the application of the SPS Agreement are of increasing importance to the movement of goods in agricultural trade. This importance is expected to increase, for all WTO Members. Members have recognized that developing country Members, and in particular least-developed country Members, face specific difficulties in effectively implementing provisions of the SPS Agreement, including the transparency provisions. Members have indicated their commitment to assist in addressing the specific difficulties and to ensure improved capacities and efficiencies.

8. This report describes some underlying concerns and common objectives as identified by Members in the Committee's discussions. Developments which have occurred since the proposals were submitted in 2002, and which address, in part, these concerns or objectives are also described. The report also describes constraints faced by the Committee in the development of precise, effective and operational recommendations on the five proposals referred to it by the General Council. The report identifies initial elements that could be examined by the SPS Committee with a view to providing more precise, effective and operational means to address, at least in part, identified concerns.

II. RELEVANT SPS PROVISIONS

Article 9

Technical Assistance

1. Members agree to facilitate the provision of technical assistance to other Members, especially developing country Members, either bilaterally or through the appropriate international organizations. Such assistance may be, *inter alia*, in the areas of processing technologies, research and infrastructure, including in the establishment of national regulatory bodies, and may take the form of advice, credits, donations and grants, including for the purpose of seeking technical expertise, training and equipment to allow such countries to adjust to, and comply with, sanitary or phytosanitary measures necessary to achieve the appropriate level of sanitary or phytosanitary protection in their export markets.

⁵ "Food Safety and Agricultural Health Standards: Challenges and Opportunities for Developing Country Exports", World Bank Report No. 31207, 10 January 2005.

⁶ G/SPS/W/173/Rev.2, paragraphs 26 and 27.

⁷ *Idem*.

2. Where substantial investments are required in order for an exporting developing country Member to fulfil the sanitary or phytosanitary requirements of an importing Member, the latter shall consider providing such technical assistance as will permit the developing country Member to maintain and expand its market access opportunities for the product involved.

Article 10

Special and Differential Treatment

1. In the preparation and application of sanitary or phytosanitary measures, Members shall take account of the special needs of developing country Members, and in particular of the least-developed country Members.

2. Where the appropriate level of sanitary or phytosanitary protection allows scope for the phased introduction of new sanitary or phytosanitary measures, longer time-frames for compliance should be accorded on products of interest to developing country Members so as to maintain opportunities for their exports.

3. With a view to ensuring that developing country Members are able to comply with the provisions of this Agreement, the Committee is enabled to grant to such countries, upon request, specified, time-limited exceptions in whole or in part from obligations under this Agreement, taking into account their financial, trade and development needs.

4. Members should encourage and facilitate the active participation of developing country Members in the relevant international organizations.

III. TEXTS OF THE PROPOSALS

A. PROPOSALS RELATING TO ARTICLE 9.2

9. To make this mandatory provision effective and operational it is proposed that the clause "shall consider providing" be changed to "shall provide". It is further proposed to add the following sentence to the provision:

"If an exporting developing country Member identifies specific problems of inadequate technology and infrastructure in fulfilling the sanitary or phytosanitary requirements of an importing developed country Member, the latter shall provide the former with relevant technology and technical facilities on preferential and non-commercial terms, preferably free of cost, keeping in view the development, financial and trade needs of the exporting developing country."⁸

10. The phrase "substantial investments" in Article 9.2 shall be construed relative to resources of concerned government departments in developing and least-developed country Members and to their development needs. Any changes that would require additional resources to existing levels of current expenditure or their restructuring, or additional training or staffing, shall be construed to amount to "substantial investments".⁹

⁸ TN/CTD/W/2.

⁹ TN/CTD/W/3/Rev.2.

11. Where the importing Member does not actually provide such technical assistance, that Member shall withdraw the measures immediately and unconditionally; or the importing Member shall compensate the exporting developing country Members for loss resulting directly or indirectly from the measures.¹⁰

12. It is understood that technical assistance shall be fully funded technical assistance and shall not entail financial obligations on the part of the exporting developing and least-developed country Members.¹¹

13. It is agreed that the WTO shall recommend that impact assessments shall be conducted to determine the likely effect on the trade of developing and least-developed country Members for any proposed standards before adoption, and if the impact would be adverse, the standards would not become applicable until it is established that developing and least-developed country Members that would be affected have acquired the capacity to beneficially comply with them.¹²

B. PROPOSALS RELATING TO ARTICLE 10.1

14. For effective operationalization of Article 10.1, it is suggested that the following addition be made to the existing provision:

"If an exporting developing country Member identifies specific problems in complying with a sanitary or phytosanitary measures of an importing developed country Member, the latter shall upon request enter into consultations with a view to finding a mutually satisfactory solution.

In this regard, such special needs shall include: securing and enhancing current levels of exports from developing and least developed country members, maintain their market shares in their export markets, as well as developing their technological and infrastructural capabilities. While notifying a measure, Members shall, *inter-alia*, indicate the following: (i) systems and/or equivalent systems that could be used to comply with such a measure; (ii) the names of the developing and least-developed country Members that could be affected by the applied measure."¹³

15. The requirement to "take account of the special needs of developing country Members, and in particular least developed country Members" in Article 10.1 shall be understood to mean that Members shall either withdraw measures that adversely affect any developing and least-developed country Members or which they find difficult to comply with, or shall provide the technical and financial resources necessary for the developing and least-developed country Members to comply with the measures.¹⁴

16. The requirement shall be further understood to mean that Members shall always initiate consultations in the Committee whenever they propose or intend to take any measures that are likely to affect imports from developing and least-developed country Members. In the consultations, Members shall establish whether or not the proposed or intended measures, if justified under the Agreement, would adversely affect any developing and least-developed country Members.¹⁵

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ TN/CTD/W/2.

¹⁴ TN/CTD/W/3/Rev.2.

¹⁵ Ibid.

17. Members shall establish a facility within the Global Trust Fund for ensuring that:
- (a) developing and least-developed country Members have the financial and technical capacity to meet the requirements under the Agreement;
 - (b) delegations from developing and least-developed country Members attend and effectively participate in meetings of the Committee and relevant international standard-setting organisations;
 - (c) developing and least-developed country Members effectively utilise the flexibility under the Agreement; and
 - (d) measures adopted under the Agreement do not contravene the rights of developing and least-developed country Members.¹⁶
18. It is understood that technology transfer and any technical and financial assistance under the Agreement to developing and least-developed country Members shall be cost free.¹⁷

C. PROPOSAL RELATED TO ARTICLE 10.4

19. In Article 10.4 of the Agreement on the Application of Sanitary and Phytosanitary Measures the term "should" be read to express "duty" rather than mere exhortation. This could be clarified through an authoritative interpretation under Article IX.2 of the Marrakesh Agreement Establishing the WTO. This would help achieve the intended objective of this S&D provision.¹⁸

IV. UNDERLYING CONCERNS

20. The underlying concerns relate to key difficulties developing countries may face in meeting new or modified SPS requirements of their trading partners, and hence in achieving or maintaining access to markets for their products. Import requirements that differ from those based on the relevant international standards, while not necessarily inconsistent with the Agreement¹⁹, can pose considerable difficulties to developing countries. Developing country Members may lack the necessary knowledge, infrastructure or technology to deal with new requirements. These deficiencies can often not be overcome without initial institutional development, technical and financial assistance. These deficiencies can have negative consequences on the acceptability of products for trade.

21. Members attach importance to technical assistance being provided both on a bilateral basis and through relevant international organizations. However, such assistance is often characterized as supply-driven, and may be determined to a greater extent by the policy interests of the donor rather than the specific needs of the recipient. At the same time, Members noted the general paucity of demand-driven requests, apparently partially due to institutional capacity constraints. Furthermore, Members expressed concern that in the absence of more targeted, specific trade assistance goals, addressing timeliness and sustainability in an efficient manner is highly difficult. A particular concern is provision of assistance only after a developing country Member has lost market access due to a SPS measure. Another concern reflects the uncertainty of support and a desire to ensure that technical assistance is more predictable. Some developing country Members also maintain that a simplification of the administrative procedures of developed country Members would make it less costly and easier for developing country Members to comply with their SPS requirements and export. Some Members have indicated that one advantage of making these provisions binding is that

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ TN/CTD/W/6.

¹⁹ See, *inter alia*, Article 3.3

developing country Members would no longer be required to specifically request technical assistance; however, all Members recognize that technical assistance should be more needs- and results-driven.

22. The general effectiveness of technical assistance has been questioned. In particular, a number of developing country Members have indicated that much of the assistance they have received has not had the desired effect of allowing them to maintain or achieve export opportunities in the face of new or existing SPS requirements. This concern underlies a desire to find more effective means to ensure the better overall performance and demonstrated specific results of technical assistance.

23. Developing country Members have further identified the need for special and differential treatment, in particular in the context of allowing more time for them to adjust to new requirements for the products they export.

24. Another underlying concern relates to the difficulties faced by developing country Members in effectively participating in the work of the SPS Committee and relevant international standard-setting bodies. Physical presence at meetings is necessary, but to ensure that participation is effective the necessary expertise and coordination must be built-up within developing country Members.

V. RELEVANT DEVELOPMENTS

25. The Decision on Implementation taken at the Doha Ministerial Conference in 2001 included *inter alia* a clarification on Article 10.2.²⁰ It specifies that where the appropriate level of protection allows scope for the phased introduction of SPS measures, the "longer time-frame for compliance" referred to in Article 10.2 shall be understood to mean normally a period of not less than six months. Where the phased introduction of a new measure is not possible, but a Member identifies specific problems, the Member applying the new measure shall enter into consultations, upon request, to try to find a mutually satisfactory solution. The Decision also indicated that, subject to the conditions specified in paragraph 2 of Annex B of the SPS Agreement, a period of not less than six months shall normally be provided between the publication of a measure and its entry into force. Finally, the Doha Ministerial Decision instructed the SPS Committee to undertake a review of the operation and implementation of the SPS Agreement every four years.²¹

26. Since the proposals were submitted in 2002, a number of developments have occurred which address some of the underlying concerns. With respect to the three standard-setting bodies of relevance under the SPS Agreement, trust funds have been established to increase participation of developing country Members in the standard-setting activities of the International Plant Protection Convention (IPPC) and of the FAO/WHO Codex Alimentarius Commission (Codex)²², and the World Organization for Animal Health (OIE) will establish a trust fund before the end of 2005. These trust funds are supported through contributions by donor agencies and member countries.

27. With respect to the Codex trust fund established by FAO/WHO, during the period March to December 2004, a total of 83 persons from 75 countries attended 14 separate Codex meetings, including the Codex Alimentarius Commission meeting held in June-July 2004. All 83 participants were funded entirely by the Codex Trust Fund and most were government officials from least developed countries. The breakdown of participants was: 60 per cent from least-developed and other lower income countries; 29 per cent from lower middle income countries; and 11 per cent from

²⁰ WT/MIN(01)/17, paragraph 3.1.

²¹ The report of this review, the second since the entry into force of the Agreement, is contained in document G/SPS/36.

²² See proposals in paras. 17(b) and 19 above.

upper middle income countries.²³ In order to improve the effectiveness of the trust fund, FAO/WHO plan an information meeting of both donor and beneficiary Members in July 2005.

28. In 2004, the IPPC established a trust fund under FAO rules to be used exclusively to the direct benefit of developing countries. It is used to facilitate their participation and involvement in all IPPC activities, including in the Interim Commission on Phytosanitary Measures, in regional workshops on draft international standards for phytosanitary measures, in Expert Working Groups, and also in phytosanitary capacity-building and information exchange.²⁴

29. The OIE will establish a trust fund before the end of 2005. The OIE also continues to provide financial support for the participation of Chief Veterinary Officers of its member countries in OIE standard-setting activities.

30. Since the SPS Agreement entered into force, the FAO/WHO, OIE and IPPC have also developed and/or strengthened technical assistance programmes, including conferences, seminars and workshops, to enhance national capacities on SPS matters. The IPPC developed a diagnostic tool, the Phytosanitary Capacity Evaluation (PCE), to help countries address their current capacity and identify needs for assistance.²⁵ Similar diagnostic tools have been developed by the FAO/WHO with respect to food safety, and recently by OIE.²⁶ In addition, other international and regional organizations, including the World Bank, OIRSA, IICA, UNIDO and UNCTAD, provide regular updates to the SPS Committee on their programmes related to SPS capacity building.

31. In order to address some of the needs identified with respect to technical assistance, the Secretariat has undertaken numerous regional and national training workshops on the SPS Agreement, and, in particular, on how Members can use the provisions of the Agreement to facilitate their trade interests.²⁷ The Secretariat also organized workshops in Geneva on: technical assistance needs and how to best address these in relation to the SPS Agreement (November 2002); the principles and methods of risk analysis (June 2000); the processes and procedures of the relevant standard-setting organizations (March 2001); and on the effective operation of national SPS enquiry points (November 2003). Furthermore, the Secretariat has developed a number of tools to assist Members with the understanding and implementation of the Agreement, including a booklet on "Understanding the SPS Agreement"²⁸; a handbook on the application of the transparency provisions of the Agreement; and an inter-active CD-ROM explaining and discussing in detail the provisions of the Agreement and circulated two questionnaires on technical assistance to Members.

32. In September 2002, following consultations by the Director-General with the FAO, OIE, WHO and the World Bank as requested by the General Council in October 2000, the Standards and Trade Development Facility (STDF) was established. The purpose of the STDF, which is administered by the WTO, is to enhance the capacity of developing countries in the SPS area through the provision of funding for projects in developing countries, as well as through cooperation between the relevant institutions in SPS-related activities including joint institutional projects.²⁹ This facility can be used to finance projects to assist developing country Members, and in particular least-developed country Members, make more effective use of all of the provisions of the SPS Agreement,

²³ More information on the Codex Trust Fund is available in documents G/SPS/GEN/564 and 565, and from the web site <http://www.who.int/foodsafety/codex/trustfund/en/>

²⁴ G/SPS/GEN/482.

²⁵ <http://www.ippc.int>.

²⁶ See G/SPS/GEN/525; also "Performance, Vision and Strategy (PVS) for National Veterinary Services", available from <http://www.oie.int>.

²⁷ These training activities are described in more detail in document G/SPS/GEN/521.

²⁸ WTO Agreements Series, Volume No. 4

²⁹ The Secretariat reports regularly to the SPS Committee on the STDF, most recently in G/SPS/GEN/523.

including those related to dispute resolution.³⁰ As of June 2005, the STDF had funded approximately US\$2 million of projects and project preparation grants. These include projects proposed by developing country Members, as well as pilot projects developed to address specific needs identified by developing country Members in the SPS Committee. The STDF also maintains a database, which provides information on SPS-related technical assistance and capacity building projects.³¹

33. Several Members have also created specific mechanisms to assist developing countries to participate in the relevant international institutions and in the activities of the SPS Committee, such as the Initiative for the Americas on Sanitary and Phytosanitary Measures.³² Furthermore, bilateral technical assistance related to SPS capacity is being provided by many Members.³³

34. Guidelines and decisions adopted by the Committee have regularly taken into consideration the specific needs and concerns expressed by developing country Members. These include the recommended procedures for implementing the transparency provisions of the SPS Agreement (G/SPS/7/Rev.2 and Add.1 and 2); the guidelines to further the practical implementation of Article 5.5 (G/SPS/15), and the decision on the implementation of Article 4 of the Agreement regarding recognition of equivalence (G/SPS/19/Rev.2). For example, the most recently revised recommended procedures for the implementation of the transparency provisions of the Agreement, and the related format for the notification of SPS measures, request the identification of which Members or regions may be particularly affected by the measure being notified (G/SPS/7/Rev.2).³⁴

35. Furthermore, in October 2004, the Committee finalized a procedure to enhance both the provision and the transparency of special and differential treatment or technical assistance (G/SPS/33). The decision by the Committee requires an importing Member to consider any requests for special and differential treatment or technical assistance which are made in response to the importing Member's notification of a new or modified SPS measure. The importing Member is to subsequently submit a specific addendum to its notification which indicates that special and differential treatment or technical assistance had been requested; the Member(s) affected; the concern(s) identified; if special and differential treatment was provided, and if so, the treatment provided. This procedure is intended to ensure that the importing Member consults with any developing country Member that has expressed a concern regarding the potential effect of the proposed new/modified measure on its exports with the aim of finding a means to address their concerns.³⁵ The notification of solutions ensures fullest transparency, especially for other developing country Members.

36. Each regular meeting of the SPS Committee provides any Member with the opportunity to raise specific trade concerns, including proposed measures not yet implemented. Unfortunately, many developing country Members, and in particular least-developed country Members, continue to find it difficult to participate in the meetings of the SPS Committee. Nonetheless, a growing number of developing countries are participating actively under this agenda item in the SPS Committee meetings. Developing country Members have raised 101 of the approximately 200 specific trade concerns with respect to measures proposed or taken by other trading partners which adversely affect their trade interests, although least-developed country Members have raised only two concerns.³⁶ In

³⁰ See proposals in paras. 9, 15 and 17 (a), (c) and (d).

³¹ Available on-line at <http://stdfdb.wto.org>.

³² G/SPS/GEN/549.

³³ Paragraphs 27 to 46 of document G/SPS/GEN/543 provide a summary description of recent actions taken to enhance the provision of SPS-related technical assistance.

³⁴ See proposal in para. 13.

³⁵ See proposals in paras. 9, 13, 14, 15 and 16.

³⁶ The European Communities was counted as one Member. Similarly, when one Member spoke on behalf of ASEAN, it was counted as one Member only. On certain issues, more than one Member has raised the same concern at a Committee meeting. Hence although the total number of specific trade concerns raised since 1995 is 204, the number of Members raising concerns, 246, is higher.

149 cases, a developing country Member has supported another Member raising an issue. In a number of cases, discussions in the Committee have provided the impetus for bilateral actions to resolve these problems.³⁷ Several developing country Members have also made use of the good offices of the Chair of the SPS Committee to seek resolution of specific trade problems.³⁸ The WTO also provides assistance to developing country Members, and in particular least-developed country Members, involved in dispute settlement proceedings, as does the Advisory Centre on WTO Law, established in 2001.³⁹

VI. CONSTRAINTS TO FRAMING RECOMMENDATIONS

37. The Committee faces a number of constraints in elaborating recommendations to ensure that the concerns of developing country Members are addressed in a precise, effective and operational manner. First, there has been a paucity of concrete recommendations submitted by Members since the Committee was first requested to consider this issue in 2003. Second, the proposals submitted in 2002 have implications at many levels, including at the bilateral level, within the WTO as a whole, within the SPS Committee, at the level of the international standard-setting bodies, as well as at technical levels for executing capacity building, and in political and negotiating contexts.

38. A number of the submitted proposals would require actions outside of the sphere of influence of the SPS Committee, such as actions by the international standard-setting bodies, or by other institutions. The SPS Committee could, however, agree to draw certain issues to the attention of these other bodies, and encourage WTO Members to pursue certain results within the context of Members' involvement in the work of these other bodies.

39. Of particular note is that the SPS Committee has only recently discussed the proposals and the underlying concerns with some specificity and frankness, and only recently have some concrete examples been described of problems due to the lack of specific trade-related, needs-based technical assistance or of special and differential treatment. Formulation of precise modifications or operational recommendations on the five proposals remains a challenge.

40. Finally, these discussions have revealed an "expectations gap" between Members. All Members acknowledge that better-targeted and more effective technical assistance aimed at specific results will benefit developing country Members. This can, however, only be achieved by more successful communications and competent teamwork among involved Members. This commitment appears necessary to, at minimum, maintain the market access opportunities for products from developing country Members.

VII. CONCLUSIONS

41. The SPS Committee has to date been unable to develop any clear recommendations for a decision on the proposals on special and differential treatment referred to it by the General Council.

42. The Committee notes that some Members have indicated their intention to revise some of these proposals, and would welcome an opportunity to consider the revised proposals. Furthermore, the Committee agrees to continue to examine the proposals before it with the aim of developing specific recommendations.

³⁷ G/SPS/GEN/204/Rev.5.

³⁸ Argentina, Chile, South Africa and Uruguay with respect to measures relating to citrus canker taken by the European Communities; the United States with respect to restrictions on wheat and oilseeds maintained by Poland; and Canada with respect to import restrictions on bovine semen maintained by India.

³⁹ http://www.acwl.ch/e/index_e.aspx

43. Building on previous discussions in the SPS Committee on special and differential treatment and technical assistance, the SPS Committee agrees to expeditiously undertake discussions on further work to assist the Committee to address the concerns underlying the proposals as identified by Members with a view to fulfilling the Doha Development Mandate. The following represent some initial elements for this discussion:

- (a) Identify best practices, through which developing country Members, and in particular least-developed country Members, can become informed in a timely manner of SPS requirements of priority to their trade. The Committee will, *inter alia*, undertake to:
 - identify specific actions to make existing transparency procedures more effective and operational for developing country Members, and in particular least-developed country Members;
 - determine how Members and the Secretariat can facilitate such actions;
 - examine whether further changes in the recommended transparency procedures would be useful.
- (b) Identify means through which developing country Members, and in particular least-developed country Members, can more productively evaluate which SPS requirements of their trading partners present trade problems. The Committee will consider, *inter alia*:
 - the extent to which Members can more efficiently identify at the earliest possible stage potential trade problems for developing country Members, and in particular least-developed country Members;
 - if a forum for the exchange of comments on notifications can operationally address some key concerns of developing country Members, and in particular least-developed country Members;
 - if problems identified in respect to any specific notified measure are limited to a particular country or region, or if they represent a more systemic barrier for developing country Members, and in particular least-developed country Members.
- (c) Consider how developing country Members, and in particular least-developed country Members, can make greater use of the opportunities provided by the SPS Committee to identify and resolve specific trade concerns. The Committee will, *inter alia*, examine:
 - how to facilitate the effective participation of developing country Members, and in particular least-developed country Members, in the SPS Committee;
 - how to facilitate the use of existing or new mechanisms for resolving specific trade problems.
- (d) Develop more effective mechanisms to monitor the demand and supply of technical assistance with the objectives of improving predictability, timeliness and results relative to specific trade-related needs of developing country Members, and in particular least-developed country Members. The SPS Committee will, *inter alia*:

- evaluate the effectiveness of current sources of information on technical assistance, including the STDF database, the two SPS Secretariat questionnaires, and ad hoc summary submissions by Members;
 - identify mechanisms to provide opportunities for recipient countries to report on how they have utilized technical assistance received, and to identify areas where future technical assistance could be most effectively targeted;
 - identify mechanisms for the Committee to assess the overall effectiveness of current technical assistance programmes and the extent to which recipient countries have utilized available technical assistance to meet specified needs and achieve desired results;
 - consider how to improve "global SPS clearing-house" instruments to better align trade-related SPS technical assistance resources with assessed SPS needs;
 - identify how to reduce repetitive questionnaire requests to recipient Members, including through exploring the feasibility of establishing "balance sheets" on SPS-related technical assistance at the national level;
 - identify examples and pursue recommendations of how SPS capacity-building can be effectively integrated into national development plans;
 - identify how developing country Members, and in particular least-developed country Members, can more effectively request trade-related technical assistance, in particular through improved identification of, and access to, key technical assistance decision-making processes in both donor and recipient Members, and as appropriate, in other relevant bodies.
- (e) Develop best practices for SPS technical assistance under the WTO Global Trust Fund with the aim of making these programmes more effective, precise and operational. The Committee will, *inter alia*,
- identify ways to effectively improve and demonstrate specific results prior to, during and following national and regional training events, focusing on goal-oriented preparation, appropriate (decision-making) participants, and specific follow-up work programmes;
 - identify ways to improve the targeting of technical assistance by (i) evaluating, on the basis of feedback from recipients, the effectiveness of previous assistance, and (ii) identifying the specific needs of developing countries for future technical assistance.
 - develop an informal modus operandi to monitor the effectiveness and sustainability of SPS training events under the WTO Global Trust Fund;
 - evaluate the first WTO specialized course on the SPS Agreement to be held in the fall 2005 at the WTO Training Institute, and make recommendations as appropriate.

VIII. RECOMMENDATION

44. The SPS Committee recommends that the General Council:

- (a) Take note of this report.
 - (b) Take note of the Committee's commitment to continue to examine the proposals before it, and any revision of these proposals, with the aim of developing specific recommendations for a decision.
 - (c) Take note of the Committee's commitment to expeditiously undertake discussions on further work to assist the Committee to address the concerns underlying the proposals as identified by Members.
 - (d) Instruct the Committee to report progress to the General Council on (b) and (c) above.
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Committee on Sanitary and Phytosanitary Measures

**PROCEDURE TO ENCOURAGE AND FACILITATE THE RESOLUTION OF
SPECIFIC SANITARY OR PHYTOSANITARY ISSUES AMONG MEMBERS
IN ACCORDANCE WITH ARTICLE 12.2**

DECISION ADOPTED BY THE COMMITTEE ON 9 JULY 2014

The Committee on Sanitary and Phytosanitary Measures ("the Committee"),

Having regard to paragraph 1 of Article 12 of the Agreement on the Application of Sanitary and Phytosanitary Measures ("the Agreement");

Seeking to further encourage and facilitate the resolution of specific sanitary or phytosanitary issues among Members, in accordance with the provisions of Article 12.2 of the Agreement;

Recalling that the Working Procedures of the Committee permit the Chairperson of the Committee to assist Members to deal with any matter which has been raised under the Agreement, upon a request by the Members directly concerned;

Noting that the ad hoc consultation mechanism, foreseen in Article 12.2 of the Agreement and in the Working Procedures of the Committee, offers Members an additional route for dialogue and exchange of information on sanitary and phytosanitary concerns;

Recalling that during the reviews of the operation and implementation of the Agreement, Members recognized the usefulness of application of Article 12.2, and encouraged the use of ad hoc consultations, including through the good offices of the Chairperson of the Committee;

Decides as follows:

1 GENERAL PROVISIONS

1.1. This procedure is intended to encourage and facilitate the resolution of specific sanitary or phytosanitary issues among Members, with a view to assist Members to reach mutually satisfactory solutions, according to Article 12.2 of the Agreement. Member participation in this procedure is voluntary.^[1]

1.2. This procedure is without prejudice to the rights and obligations of Members under the SPS Agreement or any other WTO agreement and shall not constitute a legally binding agreement. This procedure is not intended to prejudice in any way the process or outcome of the work of other WTO bodies.

1.3. Any Member(s) may at any time request consultations with another Member(s) regarding any sanitary and phytosanitary measure(s) as described in Annex A(1) of the SPS Agreement.

^[1] By voluntary participation, it is understood that a Member that has received a request for consultation is free to accept or reject that request.

2 PROCEDURE FOR ADDRESSING CONCERNS REGARDING SPS ISSUES

2.1 Request for Consultations

2.1. A Member (hereinafter the "requesting Member") requests consultations with another Member (the "responding Member"), in writing, in a WTO working language. The request will identify the measure(s) to be consulted on, describe the reasons for requesting consultations, and provide a description of the requesting Member's concern regarding the possible effects on trade. Further, the request may provide any preliminary questions and concerns regarding the measure(s), and may identify any relevant provision(s) of the Agreement and relevant international standards, guidelines or recommendations adopted by the pertinent international organizations as referred to in the Agreement.

2.2. In addition to sending the request to the responding Member, the requesting Member sends at the same time a copy of the request to the Chairperson of the Committee and the Secretariat. If the requesting Member wishes, a copy of the request or a summary thereof will also be made available to the Committee as a WTO document.

2.2 Response to a Request

2.3. Unless otherwise mutually agreed upon by the responding and requesting Members, as provided below under paragraph 2.4, the responding Member will, within 30 days of receiving a request, provide a written response in a WTO working language simultaneously to the requesting Member, the Chairperson of the Committee and the Secretariat, accepting or rejecting the request for consultations. To the extent possible, when submitting a negative response, the responding Member will address the concerns and issues raised in the request. If the responding Member wishes, a copy of the response or a summary thereof will also be made available to the Committee as a WTO document.

2.4. In the event that both the requesting and responding Members mutually agree upon a timeframe other than the prescribed 30-day period, both Members should inform the Secretariat of the timeframe agreed upon prior to the expiration of the original 30-day period.

2.5. If both the requesting and responding Members wish to circulate their request and response to the Committee as WTO documents, the request and response would normally be circulated together. Circulation occurs upon the Secretariat's receipt of the response. In the event that the requesting Member chooses to circulate its request, but no response is received within the 30-day or otherwise agreed upon deadline, or if the responding Member declines to circulate its response, the request will be circulated without a response after the expiry of such deadline. Conversely, in the event that a responding Member chooses to circulate its response, but the requesting Member declines to circulate its request, the response will be circulated without the request, upon its receipt.

2.6. At the subsequent meeting of the Committee, the Chairperson will inform the Committee of any request for consultations made under this procedure since the last meeting of the Committee and the corresponding answer to that request (i.e., whether the request was accepted, rejected) and of all on-going consultations under a separate agenda item.

2.7. Any information considered confidential by any of the requesting or responding Members (hereinafter the "consulting Members") will not be shared with the Committee without their agreement.

2.3 Consultation Procedure

2.8. When the responding Member has accepted the consultation request, the consulting Members will agree on a Facilitator. The Chairperson of the Committee will normally serve as the Facilitator, unless the consulting Members decide otherwise.

2.9. The role of the Facilitator is to encourage and facilitate an exchange between the consulting Members on specific SPS issues raised in the consultations with a view to resolving the issue. With the agreement of the consulting Members, the Facilitator may suggest one or more possible ways forward in an attempt to resolve the concerns.

2.10. At the start of consultations, the Facilitator and the consulting Members should agree on a schedule, format and place of meetings, and determine under what terms and conditions the input of technical expertise and third party participation is desirable.

2.11. The Facilitator shall communicate about the SPS issue in question only with the consulting Members and, in the event there are any, also with third party participating Members. Such communication shall be consistent with the terms agreed to in paragraph 2.12.

2.12. All communications (whether in oral or written form) in the course of the consultation between the Facilitator and consulting Members, and, where relevant, third party participating Members, shall be confidential. All documents generated by a Facilitator or a consulting or third party participating Member shall be confidential, unless otherwise agreed by the consulting Members, and without prejudice to the rights and obligations of a Member under the WTO Agreement, or any other international agreement to which it is a party.

2.13. The consulting Members shall complete the consultations within a reasonable period of time that shall be mutually agreed, and should not exceed 180 days, unless they agree on a different timeframe. Any of the consulting Members may decide to end the consultations at any time, and should do so through written notification to the other consulting Member(s). The Member or Members (if acting jointly) will promptly provide written notification to the Facilitator, the Chair and the Secretariat that the consultations have ended.

2.14. The Facilitator shall prepare and issue a written factual report on the consultations to the consulting Members, unless the consulting Members agree to prepare a joint report themselves. If prepared by the Facilitator, prior to issuing this report, the Facilitator will provide consulting Members with a draft report. Consulting Members shall normally be given 30 days to comment. The Facilitator shall issue a final, factual report to the consulting Members reflecting their comments. Unless otherwise agreed by the consulting Members, the Facilitator's or the consulting Members' report will be confidential and will not be shared with the Committee or any other Members or any other WTO body.

2.15. The Chair will report the general outcome of the consultations to the Committee in accordance with the established Working Procedures.² If agreed by all consulting Members, the Facilitator will make available the final factual report, or a summary thereof, to the Committee as a WTO document. The report will not contain confidential information unless all consulting Members consent to the inclusion of such information.

3 TECHNICAL ASSISTANCE

3.1. Developing country Members, and in particular least-developed country Members, may request assistance from the WTO Secretariat to promote their understanding of the use and functioning of these procedures.

4 MONITORING

4.1. The Secretariat will report once a year on the use of this procedure to the Committee.

5 REVIEW AND DURATION

5.1. The Committee shall consider the implementation of this procedure as an integral part of the periodic review of the Operation and Implementation of the Agreement under Article 12.7. As part of that review, and no later than four years from the adoption of this procedure, the Committee shall decide whether to continue, modify or terminate this procedure in light of the experience of Members in its implementation and relevant developments in other WTO bodies.

² [G/SPS/1](#), paragraph 6.

Committee on Sanitary and Phytosanitary Measures

ACTIONS REGARDING SPS-RELATED PRIVATE STANDARDS

Decision of the Committee

INTRODUCTION

1. The SPS Committee has been discussing the issue of SPS-related private standards since June 2005, when Saint Vincent and the Grenadines raised a specific trade concern regarding EurepGAP (now called GLOBALGAP) requirements for bananas destined for sale in the United Kingdom.¹ Since then, private standards have been discussed regularly at SPS Committee meetings.
2. The SPS Committee decided in October 2008 to request an ad hoc working group to undertake a three-step study, and present a report proposing concrete actions for consideration by the Committee at the end of this process.²
3. The ad hoc working group on SPS-related private standards completed its work on identifying "Possible Actions for the SPS Committee Regarding SPS-Related Private Standards", and presented its report to the SPS Committee. The report of the working group is contained in document G/SPS/W/256.
4. At its meeting of 30-31 March 2011, the Committee adopted five of the six actions put forward by the working group for endorsement. The five actions are listed below. Endorsement of these actions is without prejudice to the views of Members regarding the scope of the SPS Agreement.

Action 1: The SPS Committee should develop a working definition of SPS-related private standards and limit any discussions to these.

5. It is apparent from the discussions in the WTO and from the literature on this issue that private standards are already playing and will continue to play an increasingly important role in international trade and pose new challenges as well as opportunities for producers and exporters. They cover safety, quality, labour, social and environmental issues and can affect a wide range of products.

6. Given its mandate, the SPS Committee should focus any discussions solely on SPS-related private standards, most of which are currently in the area of food safety. However, some Members have expressed concerns that the discussions have covered issues beyond SPS-related private standards. One of the reasons for this is that many private standards include food safety as well as other requirements, making it more difficult to single out the SPS-related requirements and determine

¹ G/SPS/GEN/766; specific trade concern no. 219.

² See paras. 4-7 of G/SPS/W/230 and paras. 122-137 of G/SPS/R/53.

whether any trade effects can be attributed directly to these. At the same time, producers and exporters do not necessarily focus on the distinction between SPS versus TBT measures or public versus private standards, but rather on whether they are able to fulfill all the requirements imposed by the importers.

7. Given its mandate, the SPS Committee would limit any discussions to:

Requirements which are established and/or adopted by non-governmental entities to fulfill one of the four objectives stated in Annex A, paragraph 1 of the SPS Agreement and which may affect international trade. These four objectives are:

- (a) to protect animal or plant life or health within the territory of the Member from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
- (b) to protect human or animal life or health within the territory of the Member from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs;
- (c) to protect human life or health within the territory of the Member from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; and
- (d) to prevent or limit other damage within the territory of the Member from the entry, establishment or spread of pests.

Action 2: The SPS Committee should regularly inform the Codex, OIE and IPPC regarding relevant developments in its consideration of SPS-related private standards, and should invite these organizations to likewise regularly inform the SPS Committee of relevant developments in their respective bodies.

8. One of the concerns raised regarding SPS-related private standards has been that they sometimes deviate from the standards established by the international standard-setting bodies (ISSBs) referenced in the SPS Agreement, which are the Codex Alimentarius Commission (Codex), the World Organization for Animal Health (OIE), and the International Plant Protection Convention (IPPC). For example, in the area of food safety, some retail schemes have been identified as having maximum residue limits (MRLs) which are more restrictive than those set by Codex. In the area of animal health, examples of private standards with more trade-restricting BSE³ requirements than those of the OIE have been provided.

9. Given the interlinkages between SPS-related private standards and the standards developed by Codex, OIE and IPPC, these bodies would benefit from regular information exchanges on this topic. In addition, the Secretariats of the four organizations should inform each other regarding their work in this area, keeping in mind that the scope of work on private standards in the international standard-setting bodies may not be the same as that of the SPS Committee. Such updates by the ISSBs could be presented under: "Information on Relevant Activities – Information from Observer Organizations".

³ Bovine Spongiform Encephalopathy.

Action 3: The SPS Committee invites the Secretariat to inform the Committee on developments in other WTO fora which could be of relevance for its discussions on SPS-related private standards.

10. Private standards play an increasingly important role in international trade and may become a subject of discussion in various formal or informal WTO fora. While such discussions are likely to go beyond SPS issues, there could also be linkages. For example, a private standard could contain both TBT as well as SPS-related requirements or its environmental requirements could cover SPS aspects. Also, horizontal concepts such as transparency could be considered. In this context, it would be beneficial for the SPS Committee to keep abreast of relevant developments in the WTO.

Action 4: Members are encouraged to communicate with entities involved in SPS-related private standards in their territories to sensitize them to the issues raised in the SPS Committee and underline the importance of international standards established by the Codex, OIE and IPPC.

11. The SPS Committee has been discussing the issue of SPS-related private standards since 2005. While Members are by now quite familiar with each other's concerns and positions on this issue, it is not clear to what extent entities involved in the development, application, certification, etc of SPS-related private standards are aware of the SPS Committee's discussions. The information sessions with the participation of representatives of such entities were useful in bringing to their attention some of the concerns raised in the SPS Committee as well as in updating the Committee on latest developments.

12. Given the multitude and diverse nature of entities involved in private SPS standards such as retail firms, producers, certifiers and NGOs, Member governments may be best placed to communicate with such entities as necessary. Such communication could be achieved through meetings or other means and encourage harmonization, mutual recognition of standards by private standard holders, cost reduction in the areas of compliance and certification, and further transparency and consultation mechanisms. It would also help Members build an understanding of the extent and functions of SPS-related private standards. One limitation that has been identified is that for some developing countries, such meetings might encompass only producers and exporters facing private SPS standards in their export markets and not those setting and applying such standards.

Action 5: The SPS Committee should explore the possibility of working with the Codex, OIE and IPPC to support the development and/or dissemination of informative materials underlining the importance of international SPS standards.

13. The responses to the Secretariat's questionnaire revealed that many producers and traders are not aware of the differences between public and SPS-related private standards. In an effort to provide further clarity on this issue and promote the use of international standards, the SPS Committee could explore the possibility of working with the Codex, OIE and IPPC to support the development and/or dissemination of informative materials. Such materials would underline the merits of science-based international standards, which, when adopted by Member governments and private schemes, serve to facilitate trade while ensuring safety. They would build on already existing materials.

14. A better global understanding could contribute to the further incorporation of these standards in public and private requirements and may also improve the ability of producers and exporters to negotiate with those setting private standards on the content of these standards.

MINISTERIAL CONFERENCE
Fourth Session
Doha, 9 - 14 November 2001

IMPLEMENTATION-RELATED ISSUES AND CONCERNS

Decision of 14 November 2001

The Ministerial Conference,

Having regard to Articles IV.1, IV.5 and IX of the Marrakesh Agreement Establishing the World Trade Organization (WTO);

Mindful of the importance that Members attach to the increased participation of developing countries in the multilateral trading system, and of the need to ensure that the system responds fully to the needs and interests of all participants;

Determined to take concrete action to address issues and concerns that have been raised by many developing-country Members regarding the implementation of some WTO Agreements and Decisions, including the difficulties and resource constraints that have been encountered in the implementation of obligations in various areas;

Recalling the 3 May 2000 Decision of the General Council to meet in special sessions to address outstanding implementation issues, and to assess the existing difficulties, identify ways needed to resolve them, and take decisions for appropriate action not later than the Fourth Session of the Ministerial Conference;

Noting the actions taken by the General Council in pursuance of this mandate at its Special Sessions in October and December 2000 (WT/L/384), as well as the review and further discussion undertaken at the Special Sessions held in April, July and October 2001, including the referral of additional issues to relevant WTO bodies or their chairpersons for further work;

Noting also the reports on the issues referred to the General Council from subsidiary bodies and their chairpersons and from the Director-General, and the discussions as well as the clarifications provided and understandings reached on implementation issues in the intensive informal and formal meetings held under this process since May 2000;

Decides as follows:

1. General Agreement on Tariffs and Trade 1994 (GATT 1994)
 - 1.1 Reaffirms that Article XVIII of the GATT 1994 is a special and differential treatment provision for developing countries and that recourse to it should be less onerous than to Article XII of the GATT 1994.

- 1.2 Noting the issues raised in the report of the Chairperson of the Committee on Market Access (WT/GC/50) concerning the meaning to be given to the phrase "substantial interest" in paragraph 2(d) of Article XIII of the GATT 1994, the Market Access Committee is directed to give further consideration to the issue and make recommendations to the General Council as expeditiously as possible but in any event not later than the end of 2002.

2. Agreement on Agriculture

- 2.1 Urges Members to exercise restraint in challenging measures notified under the green box by developing countries to promote rural development and adequately address food security concerns.
- 2.2 Takes note of the report of the Committee on Agriculture (G/AG/11) regarding the implementation of the Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries, and approves the recommendations contained therein regarding (i) food aid; (ii) technical and financial assistance in the context of aid programmes to improve agricultural productivity and infrastructure; (iii) financing normal levels of commercial imports of basic foodstuffs; and (iv) review of follow-up.
- 2.3 Takes note of the report of the Committee on Agriculture (G/AG/11) regarding the implementation of Article 10.2 of the Agreement on Agriculture, and approves the recommendations and reporting requirements contained therein.
- 2.4 Takes note of the report of the Committee on Agriculture (G/AG/11) regarding the administration of tariff rate quotas and the submission by Members of addenda to their notifications, and endorses the decision by the Committee to keep this matter under review.

3. Agreement on the Application of Sanitary and Phytosanitary Measures

- 3.1 Where the appropriate level of sanitary and phytosanitary protection allows scope for the phased introduction of new sanitary and phytosanitary measures, the phrase "longer time-frame for compliance" referred to in Article 10.2 of the Agreement on the Application of Sanitary and Phytosanitary Measures, shall be understood to mean normally a period of not less than 6 months. Where the appropriate level of sanitary and phytosanitary protection does not allow scope for the phased introduction of a new measure, but specific problems are identified by a Member, the Member applying the measure shall upon request enter into consultations with the country with a view to finding a mutually satisfactory solution to the problem while continuing to achieve the importing Member's appropriate level of protection.
- 3.2 Subject to the conditions specified in paragraph 2 of Annex B to the Agreement on the Application of Sanitary and Phytosanitary Measures, the phrase "reasonable interval" shall be understood to mean normally a period of not less than 6 months. It is understood that timeframes for specific measures have to be considered in the context of the particular circumstances of the measure and actions necessary to implement it. The entry into force of measures which contribute to the liberalization of trade should not be unnecessarily delayed.

- 3.3 Takes note of the Decision of the Committee on Sanitary and Phytosanitary Measures (G/SPS/19) regarding equivalence, and instructs the Committee to develop expeditiously the specific programme to further the implementation of Article 4 of the Agreement on the Application of Sanitary and Phytosanitary Measures.
- 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.
- 3.5 (i) Takes note of the actions taken to date by the Director-General to facilitate the increased participation of Members at different levels of development in the work of the relevant international standard setting organizations as well as his efforts to coordinate with these organizations and financial institutions in identifying SPS-related technical assistance needs and how best to address them; and
- (ii) urges the Director-General to continue his cooperative efforts with these organizations and institutions in this regard, including with a view to according priority to the effective participation of least-developed countries and facilitating the provision of technical and financial assistance for this purpose.
- 3.6 (i) Urges Members to provide, to the extent possible, the financial and technical assistance necessary to enable least-developed countries to respond adequately to the introduction of any new SPS measures which may have significant negative effects on their trade; and
- (ii) urges Members to ensure that technical assistance is provided to least-developed countries with a view to responding to the special problems faced by them in implementing the Agreement on the Application of Sanitary and Phytosanitary Measures.

4. Agreement on Textiles and Clothing

Reaffirms the commitment to full and faithful implementation of the Agreement on Textiles and Clothing, and agrees:

- 4.1 that the provisions of the Agreement relating to the early integration of products and the elimination of quota restrictions should be effectively utilised.
- 4.2 that Members will exercise particular consideration before initiating investigations in the context of antidumping remedies on textile and clothing exports from developing countries previously subject to quantitative restrictions under the Agreement for a period of two years following full integration of this Agreement into the WTO.
- 4.3 that without prejudice to their rights and obligations, Members shall notify any changes in their rules of origin concerning products falling under the coverage of the Agreement to the Committee on Rules of Origin which may decide to examine them.

Requests the Council for Trade in Goods to examine the following proposals:

- 4.4 that when calculating the quota levels for small suppliers for the remaining years of the Agreement, Members will apply the most favourable methodology available in respect of those Members under the growth-on-growth provisions from the beginning

of the implementation period; extend the same treatment to least-developed countries; and, where possible, eliminate quota restrictions on imports of such Members;

- 4.5 that Members will calculate the quota levels for the remaining years of the Agreement with respect to other restrained Members as if implementation of the growth-on-growth provision for stage 3 had been advanced to 1 January 2000;

and make recommendations to the General Council by 31 July 2002 for appropriate action.

5. Agreement on Technical Barriers to Trade

- 5.1 Confirms the approach to technical assistance being developed by the Committee on Technical Barriers to Trade, reflecting the results of the triennial review work in this area, and mandates this work to continue.

- 5.2 Subject to the conditions specified in paragraph 12 of Article 2 of the Agreement on Technical Barriers to Trade, the phrase "reasonable interval" shall be understood to mean normally a period of not less than 6 months, except when this would be ineffective in fulfilling the legitimate objectives pursued.

- 5.3 (i) Takes note of the actions taken to date by the Director-General to facilitate the increased participation of Members at different levels of development in the work of the relevant international standard setting organizations as well as his efforts to coordinate with these organizations and financial institutions in identifying TBT-related technical assistance needs and how best to address them; and

(ii) urges the Director-General to continue his cooperative efforts with these organizations and institutions, including with a view to according priority to the effective participation of least-developed countries and facilitating the provision of technical and financial assistance for this purpose.

- 5.4 (i) Urges Members to provide, to the extent possible, the financial and technical assistance necessary to enable least-developed countries to respond adequately to the introduction of any new TBT measures which may have significant negative effects on their trade; and

(ii) urges Members to ensure that technical assistance is provided to least-developed countries with a view to responding to the special problems faced by them in implementing the Agreement on Technical Barriers to Trade.

6. Agreement on Trade-Related Investment Measures

- 6.1 Takes note of the actions taken by the Council for Trade in Goods in regard to requests from some developing-country Members for the extension of the five-year transitional period provided for in Article 5.2 of Agreement on Trade-Related Investment Measures.

- 6.2 Urges the Council for Trade in Goods to consider positively requests that may be made by least-developed countries under Article 5.3 of the TRIMs Agreement or Article IX.3 of the WTO Agreement, as well as to take into consideration the particular circumstances of least-developed countries when setting the terms and conditions including time-frames.

7. Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994

- 7.1 Agrees that investigating authorities shall examine with special care any application for the initiation of an anti-dumping investigation where an investigation of the same product from the same Member resulted in a negative finding within the 365 days prior to the filing of the application and that, unless this pre-initiation examination indicates that circumstances have changed, the investigation shall not proceed.
- 7.2 Recognizes that, while Article 15 of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 is a mandatory provision, the modalities for its application would benefit from clarification. Accordingly, the Committee on Anti-Dumping Practices is instructed, through its working group on Implementation, to examine this issue and to draw up appropriate recommendations within twelve months on how to operationalize this provision.
- 7.3 Takes note that Article 5.8 of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 does not specify the time-frame to be used in determining the volume of dumped imports, and that this lack of specificity creates uncertainties in the implementation of the provision. The Committee on Anti-Dumping Practices is instructed, through its working group on Implementation, to study this issue and draw up recommendations within 12 months, with a view to ensuring the maximum possible predictability and objectivity in the application of time frames.
- 7.4 Takes note that Article 18.6 of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 requires the Committee on Anti-Dumping Practices to review annually the implementation and operation of the Agreement taking into account the objectives thereof. The Committee on Anti-dumping Practices is instructed to draw up guidelines for the improvement of annual reviews and to report its views and recommendations to the General Council for subsequent decision within 12 months.

8. Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade 1994

- 8.1 Takes note of the actions taken by the Committee on Customs Valuation in regard to the requests from a number of developing-country Members for the extension of the five-year transitional period provided for in Article 20.1 of Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade 1994.
- 8.2 Urges the Council for Trade in Goods to give positive consideration to requests that may be made by least-developed country Members under paragraphs 1 and 2 of Annex III of the Customs Valuation Agreement or under Article IX.3 of the WTO Agreement, as well as to take into consideration the particular circumstances of least-developed countries when setting the terms and conditions including time-frames.
- 8.3 Underlines the importance of strengthening cooperation between the customs administrations of Members in the prevention of customs fraud. In this regard, it is agreed that, further to the 1994 Ministerial Decision Regarding Cases Where Customs Administrations Have Reasons to Doubt the Truth or Accuracy of the

Declared Value, when the customs administration of an importing Member has reasonable grounds to doubt the truth or accuracy of the declared value, it may seek assistance from the customs administration of an exporting Member on the value of the good concerned. In such cases, the exporting Member shall offer cooperation and assistance, consistent with its domestic laws and procedures, including furnishing information on the export value of the good concerned. Any information provided in this context shall be treated in accordance with Article 10 of the Customs Valuation Agreement. Furthermore, recognizing the legitimate concerns expressed by the customs administrations of several importing Members on the accuracy of the declared value, the Committee on Customs Valuation is directed to identify and assess practical means to address such concerns, including the exchange of information on export values and to report to the General Council by the end of 2002 at the latest.

9. Agreement on Rules of Origin

- 9.1 Takes note of the report of the Committee on Rules of Origin (G/RO/48) regarding progress on the harmonization work programme, and urges the Committee to complete its work by the end of 2001.
- 9.2 Agrees that any interim arrangements on rules of origin implemented by Members in the transitional period before the entry into force of the results of the harmonisation work programme shall be consistent with the Agreement on Rules of Origin, particularly Articles 2 and 5 thereof. Without prejudice to Members' rights and obligations, such arrangements may be examined by the Committee on Rules of Origin.

10. Agreement on Subsidies and Countervailing Measures

- 10.1 Agrees that Annex VII(b) to the Agreement on Subsidies and Countervailing Measures includes the Members that are listed therein until their GNP per capita reaches US \$1,000 in constant 1990 dollars for three consecutive years. This decision will enter into effect upon the adoption by the Committee on Subsidies and Countervailing Measures of an appropriate methodology for calculating constant 1990 dollars. If, however, the Committee on Subsidies and Countervailing Measures does not reach a consensus agreement on an appropriate methodology by 1 January 2003, the methodology proposed by the Chairman of the Committee set forth in G/SCM/38, Appendix 2 shall be applied. A Member shall not leave Annex VII(b) so long as its GNP per capita in current dollars has not reached US \$1000 based upon the most recent data from the World Bank.
- 10.2 Takes note of the proposal to treat measures implemented by developing countries with a view to achieving legitimate development goals, such as regional growth, technology research and development funding, production diversification and development and implementation of environmentally sound methods of production as non-actionable subsidies, and agrees that this issue be addressed in accordance with paragraph 13 below. During the course of the negotiations, Members are urged to exercise due restraint with respect to challenging such measures.
- 10.3 Agrees that the Committee on Subsidies and Countervailing Measures shall continue its review of the provisions of the Agreement on Subsidies and Countervailing

Measures regarding countervailing duty investigations and report to the General Council by 31 July 2002.

- 10.4 Agrees that if a Member has been excluded from the list in paragraph (b) of Annex VII to the Agreement on Subsidies and Countervailing Measures, it shall be re-included in it when its GNP per capita falls back below US\$ 1,000.
 - 10.5 Subject to the provisions of Articles 27.5 and 27.6, it is reaffirmed that least-developed country Members are exempt from the prohibition on export subsidies set forth in Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures, and thus have flexibility to finance their exporters, consistent with their development needs. It is understood that the eight-year period in Article 27.5 within which a least-developed country Member must phase out its export subsidies in respect of a product in which it is export-competitive begins from the date export competitiveness exists within the meaning of Article 27.6.
 - 10.6 Having regard to the particular situation of certain developing-country Members, directs the Committee on Subsidies and Countervailing Measures to extend the transition period, under the rubric of Article 27.4 of the Agreement on Subsidies and Countervailing Measures, for certain export subsidies provided by such Members, pursuant to the procedures set forth in document G/SCM/39. Furthermore, when considering a request for an extension of the transition period under the rubric of Article 27.4 of the Agreement on Subsidies and Countervailing Measures, and in order to avoid that Members at similar stages of development and having a similar order of magnitude of share in world trade are treated differently in terms of receiving such extensions for the same eligible programmes and the length of such extensions, directs the Committee to extend the transition period for those developing countries, after taking into account the relative competitiveness in relation to other developing-country Members who have requested extension of the transition period following the procedures set forth in document G/SCM/39.
11. Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)
- 11.1 The TRIPS Council is directed to continue its examination of the scope and modalities for complaints of the types provided for under subparagraphs 1(b) and 1(c) of Article XXIII of GATT 1994 and make recommendations to the Fifth Session of the Ministerial Conference. It is agreed that, in the meantime, Members will not initiate such complaints under the TRIPS Agreement.
 - 11.2 Reaffirming that the provisions of Article 66.2 of the TRIPS Agreement are mandatory, it is agreed that the TRIPS Council shall put in place a mechanism for ensuring the monitoring and full implementation of the obligations in question. To this end, developed-country Members shall submit prior to the end of 2002 detailed reports on the functioning in practice of the incentives provided to their enterprises for the transfer of technology in pursuance of their commitments under Article 66.2. These submissions shall be subject to a review in the TRIPS Council and information shall be updated by Members annually.

12. Cross-cutting Issues

12.1 The Committee on Trade and Development is instructed:

- (i) to identify those special and differential treatment provisions that are already mandatory in nature and those that are non-binding in character, to consider the legal and practical implications for developed and developing Members of converting special and differential treatment measures into mandatory provisions, to identify those that Members consider should be made mandatory, and to report to the General Council with clear recommendations for a decision by July 2002;
- (ii) to examine additional ways in which special and differential treatment provisions can be made more effective, to consider ways, including improved information flows, in which developing countries, in particular the least-developed countries, may be assisted to make best use of special and differential treatment provisions, and to report to the General Council with clear recommendations for a decision by July 2002; and
- (iii) to consider, in the context of the work programme adopted at the Fourth Session of the Ministerial Conference, how special and differential treatment may be incorporated into the architecture of WTO rules.

The work of the Committee on Trade and Development in this regard shall take fully into consideration previous work undertaken as noted in WT/COMTD/W/77/Rev.1. It will also be without prejudice to work in respect of implementation of WTO Agreements in the General Council and in other Councils and Committees.

12.2 Reaffirms that preferences granted to developing countries pursuant to the Decision of the Contracting Parties of 28 November 1979 ("Enabling Clause")¹ should be generalised, non-reciprocal and non-discriminatory.

13. Outstanding Implementation Issues²

Agrees that outstanding implementation issues be addressed in accordance with paragraph 12 of the Ministerial Declaration (WT/MIN(01)/DEC/1).

14. Final Provisions

Requests the Director-General, consistent with paragraphs 38 to 43 of the Ministerial Declaration (WT/MIN(01)/DEC/1), to ensure that WTO technical assistance focuses, on a priority basis, on assisting developing countries to implement existing WTO obligations as well as on increasing their capacity to participate more effectively in future multilateral trade negotiations. In carrying out this mandate, the WTO Secretariat should cooperate more closely with international and regional intergovernmental organisations so as to increase efficiency and synergies and avoid duplication of programmes.

¹ BISD 26S/203.

² A list of these issues is compiled in document Job(01)/152/Rev.1.



Committee on Sanitary and Phytosanitary Measures

CATALOGUE OF INSTRUMENTS AVAILABLE TO WTO MEMBERS TO MANAGE SPS ISSUES

1. At its meeting of 1-2 March 2018, the Committee adopted the following Catalogue of Instruments available to WTO Members to Manage SPS issues. It is based on a proposal initially submitted by Canada and Kenya in the discussions of the Fourth Review. The Catalogue is intended only as a reference document to help Members address and manage SPS issues. It aims to facilitate the task of officials working on SPS issues by identifying relevant legal provisions, Committee work, and some other resources available for particular SPS-related tasks or activities. Their inclusion in the Catalogue is not meant to suggest that these instruments constitute necessary or mandatory steps in the completion of a certain task or activity.

2. This Catalogue neither adds to nor detracts from the existing rights and obligations of Members under the SPS Agreement or any other WTO Agreement.

Tools available to Members	Description
Within the WTO SPS Agreement	
Request information on the measure from the WTO SPS Enquiry Point and/or Codex, IPPC and OIE contact points	Legal provisions of the SPS Agreement Annex B.3 "Each Member shall ensure that one enquiry point exists which is responsible for the provision of answers to all reasonable questions from interested Members as well as for the provision of relevant documents regarding: a. any sanitary or phytosanitary regulations adopted or proposed within its territory; b. any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures, which are operated within its territory; c. risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection; d. the membership and participation of the Member, or of relevant bodies within its territory, in international and regional sanitary and phytosanitary organizations and systems, as well as in bilateral and multilateral agreements and arrangements within the scope of this Agreement, and the texts of such agreements and arrangements." SPS Committee work According to Art. 7 and Annex B.3 of the SPS Agreement, WTO Members have to establish an Enquiry Point responsible for providing answers and documentation to all reasonable questions from interested Members. The Committee has developed "Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7)" (G/SPS/7/Rev.3¹ [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/7R3.pdf]). The Recommended Transparency Procedures include guidance on the handling of comments on notifications. Contact information on SPS Enquiry Points and Notifications Authorities are available online from the SPS Information Management System (SPS IMS: http://spsims.wto.org). Outside the WTOⁱ Codex contact points are available from http://www.codexalimentarius.org/contact-links. IPPC contact points are available from https://www.ippc.int/countries/contactpoints. OIE delegates are available from http://www.oie.int/en/about-us/our-members/delegates-new.

¹ A "technical" revision of [G/SPS/7/Rev.3](#) is currently being undertaken and will be circulated as [G/SPS/7/Rev.4](#) in 2018.

Tools available to Members	Description
Comment on notifications	Legal provisions of the SPS Agreement Annex B.5(d) "Members shall... (d) without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account." SPS Committee work According to Annex B.5(d) of the SPS Agreement, Members are required to allow reasonable time for other Members to make comments in writing. The Recommended Transparency Procedures state that a 60-day comment period should be provided with respect to regular notifications.
Meet to discuss comments on notification	Legal provisions of the SPS Agreement Annex B.5(d) "Members shall... (d) without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussions into account." SPS Committee work According to Annex B.5(d) of the SPS Agreement, Members are required to discuss comments made on notifications upon request, and to take the comments and results of these comments into account. For additional guidance, see also the Recommended Transparency Procedures.
Request to meet bilaterally on margins of the SPS Committee	Request to meet with another Member regarding a concern with an SPS issue. This can be a formal meeting or something less formal. Outside the WTO Bilateral discussions prior to resorting to mediated settlement: A practice of many Members is to take advantage of being in Geneva for the WTO SPS Committee meeting to raise SPS market access issues with trading partners.

Tools available to Members	Description
Request recognition of equivalence of specific SPS measure or measures related to a certain product or category of products, or on a systems-wide basis	Legal provisions of the SPS Agreement Article 4 "4.1. Members shall accept the sanitary or phytosanitary measures of other Members as equivalent, even if these measures differ from their own or from those used by other Members trading in the same product, if the exporting Member objectively demonstrates to the importing Member that its measures achieve the importing Member's appropriate level of sanitary or phytosanitary protection. For this purpose, reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures. 4.2. Members shall, upon request, enter into consultations with the aim of achieving bilateral and multilateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures." SPS Committee work The Committee has developed guidelines to facilitate the application of Article 4 of the SPS Agreement: "Decision on the Implementation of Article 4 of the Agreement on the Application of SPS Measures (Equivalence)" (G/SPS/19/Rev.2 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/19R2.pdf]). Outside the WTO Codex standards, guidelines and recommendations are available from: http://www.fao.org/fao-who-codexalimentarius/codex-texts/list-standards/en/. IPPC standards, guidelines and recommendations are available from: https://www.ippc.int/standards. OIE standards, guidelines and recommendations are available from: http://www.oie.int/international-standard-setting/overview.
Request recognition of pest- or disease-free areas and areas of low pest or disease prevalence	Legal provisions of the SPS Agreement Article 6 "6.1. Members shall ensure that their sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary characteristics of the area — whether all of a country, part of a country, or all or parts of several countries — from which the product originated and to which the product is destined. In assessing the sanitary or phytosanitary characteristics of a region, Members shall take into account, <i>inter alia</i>, the level of prevalence of specific diseases or pests, the existence of eradication or control programmes, and appropriate criteria or guidelines which may be developed by the relevant international organizations. 6.2. Members shall, in particular, recognize the concepts of pest- or disease-free areas and areas of low pest or disease prevalence. Determination of such areas shall be based on factors such as geography, ecosystems, epidemiological surveillance, and the effectiveness of sanitary or phytosanitary controls.

Tools available to Members	Description
	6.3. Exporting Members claiming that areas within their territories are pest- or disease-free areas or areas of low pest or disease prevalence shall provide the necessary evidence thereof in order to objectively demonstrate to the importing Member that such areas are, and are likely to remain, pest- or disease-free areas or areas of low pest or disease prevalence, respectively. For this purpose, reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures." SPS Committee work The Committee has developed guidelines to facilitate the application of Article 6 of the SPS Agreement: "Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of SPS Measures (Regionalization)" (G/SPS/48 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/48.pdf]). They include "Typical Administrative Steps in the Recognition Process". Outside the WTO IPPC standards, guidelines and recommendations are available from: https://www.ippc.int/standards. OIE standards, guidelines and recommendations are available from: http://www.oie.int/international-standard-setting/overview.
Request an explanation of the reasons for a sanitary or phytosanitary measure	Legal provisions of the SPS Agreement Article 5.8 "5.8. When a Member has reason to believe that a specific sanitary or phytosanitary measure introduced or maintained by another Member is constraining, or has the potential to constrain, its exports and the measure is not based on the relevant international standards, guidelines or recommendations, or such standards, guidelines or recommendations do not exist, an explanation of the reasons for such sanitary or phytosanitary measure may be requested and shall be provided by the Member maintaining the measure."
Request technical assistance	Legal provisions of the SPS Agreement Article 9 "9.1. Members agree to facilitate the provision of technical assistance to other Members, especially developing country Members, either bilaterally or through the appropriate international organizations. Such assistance may be, <i>inter alia</i>, in the areas of processing technologies, research and infrastructure, including in the establishment of national regulatory bodies, and may take the form of advice, credits, donations and grants, including for the purpose of seeking technical expertise, training and equipment to allow such countries to adjust to, and comply with, sanitary or phytosanitary measures necessary to achieve the appropriate level of sanitary or phytosanitary protection in their export markets. 9.2. Where substantial investments are required in order for an exporting developing country Member to fulfil the sanitary or phytosanitary requirements of an importing Member, the latter shall consider providing such technical assistance as will permit the developing country Member to maintain and expand its market access opportunities for the product involved."

Tools available to Members	Description
	WTO technical assistance For more information on technical assistance and training activities related to the SPS Agreement available from the WTO Secretariat, see: http://www.wto.org/sps/ta.
Request Special and Differential Treatment	Legal provisions of the SPS Agreement Article 10.2 "10.2. Where the appropriate level of sanitary or phytosanitary protection allows scope for the phased introduction of new sanitary or phytosanitary measures, longer time-frames for compliance should be accorded on products of interest to developing country Members so as to maintain opportunities for their exports." SPS Committee work The Committee has developed guidelines to facilitate the application of Article 10.1 of the SPS Agreement: "Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members" (G/SPS/33/Rev.1 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/33R1.pdf]). They include procedures to be followed.
Request specified, time-limited exceptions in whole or in part from obligations under the SPS Agreement	Legal provisions of the SPS Agreement Article 10.3 "10.3. With a view to ensuring that developing country Members are able to comply with the provisions of this Agreement, the Committee is enabled to grant to such countries, upon request, specified, time-limited exceptions in whole or in part from obligations under this Agreement, taking into account their financial, trade and development needs."
Request facilitated ad hoc consultations or negotiations (i.e. "Good Offices of the Chair") on specific sanitary or phytosanitary issues	A process by which a Member can request facilitated discussions with another Member on specific SPS issues. Paragraph 6 of the Working Procedures of the Committee (G/SPS/1 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/1.pdf]) states: "With respect to any matter which has been raised under the Agreement, the Chairperson may, at the request of the Members directly concerned, assist them in dealing with the matter in question...." Guidance on how to request facilitated ad hoc consultations or negotiations is found in "Procedure to Encourage and Facilitate the Resolution of Specific Sanitary or Phytosanitary Issues Among Members in Accordance with Article 12.2" (G/SPS/61 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/61.pdf]).

Tools available to Members	Description
Propose that a specific issue be considered under the regular Review of the Operation and Implementation of the SPS Agreement	Legal provisions of the SPS Agreement Article 12.7 "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, <i>inter alia</i>, to the experience gained in its implementation."
WTO SPS Committee agenda	
Raise an issue as a specific trade concern Agenda item of the WTO SPS Committee meeting	Members may request, in writing to the Secretariat, to include an issue on the WTO SPS Committee Agenda for an upcoming meeting, up to, but not including, the day on which the notice convening the meeting is to be issued. This request should be made consistent with the timelines established by the Secretariat. Members proposing to raise any matter relevant to the implementation of the Agreement, including any matter relating to a particular notification, should give notice to the other Member(s) concerned with an outline of the matter to be raised, as far as possible in advance of the SPS Committee meeting. Working procedures of the WTO SPS Committee (G/SPS/1 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/1.pdf]).
Raise an issue under the "Monitoring of the Use of International Standards" Agenda item of the WTO SPS Committee meeting	Members may request, in writing to the Secretariat, to include concrete examples of what they consider to be problems with a significant trade impact which are related to the non-existence or inappropriateness or non-use of relevant international standards, guidelines or recommendations on this issue, on the WTO SPS Committee Agenda for an upcoming meeting. This request to raise an issue on the Agenda should be made as per the timelines established by the Secretariat. WTO SPS Committee Decision, "Procedure to Monitor the Process of International Harmonization" (G/SPS/11/Rev.1 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/11R1.pdf]), paragraphs 6 and 7.
Raise an issue under the "Regionalization" Agenda item of the WTO SPS Committee meeting	Members may request to include a specific item regarding information on a Member's pest- or disease-free areas and areas of low pest or disease prevalence or on a Members' experience in recognition of pest-or disease-free areas. Working procedures of the WTO SPS Committee (G/SPS/1 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/1.pdf]). The Committee has developed guidelines to facilitate the application of Article 6 of the SPS Agreement: "Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of SPS Measures (Regionalization)" (G/SPS/48 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/48.pdf]).

Tools available to Members	Description
Raise an issue under the "Equivalence" Agenda item of the WTO SPS Committee meeting	Members may request to include a specific item regarding information on a Member's experience with equivalence on the WTO SPS Committee Agenda for an upcoming meeting. Working procedures of the WTO SPS Committee (G/SPS/1 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/1.pdf]). The Committee has developed guidelines to facilitate the application of Article 4 of the SPS Agreement: "Decision on the Implementation of Article 4 of the Agreement on the Application of SPS Measures (Equivalence)" (G/SPS/19/Rev.2 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/19R2.pdf]).
Raise an issue under the "Special and Differential Treatment" Agenda item of the WTO SPS Committee meeting	Members may request to include a specific item regarding information on a Member's experience regarding special and differential treatment on the WTO SPS Committee Agenda for an upcoming meeting. Working procedures of the WTO SPS Committee (G/SPS/1 [https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/SPS/1.pdf]).
Within WTO system	
Ask questions as part of the Trade Policy Review process	Each Member undergoes a trade policy review (the frequency of each country's review varies according to its share of world trade). WTO Members are given the opportunity to review and ask comments to another Member on its trade policy. For more information on the WTO Trade Policy Review mechanism, see: http://www.wto.org/TPR.
Raise issues/ask questions as part of the WTO Accession process	As countries seek to accede to the WTO, Members have the opportunity to raise specific issues with the acceding countries, including issues related to the acceding country's laws, regulations and requirements. For more information on the WTO accessions process, see: http://www.wto.org/accessions.
Explore raising the issue in other WTO Bodies	For example and as appropriate, the Committee on Import Licensing, Council on Trade in Goods, Committee on Trade Facilitation.

Tools available to Members	Description
Request formal Dispute Settlement Consultations	<i>Legal provisions of Dispute Settlement Understanding</i> Article 4 "4.1. Members affirm their resolve to strengthen and improve the effectiveness of the consultation procedures employed by Members. 4.2. Each Member undertakes to accord sympathetic consideration to and afford adequate opportunity for consultation regarding any representations made by another Member concerning measures affecting the operation of any covered agreement taken within the territory of the former.³ 4.3. If a request for consultations is made pursuant to a covered agreement, the Member to which the request is made shall, unless otherwise mutually agreed, reply to the request within 10 days after the date of its receipt and shall enter into consultations in good faith within a period of no more than 30 days after the date of receipt of the request, with a view to reaching a mutually satisfactory solution. If the Member does not respond within 10 days after the date of receipt of the request, or does not enter into consultations within a period of no more than 30 days, or a period otherwise mutually agreed, after the date of receipt of the request, then the Member that requested the holding of consultations may proceed directly to request the establishment of a panel. 4.4. All such requests for consultations shall be notified to the DSB and the relevant Councils and Committees by the Member which requests consultations. Any request for consultations shall be submitted in writing and shall give the reasons for the request, including identification of the measures at issue and an indication of the legal basis for the complaint. 4.5. In the course of consultations in accordance with the provisions of a covered agreement, before resorting to further action under this Understanding, Members should attempt to obtain satisfactory adjustment of the matter. 4.6. Consultations shall be confidential, and without prejudice to the rights of any Member in any further proceedings. 4.7. If the consultations fail to settle a dispute within 60 days after the date of receipt of the request for consultations, the complaining party may request the establishment of a panel. The complaining party may request a panel during the 60-day period if the consulting parties jointly consider that consultations have failed to settle the dispute. 4.8. In cases of urgency, including those which concern perishable goods, Members shall enter into consultations within a period of no more than 10 days after the date of receipt of the request. If the consultations have failed to settle the dispute within a period of 20 days after the date of receipt of the request, the complaining party may request the establishment of a panel. 4.9. In cases of urgency, including those which concern perishable goods, the parties to the dispute, panels and the Appellate Body shall make every effort to accelerate the proceedings to the greatest extent possible. 4.10. During consultations Members should give special attention to the particular problems and interests of developing country Members.

Tools available to Members	Description
	4.11. Whenever a Member other than the consulting Members considers that it has a substantial trade interest in consultations being held pursuant to paragraph 1 of Article XXII of GATT 1994, paragraph 1 of Article XXII of GATS, or the corresponding provisions in other covered agreements⁴, such Member may notify the consulting Members and the DSB, within 10 days after the date of the circulation of the request for consultations under said Article, of its desire to be joined in the consultations. Such Member shall be joined in the consultations, provided that the Member to which the request for consultations was addressed agrees that the claim of substantial interest is well-founded. In that event they shall so inform the DSB. If the request to be joined in the consultations is not accepted, the applicant Member shall be free to request consultations under paragraph 1 of Article XXII or paragraph 1 of Article XXIII of GATT 1994, paragraph 1 of Article XXII or paragraph 1 of Article XXIII of GATS, or the corresponding provisions in other covered agreements."
Request formal "Good Offices, Conciliation and Mediation"	<i>Legal provisions of Dispute Settlement Understanding</i> Article 5 "5.1. Good offices, conciliation and mediation are procedures that are undertaken voluntarily if the parties to the dispute so agree."
Request the establishment of a dispute settlement panel	<i>Legal provisions of Dispute Settlement Understanding</i> Article 6 "6.1. If the complaining party so requests, a panel shall be established at the latest at the DSB meeting following that at which the request first appears as an item on the DSB's agenda, unless at that meeting the DSB decides by consensus not to establish a panel.⁵ 6.2. The request for the establishment of a panel shall be made in writing. It shall indicate whether consultations were held, identify the specific measures at issue and provide a brief summary of the legal basis of the complaint sufficient to present the problem clearly..."

Tools available to Members	Description
Beyond WTO System	
IPPC dispute settlement procedures	In cases where a phytosanitary dispute arises, contracting parties are encouraged to consult with the IPPC secretariat concerning the range of dispute settlement procedures that are available and what might be appropriate for the dispute in question. There are three main types of procedures: 1) informal consultation, formal consultation, good offices, mediation or arbitrations; 2) formal non-binding conciliation process; and 3) a dispute settlement procedure (may produce a binding agreement for the parties to the agreement). Note: the IPPC Dispute Settlement procedure is currently under review. <i>Legal provisions of the SPS Agreement</i> Article 11.3 "11.3. Nothing in this Agreement shall impair the rights of Members under other international agreements, including the right to resort to the good offices or dispute settlement mechanisms of other international organizations or established under any international agreement." <i>Outside the WTO</i> Article XIII of the IPPC Settlement of disputes (paragraphs 1-6) https://www.ippc.int/publications/1997-international-plant-protection-convention-new-revised-text. Article XVI of the IPPC Supplementary agreements (paragraphs 1-3) https://www.ippc.int/publications/1997-international-plant-protection-convention-new-revised-text.
OIE informal mediation procedure	In the case where an OIE member considers that another OIE member does not comply with OIE standards, both parties can agree to request the voluntary, informal OIE mediation procedure which focuses on scientific and technical aspects to seek to find a mutually agreeable solution. <i>Legal provisions of the SPS Agreement</i> Article 11.3 "11.3. Nothing in this Agreement shall impair the rights of Members under other international agreements, including the right to resort to the good offices or dispute settlement mechanisms of other international organizations or established under any international agreement." <i>Outside the WTO</i> Chapter 5.3.8 of the OIE Terrestrial Animal Health Code provides details on the OIE informal procedure for dispute mediation: http://www.oie.int/international-standard-setting/terrestrial-code/access-online.

Tools available to Members	Description
Meet on issues bilaterally	At any time, a Member may request to hold a bilateral meeting or discussion regarding an SPS issue. Alternatively, these discussions could take place on the margins of regularly scheduled meetings. <i>Outside the WTO</i> Not a concept included in the WTO framework, however, can be a "best practice" when managing SPS issues.

Links to the major decisions and reference documents under the Sanitary and Phytosanitary Measures Committee can be found online at:
http://www.wto.org/english/tratop_e/sps_e/decisions06_e.htm.

ⁱ All references to websites are current as of March 2018.



**Ministerial Conference
Twelfth Session
Geneva, 12-15 June 2022**

**SANITARY AND PHYTOSANITARY DECLARATION FOR THE
TWELFTH WTO MINISTERIAL CONFERENCE: RESPONDING
TO MODERN SPS CHALLENGES**

MINISTERIAL DECLARATION

ADOPTED ON 17 JUNE 2022

1. We recognize that the twelfth WTO Ministerial Conference takes place following the 25th anniversary of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) — an opportune point to reflect on the successes achieved since its adoption, and to recognize the challenges ahead resulting from emerging pressures that may significantly impact international trade in food, animals and plants.

2. We wish to take this opportunity to underline that the SPS Agreement and its provisions are as relevant and applicable today as they were in 1995, and they continue to safeguard the right for Members to take measures necessary for the protection of human, animal or plant life or health.

3. In addition to this, the proper implementation of the SPS Agreement by Members supports rural livelihoods, facilitates trade, and supports sustainable agricultural growth. Of particular note to these outcomes are the contributions of the SPS Agreement's provisions requiring Members to be transparent in taking SPS measures; and that these measures be based on scientific principles, applied only to the extent necessary to protect human, animal or plant life or health, and not be maintained without sufficient scientific evidence, including through an assessment of risk, except for provisional measures referenced in Article 5.7 of the SPS Agreement.

4. We recognize that the WTO Committee on Sanitary and Phytosanitary Measures (SPS Committee) has been instrumental in advancing the implementation of the SPS Agreement, particularly as it relates to improving the transparency of SPS measures through increased notification among Members. Looking to the future, the SPS Committee will continue to undertake valuable work, and Members remain committed to the continued enhancement of the implementation of the SPS Agreement.

5. We reaffirm the rights and obligations of Members established by the SPS Agreement and call for Members' strengthened adherence to the SPS Agreement to support international trade while ensuring the protection of human, animal and plant life or health.

6. The Membership acknowledges that the global agricultural landscape has evolved since the adoption of the SPS Agreement in 1995. This evolution has brought about a variety of new opportunities and emerging challenges for the international trade in food, animals and plants, including but not limited to:

- expanding global populations, as well as increased movement of agricultural products to address changing population structures and distributions;
- increased pace of innovation in tools and technologies;
- climate change and increasing environmental challenges and associated stresses on food production;
- growing importance of sustainable agricultural practices and production systems, including their contribution to addressing climate change and biodiversity conservation;
- shifting pressures due to the spread of pests, diseases, disease-carrying organisms, or disease-causing organisms, increasing threat of antimicrobial resistance for human and

animal health, as well as emerging infectious diseases linked with the human-animal-environment interface, especially zoonoses; and

- continued application of SPS measures that would constitute a disguised restriction on international trade.

7. To that end, the Ministerial Conference instructs the SPS Committee to further enhance the implementation of the SPS Agreement in an effort to better manage issues related to international trade in food, animals and plants by undertaking a work programme, open to all Members and Observers, consisting of new efforts to identify: (1) challenges in the implementation of the SPS Agreement and the mechanisms available to address them; and (2) the impacts of emerging challenges on the application of the SPS Agreement.

8. Through the work programme, the Ministerial Conference envisions that the SPS Committee should explore how the implementation and application of the SPS Agreement can support the following themes, including but not limited to:

- How to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organisation for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures to protect human, animal or plant life or health.
- How to support basing SPS measures on scientific evidence and principles, including where international standards, guidelines, or recommendations do not exist or are not appropriate; and how to promote the use by Members of principles employed by the international standard setting bodies for considering scientific uncertainty in risk analysis.
- How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence which can strengthen Members' ability to protect plant and animal life or health through efforts to limit the spread of pests such as the Mediterranean fruit fly, diseases such as African swine fever, disease-carrying organisms, or disease-causing organisms.
- How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard setting bodies through technical exchanges and assistance in the context of this work programme.
- How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures; and in particular, to increase awareness of and sensitivity to the impacts of SPS measures on the export possibilities of such Members.
- Other topics as identified over the course of the work programme or as a result of emerging sanitary or phytosanitary challenges or risks worldwide.

9. This work programme does not launch the negotiation of new obligations, nor re-open or amend the SPS Agreement.

10. The SPS Committee will address the outcomes of this work programme and report on key findings and actions undertaken as a result of this work to the thirteenth Ministerial Conference with recommendations, as appropriate.



Committee on Sanitary and Phytosanitary Measures

**SANITARY AND PHYTOSANITARY DECLARATION FOR
THE TWELFTH WTO MINISTERIAL CONFERENCE:
RESPONDING TO MODERN SPS CHALLENGES**

FACTUAL SUMMARY OF THE WORK PROGRAMME

Note by the Secretariat

1 CONTEXT

1.1. In February 2020, Brazil, Canada and the United States submitted, for Members' consideration, a draft proposal for a Ministerial Declaration: Responding to Modern SPS Challenges.¹ The text underlined that, on the 25th anniversary of the SPS Agreement, the SPS Agreement and its provisions were still as relevant and applicable as in 1995, and continued to safeguard the right for Members to take measures necessary for the protection of human, animal or plant life or health. The proposal stated that the celebration of the Twelfth WTO Ministerial Conference (MC12) was an opportune point to reflect on the successes achieved since the adoption of the Agreement, and to recognize the challenges ahead resulting from emerging pressures that might significantly impact international trade in food, animals and plants.

1.2. The proposal was discussed at every meeting of the SPS Committee from March 2020 until March 2022, gaining support from a growing number of Members. The final version of the text was adopted at MC12 on 17 June 2022 and is contained in document [WT/MIN\(22\)/27](#).

1.3. Through the Declaration, the Ministerial Conference instructed the SPS Committee to further enhance the implementation of the SPS Agreement in an effort to better manage issues related to international trade in food, animals and plants by undertaking a work programme, open to all Members and Observers, consisting of new efforts to identify: (1) challenges in the implementation of the SPS Agreement and the mechanisms available to address them; and (2) the impacts of emerging challenges on the application of the SPS Agreement. Recognizing the instrumental role of the SPS Committee in advancing the implementation of the Agreement, and without relaunching the negotiation of new obligations, nor re-opening or amending the SPS Agreement, the Declaration instructed the Committee to explore, through the Work Programme, how the implementation and application of the SPS Agreement could support different themes agreed on by Members. The outcomes of this Work Programme and key findings and actions undertaken would be reported to the Thirteenth Ministerial Conference (MC13) with recommendations, as appropriate.

2 PROPOSED PROCESS FOR THE MC12 SPS DECLARATION WORK PROGRAMME

2.1 Timeline

2.1. Following the adoption of the Declaration, initial discussions on how to move forward with the Work Programme were held at the informal SPS Committee meeting held in June 2022.² An initial timeline for the second half of 2022 was circulated for Members' consideration.³ Taking into account Members' comments, a revised timeline for the remainder of 2022⁴ was subsequently circulated, with an invitation for Members to provide comments and to submit suggestions for the organization of the Work Programme until MC13. Taking into account Members' comments and suggestions,

¹ The initial proposal is contained in document [G/SPS/GEN/1758](#).

² A summary of the discussions held in the informal June 2022 meeting is available in Section 2 of Annex C to the summary report of the June 2022 meeting ([G/SPS/R/107](#)).

³ [RD/SPS/210](#).

⁴ [G/SPS/W/329](#).

a proposed process for the Work Programme until MC13 was then circulated.⁵ A Member subsequently submitted comments on the proposed process.⁶ Taking into account Members' comments provided in writing and during the November 2022 informal Committee meeting, a revised version of the process was subsequently proposed. The process was adopted at the November 2022 Committee meeting and was circulated as [G/SPS/W/330/Rev.1](#).

2.2 Establishment of Thematic Groups

2.2. Paragraph 8 of the Declaration identified several themes for discussion:

- How to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organisation for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures to protect human, animal or plant life or health;
- How to support basing SPS measures on scientific evidence and principles, including where international standards, guidelines, or recommendations do not exist or are not appropriate; and how to promote the use by Members of principles employed by the international standard setting bodies for considering scientific uncertainty in risk analysis;
- How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence which can strengthen Members' ability to protect plant and animal life or health through efforts to limit the spread of pests such as the Mediterranean fruit fly, diseases such as African swine fever, disease-carrying organisms, or disease-causing organisms;
- How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard setting bodies through technical exchanges and assistance in the context of this work programme;
- How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures; and in particular, to increase awareness of and sensitivity to the impacts of SPS measures on the export possibilities of such Members;
- Other topics as identified over the course of the work programme or as a result of emerging sanitary or phytosanitary challenges or risks worldwide.

2.3. At the June 2022 SPS Committee meeting, Members decided to organize Thematic Groups to discuss each of the five themes specifically identified in the Declaration.⁷ The work of the Groups would be facilitated by stewards. Throughout the process, the Committee would receive oral and written reports to ensure that all delegations were informed of discussions going on in each of the Thematic Groups. For that purpose, the Committee would regularly hold intersessional consultations, chaired by the Chairperson of the SPS Committee, in between regular Committee meetings.

2.4. Several Members expressed interest in acting as stewards for the Thematic Groups. The following stewards were assigned, in consultation with the Chairperson and taking Members' views into account, to facilitate discussions in each of the Groups:

- Group 1: Jônathas José Silva da Silveira (Brazil) and Knut Berdal (Norway)
- Group 2: Boitshoko Ntshabele (South Africa)
- Group 3: Ambassador Sofia Boza (Chile) (replaced by Miguel Donatelli, Argentina, from March 2023)
- Group 4: Geoff Richards (United Kingdom)
- Group 5: Joanna Grainger (Australia) and María Cecilia Gutiérrez (Ecuador).

⁵ [G/SPS/W/330](#).

⁶ The Member's comments were circulated as [G/SPS/W/331](#).

⁷ A summary of the discussions held in the informal June 2022 meeting is available in Section 2 of Annex C to the summary report of the June 2022 meeting ([G/SPS/R/107](#)).

2.3 Communication channels

2.5. Throughout the process, the Secretariat shared all relevant information through the informal SPS delegates email list. Additionally, the stewards of the Groups requested Members to designate focal points through whom more targeted Group communications on the specific work of the Groups would be shared. The Secretariat and the co-stewards worked in close coordination to ensure the proper circulation of information.

2.6. A [dedicated webpage](#)⁸ "SPS Declaration at MC12" was created to keep track of all the information relative to the Work Programme. Meeting calendars, draft agendas for meetings, inputs submitted by Members, and presentations and reports delivered during the process were regularly updated for Members only in a restricted part of the webpage. All documents related to the MC12 SPS Declaration are tagged with the keyword MC12 Work Programme and can be retrieved through the [ePing SPS&TBT Platform](#).

3 IMPLEMENTATION OF THE WORK PROGRAMME

3.1. The first meeting of each Thematic Group was convened by the Secretariat and took place via Zoom, in English only, during the weeks of 19 and 26 September 2022. The first intersessional consultations, held on 4 October 2022, provided an opportunity for all SPS delegates to be informed of the ongoing discussions and to clarify any remaining queries on the proposed process. Some stewards convened additional meetings of their Groups in October and November 2022, prior to the November 2022 Committee meeting.

3.2. Members requested that all subsequent meetings be held in hybrid mode, with interpretation, in order to increase participation and to facilitate preparations ahead of the meetings. Members also decided to allocate time to the implementation of the Work Programme around the regular SPS Committee meetings. The proposed process foresaw Group meetings and intersessional consultations in between the formal Committee meetings. In the November 2022 Committee meeting, Members agreed to cluster intersessional meetings of all Thematic Groups within the same week in between Committee meetings to streamline the process and to facilitate delegates' preparations.⁹ As such, additional clusters of meetings, followed by intersessional SPS Committee consultations, were scheduled in February and May 2023. All meetings were convened by the Secretariat in hybrid format, both in person at WTO and through Zoom.

3.3. Similarly, Members agreed to harmonize deadlines for the submission of written inputs, that would feed the discussions in the Groups. As requested by Members, all the inputs were compiled and systematically posted on the [dedicated webpage](#) in the three official languages.¹⁰ Discussions in all Groups were based on written and oral inputs provided by Members throughout the process.

3.4. It was also agreed that the stewards would circulate an agenda for each meeting of the Thematic Groups. This agenda would be based on previous discussions as well as on the inputs submitted by Members. The Secretariat compiled all agendas for Thematic Group meetings and circulated them through the SPS delegates email list, and also made them available on the [dedicated webpage](#).

3.5. The proposed process foresaw the submission by stewards of proposals/summaries of the work in Thematic Groups by 1 March 2023.¹¹ These proposals/summaries were based on discussions held within the Groups, and were further discussed in the informal March meeting.¹² Additionally, and according to the proposed process, after the meetings held in May 2023 the stewards submitted

⁸ https://www.wto.org/english/tratop_e/sps_e/sps_declaration_mc12_e.htm.

⁹ See paragraphs 2 and 15 of the report by the Chairperson on the informal November 2022 Committee meeting, contained in Annex B to the summary report of the November 2022 meeting ([G/SPS/R/108](#)).

¹⁰ A summary of the discussions held in the informal November 2022 meeting is available in Section 1 of Annex B to the summary report of the November 2022 meeting ([G/SPS/R/108](#)).

¹¹ The proposals/summaries are contained in documents [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).

¹² A summary of the discussions held in the informal March 2023 meeting is available in Section 1 of Annex A to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

additional summaries of the discussions held in their Groups.¹³ These inputs were used as a basis for the preparation of the present report.

4 WORK OF THE THEMATIC GROUPS

4.1 Group 1: How to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organisation for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures to protect human, animal or plant life or health

4.1. Group 1 held meetings on 20 September and 9 November 2022, and on 8 February, 20 March and 8 May 2023. The topics covered in Members' inputs included the scope of Group 1, challenges in the implementation of the SPS Agreement relevant to food security and sustainable food systems, and the impacts of emerging challenges relevant to the SPS Agreement on food security and sustainability of food systems, among others.

4.2. Group 1 agreed to hear from a variety of stakeholders. First, in March 2023, Group 1 heard from producers on their experiences regarding how the implementation of the SPS Agreement by Members may impact trade, food security and the sustainability of food systems, and affect access to innovation in tools and technologies. A common sentiment emerging from these presentations was that there is no "one-size-fits-all" approach to improving the sustainability of food and agricultural systems across WTO Members. Next, in May 2023 the Group heard inputs from international organizations and secretariats on the topics under discussion. The presentations from stakeholders were very rich in content and made evident not only the importance of the topics covered in Group 1, but also their complexity and the pertinence of the discussions held in the Work Programme in exploring how the implementation and application of the SPS Agreement can support and facilitate global food security and more sustainable food systems.

4.3. In addition, the Secretariat, upon request, prepared a report on relevant activities and processes relating to sustainability in different WTO bodies. All the relevant presentations and documents were made available on the [dedicated webpage](#).¹⁴

4.2 Group 2: How to support basing SPS measures on scientific evidence and principles, including where international standards, guidelines, or recommendations do not exist or are not appropriate; and how to promote the use by Members of principles employed by the international standard setting bodies for considering scientific uncertainty in risk analysis

4.4. Group 2 held meetings on 26 September, 31 October and 9 November 2022, and on 8 February and 9 May 2023. The steward initially consolidated inputs in a "live document" containing a number of highly summarized points for Members' consideration and a proposal to hold a workshop on the topic on the margins of an SPS Committee meeting. The Group discussed the need to ensure that Members remained within the scope and remit of the second bullet point of paragraph 8 of the MC12 SPS Declaration.

4.5. Upon request, the Secretariat prepared a report compiling information from previous workshops and thematic sessions on scientific evidence, risk, risk assessment, uncertainty and appropriate level of protection, including some aspects of transparency.¹⁵ The report was presented at the February 2023 meeting of Group 2, and was made available on the [dedicated webpage](#).

4.6. Group 2 invited Codex, the IPPC and WOA, as well as FAO and WHO as Codex's parent bodies, to present on their guidance on risk assessment and uncertainty, and also to reflect on how emerging challenges in paragraph 6 of the MC12 SPS Declaration impact the conduct of risk assessments.

¹³ The summaries are contained in documents [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).

¹⁴ More detailed information on the work undertaken by Group 1 is available in the documents prepared by the co-stewards on their own responsibility, circulated as [G/SPS/W/332](#) and [G/SPS/W/339](#).

¹⁵ See paragraph 9 of the report by the Chairperson on the November 2022 informal Committee meeting, contained in Annex B to the summary report of the November 2022 meeting ([G/SPS/R/108](#)).

These presentations underscored that uncertainty was a constant in risk analysis processes and that risk assessors needed to be transparent and document the methodologies followed. Some of the presentations highlighted how the emerging challenges were adding to the complexities in how risk assessments were undertaken and provided an update on relevant reference materials and capacity building activities. Members also presented case studies on their experiences in dealing with uncertainty when conducting risk assessments in a way consistent with their obligations in the SPS Agreement, and such that the existence of uncertainty does not lead to unnecessary barriers to trade.¹⁶ During discussions, some Members and producers noted their concerns on the issue of setting of pesticide MRLs, particularly in the cases where they considered these to be based on uncertainty. Some Members and presenters underlined the importance of the challenges posed by the increasing threat from emerging infectious diseases linked with the human-animal-environment interface, as recognized by the One Health approach. These presentations were made during the meeting Group 2 held in May 2023.¹⁷

4.3 Group 3: How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence which can strengthen Members' ability to protect plant and animal life or health through efforts to limit the spread of pests such as the Mediterranean fruit fly, diseases such as African swine fever, disease-carrying organisms, or disease-causing organisms

4.7. Group 3 held meetings on 27 September and 7 November 2022, and on 8 February, 21 March and 10 May 2023. Some of the topics included the general background of the regionalization process, an examination of possible specific topics of interest, and limitations and obstacles faced by Members in properly applying the regionalization principle, among others.

4.8. At the November 2022 meeting, Group 3 benefitted from a presentation by WOAHP on adaptation to regional conditions, including relevant guidance and mechanisms for the implementation of regionalization for international trade.¹⁸ As per Members' request, in February 2023 the Secretariat presented an analysis of the relevant provisions of the SPS Agreement, the Guidelines to Further the Practical Implementation of Article 6 ([G/SPS/48](#)), trends in notifications and specific trade concerns, and relevant recommendations from the Reviews of the Operation and Implementation of the SPS Agreement.¹⁹

4.9. At the March 2023 meeting, the Group also benefitted from a presentation by the IPPC on its standards on regionalization and relevant information on their uptake and examples of adoption of regionalization.²⁰ Finally, at the May 2023 Group meeting, WOAHP presented on different forms of regionalization, specifically on official recognition and self-declaration, and several Members shared their experiences with regionalization, both from an exporter's and an importer's perspective.²¹ All the presentations were made available on the [dedicated webpage](#).²²

4.4 Group 4: How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard setting bodies through technical exchanges and assistance in the context of this work programme

4.10. Group 4 held meetings on 28 September and 26 October 2022, and on 8 February, 21 March and 9 May 2023. Some of the topics included the scope of the theme, questions on the roles and expectations of observer organizations at the Committee, and the support that observer

¹⁶ See paragraph 12 of the report by the Chairperson on the February 2023 intersessional consultations, contained in Annex B to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

¹⁷ More detailed information on the work undertaken by Group 2 is available in the documents prepared by the steward on his own responsibility, circulated as [G/SPS/W/333](#) and [G/SPS/W/340](#).

¹⁸ See paragraph 10 of the report by the Chairperson on the informal November 2022 Committee meeting, contained in Annex B to the summary report of the November 2022 meeting ([G/SPS/R/108](#)).

¹⁹ See paragraph 14 of the report by the Chairperson on the February 2023 intersessional consultations, contained in Annex B to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

²⁰ See paragraph 5 of the report by the Chairperson on the informal March 2023 Committee meeting, contained on the Annex A to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

²¹ See paragraph 5 of the report by the Chairperson on the May 2023 intersessional consultations, contained in an annex to the summary report of the July 2023 meeting ([G/SPS/R/110](#)).

²² More detailed information on the work undertaken by Group 3 is available in the documents prepared by the steward on his own responsibility, circulated as [G/SPS/W/336](#) and [G/SPS/W/341](#).

organizations might be able to provide developing and least developed country (LDC) Members on the application of the SPS Agreement in the context of the challenges identified in the Declaration, among others.

4.11. Based on Members' inputs, Group 4 circulated a set of questions to all the observer organizations, inviting views on their interactions with the Committee, the work they undertake that supports the implementation of the SPS Agreement, and where they considered there may be scope for improvements. Thirteen observer organizations, including the three standard setting bodies, provided answers that included suggestions on how to improve cooperation.

4.12. Group 4 requested the Secretariat to explain the procedures, expectations and a brief history of observer organizations at the SPS Committee, and a presentation on past developments on observers was delivered in February 2023.²³ Finally, Members discussed the possible role of the SPS Committee for enhanced coordination with observers, the possibility of hearing presentations from observer organizations and how to maximize the value of the contributions from the ISSBs and the observer organizations in the SPS Committee. All the relevant documents and presentation were made available on the [dedicated webpage](#).²⁴

4.5 Group 5: How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures; and in particular, to increase awareness of and sensitivity to the impacts of SPS measures on the export possibilities of such Members

4.13. Group 5 held meetings on 29 September and 19 October 2022, and on 9 February, 21 March and 10 May 2023. Some of the topics included the implementation challenges experienced by developing and LDC Members, possible solutions to increase participation, and support for the needs of developing and LDC Members in the development and application of SPS measures, among others.

4.14. Upon request, the Secretariat presented on the actions undertaken by the Committee regarding Articles 9 and 10 of the SPS Agreement at the Group meeting in February 2023²⁵ and again in front of the full membership in the March 2023 Committee meeting.²⁶ The presentation highlighted the extensive amount of work done within the Committee on the topic.

4.15. Additionally, Group 5 held two sessions dedicated to SPS capacity building: (1) a workshop organized in collaboration with the Standards and Trade Development Facility (STDF), entitled "Facilitating safe trade: what solutions does the STDF offer to strengthen SPS capacity in developing and least developed countries", held in March 2023²⁷; and (2) a follow-up to discuss other forms of assistance, such as capacity building provided directly between Members and by other organizations, held in May 2023.²⁸ All the relevant documents and presentations were made available on the [dedicated webpage](#).²⁹

²³ See paragraph 17 of the report by the Chairperson on the February 2023 intersessional consultations, contained in Annex B to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

²⁴ More detailed information on the work undertaken by Group 4 is available in the documents prepared by the steward on his own responsibility, circulated as [G/SPS/W/334](#) and [G/SPS/W/342](#).

²⁵ See paragraph 20 of the report by the Chairperson on the February 2023 intersessional consultations, contained in Annex B to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

²⁶ See paragraph 11 of the report by the Chairperson on the informal March 2023 Committee meeting, contained in Annex A to the summary report of the March 2023 meeting ([G/SPS/R/109](#)).

²⁷ See paragraph 7 of the report by the Chairperson on the informal March 2023 Committee meeting, contained in Annex A to the summary report of the March 2023 meeting ([G/SPS/R/109](#)). Information on the event is also available at <https://standardsfacility.org/thematic-group-5-workshop-mc-12-sps-declaration>.

²⁸ See paragraph 7 of the report by the Chairperson on the May 2023 intersessional consultations, contained in an annex to the summary report of the July 2023 meeting ([G/SPS/R/110](#)).

²⁹ More detailed information on the work undertaken by Group 5 is available in the documents prepared by the co-stewards on their own responsibility, circulated as [G/SPS/W/335](#) and [G/SPS/W/343](#).



Committee on Sanitary and Phytosanitary Measures

**SANITARY AND PHYTOSANITARY DECLARATION WORK PROGRAMME:
RESPONDING TO MODERN SPS CHALLENGES**

**REPORT ON THE MC12 SPS DECLARATION WORK PROGRAMME
ADOPTED BY THE COMMITTEE ON 26 JUNE 2024**

1. The Committee on Sanitary and Phytosanitary Measures (SPS Committee) undertook a work programme to examine challenges in the implementation of the SPS Agreement and the mechanisms available to address them, and the impacts of emerging challenges on the application of the SPS Agreement, as instructed by Ministers in the SPS Declaration adopted at the Twelfth Ministerial Conference ([WT/MIN\(22\)/27](#)).¹ In doing so, the SPS Committee explored the following topics:

- How to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission (Codex), the World Organisation for Animal Health (WOAH) and the International Plant Protection Convention (IPPC) as the basis of harmonized SPS measures to protect human, animal or plant life or health.
- How to support basing SPS measures on scientific evidence and principles, including where international standards, guidelines, or recommendations do not exist or are not appropriate; and how to promote the use by Members of principles employed by the international standard setting bodies for considering scientific uncertainty in risk analysis.
- How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence which can strengthen Members' ability to protect plant and animal life or health through efforts to limit the spread of pests such as the Mediterranean fruit fly, diseases such as African swine fever, disease-carrying organisms, or disease-causing organisms.
- How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard setting bodies through technical exchanges and assistance in the context of this work programme.
- How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures; and in particular, to increase awareness of and sensitivity to the impacts of SPS measures on the export possibilities of such Members.

2. The Committee consulted with a wide range of stakeholders, including the international standard setting bodies, other SPS Committee observer organizations, Members' competent authorities, agricultural producers, food manufacturers and traders, and the Standards and Trade Development Facility (STDF), amongst others. The process benefitted from Members' positive engagement in a constructive dialogue with these stakeholders and with each other. The discussions covered new opportunities and emerging challenges for international trade in food, animals and plants, including but not limited to expanding global populations; increased pace of innovation in tools and technologies; climate change and increasing environmental challenges; growing importance of sustainable agricultural practices and production systems, including their contribution to addressing climate change and biodiversity conservation; shifting pressures due to the spread of pests and diseases, increasing threat of antimicrobial resistance, as well as emerging infectious diseases linked

¹ A factual summary of the Work Programme is contained in document [G/SPS/GEN/2134/Rev.3](#).

with the human-animal-environment interface; and continued application of SPS measures that would constitute a disguised restriction on international trade.

3. Based on its discussions, the Committee presents the following findings:

- a. The SPS Agreement continues to support safe international trade in food, animal and plant products. Aligning SPS measures and procedures with the SPS Agreement, in particular with provisions on the use of international standards, scientific principles and risk assessment as the basis for SPS measures, remains of fundamental importance, including when dealing with emerging challenges and opportunities.
- b. Noting the importance of sustainable and resilient food systems, the Committee acknowledges the particular relevance of science, research and innovation as a means to address SPS issues and sustainably increase production to feed a growing world population, while securing the livelihood of farmers and addressing emerging challenges, including those in paragraph 2. In this regard, the Committee recognizes that there is no "one-size-fits-all" approach to improving the sustainability of food and agricultural systems across WTO Members, taking into account the differences in local and regional conditions and the different views of Members pertaining to sustainable and resilient food systems.
- c. The Committee recognizes that scientific principles, scientific evidence and risk assessment are the basis of SPS measures. In cases where scientific uncertainty exists, Members shall comply with the provisions of the SPS Agreement. Codex, WOH and IPPC guidance can support Members in addressing scientific uncertainty in risk analysis, including the recommendation that the approach and method taken by Members to address uncertainty be clearly documented and communicated in a transparent manner.
- d. Adaptation of SPS measures to regional conditions, including recognition of pest- or disease-free areas and areas of low pest or disease prevalence, based on WOH and IPPC guidance and Committee guidelines in [G/SPS/48](#), are an important means by which to facilitate safe trade and can help avoid unnecessary trade restrictions. Capacity building can assist in bringing domestic regulatory frameworks in line with relevant international guidance.
- e. The Committee values its exchanges with the international standard setting bodies Codex, WOH and IPPC in the SPS Committee, and invites them to continue providing regular updates on their work, in particular on updated and forthcoming standards, guidelines and recommendations relating to emerging challenges and opportunities.
- f. The Committee also values the work of all other SPS Committee observer organizations and invites the Secretariat and Members to engage with these organizations to foster enhanced cooperation, strengthen the connection between their work and that of the SPS Committee, and improve practices for information exchange.
- g. Engagement with developing and least developed country Members, including through technical assistance, capacity building and South-South cooperation, is of fundamental importance, both to support implementation of the SPS Agreement and to create, maintain and expand export market opportunities by complying with and establishing SPS import requirements based on international standards, scientific principles and risk assessment. The STDF plays a key role in providing and coordinating assistance in this regard. Ensuring adequate resources for its activities will enable the STDF to continue addressing the growing number of requests for assistance by developing and least developed country Members, including when dealing with emerging challenges and opportunities. Developing and least developed country Members should be actively involved in the design of these technical assistance and cooperation programmes to ensure that their needs are appropriately met.

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

5. The SPS Committee recommends that Ministers accept this report and endorse these findings and recommendations.

21 March 2025

(25-2068)

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Committee on Sanitary and Phytosanitary Measures**SIXTH REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE AGREEMENT
ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES****REPORT ADOPTED BY THE COMMITTEE ON 20 MARCH 2025 – PART A**

Article 12.7 of the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) provides that "[t]he 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." A first review was completed in March 1999.¹ At the Fourth Ministerial Conference, Ministers instructed the Committee to review the operation and implementation of the SPS Agreement at least once every four years.² The Fifth Review of the Operation and Implementation of the SPS Agreement (the Fifth Review) was completed, and the corresponding report adopted *ad referendum* in July 2020.³

At its November 2023 meeting, the Committee adopted a process to undertake the Sixth Review of the Operation and Implementation of the SPS Agreement (the Sixth Review).⁴ In accordance with this process, Members adopted the report of the Sixth Review at the March 2025 Committee meeting.

The report of the Sixth Review is comprised of two parts:

- **PART A – Sixth Review discussions** – containing, by key topics⁵, information on Sixth Review proposals, related discussions and thematic sessions, as well as recommendations for further work. Part A also outlines previous Committee decisions, guidelines, and recommendations that Members were invited to review or update as part of the Sixth Review.
- **Part B – Committee work during the review period** – containing information regarding the Committee's main areas of work from 1 January 2020 to 31 December 2024.

The present document contains Part A of the report; Part B can be found in addendum 1 to this document.

¹ [G/SPS/12](#).

² [WT/MIN\(01\)/17](#).

³ [G/SPS/64](#) and [G/SPS/64/Add.1](#).

⁴ [G/SPS/W/346](#).

⁵ As identified in the most recent revision of document [G/SPS/GEN/2194](#).

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PART A – SIXTH REVIEW DISCUSSIONS

1 INTRODUCTION

1.1. In the Sixth Review, the Committee considered proposals submitted by Members on the following topics (see [Annex I](#) for an overview of the proposals)⁶:

- [Addressing modern challenges and emerging risks](#);
- [Cooperation with ISSBs](#);
- [Regionalization](#);
- [Technical assistance and Special and differential treatment \(S&DT\)](#);
- [Technology and IT tools](#);
- [Transparency and Notification procedures](#); and
- Other topics:
 - [Maximum residue limits \(MRLs\)](#);
 - [Facility registration](#); and
 - [Systems approach](#).

1.2. Section 2 below provides information on proposals, related discussions and thematic sessions, as well as recommendations for further work under each of these topics.⁷ Section 3 outlines previous Committee decisions, guidelines, and recommendations that Members were invited to examine as part of the Sixth Review.

2 PROPOSALS AND RECOMMENDATIONS

2.1 Addressing modern challenges and emerging risks

2.1. Several Members made proposals to continue discussions that had been held in the context of the MC12 SPS Declaration Work Programme in relation to modern challenges and emerging risks, as a follow-up to the recommendation adopted by the Committee.⁸

2.2. [Canada](#)⁹ suggested a workshop or thematic session to facilitate discussions between developed, developing and least developed country (LDC) Members around the development, assessment, and implementation of new agricultural technologies to address sustainability while facilitating trade. Canada hoped to have a particular focus on LDC perspectives. The [European Union](#)¹⁰ proposed a thematic session on SPS-related emerging risks to discuss the definition and identification of emerging risks, the development and improvement of emerging risk identification methodologies and approaches for characterization, the communication on possible issues and risks, and the development of effective measures to address these risks by Members and the relevant international organizations. Given synergies between initial proposals, [Canada](#) and the [European Union](#)¹¹ subsequently made a joint proposal to hold a thematic session on SPS-related emerging risks and new agricultural technologies to address them, which could include a focus on the challenges faced by LDCs.

⁶ A summary of all submitted proposals and papers is available in the most recent revision of document [G/SPS/GEN/2194](#). In addition, comments that have been submitted on these proposals and papers are available in document [G/SPS/GEN/2232](#).

⁷ The Chairperson's reports of the informal meetings on the Sixth Review are contained in document [JOB/SPS/36](#) and its revisions. These reports capture the main points discerned from informal discussions in relation to the Sixth Review, including discussions on draft recommendations. In addition, written comments submitted on draft recommendations are available in documents [G/SPS/GEN/2267](#) and [G/SPS/GEN/2282](#).

⁸ [G/SPS/72](#), para. 4.

⁹ [G/SPS/W/349](#).

¹⁰ [G/SPS/W/353](#) and [G/SPS/W/354](#).

¹¹ [G/SPS/W/369](#).

2.3. In addition, [Australia](#)¹² proposed that the Sixth Review focus on areas of innovation, emerging technologies and increasing awareness and implementation of international standards that can support improved approaches to the implementation of the SPS Agreement. The [United States](#)¹³ suggested that Members further advance constructive engagement around appropriate SPS regulatory practices that encourage innovation in production systems and facilitate trade of safe food and agricultural products. Other proposals summarized under other key topics in this document also linked to the MC12 SPS Declaration Work Programme and addressing modern challenges and emerging risks, such as India's proposal on adaptation of SPS measures to regional conditions (see Section 2.3 below), Australia's and the United States' proposals on technologies and innovation (see Section 2.5 below), and Indonesia's proposal on systems approaches (see Section 2.9 below).

2.4. The continued exploration of modern challenges and emerging risks in the SPS field was favourably received, particularly in light of the recommendation that had emerged from the MC12 SPS Declaration Work Programme.¹⁴ Members also flagged the importance of thematic sessions reflecting a diversity of views to facilitate a continued discussion between developed and developing Members, including LDCs. The discussion could consider flexibilities needed by developing Members to comply with SPS requirements, for example, to deal with the use of irradiation technologies. In addition, one Member suggested to include the topic of e-commerce in the agenda.

2.5. The Committee agreed to hold a first thematic session in November 2024 on modern challenges and emerging risks and technological approaches to address them, followed by a thematic session in March 2025 on innovative regulatory approaches to facilitate safe trade.

2.6. The November 2024 [Thematic Session on Emerging Risks and New Agricultural Technologies to Address Them](#) discussed ways to define, identify, and characterize SPS-related emerging risks and the development and implementation of new technologies based on the joint proposal by Canada and the European Union.¹⁵ Following presentations from FAO, WHO, and WOAHA on relevant work, Members shared experiences developing policies and tools for the identification and communication of emerging risks and discussed specific risks such as those associated with e-commerce or African swine fever. The thematic session then looked at a large variety of new technologies, from automated processes, artificial intelligence (AI), novel treatments such as irradiation to new technologies in animal production. The event highlighted the diversity of emerging risks and technologies as well as challenges associated with regulatory frameworks, timelines for approvals, costs, communication when dealing with novel approaches, and resistance to change across supply chains. The event also recognized the crucial role the Committee plays for Members to share ideas, to promote a common understanding of key issues, and to provide a predictable framework for science-based SPS measures.¹⁶

2.7. The March 2025 [Thematic Session on Innovative Regulatory Approaches to Facilitate Safe Trade](#) considered four topics based on the proposals submitted by Australia¹⁷, India¹⁸, Indonesia¹⁹, and the United States²⁰, namely: (i) addressing animal disease outbreaks through regionalization, including different concepts of regional conditions, to promote a common understanding of regionalization and learn from the experiences of ISSBs and Members; (ii) addressing phytosanitary risks through systems approaches, with Members identifying and discussing challenges and opportunities; (iii) science-based approaches to pesticide MRLs and veterinary drug residues in food, with Members highlighting the importance of science-based SPS measures and the practical implementation challenges they face when complying with MRL-related SPS measures; and

¹² [G/SPS/W/361](#).

¹³ [G/SPS/W/350](#).

¹⁴ See also [G/SPS/GEN/2232](#).

¹⁵ [G/SPS/W/369](#).

¹⁶ The programme is available in document [G/SPS/GEN/2253/Rev.1](#) and the report is contained in Annex A to document [G/SPS/R/115](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_11112024_e/sps_11112024_e.htm.

¹⁷ [G/SPS/W/361](#).

¹⁸ [G/SPS/W/357](#); [G/SPS/W/372](#); and [G/SPS/W/373](#).

¹⁹ [G/SPS/W/365](#); and [G/SPS/W/374](#).

²⁰ [G/SPS/W/350](#).

(iv) innovative regulatory approaches for new technologies to promote them and discuss the application of such technologies in a real-world environment.²¹

2.8. *Recommendations:*

- *Further to the recommendation in the MC12 SPS Declaration Report, the Committee will continue its targeted discussions and reflections on the implementation of the SPS Agreement in light of emerging challenges and opportunities including in specific thematic sessions and events, as appropriate, while reaffirming the existing rights and obligations of Members established by the SPS Agreement.*
- *Noting the importance of sustainable and resilient food systems and recognizing that there is no "one size fits all" approach to these issues, WTO Members will continue discussions on addressing emerging risks and modern challenges within the scope of the SPS Agreement while recognizing the importance of differences in local and regional conditions and in Members' capacities to respond to SPS challenges.*
- *Acknowledging the particular relevance of science, research, and innovation as a means to address SPS issues and sustainably increase production to feed a growing world population, the Committee will continue to explore approaches to the application of agriculture-related technology to address emerging risks and modern challenges.*
- *Committee work in this area should take account of the needs and concerns expressed by developing and LDC Members.*

2.2 Cooperation with ISSBs

2.9. The European Union²² submitted a proposal to explore ways to enhance cooperation with ISSBs and with observer organizations, with special regards to their ongoing observatory projects, and to look at possibilities to foster enhanced cooperation with the observer organizations to better use their expertise. New Zealand²³ submitted a proposal on monitoring the process of international harmonization. In the submission, New Zealand proposed to review specific trade concerns (STCs) highlighting the themes and evidence of harmonization with ISSB standards; to review the list of international standards, guidelines, or recommendations relating to SPS measures that the Committee determines to have a major trade impact; and to review, in consultations with the ISSBs, the notification template to gather more specific information on international harmonization. Belize²⁴ submitted a proposal to hold a thematic session on monitoring the use of international standards, looking at the implementation of the Codex Guideline on the Use of Voluntary Third-Party Assurance Programmes (CXG 93-2021), as an opportunity for Members to share their approaches, experiences and best practices; to explore tools available to assist in the evaluation of third-party assurance programmes; to receive updates on pilot projects on Data Sharing; to identify capacity building opportunities; and for beneficiary countries of the STDF Pilot projects in West Africa (STDF/PG/665) and in Central America (STDF/PG/682) to report on their experience in establishing a roadmap for the implementation of the guideline at the national level.

2.10. While there was overall support to holding this debate on cooperation within the Committee, thinking critically about the most appropriate way to highlight the significance of the ISSBs and how to reflect their contributions across the board, the Committee was invited to keep in mind each body's respective responsibilities and scope of work. The United States suggested that it may be particularly helpful for the ISSBs to share more information about their standards with Members, with particular focus on challenges faced by Members in the implementation of specific international standards.²⁵

²¹ The programme is available in the latest revision of document [G/SPS/GEN/2283](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_1703202510_e/sps_1703202510_e.htm. A report of the thematic session will be appended to the March 2025 Committee meeting summary report and made available on the event's webpage in due course.

²² [G/SPS/W/353](#).

²³ [G/SPS/W/348](#).

²⁴ [G/SPS/W/355](#) and [G/SPS/W/362/Rev.1](#).

²⁵ [G/SPS/GEN/2232](#).

2.11. Some of the proposals aimed at assisting ISSBs moving forward in terms of monitoring international standards, providing them with data to support their standard-setting activities, and included elements that could be covered under a package of transparency recommendations as an outcome of the Sixth Review. However, caution was raised at the large amount of work necessary to undertake a review such as suggested by New Zealand. Some Members were opposed to the ISSBs intervening in discussions on STCs in the Committee. Given Members' view that the Committee was not the appropriate forum to discuss the meaning of terms such as "reservation" and "abstention from acceptance" used in the context of Codex standard adoption, New Zealand withdrew its proposal to explore the meaning of these terms.

2.12. The Committee agreed to hold, in November 2024, a [thematic session on monitoring the use of international standards, focusing on the implementation of the Codex guidelines for voluntary third-party assurance \(vTPA\) programmes](#), based on the proposal by Belize.²⁶ The event included interventions from the Chairperson of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) and the WHO, and Members shared experiences in implementing vTPA programmes. The thematic session linked to three projects supported by the STDF in [West Africa](#), [Central America](#), and [East Africa](#) on piloting the use of the Codex guidelines. Beneficiary countries and implementing partners shared lessons learned from these projects and capacity building initiatives. A last session was dedicated to discussing the uptake of public private partnerships. The event highlighted the importance of defined roles and responsibilities and trust between regulators, scheme owners, and food business operators for the successful operation of vTPA programmes.²⁷

2.13. *Recommendations:*

- *Further to the MC12 SPS Declaration Work Programme, the Committee invites Codex, WOH, and the IPPC to continue to share information at Committee meetings on their observatory projects and on issues, challenges, and impediments identified by their members, in particular developing and LDC members, in relation to the development and implementation of international standards.*
- *The Committee will act as a Member-driven hub for information exchange with the ISSBs on monitoring activities.*
- *The Committee will continue to monitor the use of Codex, WOH, and IPPC standards, guidelines, and recommendations addressing scientific uncertainty in risk analysis. The Committee recalls the recommendation that the approach and method taken by Members to address the uncertainty be clearly documented and communicated in a transparent manner.*

2.3 Regionalization

2.14. [Canada](#)²⁸ submitted a proposal to hold a thematic session to explore SPS challenges associated with the adoption/implementation and recognition of new agriculture technologies, possibly considering Articles 6, 7 and 9. The objective of the workshop would be to explore how the SPS Committee can facilitate productive discussions between developed, developing and LDC Members around the development, assessment, and implementation of new agricultural technologies by Members to address sustainability, while facilitating trade. In the spirit of continuing discussions held in the context of MC12 SPS Declaration Work Programme and previous reviews of the SPS Agreement, the [European Union](#)²⁹ invited the Committee to exchange on the recognition of regionalization in view of building high levels of trust and confidence between Members and to facilitate trade, considering technical assistance and mentorship for developing Members as tools for supporting the implementation of Article 6 of the SPS Agreement. [India](#)³⁰ submitted a proposal for further exchanges on the recognition and harmonization of regional conditions to ensure trust and confidence among Members on variations of regional conditions. This could possibly be done through

²⁶ [G/SPS/W/355](#) and [G/SPS/W/362/Rev.1](#).

²⁷ The programme is available in document [G/SPS/GEN/2254/Rev.1](#) and the report is contained in Annex B to document [G/SPS/R/115](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_12112024_e/sps_12112024_e.htm.

²⁸ [G/SPS/W/349](#).

²⁹ [G/SPS/W/353](#).

³⁰ [G/SPS/W/357](#).

a work programme on recognition and harmonization of regional conditions; workshops to improve Members' understanding on areas of low pest or disease prevalence; and a work programme to create a common understanding in relation to areas of low disease prevalence.

2.15. While there was general support for and readiness to engage on India's proposals, some Members expressed reservations³¹ or requested clarification regarding certain elements that seemed to relate to the operation or governance of ISSBs and could infringe on Members' rights under the SPS Agreement. The [United States](#) suggested including discussions on the establishment and use of compartments, or compartmentalization, in these conversations and generally supported discussions on improving the understanding of Members on areas of low pest or disease prevalence and on science-based analyses for establishing areas of low pest or disease prevalence.³² Other Members expressed support for the exchange of information on regional conditions through a possible workshop. However, other Members raised caution against establishing a work programme on the reasons for not recognizing regional conditions that could infringe on Members' right to set their appropriate level of protection (ALOP).

2.16. In March 2025, as a follow up to the November 2024 [Thematic Session on Emerging Risks and New Agricultural Technologies to Address Them](#), a thematic session was dedicated to [innovative regulatory approaches to facilitate safe trade](#), which included discussions on regionalization (see Section 2.1 above).

2.17. *Recommendations:*

- *Further to the MC12 SPS Declaration Work Programme, the Committee reaffirms the importance of regionalization for safe trade in agricultural products. The Committee encourages Members to exchange information on adaptation of SPS measures to regional conditions, including through the recognition of pest- or disease-free areas or areas of low pest or disease prevalence, and on the different forms of regionalization recognized by WOA and IPPC, to facilitate safe trade.*
- *The Committee will discuss the recognition of pest- or disease-free areas or areas of low pest or disease prevalence, inter alia building on the March 2025 thematic session on innovative regulatory approaches to facilitate safe trade.*
- *The Committee will foster discussions, including in specific thematic sessions and events, as appropriate, regarding the effective use and recognition of newer approaches to regionalization, including disease-free areas, zoning, and compartmentalization.*
- *Committee work in this area should take account of the needs and concerns expressed by developing and LDC Members.*

2.4 Technical assistance / S&DT

2.18. [Canada](#), the [European Union](#), [New Zealand](#), and the [United Kingdom](#) made proposals relating to the particular needs and interests of developing and LDC Members, which linked to the MC12 SPS Declaration Work Programme and/or the MC13 S&DT Declaration.³³

2.19. [Canada's](#)³⁴ proposal on technical assistance related to the sharing of information on agricultural innovation to promote sustainable development and further engage LDCs. Canada stressed the importance of having a particular focus on LDC perspectives on the development, adoption, and approval of new technologies in the context of the thematic session on emerging risks and technological approaches to address them to be held in November 2024 (see Section 2.1 above). Referring to the MC12 SPS Declaration Work Programme and its discussions on the special needs of developing and LDC Members in the SPS area, the [European Union](#)³⁵ proposed that the Committee continue to explore how the existing flexibilities in the SPS Agreement could be used more efficiently to better address the special needs of developing and LDC Members

³¹ See e.g. written comments by the United Kingdom in [G/SPS/GEN/2232](#).

³² [G/SPS/GEN/2232](#).

³³ Declaration on the precise, effective and operational implementation of special and differential treatment provisions of the Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade ([WT/L/1191](#); [WT/MIN\(24\)/36](#)).

³⁴ [G/SPS/W/349](#).

³⁵ [G/SPS/W/353](#).

in the SPS area and provide more targeted support. In addition, the United Kingdom³⁶ proposed that the Committee consider ways to enhance accessibility and effective utilization of existing flexibilities in the SPS Agreement to build on the MC13 S&DT Declaration.

2.20. Members agreed on the importance of hearing contributions from developing and LDC Members and some stressed the importance of a close working relationship with the CTD-SS and the TBT Committee, in particular in light of the MC13 S&DT Declaration.

2.21. Members' views differed on how to continue discussions on the needs of developing Members and LDCs. Referring to related discussions in the context of the MC12 SPS Declaration Work Programme, prior work, and the corresponding standing agenda item in the Committee, one Member noted that conversations should be held in a concrete way, looking at specific issues to assist Members beyond the assistance that was already provided. That Member suggested including a focus on developing Members and LDCs in each line of future work of the Committee. This echoed other suggestions to ensure diverse views are heard in relevant thematic sessions agreed under other key topics.

2.22. The European Union insisted that it was essential that the Committee hold targeted discussions on technical assistance and S&DT, and deliver on the MC13 S&DT Declaration, with active engagement from affected countries. Some Members highlighted that continued efforts were required to explore a more efficient utilization of existing flexibilities and increase accessibility. Ukraine commented that the SPS flexibilities had not been adequately utilized and the Committee needed to explore why.³⁷ The Committee needed to find ways to promote more active use of these provisions. Another Member insisted on the need to focus on possible solutions for Members that face challenges.

2.23. As for New Zealand's³⁸ proposal, it focused on revisiting a previous transparency mentoring system to address some of the concerns raised in the G-90 document for the CTD-SS on 10 Agreement-specific special and differential treatment proposals.³⁹ The use of new technologies could enhance the feasibility of such a mentoring system. Two Members underlined the importance of a mentoring system, and one of them supported the need to promote and develop existing instruments and mechanisms to improve ability of developing Members to engage more actively in international trade. Ukraine noted the importance of considering G-90 views as well as those of developed Members that could offer mentoring support.⁴⁰ New Zealand initially suggested that a recommendation on this topic would fit well into a transparency-related recommendation for the Sixth Review, but the Committee subsequently agreed to include a recommendation on this mentoring system under the heading "Technical assistance / S&DT".

2.24. Recommendations:

- *As reflected in other recommendations and considering the MC12 SPS Declaration Work Programme and the MC12 SPS Declaration Report, the Committee will take account of the needs and concerns expressed by developing and LDC Members in all of its workstreams, in particular in the context of the implementation of the MC13 S&DT Declaration. The Committee will coordinate with the TBT Committee and the CTD-SS, as appropriate.*
- *The Committee will continue to engage on existing flexibilities in the SPS Agreement by considering Member proposals for possible improvements in technical assistance, sharing information and technical knowledge and new avenues to support the participation of developing and LDC Members in Committee work and the implementation of the SPS Agreement.*
- *Working with the STDF, Members should continue to support engagement with developing and LDC Members, including through technical assistance, capacity building*

³⁶ [G/SPS/W/360](#).

³⁷ [G/SPS/GEN/2232](#).

³⁸ [G/SPS/W/348](#).

³⁹ The overall G-90 document containing ten agreement-specific proposals is available in document [JOB/TN/CTD/2](#); [JOB/TNC/106](#); the G-90 proposal relating to the SPS Agreement is contained in document [JOB/TN/CTD/3](#); [JOB/TNC/110](#).

⁴⁰ [G/SPS/GEN/2232](#).

and South-South cooperation, to support implementation of the SPS Agreement and to create, maintain, and expand export market opportunities by complying with and establishing SPS import requirements based on international standards, scientific principles, and risk assessment.

- *The Committee will work with the Secretariat to explore a mentoring system to assist developing and LDC Members, including with respect to transparency and their timely engagement on SPS matters, taking into account lessons learned from previous experiences with mentoring systems.*

2.5 Technology / IT tools

2.25. Several Members made proposals in relation to electronic tools and information technology, which linked back to some of the discussions held in the context of the MC12 SPS Declaration Work Programme. [Australia](#)⁴¹ proposed that the Committee focus, through thematic sessions and ongoing dialogue, on the application of digital technologies such as electronic certification, remote audits, remote inspection, and verification activity, as well as the potential application of AI. The [United Kingdom](#)⁴² proposed to explore in more detail the role of electronic tools and techniques that can be employed to aid the application of SPS measures, including ensuring that cost and ease of implementation do not create undue barriers to trade (for developing and LDC Members in particular). The [United States](#)⁴³ proposed to take into consideration the impact that COVID-19 had on the functioning of the Committee, including lessons on where in-person meetings are preferable to virtual exchanges, and vice versa, and international trade and look at how technology was being used around the movement of food and the interaction between competent authorities. In addition, the United States encouraged discussions to further the shared understanding by Members of the opportunities and challenges posed by greater use and adoption of electronic certificates, including sanitary certificates and other digitalized documents. In the March informal Committee meeting, given various linked proposals, the United States suggested to hold a thematic session on digital tools. The United States also made a proposal on the topic of misinformation and disinformation, as a follow-up to the November 2023 [Thematic Session on Risk Communication, Misinformation, and Disinformation](#).

2.26. There was general support for further looking at new technologies and IT tools, such as electronic certification, remote audits and verifications, AI, the ePing SPS&TBT Platform, and other tools, with some Members noting overlaps with other proposals, in particular those relating to modern challenges and emerging risks (see Section 2.1 above). One Member considered that there were two major areas in relation to these proposals: IT tools for the use of the Committee and IT tools about the application of SPS measures. Suggestions included organizing thematic sessions, workshops, peer-to-peer exchanges that promote raising capacity for the adoption of new technologies, and a comprehensive discussion on the topic of AI. Some Members noted potential sensitivities arising from the use of IT tools and the need to guarantee data protection, confidentiality, and authenticity of data.

2.27. In March 2024, upon the United States' suggestion, the Committee decided to hold a [thematic session on digital tools](#), which was held in June 2024.⁴⁴ Based on proposals submitted by the European Union, Norway, and the United States, the thematic session aimed to explore the utilization of technological solutions in the SPS field, focusing on facilitating safe trade through enhanced transparency and efficiency. The ISSBs and the OECD shared their perspectives on digitalization in the SPS area for trade facilitation. This was followed by representatives from Members and industry, who presented the objectives, tools, and obstacles to digitalizing trade facilitation processes. During discussions on the future of digital tools and new technologies, the Secretariat presented possible technological enhancements to the [ePing SPS&TBT Platform](#), as well as on the objectives and expected outputs of a new STDF project focused on enhancing the ePing SPS&TBT Platform ([STDF/PG/1000](#)). Speakers from Members and industry also shared their views on digitalization in the SPS area and the use of AI.

⁴¹ [G/SPS/W/361](#).

⁴² [G/SPS/W/360](#).

⁴³ [G/SPS/W/350](#).

⁴⁴ The programme is available in document [G/SPS/GEN/2224/Rev.2](#) and the report is contained in Annex A of document [G/SPS/R/114](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_2506202410_e/sps_2506202410_e.htm.

2.28. In addition, the Committee agreed to hold a two-part thematic session on modern challenges and emerging risk in the SPS area in November 2024 and March 2025, which covered certain areas of innovation and new technologies (see Section 2.1 above).

2.29. Recommendations:

- *Building on the discussions in the MC12 SPS Declaration Work Programme and the June 2024 Thematic Session on Digital Tools, the Committee will continue to engage and encourage Members to share experiences with new technologies and digital tools to facilitate safe trade, including electronic SPS certification.*
- *The Committee will continue discussions on how to facilitate the adoption of novel approaches and related technologies, including digital tools to facilitate safe trade, and address challenges preventing their uptake. Members are invited to share any challenges faced in the implementation of new technologies and digital tools in the SPS area, to enable the Committee to identify and discuss the technologies of most interest.*
- *The Committee reaffirms the importance of in-person participation of delegations while acknowledging the significance of virtual communication tools to enable online attendance in Committee meetings when in-person attendance is not possible. The Committee recommends that online tools continue to be used to enable delegations to attend Committee meetings virtually.*
- *Committee work in this area should take account of the needs and concerns expressed by developing and LDC Members.*

2.6 Transparency / Notification Procedures

2.30. Brazil⁴⁵ submitted a proposal to improve the handling of comments on notified regulations through the inclusion, once a year, of an agenda item for the informal meeting; increased use of the ePing SPS&TBT Platform; and a request for the WTO Secretariat to develop changes in the ePing SPS&TBT Platform or other systems to make comments and related answers more visible. Canada⁴⁶ submitted a proposal to hold a thematic session to explore SPS challenges associated with the adoption/implementation and recognition of new agriculture technologies, possibly considering Articles 6, 7 and 9. Chile⁴⁷ proposed that the Committee explore the comment process on SPS notifications, through a thematic session or in another relevant manner, and shared the view that new tools including the ePing SPS&TBT Platform may have potential to allow for a better follow-up of these comments. In its submission, the European Union⁴⁸ proposed that the Committee continue to work towards improving the quality of SPS notifications, the comments on notifications, and the replies to comments, as well as further examine the possibilities of greater transparency on national SPS legislation, timelines for approval procedures, and other related information which would facilitate safe trade. In its submission to address challenges relating to the translation of notified SPS regulations in a collaborative manner, India⁴⁹ proposed that the Committee hold a thematic session on translations of notified SPS regulations and explore IT solutions for obtaining translations. India also suggested that Members provide an additional period for comments beyond 60 days where the notified measure is not in a WTO language and that the Secretariat provide a service for translation of notified measures at the request of a Member. New Zealand⁵⁰ invited the Committee to propose solutions, in collaboration with the TBT Committee, to find innovative ways to address the issue of notification of measures not clearly fitting within the scope of either the SPS or TBT Agreements.

2.31. Members agreed on the importance of the issue of comments on notifications. While there was no agreement regarding the addition of an item to the Committee's agenda⁵¹, Members were open to exploring other modes and tools to addressing the issue, including an open dialogue and exchange of experience on transparency or the possibility to enhance the guidance on

⁴⁵ [G/SPS/W/367](#).

⁴⁶ [G/SPS/W/349](#).

⁴⁷ [G/SPS/W/364](#).

⁴⁸ [G/SPS/W/353](#).

⁴⁹ [G/SPS/W/356](#).

⁵⁰ [G/SPS/W/348](#).

⁵¹ See e.g. written comments by Ukraine, the United Kingdom, and the United States in [G/SPS/GEN/2232](#).

transparency.⁵² Pointing at the ongoing work in the TBT Committee, several Members referred to an increased use of the ePing SPS&TBT Platform to share information on comments.⁵³ Ukraine also saw value in establishing a two-committee (SPS and TBT) working group and supported discussions that would focus on how to use existing instruments more actively to make, request, and share translations of notifications.⁵⁴

2.32. Building on the success of the 2022 edition, in March 2024, the Secretariat organized another [workshop on transparency](#).⁵⁵ The 2024 workshop brought together SPS NNA and NEP government officials, in charge of the implementation of the transparency provisions of the SPS Agreement, to engage in a technical discussion on SPS transparency-related work and to exchange experiences on the use of online transparency tools. Participants benefited from presentations on the transparency-related work of the SPS and TBT Committees, an update by the ISSBs on the monitoring of the implementation of international standards and Members' experiences on the preparation and submission of notifications and on the use of the ePing SPS&TBT Platform to reach out to national stakeholders and to other Members. Participants also actively engaged on group work on the transparency provisions and the roles and responsibilities of NNAs and NEPs, and deepened their knowledge on how to build the operational capacity of these types of institutions.

2.33. The Committee envisaged to hold a dedicated informal meeting on transparency. Subsequently, Members instead discussed creating a working group on transparency.

2.34. Recommendations:

- *The Committee will continue working on enhancing the transparency of SPS measures, including control, inspection and approval procedures in line with the Committee recommendations in document [G/SPS/68](#). The Committee will also continue working on enhancing the quality of SPS notifications.*
- *The Committee agrees to create a working group on transparency, open to the participation of all Members and Observers, with a two-year duration that may be extended by the Committee. The working group will, inter alia:*
 - i. *explore possible ways to improve the quality of the information contained in notifications and to facilitate access to translations of notified measures;*
 - ii. *discuss Members' practices with respect to comments on notifications and explore possible ways to enhance the transparency of this process, taking into consideration the resources and capabilities of developing and LDC Members;*
 - iii. *discuss challenges faced by Members when establishing whether a measure falls under the SPS Agreement and/or the TBT Agreement, in cooperation with the TBT Committee, as appropriate; and*
 - iv. *identify priorities for Members and work with the Secretariat to explore the implementation of any insights gained during the working group activities. This may include enhancements to the ePing SPS&TBT Platform; revisions of the recommended transparency procedures ([G/SPS/7/Rev.5](#)), the annual report on transparency ([G/SPS/GEN/804](#) document series), and the practical manual for NNAs and NEPs; and adaptation of the Good Practice Guide on Commenting on a TBT notification ([G/TBT/GEN/386](#)) to the needs of the SPS Committee.*

2.7 Maximum Residue Limits (MRLs)

2.35. In its submission regarding science- and risk-based SPS approaches for sustainable agriculture, Australia⁵⁶ invited the Committee to explore how best to consider the challenges associated to the absence of Codex MRLs or the differences of MRLs between countries, which was

⁵² See e.g. written comments by Ukraine and the United Kingdom in [G/SPS/GEN/2232](#).

⁵³ See e.g. written comments by the United Kingdom in [G/SPS/GEN/2232](#).

⁵⁴ [G/SPS/GEN/2232](#).

⁵⁵ The programme is available in document [G/SPS/GEN/2192/Rev.2](#) and the report is contained in [G/SPS/R/113](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_1803202410_e/sps_1803202410_e.htm.

⁵⁶ [G/SPS/W/361](#).

essential to support agricultural sustainability and meet food needs worldwide. [India](#)⁵⁷ made several proposals for the Committee to address the challenges caused by low or default MRLs in a collaborative manner and for Members to explore the means of addressing the trade barriers imposed by the increasing use of stringent MRLs, including through thematic sessions on the impact of MRL measures; collective work for developing guidelines for determining default MRLs; a compilation of information on MRL related measures; continued collaboration with Codex; and technical assistance to developing Members and LDCs.

2.36. Overall, Members expressed support for the proposals, noting that the topic was best approached in a cooperative and transparent manner while respecting Members' right to set their ALOP. Some Members raised queries about how the proposed monitoring of MRL measures and related discussion in other Committees could be implemented in practice, and several Members expressed the view that the topic should focus on new ideas and new ways to address issues. For example, the [United States](#) highlighted the importance of promoting understanding among Members regarding available options in the absence of Codex or domestic MRLs, which may be particularly informative and useful for the Committee.⁵⁸ The [United Kingdom](#) noted that any discussions would need to recognize and respect the rights of Members to set and maintain appropriate levels of protection.⁵⁹ Some Members cautioned that guidance for determining default MRLs for situations where there were no international standards should come from Codex, and others requested clarification as to why such guidance would be discussed in the Committee.

2.37. In March 2025, as a follow up to the November 2024 [Thematic Session on Emerging Risks and New Agricultural Technologies to Address Them](#), a thematic session was dedicated to [innovative regulatory approaches to facilitate safe trade](#), which included discussions on MRLs (see Section 2.1 above).

2.38. *Recommendations:*

- *Further to the MC12 SPS Declaration Work Programme, the Committee will continue discussions on Members' proposals on the topic of MRLs with a view to, inter alia, sharing best practices about the determination of default MRLs, recognizing the importance of scientific evidence and risk assessment. In doing so, the Committee will build on earlier activities (including the March 2025 thematic session) while respecting Members' rights and obligations under the SPS Agreement and the remit of Codex.*
- *Committee work in this area should take account of the needs and concerns expressed by developing and LDC Members.*

2.8 Facility registration

2.39. The [United States](#)⁶⁰ submitted a proposal inviting the Committee to explore best practices related to facility registrations to enhance the common understanding on their purpose. The United States shared the view that there was an opportunity to discuss a contemporary issue relevant to a number of Members, with a possible focus on emphasizing the importance of science and risk-based SPS measures and discussing specific uses of facility registrations rather than best practices. The United States suggested that the Committee discuss facility registration as part of the March 2025 Thematic Session on Innovative Regulatory Approaches to Facilitate Safe Trade, but, given the focus of that thematic session, subsequently proposed to keep a separate recommendation on this topic.

2.40. *Recommendation:*

- *The Committee will hold dedicated discussions on science- and risk-based approaches to facility registrations.*

⁵⁷ [G/SPS/W/358](#).

⁵⁸ [G/SPS/GEN/2232](#).

⁵⁹ [G/SPS/GEN/2232](#).

⁶⁰ [G/SPS/W/350](#).

2.9 Systems approach

2.41. [Indonesia](#)⁶¹ submitted a proposal to hold a thematic session on addressing the challenges of the application of a systems approach to minimizing phytosanitary risk. The thematic session would: (i) draw insights from the experience of Members that have already implemented systems approaches, such as ISPM 7, ISPM 14, or similar measures, with a view to optimizing Members' own phytosanitary certification processes; (ii) identify challenges in preparing a national phytosanitary capacity development strategy, including with regard to the issuance of phytosanitary certificates; (iii) identify challenges in meeting phytosanitary requirements of importing Members as well as seek to explore the appropriate solutions to address such challenges; and (iv) promote compliance with the Agreement and facilitate trade of pest- and disease-free plant and plant products.

2.42. Members generally supported the proposal, with one Member noting that this topic had not been subject to many Committee discussions. As another Member recalled, the topic had been discussed under the prism of equivalence in the context of the Fifth Review.⁶²

2.43. In March 2025, as a follow up to the November 2024 [Thematic Session on Emerging Risks and New Agricultural Technologies to Address Them](#), a thematic session was dedicated to [innovative regulatory approaches to facilitate safe trade](#), which included discussions on systems approaches (see Section 2.1 above).

2.44. *Recommendation:*

- *In light of the March 2025 thematic session on innovative regulatory approaches to facilitate safe trade, the Committee will continue the discussion on systems approaches to help minimize phytosanitary risk, including the use of innovation and emerging technologies.*

3 COMMITTEE DECISIONS, GUIDELINES, AND RECOMMENDATIONS TO BE PERIODICALLY REVIEWED OR UPDATED

3.1. In the Sixth Review, Members were invited to consider Committee decisions, guidelines, and recommendations which are to be periodically reviewed or updated.⁶³

3.1 Procedure to Monitor the Process of International Harmonization ([G/SPS/11/Rev.1](#) and [G/SPS/40](#))

Periodic Review:

- The Committee will review the operation of the provisional procedure as an integral part of its periodic Review of the Operation and Implementation of the Agreement under Article 12.7, with a view to deciding whether to continue with the same procedure, amend it or develop another one.⁶⁴
- The Committee should continue to monitor the use of international standards at each of its regular meetings ([G/SPS/11/Rev.1](#)). It should continue to review the monitoring procedure as part of the periodic reviews of the SPS Agreement, as foreseen in the Decision to Modify and Extend the Provisional Procedure to Monitor the Process of International Harmonization.⁶⁵

3.2. Pursuant to Articles 3.5 and 12.4 of the SPS Agreement, the Committee adopted a Provisional Procedure to Monitor the Process of International Harmonization in 1997, and revised it in November 2004.⁶⁶ In June 2006, the Committee extended this Procedure indefinitely, and planned

⁶¹ [G/SPS/W/365](#).

⁶² The Fifth Review included a recommendation for the Committee to continue discussions and information exchange on the topic of equivalence, including systems approaches, through the existing agenda item and in-depth discussion during future thematic sessions, informal meetings, and working groups as appropriate.

⁶³ [RD/SPS/245](#).

⁶⁴ [G/SPS/40](#), para. 2.

⁶⁵ Recommendation from the Fourth Review ([G/SPS/62](#), para. 2.14).

⁶⁶ [G/SPS/11/Rev.1](#).

to review its operation as an integral part of periodic reviews under Article 12.7.⁶⁷ In 2020, New Zealand presented a proposal regarding the Procedure to Monitor the Process of International Harmonization. In June 2022, New Zealand noted that the topic was not seen as a priority for Members at that time and indicated that it did not intend to make further proposals on this matter (see Section 1.1 in Part B). During the Sixth Review, New Zealand submitted proposal [G/SPS/W/348](#), *inter alia*, addressing the Procedure to Monitor the Process of International Harmonization.

3.2 Consistency – Guidelines to Further the Practical Implementation of Article 5.5 (G/SPS/15)

Periodic Review:

- The guidelines will be reviewed periodically and revised as necessary by the SPS Committee in the light of experience gained through the implementation of the SPS Agreement, the use of the guidelines themselves and any pertinent work done by the relevant international standard-setting organizations. The Committee should undertake a first review of the guidelines within 36 months of their adoption by the Committee and thereafter as the need arises.⁶⁸
- As foreseen in the Guidelines to further the Practical Implementation of Article 5.5 and in the Third Review, the Committee should continue to review these Guidelines as part of the periodic reviews of the SPS Agreement.⁶⁹

3.3. In accordance with Article 5.5 of the SPS Agreement, the Committee adopted the Guidelines to Further the Practical Implementation of Article 5.5 in July 2000, and subsequently agreed to review them as part of the periodic review of the operation and implementation of the SPS Agreement. To date no Member has suggested a need to modify these Guidelines.

3.3 Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members (G/SPS/33/Rev.1)

Periodic Review:

- The Committee shall review the implementation of this procedure, in light of the experiences of Members and relevant Addenda, as an integral part of its periodic Review of the Operation and Implementation of the Agreement under Article 12.7. The next such Review is to be completed in 2013, and every four years subsequently.⁷⁰
- As foreseen in the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members, the Committee should review its implementation as part of the periodic reviews of the SPS Agreement.⁷¹

3.4. The Committee adopted the Procedure to Enhance Transparency of Special and Differential Treatment in Favour of Developing Country Members in 2004⁷², and subsequently extended it.⁷³ In 2009, the Committee revised the procedure, and decided to review it as part of the periodic reviews of the SPS Agreement. Discussion on S&DT were held in the context of the MC12 SPS Declaration Work Programme⁷⁴ and of the MC13 S&DT Declaration.⁷⁵ No Member has submitted a proposal in relation to this Procedure.

⁶⁷ [G/SPS/40](#).

⁶⁸ [G/SPS/15](#), p. 2. (fn omitted)

⁶⁹ Recommendation from the Fourth Review ([G/SPS/62](#), para. 4.2).

⁷⁰ [G/SPS/33/Rev.1](#), para. 7.

⁷¹ Recommendation from the Fourth Review ([G/SPS/62](#), para. 8.2).

⁷² [G/SPS/33](#).

⁷³ [G/SPS/33/Add.1](#).

⁷⁴ [WT/MIN\(22\)/27](#).

⁷⁵ [WT/MIN\(24\)/36](#).

3.4 Recommended Procedure to Encourage and Facilitate the Resolution of Specific SPS issues among Members in Accordance with Article 12.2 ([G/SPS/61](#))

Periodic Review:

- The Committee shall consider the implementation of this procedure as an integral part of the periodic review of the Operation and Implementation of the Agreement under Article 12.7. As part of that review, and no later than four years from the adoption of this procedure, the Committee shall decide whether to continue, modify or terminate this procedure in light of the experience of Members in its implementation and relevant developments in other WTO bodies.⁷⁶
- As foreseen in the Recommended Procedure to Encourage and Facilitate the Resolution of Specific SPS Issues among Members in Accordance with Article 12.2, the Committee should review its implementation as part of the periodic reviews of the SPS Agreement.⁷⁷

3.5. In 2014, the Committee adopted the Recommended Procedure to Encourage and Facilitate the Resolution of Specific SPS Issues among Members in Accordance with Article 12.2. During the Review period, the procedure was used twice.⁷⁸ No Member has submitted a proposal in relation to this Procedure.

3.5 Collection of Available Tools and Resources in relation to SPS Approval Procedures ([G/SPS/67](#))

Periodic Review:

- The SPS Committee will keep this Collection up to date with the assistance of the Secretariat.⁷⁹

3.6. The Collection of Available Tools and Resources in Relation to Approval Procedures was adopted by the Committee in March 2023, together with the Recommendations in Relation to SPS Approval Procedures.⁸⁰ These documents foresee that the Committee keep the Collection up to date with the assistance of the Secretariat. No Member has requested the inclusion of additional resources in the Collection of Available Tools and Resources in relation to SPS Approval Procedures.

3.6 Collection of Resources to Facilitate Implementation of National SPS Coordination Mechanisms ([G/SPS/GEN/1850/Rev.1](#))

Periodic Review:

- In July 2021, the Chair proposed that the Collection of Resources to Facilitate Implementation of National SPS Coordination Mechanisms remain a "living document", to be updated any time Members suggested additional resources. On this basis, future discussions on this document would only be included in the agenda of the informal meeting if a Member proposed additional resources to be included.⁸¹

3.7. No Member has requested the inclusion of additional resources in the Collection of Resources to Facilitate Implementation of National SPS Coordination Mechanisms.

⁷⁶ [G/SPS/61](#), para. 5.1.

⁷⁷ Recommendation from the Fourth Review ([G/SPS/62](#), para. 11.7).

⁷⁸ See Section 12 in Part B.

⁷⁹ [G/SPS/67](#).

⁸⁰ [G/SPS/68](#).

⁸¹ [G/SPS/R/102](#), Annex A, para. 17.

ANNEX I: LIST OF TOPICS AND PROPOSALS

Members	Addressing modern challenges and emerging risks	Cooperation with ISSBs	Regionalization	Technical assistance/ S&DT Treatment	Technology/ IT tools	Transparency/ Notification Procedures	Other Topics
Australia	G/SPS/W/361 (Proposals to: consider different science- and risk-based approaches which can assist in the management of global challenges; discuss phytosanitary systems approaches, irradiation, and new technologies for detection and diagnostic approaches; take a targeted look, including through a thematic session, at the adoption of certain standards relevant to contemporary and innovative SPS approaches that support the uptake of technologies and science and risk based SPS approaches toward sustainable agricultural and food trade)	-	-	-	G/SPS/W/361 (Proposal to focus on the application of digital technologies)	-	G/SPS/W/361 (Proposal to explore the challenges associated to the absence of Codex MRLs or the differences of MRLs between countries)
Belize	-	G/SPS/W/355 and G/SPS/W/362/Rev.1 (Proposal to hold a thematic session on monitoring the use of international standards, looking at the implementation of the CCFICS Guideline on the Use of Voluntary Third-Party Assurance Programmes [CXG 93-2021])	-	-	-	-	-

Members	Addressing modern challenges and emerging risks	Cooperation with ISSBs	Regionalization	Technical assistance/ S&DT Treatment	Technology/ IT tools	Transparency/ Notification Procedures	Other Topics
Brazil	-	-	-	-	-	G/SPS/W/367 (Proposal to (i) add an agenda item, once a year, in the informal meeting to discuss the handling of comments; (ii) encourage an increased use of ePing and for improvements in the Platform; and (iii) reaffirm SPS Agreement provisions relating to handling of comments)	-
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/369 (Joint proposal with the European Union for a thematic session on emerging risks and new agricultural technologies)	-	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/369 (Joint proposal with the European Union for a thematic session on emerging risks and new agricultural technologies)	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)	-
Chile	-	-	-	-	-	G/SPS/W/364 (Proposal to address the comment process on SPS notifications through a thematic session or other relevant manner)	-

Members	Addressing modern challenges and emerging risks	Cooperation with ISSBs	Regionalization	Technical assistance/ S&DT Treatment	Technology/ IT tools	Transparency/ Notification Procedures	Other Topics
European Union	G/SPS/W/353 and G/SPS/W/354 (Proposal for a thematic session on SPS-related emerging risks) G/SPS/W/369 (Joint proposal with Canada for a thematic session on emerging risks and new agricultural technologies)	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/359 (Suggestions of topics for the thematic session on digital tools) G/SPS/W/369 (Joint proposal with Canada for a thematic session on emerging risks and new agricultural technologies)	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	-	-	G/SPS/W/357 (Proposal to exchange on recognition and harmonization of regional conditions through a work programme; conduct workshops on improving the understanding of Members on areas of low pest or disease prevalence; and to establish a work programme to discuss science-based analyses for establishing areas of low disease prevalence and for importing Members to recognize such areas)	-	-	G/SPS/W/356 (Proposal to discuss challenges relating to the translation of notified SPS regulations, including through a thematic session)	G/SPS/W/358 (Proposal to address the challenges caused by low or default MRLs and explore the means of addressing the barriers imposed by the use of stringent MRLs, including through a thematic session)

Members	Addressing modern challenges and emerging risks	Cooperation with ISSBs	Regionalization	Technical assistance/ S&DT Treatment	Technology/ IT tools	Transparency/ Notification Procedures	Other Topics
Indonesia	-	-	-	-	-	-	G/SPS/W/365 (Proposal to hold a thematic session on addressing the challenges of the application of a systems approach to minimizing phytosanitary risk)
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)	-
Norway	-	-	-	-	G/SPS/W/366 (Suggestions of topics for the thematic session on digital tools)	-	-
United Kingdom	-	-	-	G/SPS/W/360 (Proposal to consider ways to enhance accessibility and effective utilization of existing flexibilities within the SPS Agreement)	G/SPS/W/360 (Proposal to explore the role of electronic tools and techniques to aid the application of SPS measures)	-	-

Members	Addressing modern challenges and emerging risks	Cooperation with ISSBs	Regionalization	Technical assistance/ S&DT Treatment	Technology/ IT tools	Transparency/ Notification Procedures	Other Topics
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. 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/363 (Suggestions of topics for the thematic session on digital tools)	-	G/SPS/W/350 (Proposal for discussions on best practices related to facility registrations)



Committee on Sanitary and Phytosanitary Measures

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

REPORT ADOPTED BY THE COMMITTEE ON 20 MARCH 2025 – PART B

Addendum

The report of the Sixth Review of the Operation and Implementation of the SPS Agreement (the Sixth Review¹) is comprised of two parts:

- **Part A – Sixth Review discussions** – containing, by key topics, information on Sixth Review proposals, related discussions and thematic sessions, as well as recommendations for further work. Part A also outlines previous Committee decisions, guidelines, and recommendations that Members were invited to review or update as part of the Sixth Review.
- **Part B – Committee work during the review period** – containing information regarding the Committee's main areas of work from 1 January 2020 to 31 December 2024.²

The present addendum contains Part B of the report; Part A can be found in document [G/SPS/74](#). For ease of reference and where relevant, Part B links to recommendations from the Fifth Review and indicates where a recommendation has emerged from the Sixth Review on a given topic.

The list of SPS-related documents circulated in 2020-24 is available [here](#). [Appendix A](#) provides an overview of Committee thematic sessions and workshops in 2020-24, [Appendix B](#) contains an overview of Committee side events in 2020-24, and [Appendix C](#) provides information about SPS-related disputes as of 31 December 2024.

More information on the Committee's activities can be found in the summary reports prepared by the Secretariat following each Committee meeting³ as well as in the yearly reports prepared by the Chairperson of the Committee for consideration by the Council for Trade in Goods (CTG).⁴

¹ All documents related to the Sixth Review are available [here](#). This includes: [all proposals and documents submitted by Members](#), an overview of issues/papers/proposals received (latest revision of document [G/SPS/GEN/2194](#)); an overview of thematic sessions and workshop submitted by Members (latest revision of document [RD/SPS/244](#)); the Committee's chairperson's report on the Sixth Review discussions held in the informal Committee meeting of March, June and November 2024, as well as in the intersessional consultations held in September 2024 and January 2025 (latest revision of document [JOB/SPS/36](#)); and the list of documents the Committee had agreed to review as part of the periodic reviews of the SPS Agreement ([RD/SPS/245](#)).

² Part B is based on the draft background document that was initially circulated as [G/SPS/GEN/2223](#) on 8 May 2024 and subsequently revised.

³ The summary reports of Committee meetings held in 2020-24 are available [here](#).

⁴ The Chairpersons' reports to the CTG submitted in 2020-24 are available [here](#).

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1 MONITORING THE USE OF INTERNATIONAL STANDARDS (ARTICLES 3.5 AND 12.4)

1.1. Articles 3.5 and 12.4 of the SPS Agreement require the Committee to develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines and recommendations. The Committee initially adopted a monitoring procedure in 1997, which was revised in November 2004.⁵ In June 2006, the Committee decided to extend this procedure indefinitely and review its operation as an integral part of the periodic review of the operation and implementation of the SPS Agreement.

1.2. "Monitoring of the use of international standards" is a standing item on the agenda of regular Committee meetings and, in accordance with the agreed procedure, annual reports were produced relating to the process of monitoring international harmonization. The Secretariat has issued five reports in 2020-24.⁶

1.3. In 2020, several new issues were raised under this agenda item: (i) the United States' concerns regarding Codex Maximum Residue Limits and Risk Management Recommendations for Residues of Veterinary Drugs in Foods (CX/MRL 2-2018)⁷, supported by Canada and Paraguay; (ii) the United States' concerns regarding Codex Guidelines for the Conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants (CAC/GL 45-2003)⁸, supported by Argentina, Canada, and Paraguay; (iii) Türkiye's concerns regarding Newcastle disease restrictions not consistent with WOAHP international standards; and (iv) Peru's concerns regarding restrictions on exports of chocolate and cocoa products due to the lack of an international standard. New issues were also raised in 2022: (i) Brazil's concerns regarding the application and consideration of norms from relevant international organizations; (ii) Canada's update on response to highly pathogenic avian influenza (HPAI) and the importance of WOAHP guidelines; and (iii) Canada's update on its WOAHP negligible risk status for Bovine Spongiform Encephalopathy (BSE) (a concern that was again discussed in 2023 and 2024). Brazil raised a new issue in 2024, regarding information on STCs raised in the SPS Committee related to non-compliance with international standards.

1.4. In 2020, 2021, 2022, 2023, and 2024, the European Union reiterated several previously raised issues, namely, concerns regarding African swine fever (ASF) restrictions and concerns regarding HPAI restrictions, which it considered not consistent with WOAHP international standards.

1.1 New Zealand's Proposals regarding the Procedure to Monitor the Process of International Harmonization⁹

1.5. In 2020, New Zealand presented a proposal regarding the Procedure to Monitor the Process of International Harmonization, which highlighted some of the initiatives being undertaken by the international standard setting bodies (ISSBs) to better understand the uptake and use of their standards and related texts. New Zealand's proposal aimed at promoting discussion on what further role the Committee could play in assisting the ISSBs in monitoring the use of their international standards.

1.6. In March 2021, Members discussed New Zealand's initiatives to improve the monitoring process, which included: (i) organizing a thematic session on international harmonization; (ii) reviewing the format and content of the notification templates; (iii) Members' voluntary statements to the Committee on the use of ISSB standards; and (iv) statements from the ISSBs on their initiatives related to monitoring the use of standards and related texts. Members supported New Zealand's proposal, noting the timeliness of this review and underscoring the significance of harmonization, and drew attention to the ISSB's work on the topic and the need to avoid overlaps. The ISSBs welcomed New Zealand's proposal, noting its timely and complementary nature to work being undertaken in their respective bodies. Underscoring the difficulties to obtain data on the use

⁵ [G/SPS/11/Rev.1](#).

⁶ [G/SPS/GEN/1776](#) (covering the June and November 2019 meetings), [G/SPS/GEN/1909](#) (covering June 2020, November 2020, and March 2021 Committee meetings), [G/SPS/GEN/2022](#) (covering the July 2021, November 2021, and March 2022 Committee meetings), [G/SPS/GEN/2126](#) (covering the June 2022, November 2022, and March 2023 Committee meetings), and [G/SPS/GEN/2228](#) (covering the July 2023, November 2023, and March 2024 Committee meetings).

⁷ [G/SPS/GEN/1801/Rev.1](#).

⁸ [G/SPS/GEN/1864](#).

⁹ [G/SPS/GEN/1851](#), [G/SPS/GEN/1877](#), [G/SPS/GEN/1915](#) and [G/SPS/GEN/1998](#).

of standards, WOAHA referred to its observatory project, Codex announced its goal "Increase impact through the recognition and use of Codex standards", and the IPPC provided information on its Implementation Review and Support System (IRSS) and other monitoring/evaluation work.

1.7. Several Members, as well as the ISSBs, expressed support for a thematic session on international harmonization, which could pave the way for future work. The ISSBs hoped that the thematic session event could offer an opportunity to discuss how the ISSB's different texts, i.e. standards, guidelines, recommendations, or codes of practice, were considered in Members' legislation and under the SPS Agreement. The thematic session on international harmonization was held in November 2021 (see Section 1.2 below).

1.8. Regarding the other initiatives, some Members indicated support to reviewing the notification template (in consultation with the ISSBs).¹⁰ Other Members asked about the feasibility and resource implication of the review/analysis of STCs. Some Members also expressed support for the suggestion regarding Members' voluntary statements to the Committee on the use of ISSB standards. Questions were raised on the types of exchanges envisioned with the ISSBs and the platform for their operationalization, e.g. whether these reports would be separate from the information provided under the existing agenda item on "Information from Codex, IPPC and WOAHA on relevant activities", in light of potential duplications and additional burdens. Queries were also raised in relation to the feasibility and the resource implications of the request to review the list of international standards, guidelines and recommendations and using the data to inform future proposals on monitoring. Several Members indicated their willingness to continue the discussions and highlighted the need for the discussions to include Members, the Secretariat, and the ISSBs.

1.9. In March 2022, the United States noted the interest in improving the capacity of the ISSBs to monitor the use of their standards but was concerned that such shift in focus would undermine the main role of these organizations. The United States recommended using the existing processes and agenda items of the Committee to monitor the use of international standards to submit examples of problems related to the use or non-use of relevant international standards.

1.10. Also in March 2022, the Secretariat provided an overview of past Committee efforts to monitor the use of international standards and the process of international harmonization. The Procedure to Monitor the Process of International Harmonization had been rarely used as initially intended. The Secretariat noted that it prepared annual reports for Members' consideration and also brought them to the attention of the ISSBs. However, the Secretariat no longer circulated lists of issues identified with standards for other Members to comment on because no such issues had been identified. Following the Secretariat's presentation, New Zealand explained that the impetus for its proposal was related to recent developments and renewed interest by the ISSBs to better understand Members' use of their standards, and the impact and benefits. New Zealand had suggested several areas to improve understanding of the international harmonization process and proposed a working group to facilitate a detailed examination of the issues. While several Members expressed overall support for New Zealand's proposals, further clarification was sought on the scope, function, and reasons for a new working group. Noting the existence of a working group on approval procedures, Members encouraged further reflection on the reasons for creating a new group and its intended outcomes. The IPPC and WOAHA underscored the importance of examining how standards were being implemented and the challenges faced and expressed their willingness to participate in these discussions.

1.11. In June 2022, New Zealand noted that the topic was not seen as a priority for Members at that time and indicated that it did not intend to make further proposals on this matter. New Zealand invited the Secretariat to encourage the ISSBs to provide brief reports under the agenda item on harmonization in future Committee meetings. Chile considered that the Procedure to Monitor the Process of International Harmonization was a commitment in the SPS Agreement that could be addressed as part of the MC12 SPS Declaration or in the Sixth Review. The Chairperson invited the Secretariat to consult with the ISSBs on this matter.

¹⁰ At a later stage, in the context of the discussions of the draft recommendations of the Sixth Review, some Members expressed reluctance to review the SPS notification templates (see latest revision of document [JOB/SPS/36](#)).

1.12. In the context of the Sixth Review, New Zealand submitted a proposal for discussion on the Procedure to Monitor the Process of International Harmonization.¹¹

1.2 Thematic Session on the Procedure to Monitor the Process of International Harmonization

1.13. The [Thematic Session on the Procedure to Monitor the Process of International Harmonization](#) took place in November 2021¹², providing an opportunity for Members to exchange views and review progress on international harmonization, learn about the efforts by the ISSBs, better understand how their standards and related texts are used, and hear from regional and national bodies. The Secretariat first provided an overview of the relevant provisions of the SPS Agreement and other relevant work undertaken by the SPS Committee and other WTO bodies. Subsequently, the relevant ISSBs presented on their initiatives to monitor the implementation of their standards, which were at various stages of development. This session generated discussion on the financial sustainability of the various monitoring mechanisms being developed, the "relevance" of standards leading to varying levels of implementation across countries, data accessibility and reliability, non-duplication of initiatives to better manage resources, and whether the use of automated machine learning systems could help monitoring alignment of domestic legislation with international standards. OIRSA shared its experiences in developing a harmonized regional guide to good risk-based agricultural practices, which covered chemical, physical, and biological risks and targeted small, medium, and large producers. Finally, several Members provided some insight into national initiatives to promote international harmonization and challenges faced when harmonizing SPS measures.

1.14. In November 2022, the Committee held a thematic session on international standards and best practices in pest risk identification, assessment, and management (see paragraph 3.3. below). In November 2024, the Committee held a thematic session on monitoring the use of international standards, focusing on the implementation of the Codex guidelines for voluntary third-party assurance (vTPA) programmes (see Section 2.2 in Part A of the report).

1.3 Codex, WOA and IPPC Observatory Projects

1.15. Noting that the implementation of international standards at country level could involve challenges, in November 2022, WOA explained that its observatory project was created to provide an overview of its members' uptake of international standards. WOA reminded the Committee that, once the standards had been adopted, it was members' responsibility to translate them to their national legislation and ensure they were properly implemented. In March 2023, WOA drew WTO Members' attention to the first annual report of its observatory¹³, which provided a global perspective of Members' implementation of standards. Noting that the main limitation of its observatory was the availability of information both in quantity and quality, WOA encouraged Members to submit good quality information to enable meaningful analysis and indicated its willingness to provide input if and when the Committee decided to revisit the SPS notification forms. On the margins of the March 2023 Committee meeting, Codex, WOA, and the IPPC presented their observatory projects in the side event "Monitoring the Implementation of International Standards" (see Section 13 below and [Appendix B](#)). In November 2024, WOA drew Members' attention to the first annual report of its Observatory project, which raised awareness of some of the current gaps in the implementation of international standards, included suggestions on how they could be filled by improving practices at the national level, and highlighted the importance of submitting quality data and information.

2 EQUIVALENCE (ARTICLE 4)

Recommendations resulting from the Fifth Review¹⁴:

- *Members are encouraged to notify any agreement reached on the recognition of equivalence.*

¹¹ [G/SPS/W/348](#).

¹² The programme is available in document [G/SPS/GEN/1966](#) and the report is contained in Annex B of [G/SPS/R/104](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_nov21_e.htm.

¹³ More information is available at: <https://www.woah.org/en/what-we-do/standards/observatory/>.

¹⁴ [G/SPS/64](#), para. 4.11. (italics original).

- *The Committee should continue discussions and information exchange on the topic of equivalence, including systems approaches, through the existing agenda item and in-depth discussion during future thematic sessions, informal meetings, and working groups as appropriate.*
- *SPS Committee representatives are encouraged to coordinate with their government's Codex, OIE, and IPPC representatives and experts to highlight the importance of understanding trade impacts during discussions in Codex, OIE and IPPC that bear on the issue of equivalence.*

2.1. The Committee adopted an initial decision regarding the implementation of Article 4 on equivalence in October 2001. This initial decision included a commitment to develop a specific work programme to further the implementation of Article 4, which was concluded by the adoption of the equivalence guidelines in July 2004¹⁵ and the decision that equivalence would be a standing agenda item for the regular meetings of the Committee.

2.2. Under this agenda item, in 2022, the United States informed the Committee that following documentation review and on-site verification, the Food Safety and Inspection Service (FSIS) of the US Department of Agriculture had determined that Poland's poultry laws, regulations, and inspection system achieved an equivalent level of sanitary protection as that of the United States. Also in 2022, the FSIS determined that Lithuania's egg products inspection system achieved an equivalent level of sanitary protection and Lithuania's system was recognized as equivalent to export egg products.¹⁶ In 2023, New Zealand notified the recognition of equivalence of Mexico's SPS measures regarding fresh mango (*Mangifera indica*).¹⁷

3 RISK ANALYSIS (ARTICLE 5)

Recommendations resulting from the Fifth Review¹⁸:

- *Given the importance of ensuring that SPS measures are based on scientific principles, the Committee encourages Members to review periodically the SPS measures implemented in their national and/or regional systems, and their risk assessment techniques, as new scientific evidence emerges and international standards, guidelines, and recommendations are developed and updated by Codex, OIE, or IPPC.*
- *The Committee should continue to discuss the topic of risk, including management of situations involving insufficient scientific information, and consider next steps for discussion.*
- *The Committee invites Members to share experiences and examples of national efforts to consider scientific uncertainty and/or insufficiency of scientific evidence in risk analysis and the development and implementation of SPS measures.*
- *The Committee invites Codex, OIE and IPPC to share guidance documents, international standards, guidelines and recommendations pertaining to the consideration of scientific uncertainty and/or insufficiency of scientific evidence in risk analysis.*
- *The Committee had agreed to hold a Workshop on Risk Assessment, Risk Management and Risk Communication in June 2020, which had to be postponed due to the COVID-19 pandemic. The Committee agrees to reschedule this Workshop as soon as the COVID-19 situation allows.*

3.1. Based on a proposal by Canada¹⁹ and to implement the corresponding recommendation from the Fifth Review, the [Workshop on Risk Assessment, Risk Management, and Risk Communication](#) was held virtually in July 2021.²⁰ The event drew nearly 1,300 participants, representing Members,

¹⁵ [G/SPS/19/Rev.2](#).

¹⁶ [G/SPS/N/EQV/USA/8](#).

¹⁷ [G/SPS/N/EQV/NZL/1](#).

¹⁸ [G/SPS/64](#), para. 2.15. (italics original).

¹⁹ [G/SPS/GEN/1769](#) and [G/SPS/GEN/1769/Rev.1](#).

²⁰ The programme is available in document [G/SPS/GEN/1911/Rev.2](#), and the report is contained in document [G/SPS/R/103](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_workshop_july21_e.htm.

the ISSBs, other international organizations, the private sector, academia, and civil society. The workshop provided a platform for robust exchanges, employing various engagement formats such as roundtable discussions, presentations, case studies, video clips, poll questions, Q&A sessions, and informal side sessions. In addition, a catalogue of relevant resources to support governments in building and operationalizing risk analysis frameworks was made available, with links to international standards, guidelines and recommendations, presentations, handbooks, guides, tools, previous events, and online courses.²¹

3.2. The objective of the workshop was to foster discussions on all aspects of SPS risk analysis – risk assessment, risk management, and risk communication – and how they are interlinked. The focus was on challenges, best practices, and emerging issues, with interventions from the Secretariat, Members, private sector stakeholders, as well as international organizations such as Codex, WOH, the IPPC, FAO, and the OECD. The Secretariat provided an overview of relevant provisions of the SPS Agreement and Committee work related to all three aspects of risk analysis. Speakers then explored the concept of risk assessment and how to operationalize risk assessment from a trade policy perspective and shared experiences on building technical capacities, including currently available training tools to help participants understand and manage some of the challenges associated with risk assessment. The workshop also addressed the concept of risk management, including the evaluation of risk management options, implementation, monitoring and review, and related issues concerning the implementation of relevant provisions of the SPS Agreement. Challenges with risk management were discussed, such as identifying and evaluating risk management options. Finally, regarding the concept of risk communication, speakers explored developing the goals for a risk communication plan, how to develop a risk communication plan, how to ensure through internal and external communications that the results of the risk assessment, risk management options, and assumptions and uncertainty of the risk assessment are clearly communicated to internal and external audiences/stakeholders. The importance of forming trust, working with transparency, and developing confidence in regulatory decisions was at the heart of many of the interventions.

3.3. In November 2022, the Committee also held a [Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment, and Management](#)²², on the basis of a proposal by the European Union.²³ The purpose of the thematic session was to increase awareness about the relevant IPPC International Standards for Phytosanitary Measures (ISPMs), and share experiences in pest risk identification, assessment, and management. The thematic session also aimed at identifying best practices and challenges associated with: (i) the identification of pests of phytosanitary concern; (ii) the performance of pest risk analyses (PRAs); (iii) risk mitigation measures; (iv) phytosanitary certifications and/or import conditions; and (v) IPPC standards on risk management.

3.4. The Secretariat first provided an overview of the relevant provisions of the SPS Agreement, the work of the Committee, transparency-related matters and WTO disputes, from the perspective of plant health. The IPPC shared insights on the relevant standards, explored the use of PRAs as a tool to enable trade whilst ensuring plant health protection, and highlighted the importance of plant health and trade in supporting food security. The FAO presented on plant health and trade in support of food security and nutrition, from a food systems perspective, provided examples of the links between plant health and food security and nutrition. Members subsequently shared insights from case studies regarding best practices in pest risk identification, assessment, and management. Another session offered an opportunity for Members and industry representatives to exchange practical experiences and case studies in the application of pest risk management in trade and explored the use of reference databases and tools developed by international intergovernmental organizations. A final panel discussion allowed for an additional exchange of experiences on challenges, opportunities, and best practices, highlighting the importance of access to and quality of information, improving databases, communication between the importing and exporting countries, clear timeframes for PRA procedures, and planning. Panellists also referred to the need for increased communication with the private sector on potential risks and to the importance of

²¹ This catalogue of resources is available at:

https://www.wto.org/english/tratop_e/sps_e/resources_july21_e.htm.

²² The programme is available in document [G/SPS/GEN/2069/Rev.1](#) and the report is contained in Annex A of [G/SPS/R/108](#). Presentations and more information are available at:

https://www.wto.org/english/tratop_e/sps_e/thematic_session_nov22_e.htm.

²³ [G/SPS/GEN/1951/Rev.1](#).

training the private sector on the PRA process. The discussion referred to the importance of information exchange between the WTO and the IPPC. As possible areas for future work, the IPPC could provide guidance on risk assessment based on proposed use; develop standardized criteria for the assessment of pests of global concern; promote scientific research on topics related to pest risk identification, assessment, and management to support national plant protection organizations; and set up an alert system for emerging viruses.

3.5. Building on the 2021 risk workshop and based on a proposal by the United States²⁴, a [thematic session on risk communication, misinformation, and disinformation](#) took place in November 2023.²⁵ This was seen as a relevant theme for discussion by the Committee, as regulators around the world were increasingly exposed to information from a multitude of sources, some of which may have specific biases or objectives that are not science-based or risk-based and do not contribute to the development of justified SPS measures. The thematic session delved into the concepts of information manipulation within the context of the SPS Agreement, with perspectives being shared from representatives of Members, industry, consumer organizations, and academia. Speakers discussed the origins of disinformation and misinformation with a view to understanding their significance today, as well as the evolution of misinformation and disinformation, their impact on policy decisions, and their deployment in agricultural food safety issues. Strategies for addressing issues associated with misinformation or disinformation were shared, including roles and responsibilities, communicating with factcheckers, weaponization of information, social media influencers, and communicating proactively. Throughout the sessions, discussions covered trustworthiness in regulation, experiences from various Members, and actions taken by industries. The emphasis was on clear communication and proactive approaches.

3.6. Many other discussions in the Committee in 2020-24 entailed risk analysis components, notably in relation to COVID-19 (see Section 15.2 below), maximum residue limits (MRLs) (see Section 15.5 below), or the MC12 SPS Declaration Work Programme (see Section 14 below). Members regularly provided information on topics with risk analysis linkages. To give only a few examples: Japan provided regular updates regarding the situation at the Fukushima Daiichi nuclear power station²⁶; the European Union discussed its Farm to Fork Strategy²⁷, rules pertaining to composite products²⁸, and a study on New Genomic Techniques²⁹; Senegal informed about risk management measures implemented to secure the European Union's approval of Senegal's mango dossier; the United States and supporting Members raised concerns about discrepancies in some Members' regulatory procedures for approving genetically engineered food products³⁰; and Canada, Colombia, Costa Rica, Ecuador, Guatemala, Paraguay, and the United States reported on the seminar "Farmers' Perspectives on SPS Challenges for Sustainable Food Production and Trade".³¹

4 CONSISTENCY (ARTICLE 5.5)

4.1. Article 5.5 required the Committee to develop guidelines to further the practical implementation of that provision. The Committee adopted such guidelines in July 2000³², and subsequently agreed to review them as part of the periodic review of the operation and implementation of the SPS Agreement. To date no Member has suggested a need to modify these guidelines.

²⁴ [G/SPS/GEN/2067](#) and revision.

²⁵ The programme is available in document [G/SPS/GEN/2155/Rev.1](#), and a summary report can be found in Annex B to document [G/SPS/R/111](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_1411202310_e/sps_1411202310_e.htm.

²⁶ [G/SPS/GEN/1233](#) and its revisions.

²⁷ [G/SPS/GEN/1797](#).

²⁸ [G/SPS/GEN/1786](#).

²⁹ [G/SPS/GEN/1931](#).

³⁰ [G/SPS/GEN/1864](#).

³¹ [G/SPS/GEN/1890](#).

³² [G/SPS/15](#).

5 REGIONALIZATION (ARTICLE 6)

Recommendations resulting from the Fifth Review³³:

- *The Committee recognizes the importance of regionalization to safe trade in agricultural products. The Committee encourages Members to respond to requests from other Members concerning regionalization in a timely manner and to avoid unnecessary requests for information.*
- *Members are encouraged to use actively and systematically the Guidelines to Further the Practical Implementation of Article 6 ([G/SPS/48](#)), including the section on Expedited Process (Section IV).*
- *With a view to increasing transparency, Members are encouraged to share: their experiences in developing and strengthening their frameworks for regionalization; and information on their procedures and processes related to regionalization, including on how another Member may request recognition of pest- or disease-free areas.*
- *Under the Committee's agenda item for regionalization, Members are encouraged to share experiences on: securing another Member's recognition of regional conditions with respect to specific plant pests or animal diseases; and recognizing regional conditions of another Member with respect to specific plant pests or animal diseases.*
- *Members appreciate the information shared by OIE and IPPC on their activities in support of regionalization. Members welcome additional information on case studies, the Performance of Veterinary Services (PVS) Pathways, and Observatory projects, and on other activities aimed at improving understanding and implementation of OIE and IPPC standards.*
- *The Committee should further discuss issues related to Article 6, including the Committee Guidelines, through future thematic sessions, informal meetings or working groups, as appropriate.*

5.1. Following adoption of the "Guidelines to Further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures"³⁴, the Committee agreed to monitor the implementation of Article 6 on the basis of information provided by Members through notifications and from information presented during Committee meetings. The Committee would also revise the guidelines, if necessary, in light of experience gained through the implementation of the SPS Agreement and the use of the guidelines. Five reports have been issued by the Secretariat in 2020-24.³⁵

5.2. In 2020-24, several Members provided updates under the agenda item on "Pest- and disease-free areas (Regionalization)".

5.3. In 2020, Colombia notified the self-declaration of a zone free of Aujeszky's disease, in line with WOAHP guidelines, accounting for 95% of the country's industrialized swine production and home to the main genetic centers and slaughterhouses for the export of pigs.³⁶ Colombia also informed Members that WOAHP had restored its status as a foot and mouth disease (FMD)-free zone where vaccination was practiced, and invited Members to lift the restrictions imposed by some countries.³⁷ In 2021, Colombia informed the Committee of the WOAHP recognition of Colombia as free of FMD with vaccination and free of classical swine fever³⁸, and invited Members to lift restrictions and facilitate ongoing processes to ensure market access for beef and pork meat from Colombia.

5.4. In 2020 and 2021, Mexico provided information on the self-declaration of several areas free from fruit flies of the quarantine-significant genus *Anastrepha* and species *Rhagoletis pomonella*³⁹,

³³ [G/SPS/64](#), para. 9.15. (italics original).

³⁴ [G/SPS/48](#).

³⁵ [G/SPS/GEN/1777](#) (from 1 April 2019 to 31 March 2020), [G/SPS/GEN/1908](#) (from 1 April 2020 to 31 March 2021), [G/SPS/GEN/2021](#) (from 1 April 2021 to 31 March 2022), [G/SPS/GEN/2127](#) (from 1 April 2022 to 31 March 2023), and [G/SPS/GEN/2227](#) (from 1 April 2023 to 31 March 2024).

³⁶ [G/SPS/GEN/1856](#).

³⁷ [G/SPS/GEN/1768](#).

³⁸ [G/SPS/GEN/1930/Rev.1](#). Revised documents: [G/SPS/GEN/1929/Rev.1](#) and [G/SPS/GEN/1930/Rev.2](#).

³⁹ [G/SPS/GEN/1780](#).

and of several areas free from large avocado seed weevils (*Heilipus lauri*), small avocado seed weevils (*Conotrachelus aguacatae* and *C. perseae*), and avocado seed moths (*Stenomoma catenifer*).⁴⁰ Mexico indicated that phytosanitary measures had been taken to maintain and protect these areas and requested that the self-declarations be used as reference by their trading partners. In 2024, Mexico provided information on its self-declaration as a country free from ASF.⁴¹

5.5. In 2020, Peru highlighted ongoing work with regard to improving health conditions in the country. This work had resulted in two self-declarations, also published by WOA, regarding the yellow head virus (genotype 1) and the infectious myonecrosis virus.⁴² Peru invited Members to take into account these self-declarations in subsequent trade/health formalities.

5.6. In 2020, Chinese Taipei informed Members of its recently gained FMD-free status where vaccination was not practiced, officially recognized by WOA. Chinese Taipei encouraged all Members to take note of this recognition and inform their health and veterinary authorities so that restrictions could be lifted.⁴³

5.7. Also in 2020, the Russian Federation announced that it had gained official status of freedom from contagious bovine pleuropneumonia, and explained that extensive studies, analysis and sampling had taken place in all its regions.

5.8. In 2020, Ukraine provided an update on its avian influenza-free status and explained that its active and passive surveillance system for HPAI and low pathogenic avian influenza was fully in compliance with WOA recommendations. A single outbreak of HPAI registered among domestic poultry in January 2020 had been notified to WOA and measures had been taken in a timely manner and effectively implemented by the competent authority of Ukraine. In 2021, Ukraine reminded Members of its freedom from avian influenza and informed its trading partners that, as of 28 May 2021, it met all the WOA requirements as a "country free from infection with HPAI viruses in poultry".

5.9. In 2021, Canada informed Members of its official recognition by WOA as having a negligible risk for BSE, in accordance with WOA's Terrestrial Code and based on documentation submitted by Canada, and looked forward to working with Members toward removing remaining BSE-related restrictions on Canadian cattle, beef, and beef products.

5.10. In 2021 and 2022, Brazil reported that six Brazilian States had been recognized by WOA as free from FMD without vaccination⁴⁴. Brazil reported that the last case of FMD had occurred in 2018 and, since then, the entire country was considered free from FMD. Brazil also reminded Members that it was recognized by WOA as having negligible risk for BSE and encouraged Members to continue to support the work and apply the standards of the ISSBs. In 2023 and 2024, Brazil reported on HPAI status according to WOA standards. Brazil explained that outbreaks had occurred far from production areas of poultry for exports and that there had been no occurrences in commercial poultry. Brazil invited Members to consider the principle of regionalization in Article 6 and the Committee guidelines⁴⁵ to ensure animal and human health in their territory and to avoid unnecessary obstacles to trade. Also in 2024, Brazil informed the Committee on its recognition by WOA of its disease status for FMD, BSE, classical swine fever, African horse sickness, contagious bovine pleuropneumonia, and peste des petits ruminants. Brazil noted that exports of many Brazilian products continued to face trade restrictions due to non-compliance with WOA guidelines by some Members, and called on Members to fully respect the guidelines by the three sisters when establishing SPS measures.

5.11. In 2021, Chile informed that it had recognized Colombia as free of FMD with vaccination. Chile reminded Members that the Committee guidelines⁴⁶ also included the objective of informing on achieved recognition, and regretted that that information was often still missing. In 2023 and 2024, Chile affirmed that its phytosanitary measures were adapted to the regional characteristics of

⁴⁰ [G/SPS/GEN/1782](#), [G/SPS/GEN/1824](#), [G/SPS/GEN/1825](#), [G/SPS/GEN/1869](#) and [G/SPS/GEN/1875](#).

⁴¹ [G/SPS/GEN/2247](#).

⁴² [G/SPS/GEN/1793](#), [G/SPS/N/PER/873](#) and [G/SPS/N/PER/874](#).

⁴³ [G/SPS/GEN/1813](#) and [G/SPS/GEN/1813/Corr.1](#).

⁴⁴ [G/SPS/GEN/1932](#).

⁴⁵ [G/SPS/48](#).

⁴⁶ [G/SPS/48](#).

the areas from which the product originated and to which the product was destined. Chile also informed the Committee that it regularly established and updated its lists of quarantine pests and confirmed that *Xylella fastidiosa* was absent throughout its territory. Chile invited Members to consider the information provided when defining the import requirements for its vegetable products.⁴⁷ In 2024, Chile informed the Committee of its self-declaration of country-wide freedom from infection with HPAI viruses in poultry.⁴⁸

5.12. In 2021, the United States informed the Committee that it had temporarily suspended the interstate movement of all live swine, swine germplasm, swine products, and swine by-products from Puerto Rico and the US Virgin Islands to the mainland United States, to prevent introduction of ASF following outbreaks in Dominican Republic and Haiti. The United States had submitted to WOAHP its self-declaration of establishment of a protection zone for Puerto Rico and the US Virgin Islands to facilitate disease protection and allow for international trade to continue.

5.13. In 2022, Türkiye informed the Committee that eight Turkish districts had been recognized as free of Mediterranean fruit fly and urged Members to facilitate trade of fresh fruit from those areas. In 2023, Türkiye reported that it was free from *X. fastidiosa* and invited trading partners to analyse this progress and facilitate trade.

5.14. In 2023, Argentina reported on the detection of an initial case of HPAI in wild birds in its territory, followed by 49 cases detected in backyard birds, 7 in commercial birds and 4 in wild birds, that had been reported to WOAHP. Argentina explained the actions put in place following the detection of avian influenza in poultry and requested its trading partners to maintain market access requirements for poultry products according to WOAHP recommendations and consider new proposals for certification, adapted to the sanitary situation.

5.15. Both the IPPC and WOAHP have provided guidance for countries seeking to establish or be recognized for pest- or disease-free status. Information provided by these two organizations is available [here](#).

5.16. In the context of the MC12 SPS Declaration Work Programme (see Section 14 below), Members held extensive discussions on the topic of regionalization.

5.17. In the context of the Sixth Review, Canada, the European Union, and India submitted proposals for discussion on regionalization.⁴⁹ The March 2025 Thematic Session on Innovative Regulatory Approaches to Facilitate Safe Trade included discussions on regionalization (see Section 2.1 in Part A of the report). Part A of the report also contains recommendations on this topic (see Section 2.3 in Part A of the report).

5.18. In 2020-24, Members discussed 29 STCs related to regionalization.⁵⁰

5.1 African Swine Fever (ASF)

5.19. At almost every Committee meeting since 2018, the European Union has raised the issue "ASF restrictions not consistent with the WOAHP international standard" under the agenda item "Monitoring of the use of international standards" (see paragraph 1.4. above). Under this item, the European Union referred to the guidance established in WOAHP's Terrestrial Code and complained that Members did not follow the recommendations contained therein. The European Union claimed that through its regionalization policy, ASF could be managed effectively to make sure that legitimate and safe trade was not the cause of any outbreak. The European Union invited Members to remove country-wide trade bans.

5.20. In June 2020, the European Union suggested to organize a thematic session on the subject of ASF⁵¹, with the objective to build confidence among Members to apply trade conditions consistent

⁴⁷ [G/SPS/GEN/2107](#).

⁴⁸ [G/SPS/GEN/2208](#).

⁴⁹ [G/SPS/W/349](#) (Canada), [G/SPS/W/353](#) (European Union), and [G/SPS/W/357](#) (India).

⁵⁰ STC [ID 332](#), [ID 392](#), [ID 393](#), [ID 406](#), [ID 414](#), [ID 431](#), [ID 441](#), [ID 456](#), [ID 463](#), [ID 466](#), [ID 471](#), [ID 484](#), [ID 489](#), [ID 490](#), [ID 494](#), [ID 505](#), [ID 538](#), [ID 543](#), [ID 544](#), [ID 548](#), [ID 555](#), [ID 556](#), [ID 558](#), [ID 563](#), [ID 568](#), [ID 580](#), [ID 595](#), [ID 596](#), and [ID 598](#).

⁵¹ [G/SPS/W/322](#).

with the SPS Agreement and international standards. Later in 2020, the European Union provided an update on the ASF situation under the agenda item on "Information sharing" and brought to the Committee's attention recent ASF cases affecting feral pigs in Germany, which had been notified to WOAHP and trading partners. The European Union explained that intensive surveillance was ongoing in all high-risk areas, regionalization and movement restrictions had been put in place, and its measures ensured that pigs, pork, and pork products from areas not under trade restrictive measures could be placed safely on the EU market and exported.

5.21. The [Thematic Session on African Swine Fever](#) took place in March 2021.⁵² At the beginning of the session, the Secretariat presented the relevant principles of the SPS Agreement, the work of the Committee, and ASF-related notifications. WOAHP presented an overview of the international standards relevant to the disease and the epidemiological situation worldwide. FAO and GIRA (a consultancy and market research firm operating in the drink and food sectors) provided data on the economic impact of ASF on global meat and feed markets and global pig meat supply. Subsequently, Members from Asia, Europe, Africa and the Americas, ranging from Members where the disease is endemic in wildlife to others where it is absent, shared their national experiences and their trade strategies. Finally, FAO, the United States and the Global African Swine Fever Research Alliance presented international and regional initiatives in the context of ASF.

5.22. In July 2020, WOAHP, in collaboration with FAO under the Global Framework for the Progressive Control of Transboundary Animal Diseases launched a joint initiative for the Global Control of African Swine Fever, which aimed at bringing stakeholders from multiple sectors together to improve coordination and galvanize the sustained effort and political will needed for the global control of ASF. In 2024, WOAHP circulated 28 chapters of its Terrestrial Manual for comment, including revisions relating to ASF vaccination.

5.23. In 2020-24, Members discussed seven STCs related to ASF.⁵³

5.2 Highly Pathogenic Avian Influenza (HPAI)

5.24. At almost every Committee meeting since 2015, the European Union has raised the issue "HPAI restrictions not consistent with the WOAHP international standard" under the agenda item "Monitoring of the use of international standards" (see paragraph 1.4. above). Under this item, the European Union reminded that it had not experienced any incidents that put in question the trust in its effective and transparent system of control and eradication of avian influenza, and claimed there was no justification for some Members to apply country-wide bans and await long periods to restore the disease-free status. On this topic, the European Union called on all Members to respect their obligations on regionalization under the SPS Agreement and the recommendations of the ISSBs.

5.25. In 2021, WOAHP informed the Committee of the adoption of revisions of two chapters of its Terrestrial Code: chapter 1.3, regarding the names of relevant diseases, and chapter 10.4, on infection with HPAI viruses, and one chapter of its Terrestrial Manual: chapter 3.3.4, on avian influenza.

5.26. In 2023 and 2024, Brazil shared information on its actions to protect poultry production from HPAI and informed Members of its contingency plan providing for the diagnosis of any suspected case (see paragraph 7.1. below).

5.27. In 2020-24, Members discussed 15 STCs related to avian influenza.⁵⁴

⁵² The programme is available in document [G/SPS/GEN/1874/Rev.2](#) and the report is contained in Annex B of [G/SPS/R/101](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_thematic_session_230321_e.htm.

⁵³ STCs [ID 392](#), [ID 393](#), [ID 466](#), [ID 544](#), [ID 563](#), [ID 580](#), and [ID 595](#).

⁵⁴ STCs [ID 406](#), [ID 413](#), [ID 431](#), [ID 456](#), [ID 466](#), [ID 484](#), [ID 494](#), [ID 505](#), [ID 521](#), [ID 556](#), [ID 558](#), [ID 562](#), [ID 573](#), [ID 580](#), and [ID 587](#).

6 TRANSPARENCY (ARTICLE 7 AND ANNEX B)

Recommendations resulting from the Fifth Review⁵⁵:

- *Members are encouraged to clearly indicate in their SPS Committee notifications when a measure has been notified to another Committee. [*] Members should include this information under the point of the notification format titled "Other relevant documents and language(s) in which these are available".*

[* fn original]⁵⁹: Please refer to Section 2.7 of the Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7) in document [G/SPS/7/Rev.4](#), which also makes reference to notifying a regulation containing SPS and TBT measures under both the SPS and TBT Agreements.

6.1. In the context of the Sixth Review, Brazil, Canada, Chile, the European Union, India, and New Zealand submitted proposals for discussion on transparency and notification procedures.⁵⁶ Part A of the report contains recommendations on this topic (see Section 2.6 in Part A of the report).

6.1 Online Systems

6.1.1 ePing SPS&TBT Platform⁵⁷

6.2. Since 2022, the new [ePing SPS&TBT Platform](#) integrates all previous SPS and TBT transparency tools into a single platform. The Platform allows searches of SPS (and TBT) notifications, STCs, other documents, as well as contact information of NNAs and NEPs. Registered users benefit from additional features, including receiving email alerts on notifications on products and/or markets of interest. Officials with additional rights can use the [ePing SPS&TBT Platform](#) to submit notifications to the WTO, update NNA and NEP contact details, and, on a voluntary basis, disseminate their comments/replies on notifications. Extracting data from a single source reduces errors and maintenance costs. Additionally, under the single sign-on system recently developed by the Secretariat, users can access all WTO databases to which they have rights with a single set of credentials. Since the beginning of the project in 2021, the SPS (and TBT) Committee has been regularly informed of progress made in the development of the platform. Video tutorials on the main functionalities of the platform, as well as some frequently asked questions and other relevant resources are also available in the platform. New training materials, including an update of the 2018 edition of the Procedural Manual for NNAs and NEPs, will be developed in due course.⁵⁸

6.3. The Platform was officially launched⁵⁹ in 2022, with the participation of senior officials from the three ePing partner agencies, the UN Department of Economic and Social Affairs (UNDESA), the International Trade Center (ITC) and the WTO. Additionally, in response to a survey undertaken in 2021⁶⁰, a mobile ePing application was made available in the second half of 2022, which allows users to access some of the functionalities of the Platform. Since it was launched, ePing has been the object of numerous general and dedicated training sessions, including national, regional and global WTO courses. The [ePing SPS&TBT Platform](#) was at the core of the Committee's workshops on transparency held in June 2022 and in March 2024 (see paragraph 8.24. below) and the new transparency champions courses (see paragraph 8.20. below), and also discussed in a thematic session of October 2023 held by the Committee on Trade and Development in Special Session (CTD-SS) (see paragraph 9.3. below).

6.4. In June 2024, the STDF Working Group approved [STDF/PG/1000](#): "Improving the use of the ePing SPS&TBT Platform to Enhance Transparency for Market Access", that will be implemented by the WTO. The objective of the project is to increase the uptake of ePing to enhance clarity,

⁵⁵ [G/SPS/64](#), para. 7.13. (italics original).

⁵⁶ [G/SPS/W/367](#) (Brazil), [G/SPS/W/349](#) (Canada), [G/SPS/W/364](#) (Chile), [G/SPS/W/353](#) (European Union), [G/SPS/W/356](#) (India), and [G/SPS/W/348](#) (New Zealand).

⁵⁷ <https://eping.wto.org/>.

⁵⁸ Documents on the [ePing SPS&TBT Platform](#) circulated in 2020-24 are available [here](#).

⁵⁹ [G/SPS/GEN/2058-G/TBT/GEN/336](#). The news item is available at: https://www.wto.org/english/news_e/news22_e/igo_13jul22_e.htm.

⁶⁰ [G/SPS/GEN/1933-G/TBT/GEN/317](#).

predictability, and regulatory coordination on SPS and TBT regulations affecting trade in the applicant countries, namely, Kenya, Namibia, Tanzania, South Africa, and Uganda.

6.5. In November 2024, the Secretariat presented a pilot translation feature available on the ePing test platform that allowed registered users to request unofficial translations to English, French and Spanish of SPS or TBT measures notified to the WTO. This feature was expected to go live by the end of 2024 or in early 2025. Members interested in testing the pilot and providing feedback were invited to contact the Secretariat.

6.1.2 eAgenda

6.6. eAgenda is a password-protected collaborative tool that streamlines Members' and the Secretariat's work in the preparation of and during Committee meetings. eAgenda was launched in 2019. In February 2020, nine Members took part in the pilot-test phase of the SPS eAgenda, in preparation for the March 2020 Committee meeting, subsequently cancelled due to the COVID-19 pandemic.⁶¹ SPS eAgenda was used for the first time in the June 2020 Committee meeting, allowing for the exchange of written statements. In the subsequent September 2020 informal consultations, delegates expressed a preference for oral meetings. The Committee therefore decided that in the future, the ability to exchange written statements through eAgenda would only be used to complement oral exchanges in Committee meetings, not to replace them.

6.7. About six weeks before the Committee meeting, in parallel with the circulation of the convening notice, eAgenda opens for Members to add agenda items for the upcoming Committee meeting. Members also have the possibility to raise and support STCs through the platform and upload statements prior to their interventions. eAgenda allows users to: retrieve documents for upcoming and past meetings; consult STCs previously raised in the Committee in general and involving its own delegation in particular; download statements from one, or all Members from past meetings; customize alerts to be informed of information uploaded in the platform; and consult users registered in the platform from their own delegation. A practical guide available on the platform explains the main features of eAgenda. Since March 2024, SPS eAgenda provides an overview of all the activities taking place during the Committee week, with hyperlinks to relevant information. As of December 2024, the vast majority of Members upload their statements on the platform, mostly prior to their intervention. This considerably facilitates the running of meetings as well as delegates' reporting back after the meeting.

6.8. The platform, which was pioneered in the TBT and SPS Committees⁶², was later made available in the Market Access and Import Licensing Committees, as well as in the CTG. Almost all WTO Committees are currently using or getting ready to use the platform. The Secretariat works in close collaboration to examine Members' requests for improvements in eAgenda, harmonizing its functioning as much as possible while preserving the uniqueness of each of the Committees, as requested as part of the discussions on improving the functioning of the SPS Committee (see Section 15.4 below). While credentials need to be requested separately to access the eAgendas used in different Committees, registered users with the same credentials are able to navigate through the different platforms due to the WTO single sign-on system.

6.9. As of 31 December 2024, more than 550 users from more than 100 Members and observers have requested access to SPS eAgenda. Of these, almost half requested reading rights (they can access the platform, but cannot add information to it), and the remaining half was granted full editing rights (they can see the same information, as well as add agenda items, raise STCs, and upload statements).

6.1.3 Trade Concerns Database

6.10. In 2021, the Secretariat informed Members of the [Trade Concern Database \(TCD\)](#)⁶³, a strong analytical tool for STCs created as a response to Members' requests on the integration of SPS and TBT IT tools. The database provides a more powerful, user-friendly graphic interface for the analysis and visualization of data already available and allows for more targeted and advanced searches. This analytical tool is fed from the data available in eAgenda. The extraction of data from a single

⁶¹ [JOB/SPS/5/Rev.1/Corr.1](#).

⁶² [G/SPS/GEN/1818](#).

⁶³ <https://tradeconcerns.wto.org/en>.

source ensures consistency and reduces maintenance costs and errors. The database contains information on trade concerns raised since 1995 in a granular way, organized on a per meeting basis, facilitating more thorough analysis and reporting. The database provides Member profiles and allows users to explore and visualize results by objectives, keywords, and HS codes, among other options. This website, first launched for SPS and TBT trade concerns in February 2021, now also includes STCs discussed in the Market Access and Import Licensing Committees and in the CTG. Since 2023 the database contains cross-references of potentially related STCs discussed in the TBT, SPS, Committee on Market Access, and the CTG. The platform was officially launched during the [2024 Public Forum](#).

6.1.4 E-Delegate

6.11. In 2023, the Secretariat started the transition towards the new E-Delegate platform, a dedicated "one-stop shop" on the WTO website which allows delegations to have an interface to manage their participation in WTO Committees. The platform facilitates the sharing of delegates' contact information, access to platforms and online tools, and the signing up to receive emails concerning particular WTO Committees. An information session was held in November 2023. The platform was first made available to delegation coordinators and was subsequently made available for all Geneva- and capital-based delegates that already had access to eRegistration. Following a transition period, the Secretariat gradually phased out the Committee e-mailing list and replaced it by E-Delegate generated lists from May 2024 onwards.

6.2 "Technical Revision" of Document [G/SPS/7/Rev.5](#)

6.12. In June 2022, the Secretariat announced a "technical revision" of the Recommended Transparency Procedures⁶⁴, following the official launch of the [ePing SPS&TBT Platform](#). The revision reflects the possibility to submit notifications online, provides explanations on the specific access rights available, and introduces some editorial changes. No substantive changes were made to the recommended procedures. The updated procedures were circulated as document [G/SPS/7/Rev.5](#) in January 2023.

6.3 Update on the Implementation of Transparency Provisions

6.13. Managing information on transparency remains challenging for many developing country Members. Many have flagged their need for assistance and support to resolve their individual transparency difficulties, for example with the process of sending notifications to the WTO. Other difficulties faced by developing country Members relate to the operation of their SPS NNA and NEPs. In addition, the importance of Members updating information available on the [ePing SPS&TBT Platform](#) on NNAs and NEPs has also been highlighted, as it assists the process of communicating with trading partners.

6.14. The Secretariat continued to provide annual updates on the level of implementation of the transparency provisions of the SPS Agreement.⁶⁵ As of 31 December 2024, Members had submitted [22,969 regular notifications](#) and [3,575 emergency notifications](#) (plus related addenda and corrigenda).⁶⁶ The Committee had also previously adopted a special format and recommended procedures for the notification of determination of the recognition of equivalence of sanitary or phytosanitary measures, now included in the transparency procedures. As of 31 December 2024, [11 equivalence notifications](#) had been submitted. Furthermore, the Secretariat had previously established a mechanism for Members to inform each other of the availability of translations of notified measures into one of the official languages of the WTO. These are submitted in the form of supplemental notifications. As of 31 December 2024, [19 supplemental notifications](#) had been circulated; the last supplement was submitted in 2015 and Members are now more frequently using the [ePing SPS&TBT Platform](#) to inform each other of the availability of unofficial translations of regulations.

⁶⁴ [G/SPS/7/Rev.4](#).

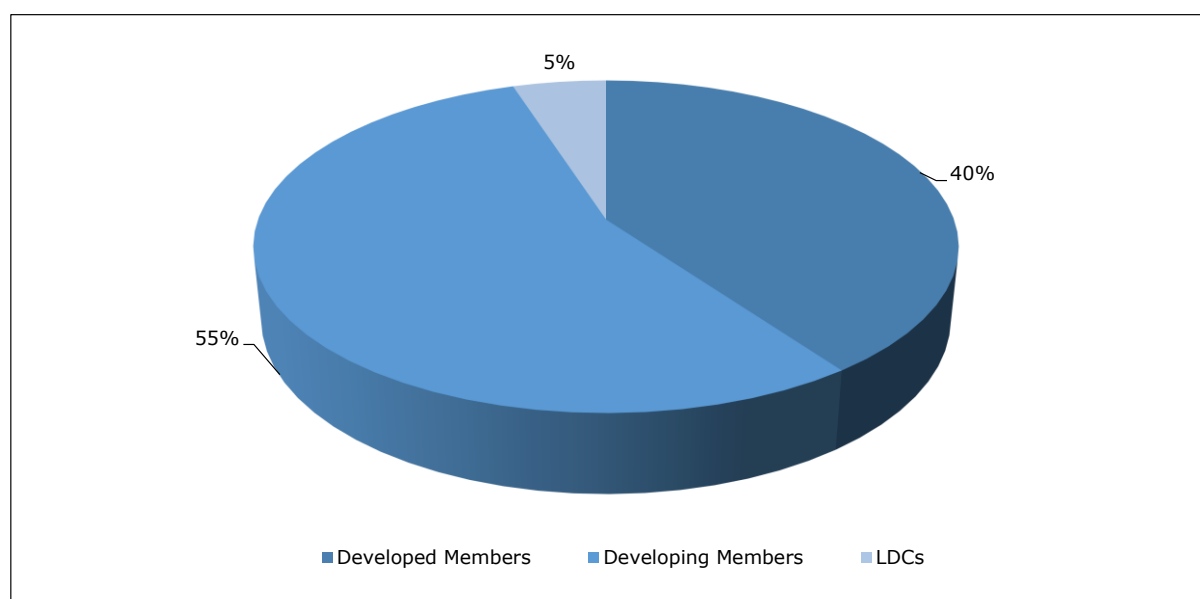
⁶⁵ Document series [G/SPS/GEN/804](#). Since 2021, this document has been merged with the annual overview on the STCs previously contained in document series [G/SPS/GEN/204](#). In 2020, the Secretariat published the "[SPS 10 Key Results from 2020](#)", based on the 2020 annual reports on transparency and STCs.

⁶⁶ Members had also submitted [8,507 addenda](#) and [668 corrigenda](#) to regular and emergency notifications.

6.15. As of 31 December 2024, 136 (82%) out of the 166 Members had submitted at least one SPS notification to the WTO. Members which had not submitted any notification so far included 12 developing and 11 least developed country (LDC) Members (including the recently acceded Comoros and Timor Leste). In addition, a number of EU member States have not submitted notifications; however, most SPS measures are notified by the European Union on behalf of all its member States.⁶⁷

6.16. As can be seen in Chart 1, the share of notifications submitted by developing country Members (excluding LDCs) reaches 55% while the share of those submitted by developed country Members is 40%. This reflects a steady increase in notifications from developing country Members. While notifications by LDCs represent a very small share, they have increased between 2020-24.

Chart 1 – Development status of notifying Members as of 31 December 2024



6.17. Under the SPS Agreement, Members are required to notify both an enquiry point to provide answers to all reasonable questions from interested Members and a national notification authority to implement the notification procedures detailed in the SPS Agreement. As of 31 December 2024, 160 Members out of 166 had designated a notification authority. All but one of those Members which had not yet done so are all LDCs. Of the 166 Members, 163 had provided the WTO with the contact information of their enquiry point(s). One developing country and two LDCs have not yet established an NEP. Thirty-four Members had also identified more than one SPS NEP. The updated lists containing the contact information of NEPs and NNAs are available from the [ePing SPS&TBT Platform](#).

6.18. At each meeting, Members are invited to raise any questions or concerns with regard to the implementation of the transparency provisions of the SPS Agreement. Transparency regarding SPS measures and policies is also provided by Members' reporting on relevant activities and developments under the agenda item "Information Sharing", in addition to "Operation of Transparency Provisions". Members frequently use this opportunity to present information on new regulatory policies, risk assessment practices, establishment of national SPS coordinating committees, etc. The standard setting observer organizations also provide relevant information under the agenda item on "Information Sharing", further enhancing transparency.

6.19. In 2023, Brazil informed the Committee that it had made over 220 SPS notifications in 2022; it had two enquiry points to maintain a consistent high number of notifications, and it had been able to raise awareness among its producers of the importance of notifying SPS measures. Brazil encouraged Members to share experiences and provide information on their transparency activities under this agenda item. In 2024, Brazil drew the Committee's attention to the principle of

⁶⁷ See [G/SPS/GEN/456](#) and [G/SPS/GEN/456/Corr.1](#) for notification procedures for the European Union and its member States.

transparency and its implementation and updated the Committee on its actions to enhance transparency. Referring to the recent outbreak of avian influenza, Brazil emphasized the importance of tracking the status of an SPS regulation and invited Members that did not notify the lifting of bans and other changes to review their practices and bring them into conformity with the SPS Agreement.⁶⁸ In March 2024, a side event was organized by COLEAD in partnership with the European Union to introduce the AGRINFO platform, a tool developed to foster more transparency in the form of up-to-date information on new and upcoming EU policies and regulations that have a potential impact on market access for agri-food and fisheries products.⁶⁹

7 CONTROL, INSPECTION AND APPROVAL PROCEDURES (ARTICLE 8 AND ANNEX C)

Recommendations resulting from the Fifth Review⁷⁰:

- *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.*

7.1. In 2020, in light of the first recommendation above regarding control, inspection and approval procedures, a new standing item was included on the agenda of regular Committee meetings on "Control, inspection and approval procedures" for Members to share experiences, raise any questions or concerns regarding the implementation of Article 8 of and Annex C to the SPS Agreement. Members shared information under this new item on only two occasions. In 2020, Canada informed Members about inspection initiatives, namely, the Standard Inspection Procedure, outlining a common inspection approach for all regulated commodities, and the Operational Procedure: Meat Compliance Verification System, providing guidance to staff on how to conduct inspections in all licensed meat processing, storage, and slaughter establishments.⁷¹ In 2023 and 2024, Brazil shared information on its contingency plan for the diagnosis of suspected cases of HPAI and model to minimize the risk of introduction and spread of HPAI.

7.2. In 2020, following a proposal from Canada⁷², a Working Group on Approval Procedures was set up to implement the second recommendation from the Fifth Review above regarding approval procedures. Twenty-five Members participated: Argentina, Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, the European Union, Japan, Mexico, New Zealand, Norway, Paraguay, Peru, the Philippines, the Russian Federation, Singapore, South Africa, Switzerland, Chinese Taipei, Ukraine, the United Kingdom, the United States, and Uruguay. The OECD was also a participant. Canada and Paraguay acted as co-stewards.

7.3. The Working Group on Approval Procedures worked electronically and met virtually on the margins of the Committee meetings as well as intersessionally, as required.⁷³ Between

⁶⁸ [G/SPS/GEN/2252](#).

⁶⁹ <https://agrinfo.eu/>.

⁷⁰ [G/SPS/64](#), para. 3.12. (italics original).

⁷¹ [G/SPS/GEN/1835](#).

⁷² [G/SPS/W/328](#).

⁷³ Along the lines of Canada's proposed guidance in documents [G/SPS/W/328](#) and [G/SPS/W/328/Rev.1](#), as updated by Canada and Paraguay in document [G/SPS/W/328/Rev.1/Add.1](#).

November 2020 and March 2023, seven rounds of work were conducted, mirroring the schedule of Committee meetings. Following each round of work, the co-stewards reported on the work at the informal meeting of the Committee to keep Members apprised of the progress made.⁷⁴

7.4. The Working Group on Approval Procedures: (i) developed a common understanding of approval procedures for the purposes of the Working Group; (ii) discussed tools available and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures and compiled a collection of readily available tools and resources; (iii) identified key challenges of approval procedures that impact international trade and that the Committee should seek to address⁷⁵; (iv) identified principles of approval procedures that facilitate international trade while meeting the importing Member's ALOP and the Committee's role in highlighting these principles⁷⁶; and (v) discussed possible outcomes. In addition, participants liaised with the OECD on its related work on approval procedures, with the OECD providing regular updates and participants providing input on the related OECD work project. The Working Group on Approval Procedures concluded in 2023 and circulated three output documents: a Summary of Process and Discussions for the Working Group providing a detailed account of its work⁷⁷; a Collection of Available Tools and Resources organized by key themes⁷⁸; and a Note on Outcomes and Recommendations.⁷⁹ The first of these documents was circulated to inform the Committee about the group's activities and the latter two documents were submitted for adoption.

7.5. In 2023, the Committee adopted the Collection of Available Tools and Resources in Relation to SPS Approval Procedures ([G/SPS/67](#)) as well as the Recommendations in Relation to SPS Approval Procedures ([G/SPS/68](#)).⁸⁰ Recommendations included that:

- a. the Collection of Available Tools and Resources in document [G/SPS/67](#) be kept up-to-date by the Committee with the assistance of the Secretariat;
- b. Members consider the use of Committee mechanisms (including the new agenda item of Committee meetings on Control, inspection and approval procedures, the Sixth Review, and the MC12 SPS Declaration Work Programme) to facilitate discussions on approval procedures and explore the need for additional guidance or tools;
- c. Members be encouraged to further the implementation of Annex C to the SPS Agreement;
- d. Members be reminded of the importance of key principles of the SPS Agreement, including those reflected in Annex C, with specific recommendations for Members in the context of the transparency principle;
- e. Members be encouraged to engage in regulatory cooperation to maximize capacity and resources, facilitate approval procedures, and address asynchronous approvals; and
- f. Members be encouraged to adopt approval procedures making use of modern technologies and practices, such as remote audits, and work with relevant international organizations in this area.

7.6. Concomitantly to the adoption of these documents, an OECD side event was held in the margins of the Committee meeting to present its report on SPS approval procedures, key issues, their impact

⁷⁴ [G/SPS/R/101](#), Annex A; [G/SPS/R/102](#), Annex A; [G/SPS/R/103](#), Annex A; [G/SPS/R/104](#), Annex A; [G/SPS/R/105](#), Annex A; [G/SPS/R/106](#), Annex A; [G/SPS/R/107](#), Annex A; [G/SPS/R/108](#), Annex B; [G/SPS/R/100](#), Section 4.4.2 and Annex B.

⁷⁵ Discussions focused on challenges associated with: timing and undue delays; transparency; communication or information exchange; justification and discrimination of approval procedures; harmonization with international standards; and other challenges such as COVID-19.

⁷⁶ The principles of approval procedures highlighted by participants included the need for science-based and risk-based SPS measures; timely approvals; transparency, communication (e.g. to provide status updates or request additional information or clarification), and publication of procedures, requirements, and standard processing periods, including procedure stages and deadlines; non-discrimination between Members with the same SPS status; harmonization with international standards in accordance with Article 3 of the Agreement; and equitable fees.

⁷⁷ [G/SPS/GEN/2097](#).

⁷⁸ [G/SPS/GEN/2098](#). In the process of developing this collection of available tools and resources, the Working Group on Approval Procedures consulted with the ISSBs, with WOH providing input on the collection.

⁷⁹ [G/SPS/GEN/2099](#).

⁸⁰ These documents had first been circulated as documents [G/SPS/W/337](#) and [G/SPS/W/338](#) for the Committee's consideration and possible adoption.

on trade and ways to address them.⁸¹ This OECD report had been published a month prior and had benefited from the input of working group participants and other Members.

7.7. In 2024, the Secretariat presented to the Committee on the synergies between the Trade Facilitation Agreement and the SPS Agreement concerning control, inspection, and approval procedures.⁸²

8 TECHNICAL ASSISTANCE AND TRAINING ACTIVITIES (ARTICLE 9)

8.1 Information from Members

8.1. "Technical assistance" is a standing agenda item. At each regular meeting, Members and observers are invited to identify any specific technical assistance needs which they may have, and/or report on any SPS-related capacity building activities in which they are involved.

8.2. A number of Members have used the occasion of the Committee meetings to comment on particular projects or activities that have enhanced their capacity to implement and benefit from the SPS Agreement. Some Members provide periodic updates regarding their SPS-related technical assistance activities, in particular Canada, the European Union, Japan, Chinese Taipei, and the United States.⁸³

8.3. Every year in 2020-24, Canada provided an [update of its technical assistance activities](#) delivered to developing and LDCs.⁸⁴ In its reports, Canada listed the technical assistance projects provided to more than 33 countries in Africa, Latin America, the Caribbean, Central Asia, Europe and the Asia-Pacific region, which in some years amounted up to approximately CDN\$17 million. This assistance addressed three of the four broad categories included in [G/SPS/GEN/206](#), namely: information, training, and 'soft' infrastructural development.

8.4. In 2020-24, the European Union reported on its [SPS-related activities](#).⁸⁵ The assistance was provided to more than 80 countries, groups of countries, regional organizations, and international organizations, with projects ranging from 800 to 40 million euro. The assistance was geared towards capacity building, improving governance, and meeting international standards, and aimed at facilitating the development and implementation of SPS measures in developing countries to enhance their ability to comply with SPS standards in their export markets and take better advantage of the opportunities of global trade.

8.5. In 2020 and 2023, Japan informed the Committee about its [SPS-related technical assistance](#) provided.⁸⁶ The total value of the accumulated Japanese assistance amounted to approximately JPY 10 billion (USD 60.5 million) since 1 April 2009. In total, 111 relevant programs had been undertaken since 1 April 2009, to more than 50 countries in various regions, including Asia, the Pacific Region, Central America, South America, Central Asia, and Africa. This assistance addressed the four broad categories included in [G/SPS/GEN/206](#), namely: information, training, 'soft' infrastructural development, and 'hard' infrastructural development.

8.6. In 2020, the United States shared information on a technical assistance project involving genetically engineered eggplant in Bangladesh and the results of two project assessment studies conducted by International Food Policy Research Institute (IFPRI) and Cornell University.⁸⁷ In 2020-24, the United States reported on [technical assistance](#) provided to developing countries and newly acceding countries in the fields of food safety, animal health, plant health, and agricultural

⁸¹ [G/SPS/GEN/2105](#). The OECD held two other side events in 2020-23: one on remote audits and another one on electronic certifications (see paragraphs 15.37. -15.38. below and [Appendix B](#)).

⁸² [RD/SPS/262](#).

⁸³ Contributions made by Members on technical assistance in 2020-24 are available [here](#).

⁸⁴ [G/SPS/GEN/1834](#) (2019), [G/SPS/GEN/1962](#) (2020), [G/SPS/GEN/2070](#) (2021); [G/SPS/GEN/2159](#) (2022); and [G/SPS/GEN/2269](#) (2023).

⁸⁵ [G/SPS/GEN/1139/Add.5](#) and [G/SPS/GEN/1139/Add.5/Corr.1](#) (during the period 2017-2018), [G/SPS/GEN/1139/Add.6](#) (during the period 2019-2020) and [G/SPS/GEN/1139/Add.7](#) (during the period 2021, 2022 and 2023).

⁸⁶ [G/SPS/GEN/1160/Add.8](#) (during the period 1 April 2019 to 31 March 2020) and [G/SPS/GEN/1160/Add.9](#) (during the period 1 April 2022 to 31 March 2023).

⁸⁷ [G/SPS/GEN/1805](#).

biotechnology.⁸⁸ The projects included regional trade capacity building workshops and conferences, hands-on training programs, fellowships and exchanges, and site visits to US research and academic institutions. It aimed to foster a clear understanding of key SPS provisions in international and bilateral trade agreements. Both in the Committee meeting and in a side event on "Improved SPS Capacity through Distance Learning" in July 2021, the United States also shared freely accessible online resources, including a suite of SPS e-learning courses at <http://www.spscourses.com/>.⁸⁹ Finally, the United States detailed its partnership with the STDF and other collaborators on biopesticides, the IPPC ePhyto Solution, and the P-IMA tool.⁹⁰

8.7. In 2020, Chinese Taipei shared information regarding SPS-related technical assistance in 2018-2021 in the Caribbean region, Central America, and West Asia, amounting to a total value of approximately USD 5 million. Projects aimed at helping Members prevent and control regulated pests of economic fruits or forest as well as enhance their ability to export agricultural products in the international market.

8.8. Also in 2020, Belize reported on the participation of several officers of the Belize Agricultural Health Authority in a virtual training on PRAs, organized by OIRSA.⁹¹ About 800 professionals from the OIRSA region as well as from South America participated in the five-module online training. In 2021, Belize informed Members of its participation in the regional training "Regional Identification and Diagnostic Training for Molluscs of Quarantine and Economic Importance with emphasis on Giant African Snail", sponsored by OIRSA. In 2024, Belize reported on the technical assistance received to bolster Belize's efforts to exclude *Fusarium oxysporum* f. sp. *cubense* TR4 from its territory and the wider region.⁹²

8.9. In 2021, Canada and the United States reported on an APEC workshop on MRL harmonization, which was co-sponsored by Australia, Canada, Chile, New Zealand and the Philippines.⁹³ A second workshop was scheduled for June 2021 and the aim was for APEC economies to work to produce a best practice guide on MRL regulatory approaches. The workshop had provided an opportunity to discuss best practices for the enforcement and risk management of MRLs and had explored approaches to facilitate international trade.

8.10. In 2022, Bangladesh informed the Committee of a five-year project, funded by USDA, aimed at simplifying, modernizing and harmonizing the process for the exportation, importation and transit of agricultural goods, and at improving compliance with the SPS Agreement. Bangladesh highlighted two of the projects related to SPS activities aimed at: (i) improving laboratories and testing procedures; and (ii) enhancing cold storage infrastructure for high value perishable goods.

8.11. In 2023, Argentina provided examples of the international technical cooperation provided to third countries in 2012-2022 regarding agricultural matters.⁹⁴ Through more than 240 initiatives in more than 65 countries and groups of countries, this cooperation prioritized the development, dissemination and application of agricultural measures, including SPS measures in developing country partners in order to enhance their capacities to improve agricultural production, quality and productivity.

8.12. Senegal updated Members on its e-certification progress achieved with the help of the STDF and Germany.

8.13. 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. The Russian Federation also provided capacity building on monitoring of antimicrobial resistant pathogens, control of the efficient use of antibiotics and

⁸⁸ [G/SPS/GEN/181/Add.13](#) (between October 2016 and September 2018), [G/SPS/GEN/181/Add.14](#) (between October 2018 and September 2019), [G/SPS/GEN/181/Add.15](#) (between October 2019 and September 2020), [G/SPS/GEN/181/Add.16](#) (between October 2020 and September 2021); and [G/SPS/GEN/181/Add.17](#) (between October 2021 and September 2022).

⁸⁹ [G/SPS/GEN/1914](#).

⁹⁰ [G/SPS/GEN/2183](#).

⁹¹ [G/SPS/GEN/1840](#).

⁹² [G/SPS/GEN/2213](#).

⁹³ [G/SPS/GEN/1884/Rev.1](#).

⁹⁴ [G/SPS/GEN/2125](#).

research on residues of antibiotics in food, as well as training and methodological support for food safety services.

8.14. In addition, other Members, such as Ukraine, provided technical assistance-related information on an *ad hoc* basis in 2020-24.

8.15. Observer organizations also regularly report on their technical assistance activities.⁹⁵

8.16. In the context of the Sixth Review, Canada, the European Union, New Zealand, and the United Kingdom submitted proposals for discussion on technical assistance and on special and differential treatment (S&DT).⁹⁶ Part A of the report contains recommendations on this topic (see Section 2.4 in Part A of the report).

8.2 WTO SPS Activities

8.17. The Secretariat regularly reports on its assistance activities. WTO's technical assistance activities in the SPS area aim at increasing participants' awareness about rights and obligations under the SPS Agreement and its implications at the national level. In the organization of SPS technical assistance activities, the levels of familiarity with the SPS Agreement and advancement in its implementation are taken into consideration to meet and respond to individual country/regional needs. The programmes of national/regional activities may include presentations on the transparency obligations, SPS IT tools, dispute settlement, implementation problems, STCs and technical/scientific issues such as risk analysis and equivalence, as well as the work undertaken by the ISSBs, among other topics.

8.18. Since 2010, Members have been informed at the beginning of each year of all SPS-related planned technical assistance activities and interested officials are invited to submit applications for specific events. The latest revision of [G/SPS/GEN/997](#) contains all the detailed information on eligibility criteria, deadlines, funding, pre-requisites, and application processes via an online application form. In 2020, the Secretariat announced a new interactive e-Learning SPS Course on the SPS Agreement.⁹⁷ The SPS [Events, workshops and training](#) gateway of the WTO website contains further information on technical assistance activities.

8.19. In 2021, the Secretariat informed Members of a new SPS In-depth Virtual Course⁹⁸, delivered virtually, in English, in September-October 2021. The course was dedicated to a comprehensive analysis of aspects related to the implementation of the SPS Agreement and topical SPS issues to enable the effective participation of capital-based delegates in the Committee. Other core components of the course included participants' self-study, inter-sessional assignments, group work and simulation a Committee meeting. In addition, the course benefited from the participation of current and former Chairpersons, delegates, Codex, IPPC, WOH, SPS experts, the STDF, and WTO Secretariat.

8.20. In 2022, the Secretariat held the first edition of the SPS Transparency Champions Course, launched by the WTO Director General⁹⁹. This comprehensive capacity building programme was targeted at 18 government officials from SPS NNAs and/or NEPs from 13 English-speaking African countries. The course provided them with an opportunity to gain knowledge and practical skills to implement as well as benefit from the WTO's transparency framework. The goal of this programme was to bring about concrete and sustainable results in operationalizing the transparency framework of the WTO. This course aimed to equip participants with the comprehensive knowledge and practical skills to implement and benefit from the WTO's SPS transparency framework. The first week of the course was held at the WTO in October 2022, followed by a virtual segment a few weeks later. With the support of external coaches from several Members, participants developed an action plan

⁹⁵ Contributions made by observer organizations in 2020-24 are available [here](#).

⁹⁶ [G/SPS/W/349](#) (Canada), [G/SPS/W/353](#) (European Union), [G/SPS/W/348](#) (New Zealand), and [G/SPS/W/360](#) (United Kingdom).

⁹⁷ The eLearning SPS Course is available from the WTO eLearning website at: <https://www.learning.wto.org/> and the trailer is available at: <https://youtu.be/Fp20-9pb-6g>.

⁹⁸ More information is available at: https://www.wto.org/english/tratop_e/sps_e/virtual_course2021_e.pdf.

⁹⁹ A similar course was also offered in the TBT area. See https://www.wto.org/english/news_e/news22_e/tech_10oct22_e.htm.

that was implemented upon return to their home countries. The course concluded with a face-to-face activity follow-up session in June 2023 for participants to report on the progress and implementation of their action plans. In September/October 2024, the Secretariat organized the second edition of the SPS Transparency Champions Course, which will be held in English. A second face-to-face follow-up activity will be held in April/June 2025.

8.21. Also in 2022, the Secretariat organized a Virtual Course on Essentials for SPS Committee Participation, that was held virtually in November 2022 with the participation of 16 government officials from French-speaking African countries. The course aimed to enhance the participation of French-speaking African countries in the Committee.

8.22. In 2023, the Secretariat organized a revamped Advanced SPS Course on the SPS Agreement in English. Twenty-six participants from 26 Members and observers attended the two-week Course in October 2023 and returned to their home countries to roll out action plans with a view to improving implementation of the SPS Agreement. Coaches from Uganda, the STDF, and the Secretariat monitored the implementation of the action plans by participants, who shared the results of the actions taken in their countries in a follow-up session of the course held in June 2024.

8.23. The Secretariat regularly organizes workshops held back-to-back with one of the meetings of the Committee. In 2021, the Secretariat organized a workshop on risk assessment, risk management, and risk communication, based on a proposal by Canada (see paragraph 3.1. above).¹⁰⁰

8.24. In 2022, the Secretariat organized a [workshop on transparency](#).¹⁰¹ This 2022 workshop covered the transparency provisions of the SPS Agreement, as well as relevant Committee and Ministerial Decisions and discussions in the Committee. The Secretariat provided a snapshot on the ongoing transparency-related work in the TBT Committee and the transparency recommendations resulting from the triennial reviews of the TBT Agreement. The Secretariat also provided a brief overview of relevant sources of SPS-related information, including: [Documents Online](#), the [Trade Concerns Database](#), [eAgenda](#) and the detailed functionalities of the new [ePing SPS&TBT Platform](#). Participants also learned about the use of ePing in Viet Nam as part of an ITC project. The Secretariat presented an overview of the functions available in the [ePing SPS&TBT Platform](#), and Members had an opportunity to share experiences related to the new tool. The Secretariat also presented the notifications submission and outreach functions of the Platform, and addressed questions on the different notification access rights, email alerts, advanced search filters, multiple notification administrators, domestic coordination, and the development of a mobile application to facilitate private sector use of the Platform. In addition to the workshop, a "notifications clinic" dedicated to the notification submission functions, targeted to SPS notification authorities and enquiry points was held virtually. In 2024, the Secretariat organized another workshop on transparency¹⁰² (see Section 2.6 in Part A of the report).

8.25. In 2023, the Secretariat organized a workshop, in collaboration with the STDF, on "[Facilitating safe trade: STDF solutions to strengthen SPS capacity in developing and least developed countries](#)".¹⁰³ This event was held in the context of the MC12 SPS Declaration Work Programme (see Section 14 below). That same year and again in 2024, the Secretariat also organized two briefing sessions for new SPS delegates on the work and functioning of the Committee.

8.26. The Secretariat reports annually on all SPS-related technical assistance activities provided since September 1994.¹⁰⁴ In 1994-2024, the Secretariat undertook 506 technical assistance activities on the SPS Agreement, including 104 regional (or sub-regional) and 234 national seminars. Table 1 provides information about the number of sub-regional and national activities per year since

¹⁰⁰ The programme is available in document [G/SPS/GEN/1911/Rev.2](#) and the report is contained in Annex B of [G/SPS/R/102](#) and in document [G/SPS/R/103](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_workshop_july21_e.htm.

¹⁰¹ The programme is available in document [G/SPS/GEN/2015/Rev.1](#) and the report is contained in [G/SPS/R/106](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/workshop_transparency_20jun22_e.htm.

¹⁰² The programme is available in document [G/SPS/GEN/2192/Rev.2](#) and the report is contained in [G/SPS/R/113](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_1803202410_e/sps_1803202410_e.htm.

¹⁰³ More information is available at: <https://standardsfacility.org/node/4089>.

¹⁰⁴ [G/SPS/GEN/521](#), latest revision.

the last review of the operation and implementation of the SPS Agreement. Table 2 shows the overall number of activities per region since 1994.

Table 1: Number of SPS technical assistance activities provided by the Secretariat

Year	Type of activity			Total
	National seminar	(Sub)Regional Workshop	Other ¹⁰⁵	
2020	8	1	3	12
2021	2	3	7	12
2022	7	0	9	16
2023	12	1	14	27
2024	12	1	13	26
Total	41	6	46	93

Table 2: SPS technical assistance activities per region (1994–2024)

Region	Type of activity			Total
	National seminar	(Sub)Regional Workshop	Other ¹⁰⁶	
Africa	68	31	34	133
Arab and Middle East Countries	19	13	6	38
Asia and the Pacific	52	20	30	102
Central and Eastern Europe and Central Asia	21	9	12	42
Europe	1	3	8	12
Latin America and the Caribbean	72	28	14	114
North America	1	-	1	2
Global	-	-	63	63
Total	234	104	168	506

8.3 The Standards and Trade Development Facility (STDF)

8.27. The STDF is a global partnership that promotes improved food safety, animal and plant health capacity in developing countries. This helps imports and exports to meet SPS requirements for trade, based on international standards. The STDF supports and contributes to broader sustainable development goals, such as sustainable economic growth, poverty reduction and food security. Established by WTO, together with FAO, WHO, WOA and the World Bank Group, the STDF brings together diverse stakeholders from across agriculture, health, trade and development. It provides an Aid for Trade platform for organizations to come together to discuss SPS capacity needs and priorities, share experiences and good practice, and mobilize resources. In addition, the STDF provides funding to beneficiaries for the development and implementation of SPS projects. Through convening and connecting stakeholder across its knowledge and project work, and piloting and learning from innovative, collaborative and cross-cutting approaches, the STDF influences and catalyses SPS capacity development globally. The WTO houses the Secretariat and manages the STDF trust fund.

8.28. At every regular meeting in 2020-24, the STDF informed the Committee of its most recent activities and results, based on its theory of change and the [STDF Strategy for 2020-2024](#).¹⁰⁷ An overview of all STDF Annual Reports is available on the [STDF website](#).¹⁰⁸

8.29. In its reports to the Committee, the STDF provided information on ongoing project and project preparation grants, as well as on new applications and upcoming deadlines. In 2020-24, the STDF approved 31 new projects and 23 new project preparation grants benefiting developing and LDC Members for a total STDF contribution of over USD 25.5 million.¹⁰⁹

¹⁰⁵ This category also includes the Advanced SPS Course, the SPS In-depth Virtual Course, and the SPS Transparency Champions Course.

¹⁰⁶ This category also includes the Advanced SPS Course, the SPS In-depth Virtual Course, and the SPS Transparency Champions Course.

¹⁰⁷ Reports submitted by the STDF in 2020-24 are available [here](#).

¹⁰⁸ <https://standardsfacility.org/stdf-annual-reports/>.

¹⁰⁹ Information on all STDF projects and project preparation grants, is available at <https://standardsfacility.org/project/explore>. Members can also subscribe to the STDF mailing list to receive news on relevant activities [here](#).

8.30. The STDF also updated the Committee on its knowledge work, including on: (i) [Public Private Partnerships](#) (PPPs) and voluntary Third-Party Assurance (vTPA) programmes; (ii) [evidence-based approaches](#) to prioritize SPS investments and inform SPS-decision making; (iii) [Good Regulatory Practices](#) to ensure SPS measures are "fit-for-purpose"; and (iv) trade facilitation and [SPS e-certification](#). In 2021, the STDF presented its film "[Shaping a safer world](#)", which highlighted the importance of investing in SPS capacity for developing countries as a global public good. It also shared several risk management reports on the impact of COVID-19 on STDF workstreams and SPS capacity development more broadly. In 2022, the STDF organized a series of [webinars](#) exploring the challenges of climate change and emerging SPS risks. It also briefed Members on a [gender assessment](#) across STDF's workstreams and presented a new [Gender Action Plan](#). In 2023, the STDF organized a workshop on "Facilitating safe trade: STDF solutions to strengthen SPS capacity in developing and least developed countries" in the context of the MC12 SPS Declaration Work Programme (see Section 14 below). In 2024, the STDF secretariat published an [external learning assessment](#) on the environment, biodiversity and climate change across STDF's work, which identified ways to leverage more benefits for the environment and climate resilience from STDF work.

8.31. As part of its role to share available know-how and SPS-related good practice, the STDF regularly issues [publications](#) and [briefing notes](#) on issues of interest. For instance, publications since 2020 have included a joint [STDF/UNIDO assessment tool](#) on voluntary third-party assurance (vTPA) programmes, a [Guide](#) and [external assessment](#) on the use of STDF's evidence-based approach to prioritize SPS investments for market access, a joint [STDF/UNIDO publication](#) on remote practices in food safety. The STDF also organizes a range of thematic [events](#), including during the Committee week. The STDF organized more than 60 in-person and online [events](#) in 2020-24 and shared learning in events led by STDF partners and others, reaching over 6,000 stakeholders globally. Some examples of STDF events in 2020-24 include:

- [ePhyto: Solutions on safe trade in plants and plant products](#) (September 2020): webinar highlighting the benefits of electronic phytosanitary certification and introducing the ePhyto Solution, established by the IPPC with STDF funding and support, in collaboration with international organizations, development partners and industry associations;
- [Aid for Trade: Investing in Safe Trade Systems to Protect Health and Market Access](#) (March 2021): discussion with agriculture, health, trade and development experts on investments in safe trade systems and scaling up assistance for developing countries to support economic recovery after COVID-19;
- [Systems Approaches in Food Safety and Plant Health](#) (July 2021): webinar, organized with the World Bank Group, to learn about the concept, benefits and challenges of systems approaches;
- [Good Regulatory Practices](#) (November 2021): Launch of the STDF Guide on Good Regulatory Practices (GRPs)¹¹⁰ to help improve the quality and effectiveness of SPS measures and ensure that SPS measures are fit-for-purpose;
- [Exploring SPS Technical Assistance for Francophone Africa](#) (March 2022): focusing on two STDF-funded projects – maize in Burkina Faso and Penja pepper in Cameroon – speakers explored the impact of SPS technical assistance in increasing exports and supporting long-term socioeconomic benefits;
- [Workshop on the MC12 SPS Declaration](#) (March 2023): speakers from development partners and beneficiaries highlighted a range of good practices across STDF's work to improve SPS capacity in developing and least developed countries;
- [Why Does Gender Matter for SPS Compliance](#) (July 2023): this event focused on the benefits and potential of gender mainstreaming in the context of SPS measures and capacity development to promote inclusive trade, in support of the Sustainable Development Goals; and
- [Innovating for Food Security: The Role of Digital Connectivity](#) (June 2024): this session explored the intersection of digital connectivity and food security, emphasizing how

¹¹⁰ The guide is available at: https://standardsfacility.org/sites/default/files/STDF_GRP_Guide_EN.pdf.

innovative digital solutions can address food security challenges and contribute to sustainable agricultural practices.

8.32. In November 2024, the STDF organized a joint reception with the Committee to mark the 20th anniversary of the STDF's global partnership and 30th anniversary of the WTO SPS Agreement. A special publication was released compiling STDF results since 2004¹¹¹, together with a photo exhibition in the WTO Atrium profiling stories from STDF partners, donors and beneficiaries.

8.33. Strengthened linkages to the Committee have informed and supported STDF's work to address practical SPS challenges faced by developing countries, as well as to share and promote increased uptake of SPS innovations and good practices to protect health, while reducing trade transaction costs. Throughout the period 2020-24, and also in the context of the MC12 SPS Declaration Work Programme (see Section 14 below), several developed and developing Members extensively expressed their support to the STDF and their appreciation for the work undertaken. During a thematic session in November 2024, which had been proposed by Belize (see Section 2.2 in Part A of the report), government regulators and other stakeholders from Africa and Central America shared experiences and lessons from STDF-funded projects to pilot the Codex Guidelines on voluntary third-party assurance programmes. Their interventions recognized the STDF's contribution to the implementation of international standards, and role in sharing learning and good practices with the SPS Committee and other stakeholders to promote wider uptake.

8.34. An independent external evaluation of STDF's work programme was initiated in October 2023 to objectively assess the results and impact achieved by the partnership and capture key lessons learned. The final report found that "the STDF ha[d] increased SPS capacity in developing countries as measured through contributions to legislation, strategies, structures and/or processes relating to SPS, and improved implementation of trade-focused measures for enforcement of food safety, plant and animal health."¹¹²

9 SPECIAL AND DIFFERENTIAL TREATMENT (ARTICLE 10)

9.1. Special and differential treatment continues to be a standing agenda item, although it remains infrequently used by Members. In 2020-22, no Member took the floor under this agenda item.

9.2. Members, however, had extensive discussions on the topic of special and differential treatment in the context of thematic group 5 of the MC12 SPS Declaration Work Programme (see Section 14 below). In parallel to these discussions, in March 2023, the Secretariat presented on the work undertaken by the Committee to date on Articles 9-10 of the SPS Agreement.¹¹³ In relation to this presentation, Colombia underscored the importance of raising awareness about available mechanisms and the need for an increased participation of developing country and LDC Members. Ecuador and Paraguay echoed Colombia's intervention, with Paraguay stressing the importance of effective implementation of Articles 9-10 and of technical assistance and cooperation. The European Union and Paraguay thought thematic group 5 of the MC12 SPS Declaration Work Programme provided a good opportunity to look at these issues.

9.3. The Secretariat has also kept the Committee informed of related discussions in the CTD-SS. In July and November 2023, the Secretariat drew the Committee's attention to the proposals on the SPS and TBT Agreements introduced by the G-90 in the CTD-SS.¹¹⁴ In November 2023, the Committee was also informed that a thematic session on the proposals had been held in the CTD-SS to discuss the S&DT in the SPS and TBT Agreements, Committee-related work, transparency obligations, the [ePing SPS&TBT Platform](#), and transparency-related capacity building work.¹¹⁵ The European Union and the United States indicated that they participated in the discussions in the CTD-SS and called for enhanced coordination and exchanges of information going forward. They saw the SPS Committee as the appropriate forum to discuss issues related to its functioning and praised the opportunity for discussion provided by the SPS Declaration Work Programme. The United States

¹¹¹ The publication is available at: https://standardsfacility.org/sites/default/files/2024-11/20_years_of_safe_trade_for_sustainable_development.pdf.

¹¹² The report is available at: https://standardsfacility.org/sites/default/files/STDF_evaluation_report_Final_PEC_May_2024.pdf.

¹¹³ The presentation was circulated as document [RD/SPS/226](#).

¹¹⁴ [JOB/TN/CTD/3](#), [JOB/TN/CTD/3/Corr.1](#), [JOB/TNC/110](#).

¹¹⁵ [JOB/TN/CTD/5](#).

also drew the Committee's 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 SPS and TBT Agreements.

9.4. Subsequently, at the Thirteenth Ministerial Conference (MC13), Ministers adopted the Declaration on the precise, effective, and operational implementation of special and differential treatment provisions of the Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade (MC13 S&DT Declaration).¹¹⁶ In June 2024, the Chairperson updated the Committee on discussions with the Chairpersons of the TBT Committee and the CTD-SS, and the facilitator for its SPS and TBT-related work, where it was emphasized that the SPS and TBT Committees were well-suited for the technical discussions on paragraphs 1 and 2 of the MC13 S&DT Declaration.¹¹⁷ Noting the importance of close coordination between Committees, in November 2024, the Chairperson of the SPS Committee reminded Members that she had agreed with the Chairperson of the TBT Committee on an outline for the report mandated by the MC13 S&DT Declaration. Both reports would follow a similar structure to facilitate Members' work. After the meeting, the SPS Chairperson shared her draft report with a deadline to submit comments. The final version of the report was circulated as document [G/SPS/73](#) and submitted to the CTD-SS in December 2024. Until 31 December 2024, Members had not provided any specific input regarding paragraphs 1 and 2 of the MC13 S&DT Declaration.¹¹⁸

9.5. In the context of the Sixth Review, Canada, the European Union, New Zealand, and the United Kingdom submitted proposals for discussion on technical assistance and S&DT.¹¹⁹ Part A of the report contains recommendations on this topic (see Section 2.4 in Part A of the report).

10 DISPUTE SETTLEMENT (ARTICLE 11)

10.1. Article 11 of the SPS Agreement indicates that the Dispute Settlement Understanding applies to SPS disputes and provides for the consultation of experts when a dispute involves scientific or technical issues. As of 31 December 2024, 631 disputes had formally been raised under the WTO's dispute settlement system. In 54 of these disputes, there were alleged violations of the SPS Agreement and, of these 54 disputes, 31 resulted in the establishment of a dispute settlement panel (in some instances, a single panel considered two or more complaints relating to the same matter) and 15 resulted in a panel report.

10.2. In 2020-24, five new SPS-related disputes were initiated ([DS599](#), [DS607](#), [DS610](#), [DS613](#), [DS624](#)), four of which led to the establishment of a panel: [DS599](#) where the panel report was circulated in December 2024 and appealed in January 2025; [DS610](#) where the panel process has been suspended; and [DS613](#) and [DS624](#) with panel compositions pending. In addition, two other panel reports dealing with SPS disputes were circulated in 2020-24: one panel report was appealed ([DS484](#)) and the other one was adopted ([DS524](#)). In two other SPS disputes, the panel was requested to suspend its work and the authority for panel establishment lapsed ([DS475](#) and [DS589](#)). Finally, one mutually agreed solution was notified in [DS430](#).

10.3. This is the list of disputes where a panel was established to consider claims under the SPS Agreement¹²⁰, with additional information in [Appendix C](#):

1. Canada and the United States' complaint against Australia's measures affecting the importation of salmon ([DS18](#) and [DS21](#));

¹¹⁶ [WT/L/1191](#) and [WT/MIN\(24\)/36](#).

¹¹⁷ [G/SPS/R/114](#).

¹¹⁸ [G/SPS/R/115](#).

¹¹⁹ [G/SPS/W/349](#) (Canada), [G/SPS/W/353](#) (European Union), [G/SPS/W/348](#) (New Zealand), and [G/SPS/W/360](#) (United Kingdom).

¹²⁰ Four disputes that included claims under the SPS Agreement are not listed here as the panels (and the Appellate Body) made findings principally under the TBT Agreement. These cases concerned Canada's complaint against the European Communities' ban on asbestos and products containing asbestos ([DS135](#)), Canada and Mexico's complaints against the United States' country of origin (COOL) labelling requirements ([DS384](#) and [DS386](#)), and Indonesia's complaint against the United States' ban on clove cigarettes ([DS406](#)).

2. Canada and the United States' complaint against the European Communities' measures concerning meat and meat products (ban on meat treated with growth-promoting hormones, [DS26](#) and [DS48](#));
3. The United States' complaint against Japan's measures affecting agricultural products (requirement to test different fruit varieties with regard to treatment efficacy, [DS76](#));
4. Ecuador's complaint against Türkiye's import procedures for fresh fruit ([DS237](#));
5. The United States' complaint against Japan's measures affecting the importation of apples (due to fire blight concerns, [DS245](#));
6. The Philippines' complaint against Australia's measures affecting the importation of fresh fruit and vegetables ([DS270](#));
7. The European Communities' complaint against Australia's quarantine procedures ([DS287](#));
8. Argentina, Canada, and the United States' complaint against EC measures affecting the approval and marketing of biotech products ([DS291](#), [DS292](#), and [DS293](#));
9. New Zealand's complaint against Australia's measures affecting the importation of apples (due to concerns related to fire blight and two other plant pests, [DS367](#));
10. The United States' complaint against the European Communities' measures affecting poultry meat and poultry meat products ([DS389](#));
11. Canada's complaint against Korea's restrictions on bovine meat and meat products ([DS391](#));
12. China's complaint against the United States' measures affecting imports of poultry ([DS392](#));
13. The United States' complaint against India's measures concerning the importation of certain agricultural products (due to concerns about avian influenza, [DS430](#));
14. Argentina's complaint against the United States' measures affecting the importation of animals, meat and other animal products (due to concerns about foot and mouth disease, [DS447](#));
15. The European Union's complaint against Russian measures affecting the importation of live pigs, pork, pork products and certain other commodities (due to concerns about African Swine Fever, [DS475](#));
16. Brazil's complaint against certain Indonesian measures on the importation of chicken meat and chicken products ([DS484](#));
17. Japan's complaint against Korea's import bans, testing and certification requirements for radionuclides ([DS495](#));
18. Mexico's complaint against Costa Rica's measures concerning the importation of fresh avocados ([DS524](#));
19. Canada's complaint against China's measures concerning the importation of canola seed ([DS589](#));
20. Costa Rica's complaint against Panama's measures concerning the importation of certain products, including strawberries, dairy products, bovine, pork, poultry and turkey meat products, fish food, fresh pineapple, and plantains and bananas ([DS599](#)); The European Union's complaint against China's measures concerning trade in goods (a series of measures allegedly imposed to restrict trade from or to Lithuania or linked to Lithuania, [DS610](#));
21. South Africa's complaint against EU import measures on citrus fruit from South Africa as they relate to *Thaumatotibia leucotreta* (false codling moth) ([DS613](#)); and
22. South Africa's complaint against EU import measures on citrus fruit from South Africa as they relate to *Phyllosticta citricarpa*, a fungus that may cause citrus black spot ([DS624](#)).

11 SPECIFIC TRADE CONCERNS (STCS) (ARTICLES 12.1-12.2)

11.1. Part of each Committee meeting is devoted to the consideration of STCs raised by Members. Since 2000, the Secretariat has been providing information annually on STCs.¹²¹ The statistics below are derived from the [Trade Concerns Database](#), and include all issues which have been raised at Committee meetings as of 31 December 2024.

11.2. Altogether, [598](#) STCs were raised in 1995-2024. Chart 2 shows the number of new concerns raised each year; 129 new concerns have been raised in 2020-24. Chart 3 categorizes the trade concerns raised since 2020 into food safety, animal health, plant health, and other issues. It is important to keep in mind, however, that some issues may relate to more than one of these categories. Concerns relating to zoonoses, for example, may relate to measures taken with both animal health and food safety objectives. For the purposes of this graph, a single objective was designated as the principal concern. In 2020-24, 37% of STCs related primarily to food safety, 19% to animal health, 12% to plant health, and 32% to other issues, such as certification requirements or translations.

Chart 2 – Number of new STCs raised (1995-2024)

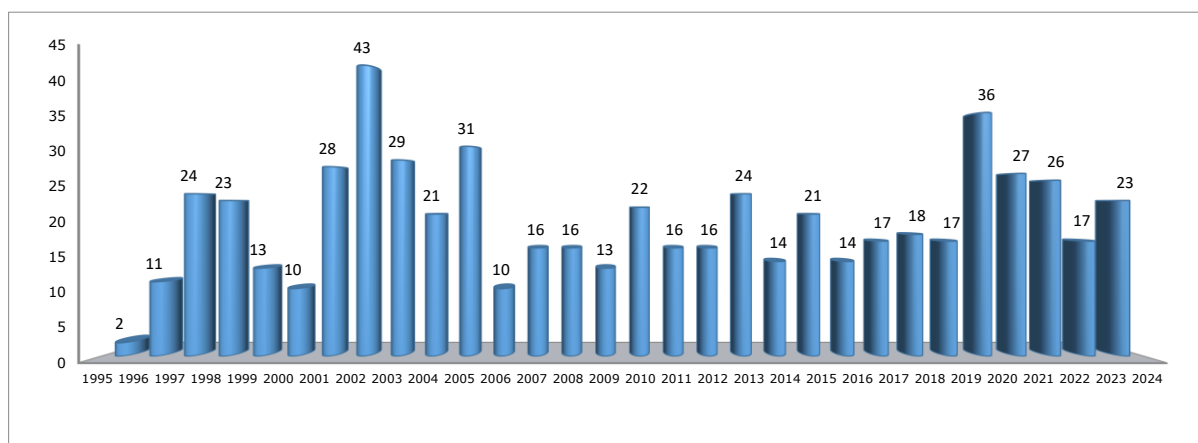
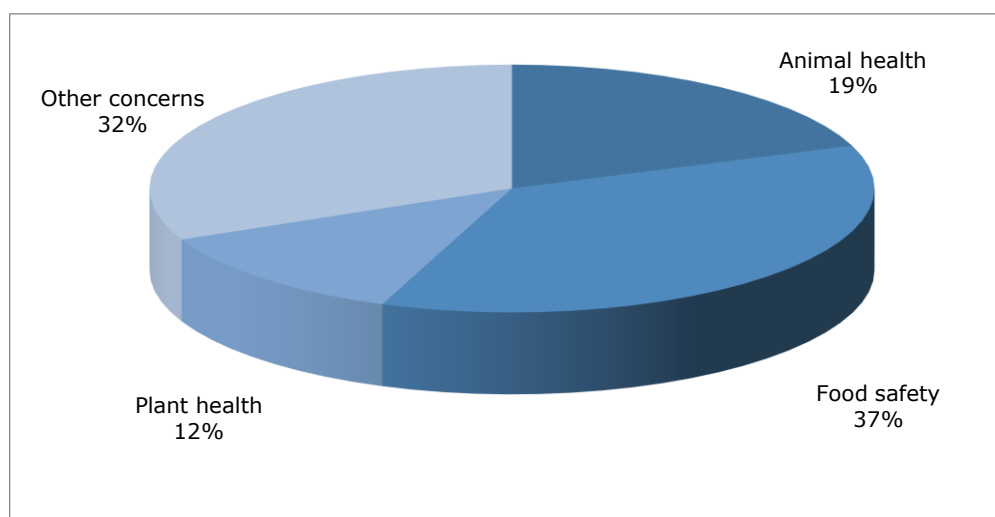


Chart 3 – STCs in 2020-24, by subject



11.3. Developing country Members have been participating actively under this agenda item in the Committee. Chart 4 indicates that in 2020-24, developing Members raised 106 trade concerns (on many occasions more than one Member raised, supported or maintained an issue) compared to 57 raised by developed Members. A developing Member supported another Member raising an STC

¹²¹ Document series [G/SPS/GEN/204](#).

in 34 cases, compared to 30 for developed Members and two for LDCs. For 66 STCs, the measure at issue was maintained by a developed Member and, in 89 instances, it was maintained by a developing Member. One STC regarding a measure maintained by an LDC was raised. Chart 5 shows the number of new issues raised in 2020-June 2024 by each category of Member.¹²²

Chart 4 – Participation in STCs, by development status (2020-24)

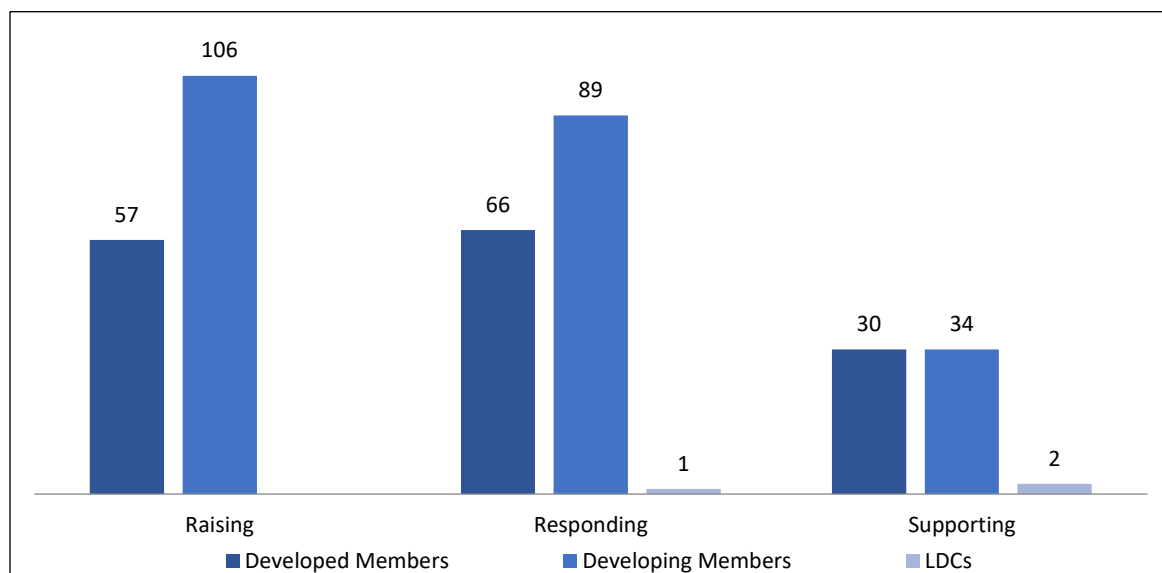
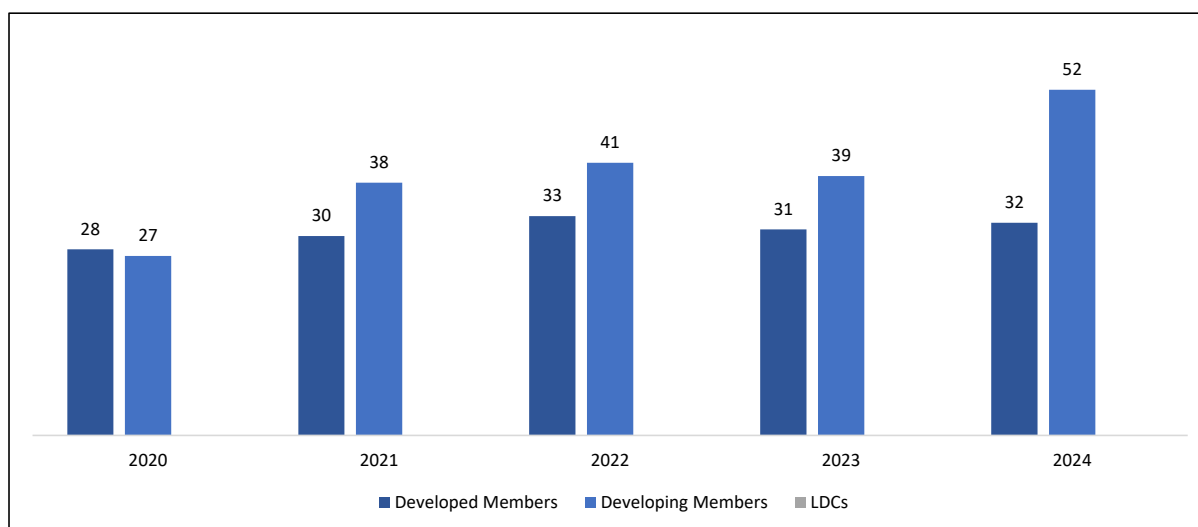


Chart 5 – Number of new STCs raised, by development status (2020-24)



11.4. At the beginning of Committee meetings, Members sometimes withdraw STCs from the agenda prior to its adoption. In 2020-24, 9 Members withdrew a total of 26 STCs and, in 4 instances, a Member removed its participation in an STC that it had previously indicated it would raise or support. This may suggest that bilateral negotiations prior to Committee meetings contributed to easing trade frictions.

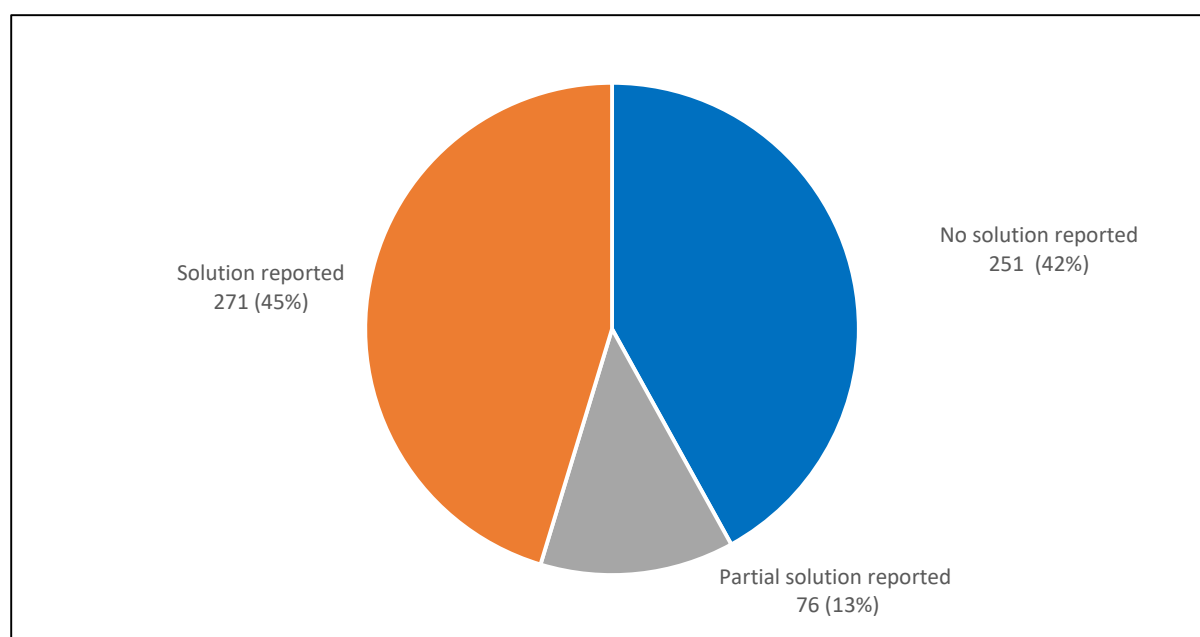
11.5. Members are regularly invited to report on resolved issues. In 2020, the Secretariat contacted 44 Members to seek information regarding the status (resolved, partially resolved, or not resolved) of STCs that had not been discussed since October 2017: 35 STCs of these STCs were reported as

¹²² Any individual trade concern can potentially be raised by more than one Member, which explains the apparent double-counting shown in Charts 4 and 5 compared with the overall count of the 154 STCs raised between 2020 and 2024.

resolved and 42 STCs as partially resolved.¹²³ A similar exercise was undertaken in 2022, when the Secretariat contacted 37 Members to seek information regarding the status of STCs that had not been discussed since November 2020: 31 of these STCs were reported as resolved and 14 STCs as partially resolved.¹²⁴ In 2024, the Secretariat contacted 40 Members regarding the status of STCs not discussed since November 2022. Based on responses received from 25 Members, 42 STCs were considered as resolved, and 25 STCs as partially resolved.¹²⁵ In addition, in November 2021 Mexico reported on the resolution of STC [ID 515](#), "Panama's authorization of Federal Inspection Type establishments". In March 2023, the European Union reported on the partial resolution of STC [ID 493](#), "Non-publication of US final rule on importation of sheep, goats and certain other ruminants" and, in July 2023, Brazil provided information about the resolution of STC [ID 489](#), Mexico's import restrictions on pork, and STC [ID 482](#), Peru's import restrictions on pork. In March 2024, the European Union reported the resolution of STC [ID 193](#) for Saudi Arabia, and in June 2024, the European Union reported the partial resolution of STC [ID 471](#), "US non-recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle".

11.6. Chart 6 indicates that 271 trade concerns have been [reported as resolved](#) out of the 598 trade concerns raised over the 30 years (i.e. 1995-2024). A total of 109 issues were [reported as resolved](#) in 2020-24. Seventy-six STCs have been reported as partially resolved since 1995. In these instances, trade may have been allowed for selected products or by some of the importing Members maintaining the measure in question. Overall, more than 58% of the total number of STCs discussed in the Committee have been resolved, or partially resolved. No solutions have been reported for the remaining 251 trade concerns, although some of these may have been resolved without the Committee being made aware of these developments.

Chart 6 – Status of STCs



11.7. In 2023, in order to balance the efficiency and quality of the interactions on STCs, the Chairperson reminded Members that there were tools to add value to discussions. Summaries of Members' oral interventions in Committee meetings are reflected in summary reports. Where Members mention previous statements or a statement in eAgenda in their oral interventions, this mention is included in the summary report. Members also have the option of circulating their

¹²³ The result of this exercise was contained in document [RD/SPS/114](#), which also included the results of similar exercises undertaken in 2013 and 2017.

¹²⁴ The result of this exercise was contained in document [G/SPS/GEN/2062/Rev.1](#), which also included the results of similar exercises undertaken in 2013, 2017, and 2020.

¹²⁵ The result of this exercise was contained in document [G/SPS/GEN/2261](#), which also included the results of previous exercises.

statements as a GEN document. In this case, a hyperlink to that document is added in the summary report in addition to a short summary of the oral intervention.

11.8. As part of the discussions on improving the functioning of the Committee (see Section 15.4 below), some Members regretted that sometimes, detailed statements were made without sufficient prior notice, hindering the preparation of targeted responses. While some Members supported the suggestions to promote advance communication of information, other Members cautioned against being too prescriptive regarding the information to be provided when raising an STC. Some noted the practice of circulating responses to questions. While it was further observed that Members could hold bilateral meetings, Members underscored that advance information, especially for new STCs, was important and allowed for an effective STC process. Members also explored the possibility of restructuring the order of agenda items to have discussions on substantive items before STCs, similar to the approach in the CTG.

12 AD HOC CONSULTATIONS (ARTICLE 12.2)

12.1. Article 12.2 states that the Committee "shall encourage and facilitate *ad hoc* consultations or negotiations among Members on specific sanitary or phytosanitary issues". In 2014, the Committee adopted the Recommended Procedure to Encourage and Facilitate the Resolution of Specific Sanitary and Phytosanitary Issues among Members in Accordance with Article 12.2 (the *ad hoc* consultations procedure, [G/SPS/61](#)).

12.2. Brazil requested consultations under the *ad hoc* consultations procedure on two occasions. In 2022, Brazil requested the Good Offices of the Chair regarding issues pertaining to exports of swine meat to Mexico, related to STCs [ID 263](#), [ID 271](#), and [ID 489](#).¹²⁶ Mexico rejected the request because it had published the requirements to be met for the importation of pork from Brazil to Mexico and thus was of the view that it was not necessary to continue with the Good Offices of the Chair.¹²⁷ The underlying STC [ID 489](#) was later reported as resolved. In 2023, Brazil requested the Good Offices of the Chair regarding issues pertaining to the exportation of meat, pork, poultry, milk and dairy products, genetic material and live cattle to Nigeria¹²⁸, an issue previously discussed under STC [ID 523](#). Nigeria did not provide an official written response to Brazil's request, but indicated to the Committee that other fora would be more appropriate, and hence consultations did not go ahead.¹²⁹

12.3. These were the first times that the *ad hoc* consultations procedure was used by a Member. Further information can be found in the annual reports prepared by the Secretariat on the use of the *ad hoc* consultations procedure, available [here](#).¹³⁰

13 COOPERATION WITH CODEX, WOA, AND THE IPPC (ARTICLE 12.3)

Recommendations resulting from the Fifth Review¹³¹:

- *Codex, OIE and IPPC are invited to provide factual information on their standards, guidelines and recommendations in the SPS Committee meetings.*
- *The Committee encourages SPS Committee representatives to consult with their government's Codex, OIE and IPPC experts for advice when a specific trade concern arises regarding a Codex, OIE or IPPC standard, guideline or recommendation.*
- *The Committee may continue to consider the role of Codex, OIE and IPPC with respect to specific trade concerns.*

13.1. In the Committee, the ISSBs provide relevant information on any work related to the SPS Agreement under the agenda item on "Information Sharing". Relevant documents are listed

¹²⁶ [G/SPS/GEN/2078](#).

¹²⁷ [G/SPS/GEN/2079](#).

¹²⁸ [G/SPS/GEN/2189](#).

¹²⁹ [G/SPS/R/111](#), paras. 2.22-2.26.

¹³⁰ [G/SPS/GEN/1457](#), [G/SPS/GEN/1513](#), [G/SPS/GEN/1573](#), [G/SPS/GEN/1642](#), [G/SPS/GEN/1729](#), [G/SPS/GEN/1829](#), [G/SPS/GEN/1954](#), [G/SPS/GEN/2057](#), [G/SPS/GEN/2154](#) and [G/SPS/GEN/2259](#).

¹³¹ [G/SPS/64](#), para. 3.12. (italics original).

[here](#). Codex, WOA, and the IPPC also participated in various thematic sessions and workshops in 2020-24 and played an important role in discussions in the context of the MC12 SPS Declaration Work Programme (see Section 14 below). In addition, the ISSBs held the following side events on the margins of Committee meetings (see also [Appendix B](#)):

- WOA announced the launch of two new publications: Scientific and Technical Review on "Ensuring Safe Trade in Animals and Animal Products" and Technical Item 2020 on "Required Competences of Veterinary Services for International Trade" (November 2020);
- The IPPC organized the event "Promoting Safe Trade in the International Year of Plant Health" (March 2021); and
- Codex, WOA, and the IPPC presented their observatory projects in the event "Monitoring the Implementation of International Standards" (March 2023).

13.2. In 2020-24, several Members highlighted the importance of having the ISSBs attending Committee meetings in person, given the relevance of their work to the implementation of the SPS Agreement.

13.3. In the context of the Sixth Review, Belize, the European Union, and New Zealand submitted proposals for discussion on cooperation with the ISSBs.¹³² Part A of the report contains recommendations on this topic (see Section 2.2 in Part A of the report).

14 MC12 SPS DECLARATION AND RELATED WORK PROGRAMME

14.1. In February 2020, Brazil, Canada, and the United States submitted a draft proposal for a Ministerial Declaration: Responding to Modern SPS Challenges.¹³³ The text underlined that, on its 25th anniversary, the SPS Agreement and its provisions remained as relevant as in 1995 and continued to safeguard the right of Members to take measures necessary for the protection of human, animal, or plant life or health.

14.2. The proposal was discussed at every meeting of the Committee from March 2020 to March 2022, gaining support from a growing number of Members. The final version of the text was adopted at MC12 as document [WT/MIN\(22\)/27](#) (MC12 SPS Declaration).

14.3. Through the MC12 SPS Declaration, the Ministerial Conference instructed the Committee to further enhance the implementation of the SPS Agreement in an effort to better manage issues related to international trade in food, animals, and plants by undertaking a work programme, open to all Members and Observers, consisting of new efforts to identify: (i) challenges in the implementation of the SPS Agreement and the mechanisms available to address them; and (ii) the impacts of emerging challenges on the application of the SPS Agreement. Recognizing the instrumental role of the Committee in advancing the implementation of the SPS Agreement, and without relaunching the negotiation of new obligations, nor re-opening or amending the SPS Agreement, the MC12 SPS Declaration instructed the Committee to explore, through a work programme, how the implementation and application of the SPS Agreement could support different themes agreed on by Members (the MC12 SPS Declaration Work Programme). The outcomes of the MC12 SPS Declaration Work Programme and key findings and actions undertaken would be reported to MC13 with recommendations, as appropriate.

14.4. A process for the MC12 SPS Declaration Work Programme was adopted in November 2022.¹³⁴ A [dedicated webpage](#) "SPS Declaration at MC12" was created to keep track of all related information.¹³⁵ All documents pertaining to the MC12 SPS Declaration are tagged with the keyword "MC12 Work Programme" and can be retrieved through the [ePing SPS&TBT Platform](#).

14.5. The MC12 SPS Declaration identified several themes for discussion:

¹³² Belize ([G/SPS/W/355](#) and [G/SPS/W/362/Rev.1](#)), the European Union ([G/SPS/W/353](#)) and New Zealand ([G/SPS/W/348](#)).

¹³³ The initial proposal is contained in document [G/SPS/GEN/1758](#).

¹³⁴ [G/SPS/W/330/Rev.1](#).

¹³⁵ https://www.wto.org/english/tratop_e/sps_e/sps_declaration_mc12_e.htm.

- How to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organisation for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures to protect human, animal or plant life or health;
- How to support basing SPS measures on scientific evidence and principles, including where international standards, guidelines, or recommendations do not exist or are not appropriate; and how to promote the use by Members of principles employed by the international standard setting bodies for considering scientific uncertainty in risk analysis;
- How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence which can strengthen Members' ability to protect plant and animal life or health through efforts to limit the spread of pests such as the Mediterranean fruit fly, diseases such as African Swine Fever, disease-carrying organisms, or disease-causing organisms;
- How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard setting bodies through technical exchanges and assistance in the context of this work programme;
- How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures; and in particular, to increase awareness of and sensitivity to the impacts of SPS measures on the export possibilities of such Members;
- Other topics as identified over the course of the work programme or as a result of emerging sanitary or phytosanitary challenges or risks worldwide.¹³⁶

14.6. In June 2022, Members decided to organize thematic groups to discuss each of the five themes specifically identified in the MC12 SPS Declaration. The thematic groups were not expected to make decisions. Their purpose was to allow discussions leading to observations and possible proposals for further discussion in the Committee. The following stewards were assigned, in consultation with the Chairperson and taking Members' views into account, to facilitate discussions in each of the thematic groups:

- Group 1: Mr Jônathas José Silva da Silveira (Brazil) and Mr Knut Berdal (Norway)
- Group 2: Mr Boitshoko Ntshabele (South Africa)
- Group 3: Ambassador Sofía Boza (Chile) (replaced by Mr Miguel Donatelli, Argentina, in March 2023)
- Group 4: Mr Geoff Richards (United Kingdom)
- Group 5: Ms Joanna Grainger (Australia) and Ms María Cecilia Gutiérrez (Ecuador)

14.7. The thematic groups met on the margins of the Committee, as well as in intersessionally.¹³⁷ Following an initial meeting in English convened by the Secretariat, meetings were mostly held in hybrid format with interpretation, in order to increase participation and facilitate pre-meeting preparations. In November 2022, Members agreed to cluster intersessional meetings of all the thematic groups within the same week to streamline the process. Similarly, Members agreed to harmonize deadlines for the submission of written inputs, that would feed into the discussions in the groups. As requested by Members, all the inputs were compiled and systematically posted on the dedicated webpage in the three official languages. It was also agreed that the stewards would circulate an agenda for each meeting of the thematic groups. This agenda would be based on previous discussions as well as on the inputs submitted by Members.

¹³⁶ [WT/MIN\(22\)/27](#), para. 8.

¹³⁷ Relevant summary reports are available [here](#).

14.8. The proposed process foresaw the submission by stewards of proposals/summaries of the work in the thematic groups¹³⁸ for further discussion in the Committee, as well as of reports on the discussions held in their groups.¹³⁹ All documents were made available on the [dedicated webpage](#).

14.9. Groups heard from a variety of stakeholders, including the Secretariat, Members, the ISSBs, producers, international organizations and secretariats, observer organizations to the Committee (on the basis of a set of written questions) and the STDF. The Secretariat was also requested to prepare several documents, including: a report on relevant activities and processes relating to sustainability in different WTO bodies; a compilation of information from previous workshops and thematic sessions on scientific evidence, risk, risk assessment, uncertainty and appropriate level of protection, including some aspects of transparency; an analysis of the relevant provisions of the SPS Agreement, the Guidelines to Further the Practical Implementation of Article 6 ([G/SPS/48](#)), trends in notifications and STCs, and relevant recommendations from the reviews of the operation and implementation of the SPS Agreement; an explanation of the procedures, expectations and a brief history of observer organizations at the Committee; and a presentation on the actions undertaken by the Committee regarding Articles 9-10 of the SPS Agreement. All the relevant documents and presentations were made available on the [dedicated webpage](#).

14.10. The Committee requested the Secretariat to prepare a factual summary containing information on the discussions held by Members during the MC12 SPS Declaration Work Programme.¹⁴⁰ The factual summary was adopted at the November 2023 Committee meeting.

14.11. In order to fulfil the mandate established in paragraph 10 of the MC12 SPS Declaration to address the outcomes of the work programme, and report on key findings and action undertaken to MC13 with recommendations, as appropriate, the Committee requested that Mr Tang-Kai Wang, the former Chairperson of the Committee who was facilitating all MC12 SPS Declaration related discussions, prepare a draft report. The draft report contained seven findings and a recommendation for the Committee to continue targeted discussions and reflections on the implementation of the SPS Agreement.¹⁴¹ The draft report was initially prepared for endorsement by Ministers at MC13, but one Member objected to its adoption at the time. Upon Members' request, the Chairperson of the Committee, Mr Tayutic Mena, prepared a factual report of the MC12 SPS Work Programme under his own responsibility.¹⁴² He noted that Members engaged actively and constructively throughout the Work Programme, and heard from a wide variety of stakeholders, including government officials, private sector, and international organizations. He also indicated that during 2024, the Committee would continue its discussions on the implementation of the SPS Agreement in the context of the recently launched Sixth Review of the Operation and Implementation of the SPS Agreement. At MC13, Ministers took note of all the reports submitted by the Chairpersons of the subsidiary bodies. In June 2024, the Committee adopted its Report on the MC12 SPS Declaration Work Programme ([G/SPS/72](#)).

14.12. In the context of the Sixth Review, Australia, Canada, the European Union, and the United States submitted further proposals to continue discussions on modern challenges and emerging risks.¹⁴³ In June 2024, the Committee agreed to hold a two-part thematic session on emerging risks and modern challenges. The first part, held in November 2024, discussed SPS emerging risks and new agricultural technologies to address them and the second part, held in March 2025, discussed innovative regulatory approaches to facilitate safe trade (see Section 2.1 in Part A of the report).¹⁴⁴ In addition, Part A of the report contains recommendations on the topic of modern challenges and emerging risks (see Section 2.1 in Part A of the report).

¹³⁸ The proposals/summaries are contained in documents [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).

¹³⁹ The summaries are contained in documents [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).

¹⁴⁰ The factual summary is available in document [G/SPS/70](#).

¹⁴¹ The Committee draft report is available in document [G/SPS/W/344/Rev.3](#).

¹⁴² The Chairperson's report is available in document [G/SPS/71](#).

¹⁴³ [G/SPS/W/361](#) (Australia), [G/SPS/W/349](#) (Canada), [G/SPS/W/353](#) and [G/SPS/W/354](#) (European Union), a joint proposal by Canada and the European Union ([G/SPS/W/369](#)), and [G/SPS/W/350](#) (United States). The US submission also included a proposal regarding facility registration.

¹⁴⁴ The first part is based on proposals by the European Union ([G/SPS/W/354](#)), Canada ([G/SPS/W/349](#)) and Australia ([G/SPS/W/361](#)), and the joint submission by Canada and the European Union ([G/SPS/W/369](#)), and the second part is based on proposals by Australia ([G/SPS/W/361](#)), India ([G/SPS/W/357](#)), Indonesia

15 OTHER TOPICS

15.1 Antimicrobial Resistance (AMR)

15.1. Since 2018, several Members have been raising concerns in relation to the European Union's review of its legislation on veterinary medicinal products, identified under STC [ID 446](#). Responding to these calls, the European Union has emphasized the implementation of Regulation (EU) 2019/6 on Veterinary Medicines as a pivotal step in combating AMR. This legislation aligns with the European One Health Action Plan, endorsed by global bodies like the FAO, WHO, and WOA. Moreover, the European Union introduced regulations on medicated feed to complement the Regulation on Veterinary Medicines, with a focus on fostering innovation, ensuring safe production, and combating AMR. The European Union underscored the necessity of international collaboration to effectively address AMR.

15.2. In 2020, Codex informed the Committee about progress made during the seventh session of the *ad hoc* Codex Intergovernmental Task Force on Antimicrobial Resistance, held in December 2019.¹⁴⁵ The task force continued its work towards revising the code of practice to contain and minimize foodborne AMR, as well as developing guidelines for monitoring and surveillance of foodborne AMR.

15.3. In 2021, Canada shared its international initiatives to support the development of standards, guidance, or recommendations within the ISSBs. Notably, Canada allocated approximately CAN \$1.7 million in funding to support ISSB endeavours, including the FAO's development of risk assessment guidance for antimicrobial use in the horticulture sector.

15.4. WOA informed of the adoption of Resolution No. 14, signalling WOA's commitment to engage in the One Health Global Effort to Control AMR. This included the establishment of a permanent working group on AMR aimed at supporting the implementation of WOA's Global Strategy on AMR and the Prudent Use of Antimicrobials. Subsequently in 2021, WOA informed the Committee about its work on AMR, directing Members to the report of the working group on AMR.¹⁴⁶ Moreover in 2022, WOA referred to the establishment of a new WOA database on antimicrobials approved for use in animals and the creation of online training modules for veterinary services.¹⁴⁷

15.5. In 2022, Codex highlighted the work of its task force on AMR, including the development of the Code of Practice to contain foodborne AMR and guidelines for integrated monitoring and surveillance of foodborne AMR.¹⁴⁸

15.6. In the same year, IICA reported on the 10th edition of the WOA Strategy Session, which had been held virtually in April 2022, jointly organized with the USDA.¹⁴⁹ This session saw participation from 61 delegates representing 22 countries, discussing various matters, including AMR.

15.7. In 2023, the Russian Federation provided insights into the outcomes of the International Conference on Food Safety and AMR held in Moscow in December 2022. The Conference highlighted the importance of food safety as a key aspect of food quality and stressed the international community's need to address challenges related to AMR and contaminants in food. The Russian Federation also reported on its technical assistance activities aimed at supporting countries in the Eurasian region to develop and implement national strategies and action plans to address AMR risks.

([G/SPS/W/365](#)) and the United States ([G/SPS/W/350](#)). The programme is available in the latest version of document [G/SPS/GEN/2283](#) and a report will be appended to the March 2025 Committee meeting summary report and made available on the event's webpage in due course. Presentations and more information are available at: [WTO | SPS Committee thematic session on Innovative regulatory approaches to facilitate safe trade](#).

¹⁴⁵ [G/SPS/GEN/1790](#). The report is available at: <https://www.woah.org/en/what-we-do/standards/standard-setting-process/working-groups/working-group-on-antimicrobial-resistance/#ui-id-3>.

¹⁴⁶ [G/SPS/GEN/1887](#).

¹⁴⁷ [G/SPS/GEN/2075](#).

¹⁴⁸ [G/SPS/GEN/1993](#).

¹⁴⁹ [G/SPS/GEN/2033](#).

15.8. Also in 2023, the European Union announced the adoption of a recommendation aimed at enhancing EU actions to combat AMR in a One Health approach, complementing the existing 2017 EU One Health Action Plan against AMR.¹⁵⁰ One of the main objectives of the recommendation was to foster a prudent use of antimicrobials through a series of voluntary measures, with the aim of reducing the risk that microorganisms would become resistant to medical intervention.

15.9. In the same year, ECOWAS shared updates on the development of a technical document on AMR to support the implementation of AMR action plans in West Africa and the Sahel.¹⁵¹ The IPPC informed the Committee of its ongoing work on One Health and AMR, including the launch of the IPPC observatory survey on AMR to gather information on antimicrobial products used in plant production and protection, with the aim of better understanding the associated risks.¹⁵² The study's first and second phases were both launched in 2023, with the results of the first phase presented to the CPM Bureau Strategic Planning Group in October 2023.¹⁵³

15.2 COVID-19 and SPS Issues

15.10. As a result of the COVID-19 pandemic-related lockdown, the Committee meeting scheduled for March 2020 was cancelled.¹⁵⁴ In June 2020, the Committee held an informal information sharing session on COVID-19 where the Secretariat, the STDF, Members, the ISSBs, and other relevant organizations with observer status presented actions undertaken in relation to COVID-19.¹⁵⁵ Subsequently, the June 2020 Committee meeting was held through a combination of a virtual meeting with a written procedure¹⁵⁶, using SPS [eAgenda](#) for the first time. Since November 2020, the Committee meetings have taken place in hybrid mode, with some delegates attending in person and others joining via the virtual platform Interpretfy. As restrictions were lifted, more delegates have been following the meetings in person and the number of interventions delivered online has been considerable reduced.

15.11. Until June 2022, the agenda of informal and formal meetings included a standing item on "COVID-19 and SPS issues", where the Secretariat, Members, the ISSBs and other observer organizations regularly reported on activities related to the pandemic.¹⁵⁷ In June 2022, the Committee agreed to delete this agenda item for the next Committee meeting, since it was no longer needed.¹⁵⁸ Also in June 2022, the Committee held the [Thematic Session on the Use of Remote \(Virtual\) Audit and Verification in Regulatory Frameworks](#) (see paragraph 15.38. below), where the impact of COVID-19 was extensively discussed.

15.12. Since the start of the pandemic, Members also raised two STCs that referred to COVID-19.¹⁵⁹ These related to trade restrictions or import procedures put in place maintained by China in relation to COVID-19, where other Members were of the view that trade was restricted more than necessary for health protection purposes and/or the measures might be creating unjustified barriers to international trade.

15.13. During the pandemic, Members continued to fulfil their transparency obligations, reaching a historic record number of notifications in 2020 (since then surpassed). The dedicated WTO COVID-19 and world trade webpage contains all COVID-19 related news as well as information on related WTO work, reports and events.¹⁶⁰ SPS notifications and documents related to COVID-19 submitted since February 2020 can also be found there.

15.14. As of 31 December 2024, 31 Members have submitted a total of 133 COVID-19 related SPS documents, including notifications of new or changed SPS regulations and other

¹⁵⁰ [G/SPS/GEN/2143](#).

¹⁵¹ [G/SPS/GEN/2124](#).

¹⁵² [G/SPS/GEN/2137](#).

¹⁵³ [G/SPS/GEN/2169](#).

¹⁵⁴ [JOB/SPS/5/Rev.1/Corr.1](#).

¹⁵⁵ The programme is available in document [G/SPS/GEN/1795](#) and the report is contained in [G/SPS/R/98](#). Presentations and more information are available at:

https://www.wto.org/english/tratop_e/sps_e/sps_covid_session_24620_e.htm.

¹⁵⁶ [G/SPS/R/99](#) and [G/SPS/R/99/Corr.1](#).

¹⁵⁷ Relevant summary reports are available [here](#).

¹⁵⁸ [G/SPS/R/107](#).

¹⁵⁹ STCs [ID 487](#) and [ID 488](#).

¹⁶⁰ https://www.wto.org/english/tratop_e/covid19_e/covid19_e.htm.

communications, representing 25% of all COVID-19-related documents received by the WTO.¹⁶¹ Initially, the notified measures mainly related to restrictions on imports of animals or animal products and/or transit from affected areas and increased certification requirements. Many of these restrictions were subsequently lifted. While a few new restrictions were imposed at a later stage, most notifications and communications submitted since the beginning of April 2020 related to measures taken to facilitate trade, representing about two thirds of all notified measures. For example, some Members allowed temporary flexibility for control authorities to use electronic versions or copies of veterinary and/or phytosanitary certificates since the COVID-19 situation made the transmission of original paper certificates problematic. Some Members also reported a permanent move to electronic phytosanitary certification based on the IPPC ePhyto Solution. Similarly, some Members authorized virtual verifications of production conditions and of their trading partners' facilities. In some cases, the implementation period of the trade facilitating measures was subsequently extended. The last COVID-19-related SPS notification was received in January 2023.

15.15. Additionally, 40 Members jointly submitted a request for the suspension of the processes and entry into force of reductions of MRLs for plant protection products in light of the COVID-19 pandemic. This request was discussed in the Committee in 2020-21 (see Section 15.5 below on MRLs for plant protection products).

15.16. Since the beginning of the pandemic in 2020, the two reports that the Secretariat produces twice a year in the context of the trade monitoring exercise¹⁶² have included information on COVID-19-related SPS measures. An information note titled "[Standards, regulations and COVID-19 – What actions taken by WTO members](#)" was first published in May 2020 and subsequently revised in December 2020. The note describes standards and regulations notified by Members under the TBT and SPS Agreements in 2020 in response to the pandemic, most of which affect trade in personal protective equipment (PPE), food, medical equipment, plant products and live animals. In November 2020, the note "[Future resilience to diseases of animal origin: The role of trade](#)" was published, summarizing current issues, status of legal frameworks, and planned future actions to avoid the spread of zoonoses through trade. The information note included a section on COVID-19.

15.17. At MC12, held in June 2022, Members adopted a Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics, which included a stocktaking exercise of the work by WTO bodies on this topic.¹⁶³ In October 2022, the Chairperson of the CTG requested the Chairpersons of the CTG subsidiary bodies to prepare a report on the WTO response to the pandemic, describing the activities of each Committee in the context of the pandemic over the two previous years.¹⁶⁴ The report submitted by the Chairperson of the SPS Committee is contained in document [G/SPS/66](#).¹⁶⁵

15.3 Fall Armyworm

Recommendations resulting from the Fifth Review¹⁶⁶:

- *Members should continue to exchange experiences on efficient, predictable and science-based regulatory approaches to fight fall armyworm that help to mitigate its effect on trade while safeguarding human, animal and plant life or health and accounting for the specific needs of smallholder farms.*
- *As appropriate, Members are encouraged to request technical assistance to support efforts to improve their integrated pest management strategies and, where needed, their regulatory approach to pre-market approval and inspection systems.*
- *Members are encouraged to continue discussion of the concepts identified in [G/SPS/W/317](#) that aim to assist Members, particularly those with capacity constraints, to address*

¹⁶¹ WTO database, WTO members' notifications on COVID-19: https://www.wto.org/english/tratop_e/covid19_e/notifications_e.htm. COVID-19-related SPS notifications can also be tracked through [ePing SPS&TBT Platform](#) search and alert functions.

¹⁶² https://www.wto.org/english/tratop_e/tpr_e/trade_monitoring_e.htm.

¹⁶³ [WT/MIN\(22\)/31](#).

¹⁶⁴ [JOB/CTG/18](#).

¹⁶⁵ A full list of the previous reports submitted by the Chairs of CTG subsidiary bodies is available in document [JOB/CTG/19/Rev.2](#).

¹⁶⁶ [G/SPS/64](#), para. 5.16. (italics original).

SPS challenges, in the SPS Committee and, where appropriate, in the working group on approval procedures [...].

15.18. In 2022, the United States reported on the seminar "Responding to Fall Armyworm – Integrated Pest Management (IPM) and Policy Approaches", co-hosted by Uganda, that had been held in March of that year.¹⁶⁷ Speakers had highlighted the importance of integrated pest management to control fall armyworm. The United States noted that the lessons learned from the introduction of fall armyworm in Africa could be applicable to other parts of the world and considered that additional efforts were needed to ensure that countries were well positioned to address pest outbreaks. The United States acknowledged the role of the Committee in helping to mitigate the impact of fall armyworm and other disruptive pests on food security and trade and encouraged Members to engage in the discussions of the Working Group on Approval Procedures (see Section 7 above) to develop outcomes that would assist Members in addressing current and emerging issues.

15.4 Improving the Functioning of the Committee

15.19. As part of a collective initiative launched by the Ottawa Group, Brazil engaged in coordinating a consultation exercise to try and capture Members' perceptions and wishes. In 2019, Brazil submitted a proposal for draft working procedures to strengthen the consultative function of the Committee, based on the consultations.¹⁶⁸ Some Members welcomed the proposal and supported the recommendations made to strengthen the consultative function, while making suggestions for improvement. Certain Members, however, did not support moving forward with the proposed draft at that point. They praised the current Committee arrangements, which underscored the desirability of consultation and flexibility among Members rather than setting binding rules for Committee procedures.

15.20. In the MC12 Outcome Document on MC12 implementation matters, Members agreed to undertake a comprehensive review of all of the WTO's functions to be carried out through the General Council and its subsidiary bodies.¹⁶⁹

15.21. In October 2022, the Chairperson of the CTG requested the 14 Chairpersons of its subsidiary bodies to prepare a report on the current functioning of the Committees, describing the concrete actions of each Committee over the past years to improve its work as well as proposals for improvements.¹⁷⁰ The Chairperson requested that such reports address the issues listed in the Annex to document [JOB/CTG/16](#), which referred to the areas under consideration by some Members at that time. The "Report on the Current Functioning of the SPS Committee", circulated in December 2022, contained information on Committee practices (including the assistance to delegates, the organization of Committee work and substantive work) as well as efforts to improve the work of the Committee (including changes to the agenda for formal meetings, discussions on the consultative function of the Committee, and Committee discussions in the context of the COVID-19 pandemic).¹⁷¹

15.22. In March 2023, several Members introduced their proposal, which identified challenges faced by delegations, proposed specific actions to improve preparation and participation in WTO Committees, and provided a guide for a structured dialogue.¹⁷² These Members were of the view that while the SPS Committee was already applying most of the suggestions, further improvements on the use of digital tools and eRegistration, as well as the potential implementation of a style manual could be incorporated. Paraguay proposed the organization of an informal meeting prior to the subsequent Committee meeting to explore the feasibility of these ideas, a suggestion that was supported by Costa Rica. Informal meetings took place in May and July 2023.¹⁷³

¹⁶⁷ [G/SPS/GEN/2039](#), jointly submitted with Paraguay.

¹⁶⁸ [G/SPS/W/319 and its revisions](#).

¹⁶⁹ [WT/MIN\(22\)/24](#).

¹⁷⁰ [JOB/CTG/18](#).

¹⁷¹ [G/SPS/65](#). A full list of the previous reports submitted by the Chairs of CTG subsidiary bodies is available in [JOB/CTG/19/Rev.2](#), and were subsequently compiled by the Secretariat in a matrix ([G/C/W/824/Rev.1](#)).

¹⁷² [JOB/SPS/25 and its revisions](#).

¹⁷³ A report of the discussions held is available in Annexes B and C of the summary report of the July 2023 Committee meeting, [G/SPS/R/110](#). A presentation on improving the functioning of the SPS Committee delivered by the Secretariat is available in [RD/SPS/227](#).

Members discussed STCs, eAgenda and other online tools, the order of agenda items, India's proposals contained in document [WT/GC/W/874](#), and the written report to the CTG, among other topics.

15.23. Also in March 2023, the United Kingdom referred to the ideas put forward by the LDC Group in document [JOB/GC/223/Rev.1](#) and encouraged other Committees to learn from the innovative initiatives undertaken by the SPS Committee. The Secretariat circulated a "Compilation of Input on the Functioning of Goods Bodies"¹⁷⁴, as per a request from the United Kingdom. The United States noted that practices in the SPS Committee might not be applicable to other WTO Committees and indicated it would review information on discussions between the Secretariat and Members on the feasibility of the proposals. The European Union, Switzerland, and the United States underscored the importance of in person participation in meetings. In November 2023, Paraguay drew Members' attention to the document jointly submitted with the United Kingdom on enhancing clarity and accessibility of information.¹⁷⁵

15.24. Chairpersons and Secretaries were requested to organize discussions concerning the functioning of their respective Committees, to allow Members to identify possible areas for improvement and, subsequently, submit a report to the CTG describing these discussions and improvements introduced. The "Report on improvements in the functioning of the SPS Committee"¹⁷⁶, circulated in October 2023, summarizes the discussions in the Committee and describes processes and proposals and the improvements on the functioning of the Committee (assistance to delegates, planning and organization of meetings, conduct of formal and informal meetings, digital tools used by the Committee and substantive work).

15.25. In June 2024, the Secretariat updated the Committee on the latest improvements in the functioning of the SPS Committee.¹⁷⁷ For that meeting, the Secretariat first used the new format for convening notices and annotated draft agenda, circulated as [WTO/AIR/SPS](#) documents.¹⁷⁸ On a trial basis, at that meeting, the Committee agreed to modify the order of agenda items at its meetings, and the agenda item on Cross-cutting issues was discussed before the item on STCs. This practice was adopted at the November 2024 meeting.¹⁷⁹

15.5 Maximum Residue Limits (MRLs) for Plant Protection Products

Recommendations resulting from the Fifth Review¹⁸⁰:

- *The Committee encourages Members to engage in national discussions of options that could enable a more productive Codex MRL system; and in particular, to discuss ways to achieve sustainable funding for the joint FAO/WHO scientific bodies. Such national discussions of options with respect to the MRL system would take place in the context of national resource availability, and could involve consideration of, inter alia, options for increasing support to JPMR [Joint FAO/WHO Meeting on Pesticide Residues], including increasing representative expert participation and other forms of support for the scientific bodies, and options for encouraging programmes to support submission of data from developing countries, especially on minor crops. The Committee invites regular updates from Codex on its progress in the evaluation of new compounds and of new uses for existing compounds, and on its progress in its periodic review of existing compounds.*
- *The Committee encourages Members to provide greater transparency and predictability worldwide on MRLs, by inter alia: (1) notifying all proposed changes to their MRLs, including changes to MRLs that are based on international standards; and (2) reviewing and improving their ability to take the comments of their trading partners meaningfully into account when considering proposed changes on MRLs.*

¹⁷⁴ [JOB/CTG/26/Rev.1](#).

¹⁷⁵ [JOB/CTG/43](#).

¹⁷⁶ [G/SPS/69](#).

¹⁷⁷ [G/SPS/R/114](#).

¹⁷⁸ The new format for convening notices was used for the first time by the General Council in [WTO/AIR/GC/55](#).

¹⁷⁹ [G/SPS/R/115](#).

¹⁸⁰ [G/SPS/64](#), para. 8.6. (italics original).

- *The Committee welcomes efforts by Members and the relevant observer organizations to provide regular updates to the Committee on their activities on MRLs, including updates on regional initiatives on MRLs. The Committee notes that such information could provide the basis for other Members to implement similar activities at the national and regional levels to improve harmonization to Codex MRLs, as well as to regional MRLs, where no Codex standards exist, in order to facilitate trade.*
- *The Committee invites Members, on a voluntary basis, to explore ways in which their domestic regulatory approaches to pesticide registration and use can impact – both negatively and positively – the incentives of the private sector to invest in registration and stewardship of lower-risk alternative pesticides in their countries. The Committee also invites Members to evaluate their own minor use needs and to collaborate in global data-generation activities.*

15.26. The Committee spent considerable time in each meeting in 2020-24 discussing issues related to MRLs. In 2020, several Members requested that, in light of the COVID-19 pandemic, the European Union suspend for a period of 12 months all review processes currently underway for MRLs as well as the entry into force of the all MRL reductions planned for the year.¹⁸¹ They also requested the European Union, as well as other Members that were in the process of reviewing or modifying MRLs for more restrictive levels, to base their MRLs on international standards, guidelines, and recommendations. This communication, which was initiated by 13 Members predominantly from Latin America in May 2020, got further support, reaching 40 co-sponsors by early 2021.¹⁸² The communication was discussed several times in the Committee in 2020-21 under the "Information sharing" agenda item of Committee meetings.¹⁸³ The Members involved were of the view that the European Union had decided to adopt a regulatory approach with a major impact on production systems, without taking into account climatic and geographical circumstances or impact on food security and the livelihood of many. The European Union reported on actions taken to facilitate the continuation of trade, which included launching a number of financial and technical assistance packages to support its partner countries. While willing to find suitable and innovative approaches to help partners fight the consequences of the COVID-19 pandemic, the European Union considered the protection of public health to be a priority not to be compromised.¹⁸⁴ Discussions on EU approaches to MRLs were also held and continued in the context of various STCs. Overall, in 2020-24, 29 STCs related to MRLs.

15.27. In March 2022, the Committee held the [Thematic Session on Trade Facilitative Approaches to Pesticide MRLs, Including Substances not Approved for Use in an Import Market](#)¹⁸⁵, based on a proposal by Australia, Colombia, Paraguay, and the United States.¹⁸⁶ The main objective of the thematic session was to explore different approaches used by Members to address issues associated with pesticide MRLs and provide an opportunity for experience sharing and identifying best practices with regard to facilitating safe trade. The thematic session built on recent work by APEC in this area and provided Members an opportunity to learn from one another and gain private sector perspectives.

15.28. Following the Secretariat's overview of key principles of the SPS Agreement relevant to pesticide MRLs, relevant Committee work, and MRL-related STCs, Members and industry representatives discussed the economic case for addressing MRLs and the impacts of risk-based and trade facilitative enforcement practices. Speakers looked at various case studies (e.g. on wheat and wine, almonds, and fresh produce more generally) and discussed issues pertaining to missing or low MRLs and costs associated with MRL compliance. Speakers subsequently discussed the role of Codex, looking at the work of the FAO/WHO Joint Meeting on Pesticide Residues (JMPR) and the Codex Committee on Pesticide Residues (CCPR), and experiences harmonizing with Codex MRLs. In this context, the European Union provided an overview of the principles underpinning the

¹⁸¹ [G/SPS/GEN/1778 and its revisions](#); [G/TBT/GEN/296 and its revisions](#).

¹⁸² [G/SPS/GEN/1778/Rev.5](#) and [G/TBT/GEN/296/Rev.5](#).

¹⁸³ Similar discussions also took place in the TBT Committee and in the CTG.

¹⁸⁴ [G/SPS/GEN/1814 and its revisions](#).

¹⁸⁵ The programme is available in document [G/SPS/GEN/1989/Rev.1](#) and the report is contained in Annex B of [G/SPS/R/105](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/thematicsession220322_e.htm.

¹⁸⁶ [G/SPS/GEN/1947](#). In November 2020, the Committee had also discussed a proposal by China to organize a thematic session on default MRLs. China, however, subsequently removed its proposal.

EU pesticide MRL legislation, the process for implementation of Codex MRLs, EU assessment of Codex MRL proposals and reasons that may justify EU reservations. Other interventions highlighted the increasingly complex global patchwork of misaligned and missing MRLs faced by farmers, introduced data pertaining to MRL-related food waste, including data on food waste that could be avoided by using Codex MRLs, and stressed the need for more regulatory coherence. There was also a dedicated session on the role of import tolerances, with an introduction to the APEC Import MRL Guideline for Pesticides and efforts to leverage the guideline for trade facilitation in ASEAN, followed by an experience sharing session on import tolerances from both the importing and exporting Member perspectives. The last session discussed MRL enforcement measures focused on Member and industry experiences with limits of detection and channels of trade/transition periods.

15.29. Further to this thematic session, several Members submitted a follow-up proposal.¹⁸⁷ The proponents drew attention to the increasing number of pesticide related STCs raised in the Committee. The paper proposed four areas of focus for the Committee to explore, possibly through a dedicated working group: (i) approaches in which further international harmonization of MRLs could be encouraged in line with Codex MRLs; (ii) whether it is appropriate to suggest that international guidance be developed on transition periods when import MRLs are modified; (iii) what further international efforts can be taken to support the establishment of import MRL systems; and (iv) the role that international channels of trade provisions could provide and whether it was appropriate to suggest that international guidance be developed. Given the significant work associated with the MC12 SPS Declaration Work Programme, the co-sponsors subsequently proposed to take up this topic at a later time.

15.30. Other MRL-related discussions included:

- in 2020 and 2021, the introduction by the United States of an US International Trade Commission's report on "Global Economic Impact of Missing and Low Pesticide Maximum Residue Levels", [Volume 1](#) and [Volume 2](#). The report examines current and emerging challenges to global agricultural production from existing and evolving pest and disease pressures in different climates and regions, compares national and international policies for establishing pesticide MRLs, and explores the costs and effect of these policies on trade.¹⁸⁸ In this context, the European Union regretted the lack of consideration of methods of productions that used less pesticides, questioned the modelling in the report and noted factual inaccuracies and misleading information regarding the EU system for setting MRLs¹⁸⁹;
- in 2021, reporting on an APEC workshop on MRL harmonization, which had discussed best practices for the enforcement and risk management of MRLs and had explored approaches to facilitate international trade¹⁹⁰;
- in December 2022, information provided by the United States regarding the publication of the final rule "Pesticides: Expansion of Crop Grouping Program VI", expanding the number of commodities in several crop groups, including certain minor or specialty crops, covered by MRLs for new crop groups;
- in November 2023, information provided on a two-part APEC Food Safety Cooperation Forum workshop on risk communication related to MRLs, aimed at strengthening capacity to conduct risk communication and laying the groundwork for future cooperation and collaboration on this matter¹⁹¹; and
- regular updates by Codex on the work of the CCPR in the context of MRLs.

15.31. In addition, in November 2020, an FAO side event was organized to introduce a recently published study "Understanding International Harmonization of Pesticide Maximum Residue Limits with Codex Standards – A Case Study on Rice".¹⁹² The study explored the level of harmonization in main rice producing and trading countries and possible effects on trade, and investigated the reasons

¹⁸⁷ [G/SPS/GEN/2034 and its revisions](#).

¹⁸⁸ [G/SPS/GEN/1842](#) and [G/SPS/GEN/1883](#).

¹⁸⁹ [G/SPS/GEN/1855](#).

¹⁹⁰ [G/SPS/GEN/1884/Rev.1](#).

¹⁹¹ [G/SPS/GEN/2176](#).

¹⁹² The presentation is available here: <https://openknowledge.fao.org/items/7d4d4b11-3173-47ba-bab8-3d72905720ff> and the study is available here: <https://openknowledge.fao.org/items/2e9fccb4-8593-4c23-8fdf-9ffc821b73a5>.

behind differing levels of harmonization. The broad objective of the study was to offer insights for decision-makers involved in setting of standards and design of food policy at national and international level on the significance of harmonization of pesticide MRLs.

15.32. In the context of the Sixth Review, Australia¹⁹³ and India¹⁹⁴ submitted proposals on MRLs. In March 2025, a thematic session was dedicated to innovative regulatory approaches to facilitate safe trade, which included discussions on MRLs (see Section 2.1 in Part A of the Report). The report also contains recommendations on the topic of MRLs (see Section 2.7 in Part A of the report).

15.6 National SPS Coordination Mechanisms

Recommendations resulting from the Fifth Review¹⁹⁵:

- *Members are encouraged to implement appropriate national coordination mechanisms to enable consultation and communication between relevant technical and trade policy experts to enable the development of coordinated SPS positions that are consistent with the obligations of the SPS Agreement. Members are further encouraged to consider ways to strengthen internal coordination on SPS matters.*
- *Members should continue to share experiences on their national coordination mechanisms and discuss strategies and approaches to improve SPS coordination and engagement at the national level with the aim of strengthening implementation of the SPS Agreement, including resolving specific trade concerns.*
- *The Committee requests the Secretariat to prepare a collection of resources that can be useful for Members in implementing their national coordination mechanisms, starting with those mentioned at the 2019 Workshop on Transparency and Coordination, and including additional resources as suggested by Members.*

15.33. Following the above recommendation, the Secretariat presented a first draft of the Collection of Resources to Facilitate Implementation of National SPS Coordination Mechanisms, circulated as document [G/SPS/GEN/1850](#). In relation to the tools indicated in Section 3 of the document, on useful tools and resources for national SPS coordination, the Secretariat drew attention to enhancements to the ePing system – the predecessor of the ePing SPS&TBT Platform.

15.34. In 2021, the Secretariat presented a revised version of this collection of resources, circulated as document [G/SPS/GEN/1850/Rev.1](#), and highlighted the changes to Section 3 on useful tools and resources for national SPS coordination. Five new resources and an update had been received from the STDF. In July 2021, the Chair proposed that the document remain a "living document", to be updated any time Members suggested additional resources. On this basis, future discussions on this document would only be included in the agenda of the informal meeting if a Member proposed additional resources to be included.

15.7 New Tools and Technologies

15.35. In 2020, several Members referred to the International Statement on Agricultural Applications of Precision Biotechnology, urging the Committee to establish science- and risk-based regulatory frameworks and emphasizing the importance of ensuring food, animal, and plant safety while promoting trade in precision biotechnology products.¹⁹⁶ Since it was first presented in November 2018¹⁹⁷, the statement was co-sponsored by several Members and also supported by some observer organizations. Interested Members were encouraged to support the non-binding statement and join cooperative and collaborative multilateral efforts to support open and fair trade for products of precision biotechnology. In June 2024, the United States, Argentina, Australia, Canada, Guatemala, and Paraguay organized a [side event](#) on the topic.¹⁹⁸

¹⁹³ [G/SPS/W/361](#).

¹⁹⁴ [G/SPS/W/358](#).

¹⁹⁵ [G/SPS/64](#), para. 6.7. (italics original).

¹⁹⁶ [G/SPS/GEN/1658 and its revisions](#).

¹⁹⁷ [G/SPS/R/93](#).

¹⁹⁸ [G/SPS/GEN/2256](#).

15.36. During the SPS@25 event in November 2020 (see Section 15.9 below), speakers explored trade-related SPS challenges of the future and the potential role of the Committee. In that context, they referred to the increasing importance of digitally driven technology in trade and agriculture. Speakers noted that COVID-19 related restrictions had led to a wider use of electronic certificates and that the increased use of information technology provided more opportunities to gather and share data, which could provide a basis to target inspections to high-risk products.¹⁹⁹

15.37. Electronic certificates were at the heart of many Committee discussions in 2020-24. Several Members including Argentina²⁰⁰, Chile²⁰¹, China, Colombia, Côte d'Ivoire²⁰², Ecuador²⁰³, the European Union²⁰⁴, Indonesia, Peru²⁰⁵, Senegal, and Ukraine shared information about digital certificates or their transition to the IPPC ePhyto Solution. In 2022, Chinese Taipei provided information on an APEC workshop on the application of electronic veterinary and phytosanitary certificates.²⁰⁶ In addition, the IPPC regularly shared information on the use of electronic certificates and praised the cooperation with the STDF in this regard. In 2020, the IPPC informed that, in order to mitigate the impact of COVID-19 restrictions, more countries had started to exchange phytosanitary certificates electronically, which had contributed to the safe trade of plant and plant products during the pandemic. Since then, the number of countries exchanging e-certificates had been steadily increasing. In 2021, the IPPC further informed the Committee that the formation of a Focus Group on its ePhyto Solution was under consideration (since then established). In addition, in 2023, IICA informed the Committee of its forthcoming workshop on electronic SPS certification, co-hosted by the STDF, slated to take place in Costa Rica in July 2023. Also noteworthy: an OECD side event on "Digital Opportunities for SPS Systems and the Trade Facilitation Effects of SPS Electronic Certification" was held on the margins of the March 2021 Committee meeting.²⁰⁷ Asked about the sustainability of the ePhyto solution, in November 2024, the IPPC noted that work was still ongoing on sustainable funding for the ePhyto solution and that CPM had set up an approach whereby contracting parties could provide voluntary contributions from 2025.

15.38. In June 2022, the Committee held the [Thematic Session on the Use of Remote \(Virtual\) Audit and Verification in Regulatory Frameworks](#)²⁰⁸, on the basis of a proposal by Australia.²⁰⁹ The purpose of the thematic session was to provide an opportunity to share experiences on the use of remote assessment methods, discuss how such approaches may assist Members with their obligations under Annex C to the SPS Agreement, and take a closer look at the relevance and scope for future use. It also sought to provide insight on ongoing initiatives including guidance being developed by Codex under its Committee on Food Import and Export Inspection and Certification Systems (CCFICS) and allow Members and industry representatives to discuss the benefits and challenges of remote audit, drawing from their experiences. The Secretariat provided an overview of the provisions of the SPS Agreement which could be relevant in the context of remote audit and inspection, focusing on Article 8 and Annex C, and reported on relevant notifications and STCs. Other sessions delved into various forms of remote assessment, including those used during the COVID-19 pandemic, and the link with regulatory frameworks, as well as relevant international standards and other international initiatives. The thematic session also included a roundtable discussion, in which Member and industry representatives discussed the benefits of using remote assessment methods to facilitate international trade, as well as the associated challenges, such as those linked with privacy and security issues. The thematic session was also an opportunity for sharing experiences in more detail through case studies, for example looking at blended approaches combining on-site and remote audits. In addition, in November 2023, an OECD side event on "Costs, Benefits and Effectiveness of Remote Audits for International Food Safety" was held in the margin of the Committee meeting.²¹⁰

¹⁹⁹ [G/SPS/GEN/1848](#).

²⁰⁰ [G/SPS/GEN/2251](#).

²⁰¹ [G/SPS/GEN/2248](#).

²⁰² [G/SPS/GEN/2175](#).

²⁰³ [G/SPS/GEN/1771](#) and [G/SPS/GEN/2210](#).

²⁰⁴ [G/SPS/GEN/1799](#).

²⁰⁵ [G/SPS/GEN/2250](#).

²⁰⁶ [G/SPS/GEN/2066](#).

²⁰⁷ [JOB/SPS/13](#).

²⁰⁸ The programme is available in document [G/SPS/GEN/2016/Rev.1](#) and the report is contained in Annex B of document [G/SPS/R/107](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/thematic_session_21jun22_e.htm.

²⁰⁹ [G/SPS/GEN/1949/Rev.1](#).

²¹⁰ [JOB/SPS/32](#).

15.39. In the context of the Sixth Review, Australia, the European Union, Norway, the United Kingdom and the United States submitted proposals for discussion on technology and IT tools.²¹¹ In June 2024, the Committee held a thematic session on digital tools²¹² (see Section 2.5 in Part A of the report). Part A of the report also contains recommendations on this topic (see Section 2.5 in Part A of the report).

15.8 Organizations with Observer Status

15.40. In the context of the MC12 SPS Declaration Work Programme (see Section 14 above), Members held extensive discussions on the topic of cooperation with observer organizations.

15.8.1 Information from Observer Organizations

15.41. At the last Committee meeting of each year, Members decide whether to invite organizations with *ad hoc* observer status in the Committee to participate in all of the Committee meetings in the following year – with the exception of closed meetings. At the beginning of the following year, the Secretariat officially invites these organizations to participate in all Committee meetings of the year. In line with the WTO General Council Guidelines and the SPS Committee's decisions, observer organizations are permitted to attend the informal and regular meetings of the SPS Committee but cannot participate in the decision-making process. Observers are invited to inform the Committee of their relevant activities at each meeting, including activities relating to capacity building and technical assistance. Observers are encouraged to submit written reports on their activities in advance of each Committee meeting and highlight the most important information in a brief oral statement to the Committee.

15.42. In 2020-24, the [African Union](#), [AOAD](#), [CAHFS](#), [ECOWAS](#), [GSO](#), [IGAD](#), [IICA](#), [ITC](#), the [OECD](#), [OIRSA](#), [SADC](#) and the [World Bank Group](#) provided reports on their SPS-related activities.

15.43. In addition, as indicated in [Appendix B](#), several observer organizations held side events on the margins of the Committee meetings: "Understanding International Harmonization of Pesticide Maximum Residue Limits with Codex Standards – A Case Study on Rice" (FAO, November 2020); "Digital Opportunities for SPS Systems and the Trade Facilitation Effects of SPS Electronic Certification" (OECD, March 2021); "Systems Approaches in Food Safety and Plant Health" (STDF and World Bank, July 2021); "Presentation of IFC Scan Guide and IFC Food Safety Handbook" (World Bank Group International Finance Corporation, November 2022); "Sanitary and Phytosanitary Approval Procedures – Key Issues, Their Impact on Trade and Ways to Address Them" (OECD, March 2023); and "Costs, Benefits and Effectiveness of Remote Audits for International Food Safety" (OECD, November 2023).

15.8.2 New Requests for Observer Status

15.44. A new request for observer status was received from the United Nations Industrial Organization (UNIDO)²¹³ and, in June 2020, Members were invited to submit written comments on the request, for further consideration in the November 2020 Committee meeting. Senegal, Belize²¹⁴, and Morocco²¹⁵ supported UNIDO's request. The Chairperson indicated that he had been informed that it would not be possible to reach consensus status on UNIDO's request.

15.45. Another new request for observer status was received from the Arab Organization for Agricultural Development (AOAD)²¹⁶ and, similarly, in June 2020, Members were invited to submit written comments on the request, for further consideration in the November 2020 Committee

²¹¹ Australia ([G/SPS/W/361](#)), the European Union ([G/SPS/W/353](#) and [G/SPS/W/359](#)), a joint proposal by Canada and the European Union ([G/SPS/W/369](#)), Norway ([G/SPS/W/366](#)), the United Kingdom ([G/SPS/W/360](#)) and the United States ([G/SPS/W/350](#) and [G/SPS/W/363](#)).

²¹² The programme is available in document [G/SPS/GEN/2224/Rev.2](#) and the report is contained in Annex A of document [G/SPS/R/114](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_2506202410_e/sps_2506202410_e.htm.

²¹³ [G/SPS/GEN/121/Add.18](#).

²¹⁴ [G/SPS/GEN/1841](#).

²¹⁵ [G/SPS/GEN/1867](#).

²¹⁶ [G/SPS/GEN/121/Add.19](#).

meeting. At that meeting, no objections were received, and the Committee agreed to grant *ad hoc* observer status to AOAD.

15.46. In 2022 and again in 2023, a new request for observer status was received from the International Olive Council (IOC).²¹⁷ Tunisia supported the IOC's request. The Chairperson indicated that he had been informed that it would not be possible to reach consensus status on IOC's request.

15.8.3 Pending Requests

15.47. Pending requests for observer status are contained in the latest revision of document [G/SPS/W/78](#). In 2020-23, the Chairperson regularly noted that there was still no consensus on the six outstanding requests for observer status from the Convention on Biological Diversity (CBD); CABI International; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Organisation Internationale de la Vigne et du Vin (OIV); the Asian and Pacific Coconut Community (APCC); and the International Cocoa Organization (ICCO). No Member took the floor under this agenda item in 2020-24.

15.48. In 2023, the Chairperson noted that some pending requests dated back more than ten years and that he intended to consult with the Secretariat on the way to tackle the list. Later in 2023, 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. In November 2023 the Secretariat contacted all relevant organizations. A renewed expression of interest was received from the CBD and, in March 2024, the Chairperson noted that it would not be possible to reach consensus to grant observer status to the CBD. No indication of renewed interest for observer status was received from any of the other five organizations and, at that same meeting, the Chairperson proposed removing the five organizations from the list of pending requests in [G/SPS/W/78](#), as per the Committee's agreed approach.

15.9 SPS Celebrations: SPS@25 and SPS@30

15.49. 2020 marked the 25th anniversary of the SPS Agreement. Members recognized that MC12, which had been initially scheduled in 2020, provided an opportune point to reflect on the successes achieved since the adoption of the SPS Agreement and recognize the challenges ahead resulting from emerging pressures. In that context, a group of Members proposed an SPS Declaration for MC12²¹⁸, that was subsequently adopted as the MC12 SPS Declaration (see Section 14 above).²¹⁹

15.50. In June 2020, the Secretariat noted that it would consult Members on the possibility of organizing a symposium in November 2020. During informal Committee consultations held in September 2020, the Secretariat explained that a half-day SPS@25 anniversary event was planned and invited delegates to submit ideas and suggestions.

15.51. An SPS@25 half-day informal event was held in November 2020 to celebrate the 25th anniversary of the SPS Agreement. Following opening remarks of DDG Alan Wolff, the first session of the SPS@25 event, "Everything you always wanted to know about the SPS Agreement but were afraid to ask", looked back at the negotiations of the SPS Agreement and the evolution of the Committee over time. In the second session, "The Crystal Ball", speakers explored trade-related SPS challenges of the future and the potential role of the Committee. The Secretariat produced a set of videos with contributions by former Chairpersons, which were streamed during the event and shared on WTO's social media accounts.²²⁰

15.52. In 2024, the WTO celebrated the 30th anniversary of the conclusion of the Uruguay Round and the creation of the WTO, including the 30th anniversary of the SPS Agreement. This coincided with the 20th anniversary of the STDF. A reception, hosted by the STDF, was held on the margins of

²¹⁷ [G/SPS/GEN/121/Add.20](#).

²¹⁸ [G/SPS/GEN/1758 and its revisions](#).

²¹⁹ [WT/MIN\(22\)/27](#).

²²⁰ The programme was circulated in document [G/SPS/GEN/1848](#) and the report is contained in Annex C of [G/SPS/R/100](#). Infographics and videos are available at: https://www.wto.org/english/tratop_e/spis_e/spis_at25_e.htm.

the November 2024 Committee meeting to celebrate STDF@20 and SPS@30. At the November 2024 Committee meeting, delegates were also invited to participate in a series of fun competitive quizzes related to the work of the Committee.

15.53. In addition, the Secretariat submitted a call for SPS Committee success stories. Colleagues from Canada, Chile, Ecuador, Gabon, Madagascar, Thailand, and The Gambia shared their insights on how the Committee had helped over the years. The Secretariat edited and compiled these inspirational stories, which were published and shared with the Committee in March 2025.²²¹

15.10 Voluntary Third-Party Assurance Schemes

Recommendations resulting from the Fifth Review²²²:

- *The Committee had agreed to hold a Thematic Session on Voluntary Third-Party Assurance in March 2020, which had to be postponed due to the COVID-19 pandemic. The Committee agrees to reschedule this Thematic Session as soon as the COVID-19 situation allows.*

15.54. Following this recommendation in the Fifth Review, in November 2020, the Committee held the [Thematic Session on Voluntary Third-Party Assurance as part of National SPS Control Systems](#)²²³, based on proposals submitted by Belize.²²⁴ Codex and the IPPC discussed existing standards and ongoing work, e.g. draft Codex guidelines for the use of third-party assurance schemes, which were later adopted. Members, including Belize, Egypt, Canada, Germany, and the United States shared experiences with vTPA programmes. The Committee also heard from GFSI on its efforts to harmonize requirements for accredited private certification programmes with a mutual recognition approach. Finally, there was a dedicated session on capacity building efforts, with interventions from the STDF and Honduras regarding STDF vTPA pilot projects²²⁵, UNIDO, TradeMark East Africa, COMESA, South Africa, and GFSI.

15.55. A standing agenda item is included on the Committee's agenda on "Concerns with private and commercial standards". In 2020-24, no Member provided information under this agenda item.

15.56. In the context of the Sixth Review, Belize submitted proposals to hold a thematic session on monitoring the use of international standards, looking at the implementation of the CCFICS Guideline on the Use of Voluntary Third-Party Assurance Programmes (CXG 93-2021).²²⁶ The Committee held a thematic session on this topic in November 2024 (see Section 2.2 in Part A of the report).²²⁷

²²¹ The publication is available at:

https://www.wto.org/english/tratop_e/sps_e/sps_committee_success_stories_e_web.pdf.

²²² [G/SPS/64](#), para. 11.9. (italics original).

²²³ The programme is available in document [G/SPS/GEN/1754/Rev.3](#) and the report is contained in Annex A of [G/SPS/R/100](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_thematic_session_31120_e.htm.

²²⁴ [G/SPS/W/316](#) and [G/SPS/W/320](#).

²²⁵ During the same Committee week, Belize also reported on the STDF project on "Piloting the use of Third-Party Assurance (TPA) Programme in Central America (Belize and Honduras) to Improve Food Safety Outcomes for Public Health" ([G/SPS/GEN/1839](#)).

²²⁶ [G/SPS/W/355](#) and [G/SPS/W/362/Rev.1](#).

²²⁷ The programme is available in document [G/SPS/GEN/2254/Rev.1](#) and the report is contained in Annex B of [G/SPS/R/115](#). Presentations and more information are available at: https://www.wto.org/english/tratop_e/sps_e/sps_12112024_e/sps_12112024_e.htmhttps://www.wto.org/english/tratop_e/sps_e/sps_thematic_session_31120_e.htm.

APPENDIX A – OVERVIEW OF COMMITTEE THEMATIC SESSIONS AND WORKSHOPS IN 2020–24

Date	Topic	Webpage
12 November 2024	Thematic Session on Monitoring the Use of International Standards: Implementation of the Codex Principles and Guidelines for the Assessment and use of Voluntary Third-Party Assurance Programmes (CXG 93-2021) (see Section 2.2 in Part A of the report)	https://www.wto.org/english/tratop_e/sps_e/sps_12112024_e/sps_12112024_e.htm
11 November 2024	Thematic Session on Emerging Risks and New Agricultural Technologies to Address Them (see Section 2.1 in Part A of the report)	https://www.wto.org/english/tratop_e/sps_e/sps_11112024_e/sps_11112024_e.htm
25 June 2024	Thematic Session on Digital Tools (see Section 2.5 in Part A of the report)	https://www.wto.org/english/tratop_e/sps_e/sps_2506202410_e/sps_2506202410_e.htm
18-19 March 2024	Workshop on Transparency (see paragraph 3.1.)	https://www.wto.org/english/tratop_e/sps_e/sps_1803202410_e/sps_1803202410_e.htm
14 November 2023	Thematic Session on Risk Communication, Misinformation and Disinformation (see paragraph 3.1.)	https://www.wto.org/english/tratop_e/sps_e/sps_1411202310_e/sps_1411202310_e.htm
8 November 2022	Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment, and Management (see paragraph 3.3.)	https://www.wto.org/english/tratop_e/sps_e/t_hematic_session_nov22_e.htm
21 June 2022	Thematic Session on the Use of Remote (Virtual) Audit and Verification in Regulatory Frameworks (see paragraph 15.38.)	https://www.wto.org/english/tratop_e/sps_e/t_hematic_session_21jun22_e.htm
20 June 2022	Workshop on Transparency (see paragraph 8.24.)	https://www.wto.org/english/tratop_e/sps_e/workshop_transparency_20jun22_e.htm
22 March 2022	Thematic Session on Trade Facilitative Approaches to Pesticide MRLs, including Substances not Approved for Use in an Import Market (see paragraph 15.27.)	https://www.wto.org/english/tratop_e/sps_e/t_hematicsession220322_e.htm
2 November 2021	Thematic Session on Procedure to Monitor the Process of International Harmonization (see Section 1.2)	https://www.wto.org/english/tratop_e/sps_e/sps_nov21_e.htm
12-13 July 2021	Workshop on Risk Assessment, Management and Communication (see paragraph 3.1.)	https://www.wto.org/english/tratop_e/sps_e/sps_workshop_july21_e.htm
23 March 2021	Thematic Session on African Swine Fever (see paragraph 5.21.)	https://www.wto.org/english/tratop_e/sps_e/sps_thematic_session_230321_e.htm
3 November 2020	Thematic Session on Voluntary Third-Party Assurance as Part of National SPS Control Systems (see paragraph 15.10)	https://www.wto.org/english/tratop_e/sps_e/sps_thematic_session_31120_e.htm
2 November 2020	SPS@25: Commemorating 25 years of the SPS Agreement (see Section 15.9)	https://www.wto.org/english/tratop_e/sps_e/sps_at25_e.htm
24 June 2020	SPS Committee information sharing session on COVID-19 (see Section 15.2)	https://www.wto.org/english/tratop_e/sps_e/sps_covid_session_24620_e.htm

APPENDIX B – OVERVIEW OF COMMITTEE SIDE EVENTS IN 2020-24

Date	Organizer(s)	Title	Relevant documents
14 November 2024	United States, Canada, Australia and the International Grain Trade Coalition (IGTC)	Navigating Challenges in International Grain Trade: Sustainability, Innovation, and Policy	WTO/AIR/SPS/47
13 November 2024 27 June 2024	WTO International Seed Federation, STDF, International Grain Trade Coalition, and Global Alliance for Trade Facilitation	WTO ePing information session Innovating for Food Security: The Role of Digital Connectivity	WTO/AIR/SPS/47 G/SPS/GEN/2231 ; WTO/AIR/SPS/45
25 June 2024	United States, Argentina, Australia, Canada, Guatemala and Paraguay	Agricultural Applications of Precisions Biotechnology	G/SPS/GEN/1658/Rev.4 ; WTO/AIR/SPS/45
20 March 2024	STDF	International Francophonie Day	G/SPS/GEN/2198 ; JOB/SPS/34
19 March 2024	COLEAD	Introducing the EU-funded AGRINFO Information Programme on New EU Policies and Regulations	G/SPS/GEN/2205 ; JOB/SPS/34
16 November 2023	OECD	Costs, Benefits and Effectiveness of Remote Audits for International Food Safety	G/SPS/GEN/2156 ; JOB/SPS/32
15 November 2023	Oxford University Press	Book Launch, Second Edition of the WTO Agreement on Sanitary and Phytosanitary Measures – A Commentary	JOB/SPS/32
14 November 2023	European Union	Empowering Learning and Impact: Better Training for Safer Food (BTSF) in your language	G/SPS/GEN/2157 ; JOB/SPS/32
13 July 2023	STDF	Facilitating Safe Trade: Why Does Gender Matter for SPS Compliance?	G/SPS/GEN/2135 ; JOB/SPS/29
23 March 2023	Codex, the IPPC and WOH	Monitoring the Implementation of International Standards	G/SPS/GEN/2100 ; JOB/SPS/26
22 March 2023	OECD	Sanitary and Phytosanitary Approval Procedures – Key Issues, their Impact on Trade and Ways to Address Them	G/SPS/GEN/2105 ; JOB/SPS/26
9 November 2022	World Bank Group International Finance Corporation (IFC)	Presentation of IFC Scan Guide and IFC Food Safety Handbook	G/SPS/GEN/2063 ; JOB/SPS/23
23 March 2022	Uganda and the United States	Responding to Fall Armyworm – Integrated Pest Management (IPM) and Policy Approaches	JOB/SPS/19
21 March 2022	STDF in collaboration with Canada and France	Exploring SPS Technical Assistance in Francophone Africa	JOB/SPS/19
3 November 2021	STDF	Launch of the STDF Guide on Good Regulatory Practices to Improve SPS Measures	JOB/SPS/17
15 July 2021	United States	Improved SPS Capacity through Distance Learning	G/SPS/GEN/1914 JOB/SPS/15
14 July 2021	STDF and World Bank	Systems Approaches in Food Safety and Plant Health	JOB/SPS/15
26 March 2021	OECD	Digital Opportunities for SPS Systems and the Trade Facilitation Effects of SPS Electronic Certification	JOB/SPS/13
24 March 2021	WTO	WTO Trade Concerns Database	JOB/SPS/13
24 March 2021	STDF	Investing in Safe Trade Systems to Protect Health and Market Access	JOB/SPS/13

Date	Organizer(s)	Title	Relevant documents
23 March 2021	IPPC	Promoting Safe Trade in the International Year of Plant Health	JOB/SPS/13
5 November 2020	FAO	Understanding International Harmonization of Pesticide Maximum Residue Limits with Codex Standards – A Case Study on Rice	JOB/SPS/11
4 November 2020	WOAH (OIE at the time)	Launch of two new publications: Scientific and Technical Review on "Ensuring Safe Trade in Animals and Animal Products" and Technical Item 2020 on "Required Competences of Veterinary Services for International Trade"	JOB/SPS/11
2 November 2020	Permanent Missions of Canada, Colombia, Costa Rica, Ecuador, Guatemala, Paraguay, and the United States	Farmers' Perspectives on SPS Challenges for Sustainable Food Production and Trade	JOB/SPS/11

APPENDIX C – WTO DISPUTES INVOKING THE SPS AGREEMENT

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
1	STC 2	WT/DS3	Korea - Measures Concerning the Testing and Inspection of Agricultural Products	US complaint against Korea's inspection procedures for fresh fruits	Consultations requested on 04/04/1995 (WT/DS3/1)	No further official information on the status of the dispute <i>Note: The Committee was informed that the related STC had been resolved (G/SPS/GEN/265)</i>
2	STC 1	WT/DS5	Korea - Measures Concerning the Shelf-Life of Products	US complaint against Korea's shelf-life requirements for frozen processed meats and other products	Consultations requested on 03/05/1995 (WT/DS5/1)	Mutually agreed solution (WT/DS5/5) notified on 20/07/1995 <i>Note: The Committee was informed that the related STC had been resolved (G/SPS/GEN/265)</i>
3	STC 8	WT/DS18	Australia - Measures Affecting Importation of Salmon	Canada's complaint against Australia's import restrictions on fresh, chilled, or frozen salmon	Consultations requested on 05/10/1995 (WT/DS18/1)	Panel established on 10/04/1997 Panel composed on 28/05/1997 Appellate Body report (WT/DS18/AB/R) and Panel report (WT/DS18/R) adopted on 6/11/1998 Suspension of concessions authorized on 24/12/1998 Article 21.3(c) DSU arbitration award circulated (WT/DS18/9) on 23/02/1999 Article 21.5 DSU compliance proceedings: panel report (WT/DS18/RW) adopted on 20/03/2000 DSB is informed of mutually agreed solution on 18/05/2000
4	STC 1	WT/DS20	Korea - Measures concerning Bottled Water	Canada's complaint against Korea's restrictions on treatment methods for bottled water	Consultations requested on 08/11/1995 (WT/DS20/1)	Mutually agreed solution notified (WT/DS20/6) on 24/04/1996 <i>Note: Notification received regarding the resolution of the STC (RD/SPS/114)</i>
5	STC 8	WT/DS21	Australia - Measures Affecting the Importation of Salmonids	US complaint against Australia's import restrictions on fresh, chilled, or frozen salmon	Consultations requested on 17/11/1995 (WT/DS21/1)	Panel established on 16/06/1999 Mutually agreed solution notified (WT/DS21/10) on 27/10/2000

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
6	N/A	WT/DS26	European Communities - Measures Concerning Meat and Meat Products (Hormones)	US complaint against EC's prohibition of meat from animals treated with growth-promoting hormones	Consultations requested on 26/01/1996 (WT/DS26/1)	Panel established on 20/05/1996 Panel composed on 02/07/1996 Appellate Body report (WT/DS26/AB/R) and Panel report (WT/DS26/R/USA) adopted on 13/02/1998 Suspension of concessions authorized on 26/07/1999 Article 21.3(c) DSU arbitration award (WT/DS26/15) circulated on 29/05/1998 Article 22.6 DSU arbitration decision (WT/DS26/ARB) circulated on 12/07/1999 Authorization to retaliate granted on 26/07/1999 Article 21.5 DSU compliance proceedings: request for consultations (WT/DS26/23) on 22/12/2008 Memorandum of understanding (WT/DS26/28) notified on 25/09/2009 and revised (WT/DS26/29) on 17/04/2014
7	STC 2	WT/DS41	Korea - Measures concerning Inspection of Agricultural Products	US complaint against Korea's inspection procedures for fresh fruits	Consultations requested on 24/05/1996 (WT/DS41/1)	No further official information on the status of the dispute <i>Note: The Committee was informed that the related STC had been resolved (G/SPS/GEN/265)</i>
8	N/A	WT/DS48	European Communities - Measures Concerning Meat and Meat Products (Hormones)	Canada's complaint against EC prohibition of meat from animals treated with growth-promoting hormones	Consultations requested on 28/06/1996 (WT/DS48/1)	Panel established on 16/10/1996 Panel composed on 04/11/1996 Appellate Body report (WT/DS48/AB/R) and Panel report (WT/DS48/R/CAN) adopted on 13/02/1998 Suspension of concessions authorized on 26/07/1999 Article 21.3(c) DSU arbitration award (WT/DS48/13) circulated on 29/05/1998 Article 22.6 DSU arbitration decision (WT/DS26/ARB) circulated on 12/07/1999 Authorization to retaliate granted on 26/07/1999 Article 21.5 DSU compliance proceedings: request for consultations (WT/DS48/21) on 25/09/2009 Memorandum of understanding (WT/DS48/26) notified on 17/03/2011 Mutually agreed solution (WT/DS48/27) notified on 28/09/2017
9	STC 12	WT/DS76	Japan - Measures Affecting Agricultural Products	US complaint against Japan's "varietal testing" requirement for fresh fruits	Consultations requested on 07/04/1997 (WT/DS76/1)	Panel established on 18/11/1997 Panel composed on 18/12/1997 Appellate Body report (WT/DS76/AB/R) and Panel report (WT/DS76/R) adopted on 19/03/1999 Mutually agreed solution (WT/DS76/12) notified on 23/08/2001
10	N/A	WT/DS96	India - Quantitative Restrictions on Imports of Agricultural, Textile	EC complaint against India's quantitative restrictions on	Consultations requested on 18/07/1997 (WT/DS96/1)	Mutually agreed solution (WT/DS96/8) notified on 07/04/1998 (see also WT/DS96/8/Corr.1 , WT/DS96/2/Add.1)

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
			and Industrial Products	agricultural and other products		
11	N/A	WT/DS100	United States - Measures Affecting Imports of Poultry Products	EC complaint against US restrictions on poultry imports	Consultations requested on 18/08/1997 (WT/DS100/1)	No further official information on the status of the dispute
12	STC 4	WT/DS133	Slovak Republic - Measures Concerning the Importation of Dairy Products and the Transit of Cattle	Switzerland's complaint against Slovakia's BSE-related restrictions on cattle and meat	Consultations requested on 07/05/1998 (WT/DS133/1)	No further official information on the status of the dispute <i>Note: The Committee was informed that the related STC had been resolved (G/SPS/R/14)</i>
13	N/A	WT/DS134	European Communities - Restrictions on Certain Import Duties on Rice	India's complaint against EC restrictions on rice imports	Consultations requested on 27/05/1998 (WT/DS134/1)	No further official information on the status of the dispute
14	N/A	WT/DS135	European Communities - Measures Affecting Asbestos and Products Containing Asbestos	Canada's complaint against EC (French) measures affecting asbestos	Consultations requested on 28/05/1998 (WT/DS135/1)	Panel established on 25/11/1998 Panel composed on 29/03/1999 Appellate Body report (WT/DS/135/AB/R) and Panel report (WT/DS/135/R) adopted on 05/04/2001 <i>Note: No findings under the SPS Agreement</i>
15	N/A	WT/DS137	European Communities - Measures Affecting Imports of Wood of Conifers from Canada	Canada's complaint against EC restrictions due to pine wood nematodes	Consultations requested on 17/06/1998 (WT/DS137/1)	No further official information on the status of the dispute
16	N/A	WT/DS144	United States - Certain Measures Affecting the Import of Cattle, Swine and Grain from Canada	Canada's complaint against US state restrictions on movement of Canadian trucks carrying live animals and grains	Consultations requested on 25/09/1998 (WT/DS144/1)	No further official information on the status of the dispute
17	N/A	WT/DS203	Mexico - Measures Affecting Trade in Live Swine	US complaint against Mexico's measures affecting trade in live swine	Consultations requested on 10/07/2000 (WT/DS203/1)	No further official information on the status of the dispute
18	STC 77	WT/DS205	Egypt - Import Prohibition on	Thailand's complaint against Egypt's GMO-related prohibition on	Consultations request on 22/09/2000	No further official information on the status of the dispute <i>Note: The Committee was informed that the related STC had been resolved (G/SPS/GEN/2261)</i>

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
			Canned Tuna with Soybean Oil	imports of canned tuna with soybean oil	(WT/DS205/1)	
19	STC 92	WT/DS237	Turkey - Certain Import Procedures for Fresh Fruit	Ecuador's complaint against Türkiye's import requirements for fresh fruit, especially bananas	Consultations requested on 31/08/2001 (WT/DS237/1)	Panel established on 29/07/2002; panel composition suspended on the same day Mutually agreed solution (WT/DS237/4) notified on 22/11/2002 <i>Note: The Committee was informed that the related STC had been resolved (G/SPS/R/34)</i>
20	STC 100	WT/DS245	Japan - Measures Affecting the Importation of Apples	US complaint against Japan's restrictions on apples due to fire blight	Consultations requested on 01/03/2002 (WT/DS245/1)	Panel established on 03/06/2002 Panel composed on 16/07/2002 Appellate Body report (WT/DS245/AB/R) and Panel report (WT/DS245/R) adopted on 10/12/2003 Article 21.5 DSU compliance proceedings: Panel report (WT/DS245/RW) adopted on 20/07/2005 Mutually agreed solution (WT/DS245/RW) notified on 30/08/2005
21	STC 76	WT/DS256	Turkey - Import Ban on Pet Food from Hungary	Hungary's complaint against Türkiye's restrictions on imports of pet food (BSE)	Consultations requested on 03/05/2002 (WT/DS256/1)	No further official information on the status of the dispute <i>Note: The Committee was informed that the related STC had been resolved (G/SPS/R/34)</i>
22	STC 74	WT/DS270	Australia - Certain Measures Affecting the Importation of Fresh Fruit and Vegetables	Philippine complaint against Australia's restrictions on fresh fruits and vegetables, including bananas	Consultations requested on 18/10/2002 (WT/DS270/1)	Panel established on 29/08/2003
23	STC 74	WT/DS271	Australia - Certain Measures Affecting the Importation of Fresh Pineapple	Philippine complaint against Australia's restrictions on pineapples	Consultations requested on 18/10/2002 (WT/DS271/1)	No further official information on the status of the dispute
24	N/A	WT/DS279	India - Import Restrictions Maintained Under the Export and Import Policy 2002-2007	EC complaint against India's export and import policy	Consultations requested on 23/12/2002 (WT/DS279/1)	No further official information on the status of the dispute
25	STC 164	WT/DS284	Mexico - Certain Measures Preventing the Importation of Black Beans from Nicaragua	Nicaragua's complaint against Mexico's phytosanitary restrictions on black beans	Consultations requested on 17/03/2003 (WT/DS284/1)	Request for consultations withdrawn (WT/DS284/4) on 08/03/2004 (Nicaragua considered its complaints to have been adequately addressed as a result of negotiations with Mexico) <i>Note: The Committee was informed that the related STC between the United States and Mexico had been resolved (G/SPS/R/42)</i>
26	STC 139	WT/DS287	Australia - Quarantine Regime for Imports	EC complaint against Australian quarantine regime	Consultations requested on 03/04/2003	Panel established on 07/11/2003 Mutually agreed solution (WT/DS287/8) notified on 09/03/2007

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
					(WT/DS287/1)	
27	STC 106/110	WT/DS291	European Communities - Measures Affecting the Approval and Marketing of Biotech Products	US complaint against EC on GMO approvals	Consultations requested on 13/05/2003 (WT/DS291/1)	Single panel established for disputes DS291, DS292, and DS293 on 29/08/2003 Panel composed on 04/03/2004 Panel report (WT/DS291/R) was adopted on 21/11/2006 Arbitration (WT/DS291/34) requested on 07/02/2008 Suspension of concessions authorized on 15/02/2008 Article 22.6 of the DSU arbitrator composed on 18/02/2008
28	STC 106/110	WT/DS292	European Communities - Measures Affecting the Approval and Marketing of Biotech Products	Canada's complaint against EC on GMO approvals	Consultations requested on 13/05/2003 (WT/DS292/1)	Single Panel established to examine disputes DS291, DS292, and DS293 on 29/08/2003 Panel composed on 04/03/2004 Panel report (WT/DS292/R) adopted on 21/11/2006 Mutually agreed solution (WT/DS292/40) notified on 15/07/2009
29	STC 106/110	WT/DS293	European Communities - Measures Affecting the Approval and Marketing of Biotech Products	Argentina's complaint against EC on GMO approvals	Consultations requested on 14/05/2003 (WT/DS293/1)	Single Panel established to examine disputes DS291, DS292, and DS293 on 29/08/2003 Panel composed on 04/03/2004 Panel report (WT/DS293/R) adopted on 21/11/2006 Mutually agreed solution (WT/DS293/41) notified on 19/03/2010
30	STC 166	WT/DS297	Croatia - Measures Affecting Imports of Live Animals and Meat Products	Hungary's complaint against Croatia's restrictions on live animals and meat products	Consultations requested on 09/07/2003 (WT/DS297/1)	Mutually agreed solution (WT/DS297/2) notified on 30/01/2009
31	N/A	WT/DS320*	United States - Continued Suspension of Obligations	EC complaint against the US continued suspension of obligations in the EC-Hormones dispute	Consultations requested on 08/11/2004 (WT/DS320/1)	Panel established on 17/02/2005 Appellate Body report (WT/DS320/AB/R) and Panel report (WT/DS320/R) adopted on 14/11/2008 (see also Memorandum of Understanding, DS26)
32	N/A	WT/DS321*	Canada - Continued Suspension of Obligations	EC complaint against Canada's continued suspension of obligations in the EC-Hormones Dispute	Consultations requested on 08/11/2004 (WT/DS321/1)	Panel established on 17/02/2005 Appellate Body report (WT/DS321/AB/R) and Panel report (WT/DS321/R) adopted on 14/11/2008 (see also Memorandum of Understanding, DS48)

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
33	STC 217	WT/DS367	Australia - Measures Affecting the Importation of Apples from New Zealand	New Zealand's complaint against Australia's restrictions on apples	Consultations requested on 31/08/2007 (WT/DS367/1)	Panel established on 21/01/2008 Panel composed on 12/03/2008 Appellate Body report (WT/DS367/AB/R) and Panel report (WT/DS367/R) adopted on 17/12/2010 Agreed reasonable period of time for implementation of the DSB recommendations and rulings expired on 17/08/2011 (New Zealand questioned whether Australia had fully implemented the DSB recommendations and rulings) Agreed procedures under Articles 21 and 22 of the DSU (sequencing agreement - WT/DS367/21) notified on 13/09/2011 <i>Note: The Committee was informed that the related STC had been resolved (RD/SPS/114)</i>
34	TBT STC 91	WT/DS384	United States - Certain Country of Origin Labelling Requirements	Canada's complaint against the US country of origin labelling requirements	Consultations requested on 01/12/2008 (WT/DS384/1)	Panel established with that of Mexico (DS386) on 19/11/2009 Panel composed on 10/05/2010 Appellate Body report (WT/DS384/AB/R) and Panel report (WT/DS384/R) adopted on 23/07/2012 <i>Note: No findings under the SPS Agreement</i> Article 21.3(c) DSU arbitration award (WT/DS384/24) circulated on 04/12/2012 Article 21.5 DSU compliance proceedings: Appellate Body report (WT/DS384/AB/RW) and Panel report (WT/DS384/RW and Add.1) adopted on 29/05/2015 Article 22.6 DSU arbitration decision (WT/DS384/ARB) circulated on 07/12/2015 Authorization to retaliate granted on 21/12/2015
35	TBT STC 91	WT/DS386	United States - Certain Country of Origin Labelling Requirements	Mexico's complaint against the US country of origin labelling requirements	Consultations requested on 17/12/2008 (WT/DS386/1)	Panel established with that of Canada (DS384) on 19/11/2009 Panel composed on 10/05/2010 Appellate Body report (WT/DS386/AB/R) and Panel report (WT/DS386/R) adopted on 23/07/2012 <i>Note: No findings under the SPS Agreement</i> Article 21.3(c) DSU arbitration award (WT/DS386/23) circulated on 04/12/2012 Appellate Body report (WT/DS386/AB/RW) and Panel report (WT/DS386/RW and Add.1) adopted on 29/05/2015 Article 22.6 DSU arbitration decision (WT/DS386/ARB) circulated on 07/12/2015 Authorization to retaliate granted on 21/12/2015
36	STC 242	WT/DS389	European Communities - Certain Measures Affecting Poultry Meat and Poultry	US complaint against EC measures affecting poultry meat and poultry meat products	Consultations requested on 16/01/2009 (WT/DS389/1)	Panel established, but not composed, on 19/11/2009

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
			Meat Products from the US			
37	STC 247	WT/DS391	Korea - Measures Affecting the Importation of Bovine Meat and Meat Products from Canada	Canada's complaint against Korea's measures affecting the importation of bovine meat and meat products	Consultations requested on 09/04/2009 (WT/DS391/1)	Panel established on 31/08/2009 Panel composed on 13/11/2009 Panel proceedings suspended on 4/07/2011 Mutually agreed solution notified (WT/DS391/9) on 19/06/2012 Panel report (WT/DS391/R) circulated on 03/07/2012 (reporting that a mutually agreed solution to this dispute has been reached between the parties)
38	STC 257	WT/DS392	United States - Certain Measures Affecting Imports of Poultry from China	China's complaint against US measures affecting imports of poultry	Consultations requested on 17/04/2009 (WT/DS392/1)	Panel established on 31/07/2009 Panel composed on 23/09/2009 Panel report (WT/DS392/R) adopted on 25/10/2010
39	TBT STC 257	WT/DS406	United States - Measures Affecting the Production and Sale of Clove Cigarettes	Indonesia's complaint about US ban on clove cigarettes	Consultations requested on 07/04/2010 (WT/DS406/1)	Panel established on 20/07/2010 Panel composed on 09/10/2010 Appellate Body report (WT/DS406/AB/R) and Panel report (WT/DS406/R) adopted on 24/04/2012 <i>Note: No findings under the SPS Agreement</i> Mutually agreed solution (WT/DS406/17) notified on 03/10/2014
40	STC 185	WT/DS430	India - Measures Concerning the Importation of Certain Agricultural Products	US complaint against India's import restrictions on agricultural products	Consultations requested on 06/03/2012 (WT/DS430/1)	Panel established on 25/06/2012 Panel composed on 18/02/2013 Appellate Body report (WT/DS430/AB/R) and Panel report (WT/DS430/R and Add.1) adopted on 19/06/2015 Article 21.5 DSU compliance proceedings: panel establishment requested (WT/DS475/21) on 07/04/2017 (withdrawn following mutually agreed solution) Mutually agreed solution (WT/DS430/60) notified on 15/03/2024 <i>Note: The United States informed the Committee that the related STC had been resolved (G/SPS/GEN/2261)</i>
41	STC 318	WT/DS447	United States - Measures Affecting the Importation of Animals, Meat and Other Animal Products from Argentina	Argentina's complaint against US restrictions on beef and other meat products	Consultations requested on 30/08/2012 (WT/DS447/1 and WT/DS447/1/Corr.1)	Panel established on 28/01/2013 Panel composed on 08/08/2013 Panel report (WT/DS447/R and Add.1) adopted on 31/08/2015 <i>Note: The Committee was informed that the related STC had been partially resolved (G/SPS/GEN/2062/Rev.1)</i>
42	STC 336	WT/DS448	United States - Measures Affecting the Importation of Fresh Lemons	Argentina's complaint against US measures affecting the importation of fresh lemons	Consultations requested on 03/09/2012 (WT/DS448/1 and WT/DS448/1/Corr.1)	Panel establishment requested on 06/12/2012 <i>Note: The Committee was informed that the related STC had been partially resolved (G/SPS/GEN/2062/Rev.1)</i>

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
43	STC 369	WT/DS475	Russian Federation - Measures on the Importation of Live Pigs, Pork and Other Pig Products from the European Union	EU complaint against the Russian Federation's measures affecting the importation of live pigs pork, pork products and certain other commodities because of African swine fever	Consultations requested on 08/04/2013 (WT/DS475/1)	Panel established on 22/07/2014 Panel composed on 23/10/2014 Appellate Body report (WT/DS475/AB/R and Add.1) and Panel report (WT/DS475/R and Add.1) adopted on 21/03/2017 Agreed reasonable period of time for implementation of the DSB recommendations and rulings expired on 06/12/2017 Matter referred to Article 22.6 DSU arbitration on 03/01/2018 Article 21.5 DSU compliance proceedings: consultations requested by the Russian Federation (WT/DS475/19) and the European Union (WT/DS475/20) on 25/01/2018 02/02/2018, respectively; compliance panel established on 21/11/2018 (same panel as the original panel) Authority for compliance panel lapsed on 28/01/2021
44	STC 286	WT/DS484	Indonesia - Measures Concerning the Importation of Chicken Meat and Chicken Products	Brazil's complaint against certain Indonesian measures on the importation of meat from fowls of the species <i>Gallus domesticus</i> and products from fowls of the species <i>G. domesticus</i>	Consultations requested on 16/10/2014 (WT/DS/484/1)	Panel established on 03/12/2015 Panel composed on 03/03/2016 Panel report (WT/DS484/R) adopted on 22/11/2017 Article 21.5 DSU compliance proceedings: Panel report (WT/DS/484/RW and Add.1) circulated on 10/11/2020 Decisions to appeal by Indonesia (WT/DS484/25) and to cross-appeal (WT/DS484/26) by Brazil on 17/12/2020 and 22/12/2020, respectively
45	STC 359	WT/DS495	Korea - Import Bans, and Testing and Certification Requirements for Radionuclides	Japan's complaint against Korea's measures adopted subsequent to the accident at the Fukushima Daiichi nuclear power plant regarding import bans, additional testing and certification requirements, and a number of alleged omissions concerning transparency obligations	Consultations requested on 21/05/2015 (WT/DS/495/1)	Panel established on 28/09/2015 Panel composed on 8/02/2016 Appellate Body report (WT/DS495/AB/R and Add.1) and Panel report (WT/DS495/R and Add.1) adopted on 26/04/2019
46	STC 305	WT/DS506	Indonesia - Measures Concerning the Importation of Bovine Meat	Brazil's complaint regarding certain measures imposed by Indonesia on the importation of meat from cattle of the species <i>Bos taurus</i>	Consultations requested on 04/04/2016 (WT/DS/506/1)	No further official information on the status of the dispute

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
47	STC 394	WT/DS524	Costa Rica - Measures Concerning the Importation of Fresh Avocados from Mexico	Mexico's complaint against Costa Rica's measures that restrict or prohibit the importation of fresh avocados for consumption from Mexico	Consultations requested on 08/03/2017 (WT/DS/524/1)	Panel established on 18/12/2018 Panel composed on 16/05/2019 Panel report (WT/DS524/R and Add.1) adopted on 31/05/2022 <i>Note: Mexico informed the Committee that the related STC had been resolved (G/SPS/GEN/2261)</i>
48	N/A	WT/DS525	Ukraine - Measures relating to Trade in Goods and Services	Russian Federation's complaint with respect to alleged restrictions, prohibitions, requirements and procedures adopted and maintained by Ukraine in respect of trade in goods and services as well as transit	Consultations requested on 19/05/2017 (WT/DS/525/1)	No further official information on the status of the dispute
49	N/A	WT/DS532	Russian Federation - Measures Concerning the Importation and Transit of Certain Ukrainian Products	Ukraine's complaint with respect to Russian Federation's measures concerning trade of juice products, beer, beer-based beverages and other alcoholic beverages, confectionary products, wall paper and similar wall coverings from Ukraine	Consultations requested on 13/10/2017 (WT/DS/532/1)	No further official information on the status of the dispute
50	STC 289	WT/DS540	United States - Certain Measures Concerning Pangasius Seafood Products from Viet Nam	Viet Nam's complaint with respect to certain US measures concerning pangasius seafood products	Consultations requested on 22/02/2018 (WT/DS/540/1)	No further official information on the status of the dispute
51	CMA STC 58	WT/DS589	China - Measures Concerning the Importation of Canola Seed from Canada	Canada's complaint with respect China's measures concerning the importation of canola seed from Canada	Consultations requested on 09/09/2019 (WT/DS589/1)	Panel established on 26/07/2021 Panel composed on 10/11/2021 Authority for panel lapsed on 31/08/2023

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
52	STC 495	WT/DS599	Panama - Measures Concerning the Importation of Certain Products from Costa Rica	Costa Rica's complaint with respect to Panama's measures on the importation of a number of products originating in Costa Rica, including: strawberries, dairy products, bovine, pork, poultry and turkey meat products, fish food, fresh pineapple, and plantains and bananas	Consultations requested on 11/01/2021 (WT/DS599/1)	Panel established on 27/09/2021 Panel composed on 24/01/2022 Panel report (WT/DS599/R and Add.1) circulated on 05/12/2024 Decision to appeal by Panama (WT/DS599/9) on 24/01/2025
53	STC 432	WT/DS607	European Union - Measures Concerning the Importation of Certain Poultry Meat Preparations from Brazil	Brazil's complaint with respect to the EU application of <i>Salmonella</i> food safety criteria on fresh poultry meat and certain poultry meat preparations, and the appropriate level of sanitary protection to address risks to human health from the contamination of <i>Salmonella</i>	Consultations requested on 08/11/2021 (WT/DS607/1)	No further official information on the status of the dispute
54	May relate to CMA STC 58	WT/DS610	China - Measures Concerning Trade in Goods	EU complaint with respect to China's measures restricting the trade in goods from or to Lithuania or linked to Lithuania	Consultations requested on 27/01/2022 (WT/DS610/1)	Panel established on 27/01/2023 Panel composed on 18/04/2023 Suspension of Panel work on 25/01/2024 and 30/01/2025
55	N/A	WT/DS613	European Union - Measures Concerning the Importation of Citrus Fruit from South Africa	South Africa's complaint with respect to the EU regime relating to <i>Thaumetotibia leucotreta</i> (false codling moth) governing the importation of citrus fruits from South Africa	Consultations requested on 27/07/2022 (WT/DS613/1)	Panel established on 26/07/2024

	Relevant STC	DS Number	DS Title	Nature of complaint	Request for consultations	Status
56	STC 356	WT/DS624	European Union — Additional Measures Concerning the Importation of Citrus Fruit from South Africa	South Africa's complaint with respect to the EU regime relating to <i>Phyllosticta citricarpa</i> , a fungus that may cause citrus black spot, governing the importation of citrus fruits from South Africa	Consultations requested on 15/04/2024 (WT/DS624/1)	Panel established on 26/07/2024

* DS320, DS321: There were no claims under the SPS Agreement. However, one of the issues of concern concerned the EC implementation of the rulings in DS26 and DS48 and, hence, the SPS Agreement was relevant to these disputes.

