

WORLD TRADE ORGANIZATION

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REPORT (2007) 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 as of 1 November 2007.

2. The Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") has held three regular meetings in 2007: 28 February-1 March; 27-28 June; and 18-19 October.¹ At the June meeting, Mr. Marinus Huige of the Netherlands was appointed Chairperson for the 2007-2008 period.

3. The Second Review of the Operation and Implementation of the SPS Agreement (G/SPS/36) identified the following issues where the Committee might consider further actions: practical implementation of consistency; equivalence; implementation of the transparency provisions; monitoring the use of international standards; technical assistance; special and differential treatment; regionalization; specific trade concerns; use of ad hoc consultations; cooperation with the Codex, OIE and IPPC; clarification of definition of terms; examination of the relationship between certain articles; undue delays; good regulatory practices; and facilitation of the implementation of Article 8 and Annex C of the SPS Agreement. The Committee recognized that it is already addressing many of these issues as part of its regular agenda, including transparency, special and differential treatment, technical assistance and regionalization. Of the remaining issues, the Committee decided to initially focus on the use of ad hoc consultations and negotiations to resolve trade problems and on the relationship between the SPS Committee and the Codex, OIE and IPPC.

4. The SPS Committee held a third special workshop on the implementation of the transparency provisions of the SPS Agreement on 15-16 October 2007. The first two special meetings were held in November 1999 and October 2003.² In preparation for the workshop, Members were encouraged to respond to a questionnaire on the operation of Enquiry Points and National Notification Authorities.³ An analysis of the replies received provided background information for the workshop, along with an analysis of SPS notifications.⁴

5. At the workshop, a number of institutional and national challenges were identified, including: awareness at the political level and among the public at large; coordination among different Ministries; mobilizing the relevant private sector representatives; difficulties in regional/intergovernmental cooperation; managing the inflow of notifications; and the sustainability of efforts. The Committee agreed to revise its recommended procedures for transparency (G/SPS/7/Rev.2) to address some of these concerns, and in particular with respect to the definition of the comment period,

¹ The report of the February-March meeting is contained in G/SPS/R/44, that of the June meeting in G/SPS/R/45, and the report of the October meeting will be circulated as G/SPS/R/46.

² The reports of these meetings can be found in G/SPS/R/16 and G/SPS/R/32, respectively.

³ G/SPS/W/103/Rev.2.

⁴ G/SPS/GEN/751/Rev.1 and G/SPS/GEN/804, respectively.

the notification of measures conforming to international standards, the identification of HS codes in notifications, and access to full texts of regulations and their translations. Furthermore, the Secretariat was requested to prepare a document explaining the importance of the transparency obligations and the benefits of transparency, as well as to undertake further training and dissemination on the SPS Information Management System. The Secretariat was also requested to develop a mechanism for "mentoring" to assist officials responsible for transparency in developing countries; and Australia and New Zealand proposed to develop a step-by-step manual on the implementation of the transparency provisions for consultation by Members.

6. In accordance with the transparency provisions of the SPS Agreement, 947 notifications (including addenda, corrigenda, revisions, supplements and agreements on equivalence) were submitted in the period 1 January to 28 September 2007, bringing the total number of SPS notifications submitted since the entry into force of the Agreement to 8,313 by October 2007.

7. During 2007, the Committee continued discussions on ways to provide targeted technical assistance to those developing country Members still failing to meet the transparency provisions of the Agreement. In addition, Members, Observer Organizations and the Secretariat provided information on their respective SPS-related technical assistance activities, and the Secretariat kept the Committee informed of the work of the Standards and Trade Development Facility (STDF). Several Members provided responses to the questionnaire on their SPS-related technical assistance needs.⁵ The Committee requested the Secretariat to organize a special meeting to consider "best practice" in the provision of SPS-related technical assistance during 2008.

8. The issue of special and differential treatment was considered at each meeting of the Committee. A revised proposal regarding Article 10.1 was presented to the Committee in June and discussed at its October meeting.⁶ Also considered was a proposal for the revision of the procedure to enhance the transparency of special and differential treatment.⁷ A report of the Committee's deliberations on special and differential treatment is contained in G/SPS/46.

9. The SPS Committee considered a wide range of specific trade concerns, including many related to individual notifications. The issues discussed included, *inter alia*, concerns with the use of anti-microbial treatments (AMTs); tolerance level for pathogens in raw meat and poultry products; maximum levels of pesticide residues in several products; measures taken in response to avian influenza, bovine spongiform encephalopathy (BSE) and foot-and-mouth disease (FMD); fire blight in apples; and measures on prawns and prawn products. In total, during 2007, 19 new specific trade concerns were raised, 21 previously raised concerns were again discussed, and five were reported to have been resolved.

10. The Committee also discussed concerns relating to the effects of commercial and private SPS standards on trade. The discussions considered the impact of private standards on market access, the effect of private standards on development; and the legal aspects in terms of the relationship of private standards with the SPS Agreement. At its June meeting, an informal information session was held with representatives of entities involved in the development of private standards, as well with organizations who have undertaken studies of these. The Committee decided to maintain this issue on its agenda, with the aim, *inter alia*, of identifying (1) whether there was a more appropriate forum for addressing these concerns; and (2) difficulties arising from specific private standard requirements on specific products in specific markets.

⁵ The Questionnaire is contained in G/SPS/W/101 and the replies are circulated as addenda to G/SPS/GEN/295.

⁶ JOB(07)/99.

⁷ The procedure is contained in G/SPS/33, and the proposed revision in JOB(07)/104.

11. The Committee continued to consider proposals regarding the implementation of Article 6 on regionalization (the recognition of pest- or disease-free areas). An ad hoc group of Members has been working to jointly prepare a draft of guidelines for consideration by the Committee with the objective of improving predictability in the recognition of regionalization. The IPPC informed the Committee of the adoption of the International Standard for Phytosanitary Measures (ISPM) 29: "Recognition of Pest-Free Areas and Areas of Low Pest Prevalence", in March 2007. The OIE also kept the Committee informed of relevant work on the recognition of disease-free zones and compartments.

12. The Ninth Annual Report on the Procedure to Monitor the Process of International Harmonization was adopted by the Committee at its June meeting.⁸

13. At the October 2007 meeting, the Committee conducted a transitional review under Paragraph 18 of the Protocol of Accession of the People's Republic of China. Questions were submitted in advance of the meeting by the United States and by the European Communities.⁹ The report of the review is contained in the document G/SPS/47.

14. The Committee agreed to invite those organizations which had been granted observer status on an ad hoc, meeting-by-meeting basis to participate in each of its meetings during 2007. A new request for observer status was received from the Gulf Cooperation Council Standardisation Organization (GSO). The Committee was unable to reach any decision with regard to this request or on pending requests from the Office International de la Vigne et du Vin (OIV), from the Asian and Pacific Coconut Community (APCC), and from the Convention on Biodiversity (CBD).

15. The SPS Committee maintained its close working relationship with the IPPC, the OIE and Codex and received regular updates on their activities. Other observer organizations also provided information on their activities, including technical assistance activities.

16. The Committee agreed to the following tentative calendar for its regular meetings in 2008: 2-3 April, 25-26 June and 15-16 October.

⁸ G/SPS/45.

⁹ G/SPS/W/213 and G/SPS/W/216, respectively.