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REPORT (2019) ON THE ACTIVITIES OF THE COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES

1.1. The present report is being circulated by the Chairperson of the Committee on Sanitary and Phytosanitary Measures on his own responsibility. This report provides a summary of the activities of the Committee during 2019.

1.2. The Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") held regular meetings on 21-22 March, 18-19 July and 7-8 November 2019. Ms Noncedo Vutula (South Africa) had been elected in July 2018 as Chairperson for 2018-2019. The SPS Committee elected Mr Daniel Arboleda (Colombia) as the new Chairperson for 2019-2020 in its July meeting.

1.3. The Committee pursued work on the Fifth Review of the SPS Agreement, which was launched in March 2018 and covers the following topics: appropriate level of protection, risk assessment and science; control, inspection and approval procedures; equivalence; plant pest fall armyworm; national coordination mechanisms; notification procedures and transparency; pesticide MRLs; regionalization; the role of Codex, IPPC and OIE in addressing specific trade concerns; and voluntary third-party assurance schemes. In 2019, the Committee considered six new proposals, bringing the total number of proposals under the Review to 20.¹ The Committee discussed the draft report of the Fifth Review² in its July and November meetings, as well as at an additional informal Committee meeting in September 2019, paving the way for concluding the Review in 2020.³

1.4. The Committee also held informal consultations on the work of the SPS Committee. Led by Brazil, these consultations touched on several topics, including on a proposed online platform to submit more information about specific trade concerns before they are discussed in the Committee (creating synergies with the Secretariat's eAgenda project, i.e. the development of an online platform to help Members manage specific trade concerns ahead of SPS and TBT Committee meetings), on enhancing communication in the Committee on relevant discussions in other WTO bodies, and on using webcasting for thematic sessions. Brazil submitted a proposal on strengthening the consultative function of the SPS Committee, which was discussed at the November meeting and will serve as basis for discussion going forward.⁴

1.5. The SPS Committee also continued to organize thematic sessions and workshops on topics included in the Fifth Review to exchange experiences and hear from experts. In March 2019, it held the second part of a thematic session on equivalence. The Committee had already discussed the relevant international rules and guidance on equivalence during the first part of this thematic session, held in October 2018. This second part built on the previous exchanges and was dedicated to Members' experiences in the implementation of equivalence. Presentations covered the equivalence of specific SPS measures or groups of SPS measures, systems-based equivalence and regional approaches.⁵

¹ See an overview of proposals in [G/SPS/GEN/1625/Rev.3](#) (including a recently circulated proposal in [G/SPS/W/320](#)) and a compilation of draft recommendations submitted by Members in [G/SPS/W/318/Rev.1](#).

² [G/SPS/W/313](#) and [G/SPS/W/313/Corr.1](#). A subsequent revision of the report, with recommendations, was issued ([G/SPS/W/313/Rev.1](#)) for discussion at the November meeting.

³ The proposed process for the Fifth Review ([G/SPS/W/296/Rev.1](#)), adopted by the SPS Committee in March 2018, foresees the conclusion of the Review in March 2020.

⁴ [G/SPS/W/319/Rev.1](#). See also [WT/GC/W/777/Rev.4](#), Draft General Council Decision on Procedural Guidelines for WTO Councils and Committees addressing trade concerns.

⁵ [G/SPS/R/94](#).

1.6. In March 2019, the Committee also held a thematic session on fall armyworm, similarly to advance work on the Fifth Review. The session was proposed by Brazil, Kenya, Madagascar, Paraguay, Uruguay and the United States, which also funded a number of experts for the event. The objective was to discuss the role of the SPS Agreement in enabling access to tools and technologies, and facilitating international trade, using fall armyworm as a case study. The session provided information on the nature and impact of the spread of fall armyworm, the challenges for smallholders, and the available tools and technologies, including integrated pest management, surveillance, monitoring, pesticides and biotechnology. The first meeting of an open-ended Working Group on fall armyworm was also held in March 2019.⁶

1.7. The SPS Committee's annual workshop in July 2019 focused on transparency and coordination, thereby addressing two proposals submitted in the context of the Fifth Review.⁷ The objective of this workshop was to bring together officials responsible for the implementation of the SPS Agreement, as well as experts from regional and international organizations, to exchange experiences with transparency-related coordination, and with broader domestic coordination mechanisms. An area of focus was the difference in scope between the SPS and TBT Agreements, and notification of measures containing both SPS and TBT elements. It was suggested that Members should submit relevant resources to the Secretariat to be compiled and made available in a single document.

1.8. The Committee held a thematic session on approval procedures in November 2019. Also under the Fifth Review, the session aimed to facilitate information exchange and further work on concepts within Article 8 and Annex C of the Agreement, as they relate to approval procedures in the current trading environment, and any related issues concerning the implementation of the Agreement. The session put a special focus on products that require approval before importation or placing on the market, including approval procedures for the use of additives or for the establishment of tolerances for contaminants in food, beverages or feedstuffs. The thematic session built on the Committee's earlier workshop on control, inspection and approval procedures which was held in July 2018.⁸

1.9. The Committee also considered in its July 2019 meeting the Annual Report on the Procedure to Monitor the Process of International Harmonization.⁹ One new issue has been raised under this procedure in 2019, on the state of play of the Codex Task Force on Antimicrobial Resistance. Members continued to discuss four issues that had been raised in previous years. Three of these issues related to Members' implementation of World Organisation for Animal Health (OIE) standards on African Swine Fever, High Pathogenicity Avian Influenza, and BSE; one related to Member's use of the Codex standard on glyphosate.

1.10. The SPS Committee considered the Annual Overview on Transparency in its November meeting, which includes new graphs on Members' implementation of the transparency provisions of the SPS Agreement.¹⁰ Considering all types of notifications (including addenda and corrigenda), a total of 25,102 notifications had been submitted from 1 January 1995 to 15 September 2019. Between 1 January and 15 September 2019, 789 regular and 69 emergency notifications had been circulated. The share of notifications from developing countries continued to be high, at about 60% of regular and 75% of emergency notifications in 2019. As of 15 September, 128 Members out of 164 (78%) had submitted at least one notification to the WTO. Of these, 46 Members had submitted SPS notifications online via the SPS NSS. From 1 January to 15 September 2019, approximately 75% of notifications were submitted via the SPS NSS.

1.11. Throughout the year, Members provided the SPS Committee with information regarding their status with respect to specific plant pests and animal diseases. This information that concerns the principle of regionalization is compiled in the Annual Report on the Implementation of Article 6, which the Committee considered at its July meeting.¹¹ The Secretariat also issued prior to the Committee's November meeting the Annual Report on the Use of the Procedure to Encourage and

⁶ [G/SPS/R/94](#).

⁷ [G/SPS/W/297](#) and [G/SPS/W/300](#).

⁸ [G/SPS/R/91](#).

⁹ [G/SPS/GEN/1710](#).

¹⁰ [G/SPS/GEN/804/Rev.12](#).

¹¹ [G/SPS/GEN/1711](#).

Facilitate the Resolution of Specific SPS Issues (to date, never used).¹² At each meeting, Members also provided information regarding changes in their SPS policies and situations.

1.12. The SPS Committee considered a wide range of specific trade concerns. Members raised 17 new specific trade concerns in 2019. These included, among others: The EU's policy on pesticides and its approach to providing transitional periods for certain MRLs for pesticides; Korea's import restrictions on poultry due to highly pathogenic avian influenza; Indonesia's delay in its authorization procedures for beef; the EU draft maximum limit for 3MCPD in palm oil; Japan's restrictions on avocados; and Thailand's approval procedures for imports of pork and other animal products.

1.13. Many previously raised concerns continued to be discussed during 2019. Several Members intervened on issues such as measures regarding pesticides (including legislation on endocrine disruptors) and veterinary medicinal products (antimicrobial resistance); restrictions on animal products, many due to animal diseases including avian influenza (several different STCs); and approval procedures and certification requirements (several different STCs). Three Members provided information on trade concerns that had been fully or partially resolved, allowing the Secretariat to update the SPS Information Management System. Information on specific trade concerns is compiled on an annual basis in a report discussed at the March meeting.¹³

1.14. Members, Observer Organizations and the Secretariat provided information on SPS-related technical assistance activities at each Committee meeting. The STDF Secretariat also kept the Committee informed of the work of the Standards and Trade Development Facility.¹⁴

1.15. The SPS Committee maintained its close working relationship with the Codex, IPPC, and the OIE (often referred to as the "Three Sister" organizations) and received regular updates on their activities. Other observer organizations also provided information on their activities. The Committee considered a request for ad hoc observer status from the United Nations Industrial Organization (UNIDO) at its November meeting, and will return to it at the meeting in March 2020.¹⁵

1.16. The SPS Committee tentatively agreed to hold regular meetings on 19-20 March, 24-25 June and 4-5 November 2020. It decided to hold a Thematic Session on Voluntary Third-Party Assurance Programmes in March 2020. The Committee discussed at its November meeting possible topics for the July 2020 Committee workshop and November thematic session, and invited Members to provide written comments and suggestions on these by end-November 2019.

¹² [G/SPS/GEN/1729](#).

¹³ [G/SPS/GEN/204/Rev.19](#).

¹⁴ [G/SPS/GEN/1683](#), [G/SPS/GEN/1713](#) and [G/SPS/GEN/1733](#).

¹⁵ [G/SPS/GEN/121/Add.18](#).