

# WORLD TRADE ORGANIZATION

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## REPORT (2003) ON THE ACTIVITIES OF THE COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES

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 through 31 October 2003.

2. The Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") held three regular meetings in 2003: on 2-3 April, 24-25 June and 29-30 October.<sup>1</sup> At the April meeting Mr. Paul Martin (Canada) was appointed Chairperson for the period 2003/2004.

3. In line with the directive from the Fourth Session of the Ministerial Conference<sup>2</sup>, the Committee continued its Programme for Further Work regarding the implementation of Article 4 of the Agreement (equivalence).<sup>3</sup> The Committee agreed on clarifications of paragraphs 5, 6 and 7 of the Decision on Implementation of Article 4 of the Agreement.<sup>4</sup> Discussions are continuing on a proposed further clarification of paragraph 5 of the Decision.<sup>5</sup> In addition, as agreed in the Programme for Further Work, information was provided by Members and by the observer organizations regarding their experiences with respect to equivalence during each of the Committee meetings.

4. The Committee also continued its examination of the implementation of the SPS Agreement and the concerns of developing countries. At the April meeting, the Committee adopted in principle a proposal by Canada to enhance the transparency of special and differential treatment, subject to elaboration of the procedure.<sup>6</sup> Discussions on this elaboration are continuing.<sup>7</sup> At its meetings during the year the Committee also discussed other suggestions for addressing the special needs of developing countries, including proposals by Egypt and Mexico.<sup>8</sup> In June, the Committee considered various proposals regarding special and differential treatment which had been referred to it by the General Council on 20 May 2003<sup>9</sup> and adopted a work plan for the further consideration of these proposals.<sup>10</sup> Following the Committee meetings of June and October, the Chairperson reported to the

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<sup>1</sup> The report of the April meeting is contained in G/SPS/R/29 and corrigendum, that of the June meeting in G/SPS/R/30 and corrigendum, and the report of the October meeting will be circulated as G/SPS/R/31.

<sup>2</sup> WT/MIN(01)/17, paragraph 3.3.

<sup>3</sup> G/SPS/20.

<sup>4</sup> The Decision is contained in G/SPS/19, the agreed clarifications are in G/SPS/19/Add.1 and Add.2.

<sup>5</sup> G/SPS/W/142.

<sup>6</sup> G/SPS/W/127.

<sup>7</sup> G/SPS/W/132/Rev.1 and G/SPS/W/141.

<sup>8</sup> G/SPS/GEN/358, G/SPS/W/143 and G/SPS/W/136.

<sup>9</sup> JOB(03)/100.

<sup>10</sup> G/SPS/26.

General Council the progress made by the SPS Committee to address special and differential treatment and the implementation of the Agreement.<sup>11</sup>

5. At its regular meetings, the SPS Committee considered a wide range of specific trade concerns, including many related to individual notifications. The issues discussed included, *inter alia*, measures taken in response to foot-and-mouth disease outbreaks, measures relating to various diseases of poultry, concerns regarding maximum levels of pesticide residues and contaminants, and measures affecting trade in beef, fish, fresh fruits and genetically modified products. A number of questions and concerns regarding the implementation of the US Bioterrorism Act and the implementation of the international phytosanitary standard on wood packaging material were also considered by the Committee. Specific trade concerns raised in the Committee during 2003 will be summarized in the fourth revision of G/SPS/GEN/204.

6. Over 650 notifications were submitted in accordance with the SPS Agreement in the period 1 January through to 1 October 2003, bringing the total number of SPS notifications submitted since the entry into force of the Agreement to over 3,600. The Committee held a special meeting on the operation of enquiry points in conjunction with the October regular meeting. The meeting focussed on the problems Members' enquiry points were facing in ensuring the effective operation of their national enquiry points and on identifying ways to overcome these constraints.<sup>12</sup> Information provided at the special meeting, the responses to a questionnaire circulated prior to the meeting regarding the operation of enquiry points and national notification authorities<sup>13</sup>, and papers submitted by several Members<sup>14</sup> will be used by the Secretariat to identify some best practice models which may assist developing countries.

7. Consideration by the Committee began on the difficulties arising from the implementation of Article 6 of the SPS Agreement, which requires consideration of the pest- or disease status of exporting and importing areas. The Committee agreed to further pursue this issue in 2004.

8. Following the provisional procedures adopted in October 1997, the SPS Committee continued to monitor the use of international standards.<sup>15</sup> The Fifth Annual Report on the Procedure to Monitor the Process of International Harmonization was adopted by the Committee in June.<sup>16</sup> The Committee also reviewed the operation of the provisional procedure, and agreed to extend the procedure for a further 36 months.<sup>17</sup>

9. Members, the Secretariat and observer organizations provided information regarding their technical assistance activities at each meeting of the SPS Committee. By the October meeting of the Committee, 32 Members had submitted responses to the questionnaire regarding their technical assistance needs.<sup>18</sup>

10. At its October meeting, the Committee conducted a transitional review under Paragraph 18 of the Protocol of Accession of the People's Republic of China. Several Members submitted questions in

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<sup>11</sup> G/SPS/27 and G/SPS/30 (to be circulated shortly).

<sup>12</sup> The programme of the meeting and presentations made are contained in G/SPS/GEN/458, G/SPS/GEN/441 and G/SPS/GEN/450.

<sup>13</sup> G/SPS/W/103/Rev.1.

<sup>14</sup> China G/SPS/GEN/378, Argentina G/SPS/GEN/425 and corrigendum, Australia G/SPS/GEN/429, Canada and New Zealand G/SPS/GEN/430, Pakistan G/SPS/GEN/436, Panama G/SPS/GEN/438, Senegal G/SPS/GEN/441, Venezuela G/SPS/GEN/442, Thailand G/SPS/GEN/450 and Mexico G/SPS/GEN/451.

<sup>15</sup> G/SPS/11.

<sup>16</sup> G/SPS/28.

<sup>17</sup> G/SPS/25.

<sup>18</sup> The questionnaire is contained in G/SPS/W/113, and the responses to the questionnaire have been circulated as addendum to G/SPS/GEN/295.

writing regarding implementation by China, and China responded to these questions and to others raised in the course of the meeting.<sup>19</sup>

11. The SPS Committee continued to grant ad hoc observer status on a meeting-by-meeting basis to the European Free Trade Association (EFTA), the Latin American Economic System (SELA), the Inter-America Institute for Cooperation on Agriculture (IICA), the Regional International Agricultural Health Organization (OIRSA), the ACP Group and the OECD. Consideration continued of requests for observer status from the Asian Pacific Coconut Community (APCC), the Convention on Biological Diversity (CBD) and its Cartagena Protocol on Biosafety, and the International Organization of Vine and Wine (OIV).

12. The SPS Committee maintained its close working relationships with the IPPC, the OIE and Codex and received regular updates on their activities.<sup>20</sup> Other observer organizations also provided information on their activities, including technical assistance activities.<sup>21</sup>

13. The Committee agreed to the following tentative calendar of regular meetings for 2004: 17-18 March, 23-24 June, and 13-14 October.

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<sup>19</sup> The report by the Chairperson to the Council for Trade in Goods is contained in G/SPS/29.

<sup>20</sup> G/SPS/GEN/439, G/SPS/GEN/449, G/SPS/GEN/380, G/SPS/GEN/406, G/SPS/GEN/407, G/SPS/GEN/437, G/SPS/GEN/393, G/SPS/GEN/404, G/SPS/GEN/447.

<sup>21</sup> G/SPS/GEN/376, G/SPS/GEN/427, G/SPS/GEN/431, G/SPS/GEN/395, and G/SPS/GEN/408.