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REPORT (2015) 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 and decisions of the Committee during 2015.

1.2. The Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") held regular meetings on 26-27 March, 15-16 July, and 14-16 October 2015. Ms Lillian Bwalya (Zambia) had been elected in 2014 as Chairperson for 2014-2015. The SPS Committee elected Mr Felipe Hees (Brazil) as the new Chairperson for 2015-2016 at the end of its March meeting.

1.3. During 2015, the SPS Committee continued the Fourth Review of the operation and implementation of the SPS Agreement, started in 2014. Following a proposal submitted in the context of this Review, the Committee agreed to hold a thematic session on risk communication, as a follow-up to the workshop on risk analysis held in October 2014. This informal thematic session on risk communication was held on 15 July 2015. Several speakers from governments, international organizations and academia presented risk communication frameworks, guiding principles and case studies. Delegates found this session very useful, and the Chairman suggested organizing similar events on other topics in the future.

1.4. Since October 2014, the Committee has been at an impasse in its adoption of the Report of the Fourth Review of the Operation and Implementation of the SPS Agreement, and the Catalogue of Instruments Available to WTO Members to Manage SPS Issues. A recommendation regarding the Committee's future work on private standards has been a major point of contention in the adoption of the Review Report. The Committee's efforts to develop a working definition of the term "SPS-related private standard" did not progress either, and the Committee decided to extend the cooling-off period for an electronic working group on this issue. The Chairman noted that renewed efforts by delegations would be required to identify how a compromise could be reached on the issue of private standards as a whole. The Chairman indicated that direct contact among delegations was key to achieving a solution.

1.5. On the Catalogue, there was no agreement on the inclusion of a disclaimer to clarify the legal status of the document. While some Members would like to see strong disclaimer language included, others think that including a disclaimer is unnecessary and would create uncertainty regarding previous decisions where no, or different disclaimer language was included. Many other Members' positions fall somewhere in between. This disclaimer issue may also affect work on other subjects, and a broader approach may be required to find a solution.

1.6. At each meeting, Members provided information regarding changes in their SPS policies and situations with respect to food safety emergencies and pest- or disease-outbreaks. For example, Peru provided information on its National Agency for Health of Fisheries (SANIPES), Argentina on its National Animal Health and Agrifood Quality Service (SENASA), and Japan continued to inform Members regarding its actions in containing the Fukushima Daiichi nuclear power plant accident. Russia and the European Union provided updates on the African swine fever situation, the United States on its Food Safety Modernization Act, and the European Union on its public consultation to define criteria for identifying endocrine disruptors.

1.7. The SPS Committee considered a wide range of specific trade concerns. Twenty-three new specific trade concerns were raised during 2015. New trade concerns included, *inter alia*, India's concern regarding China's measures on bovine meat; Nigeria's concerns over Mexico's measures

on imports of hibiscus flowers; and Guatemala and Mexico's concerns over Costa Rica's temporary suspension of the issuing of phytosanitary import certificates for avocados. The European Union raised new concerns relating to: (i) General import restrictions due to highly pathogenic avian influenza; (ii) China and Korea's import restrictions due to African swine fever (ASF); and (iii) the Russian Federation's import restrictions on processed fishery products from Estonia and Latvia. Japan raised a new concern regarding Chinese Taipei's strengthened import restrictions on food with regard to radionuclides, and continued to raise similar concerns regarding China's measures, while a panel was established to examine Korea's measures. Several Members raised concerns regarding GMO-related policies proposed by the European Union and China.

1.8. Many previously raised concerns continued to be discussing during 2015. Several Members intervened on issues such as the EU Novel food Regulation, France's ban on bisphenol A and the EU proposal for categorization on compounds as endocrine disruptors. At the March meeting, Indonesia reported that its specific trade concern concerning China's import policy for bird nests had been resolved, and at the October meeting, the European Union informed the Committee that it considered its trade concern on several Members' import restrictions due to avian influenza as resolved.

1.9. Four new issues were raised under the Committee's procedure to monitor the process of international harmonization. These were avian influenza-related restrictions not consistent with the OIE standard, and use of the Codex international standard on glyphosate, both raised by the United States; the risk of introduction of BSE, raised by Argentina; and the lack of a Codex standard for Imidacloprid, raised by Burkina Faso.

1.10. The SPS Committee examined the operation of the transparency provisions of the SPS Agreement. Considering all types of notifications together, a total of 19,138 notifications were submitted to the WTO from 1 January 1995 to 1 October 2015. Between 1 January and 1 October 2015, 926 regular notifications and 96 emergency notifications were circulated. The share of notifications from developing countries in the total continues to be high, at about 72% in 2015. As of 1 October 2015, 119 Members had submitted SPS notifications, and of these, 37 Members had submitted SPS notifications online via the SPS Notification Submission System (NSS). In addition, Burkina Faso, the Central African Republic, Haiti, the Kyrgyz Republic, Nigeria, Togo and Tunisia have submitted SPS notifications for the first time in 2015.

1.11. Many Members provided the SPS Committee with information regarding their status with respect to specific plant pests and animal diseases. These include, *inter alia*, information from Chile, Mexico and Switzerland's regarding freedom from classical swine fever, from Morocco regarding recognition as free from African horse sickness, from Nigeria on its avian influenza situation, and from South Africa on its foot and mouth disease (FMD) status.

1.12. Members, Observer Organizations and the Secretariat provided information on SPS-related technical assistance activities at each of the Committee's meetings, with specific information provided by, *inter alia*, Burkina Faso, Canada, the European Union, Jamaica, Japan, Nigeria, the United States and Zambia. The STDF Secretariat also kept the Committee informed of the work of the Standards and Trade Development Facility.¹

1.13. 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. At the July meeting, the IPPC introduced the new IPPC secretary, Mr Jingyuan Xia, and noted that the Commission on Phytosanitary Measures (CPM) held in March had unanimously supported the proposal to hold an international year of plant health in 2020. The OIE provided information on the 83rd general session held in May 2015, during which a new Director General, Dr Monique Eloit, was elected. Other observer organizations also provided information on their activities, including technical assistance activities.

1.14. The SPS Committee has tentatively agreed to hold regular meetings on 16–17 March, 6–7 July, and 13–14 October 2016.

¹ G/SPS/GEN/1384, G/SPS/GEN/1418 and G/SPS/GEN/1439.