WORLD TRADE ORGANIZATION

G/SPS/GEN/204/Rev.16

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Committee on Sanitary and Phytosanitary Measures

SPECIFIC TRADE CONCERNS

NOTE BY THE SECRETARIAT[1]

Revision

At the 15-16 March 2000 meeting of the SPS Committee, the Secretariat was requested to prepare a paper summarizing the specific trade concerns that had been brought to the Committee's attention since 1995.[2] The Secretariat has revised this document annually to include new information provided by Members (G/SPS/GEN/204/Rev.1 to G/SPS/GEN/204/Rev.15). The specific trade concerns in the sixteenth revision of G/SPS/GEN/204 maintain the previously assigned numbers according to the chronological order of the Committee meetings in which they were first raised. These numbers serve as unique identifiers and are intended to facilitate tracking of individual trade concerns over time.

The sixteenth revision of G/SPS/GEN/204 is divided into two sections:

a. STCs general overview; and

b. STCs discussed in 2015.

Section 1 of the document contains summary statistics and graphs for all the trade concerns raised in the SPS Committee between the first regular meeting of 1995 and the last regular meeting of 2015. The trade concerns are categorized as relating to food safety, animal or plant health. This section also includes a summary table which identifies for each specific trade concern according to the assigned number, the Member(s) maintaining the measure, the Member(s) raising the concern, as well as information on whether the issue has been reported to have been resolved.

Section 2 of the document contains information regarding all issues which were raised in the SPS Committee in 2015. This includes (1) issues raised for the first time in 2015; (2) issues which were previously raised and on which further discussions or activities occurred during 2015; and (3) issues for which there was no substantive discussion in the Committee during 2015, but where Members reported that a previously raised issue had been resolved, or where substantive action on the issue occurred in another WTO body during 2015 (e.g., establishment of a dispute resolution panel on the issue).

[1] This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

[2] G/SPS/R/18, para.20.

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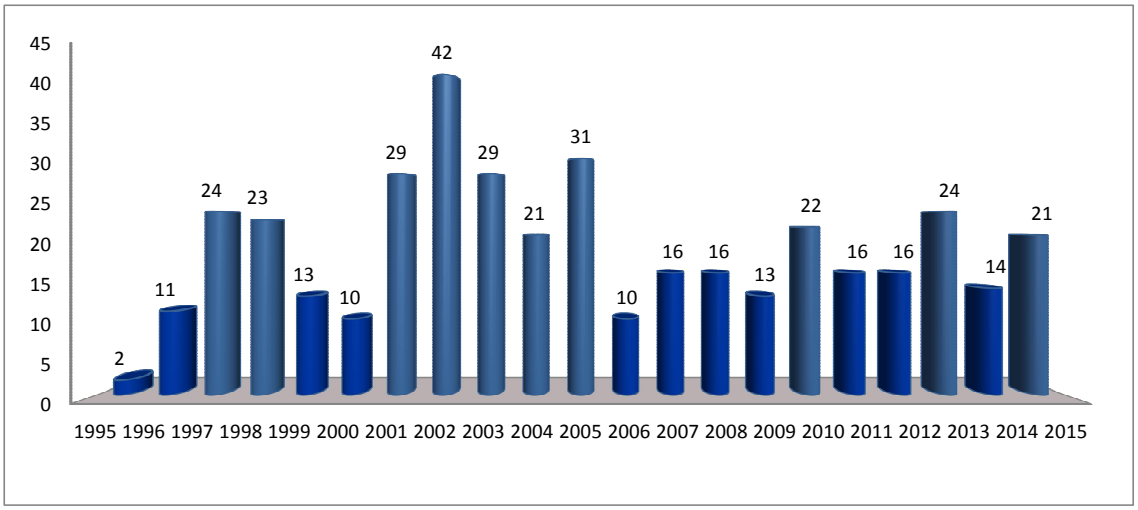
1 STCS GENERAL OVERVIEW

1.1. Altogether, 403 specific trade concerns were raised in the 21 years between 1995 and the end of 2015. Chart 1.1 shows the number of new concerns raised each year; 21 new concerns were raised in 2015.

Chart 1.1 – Number of New Issues Raised



1.2. Chart 1.2a categorizes the trade concerns raised over the 21 years into food safety, animal or plant health issues. Overall, 31% of trade concerns relate to food safety concerns, 25% relate to plant health, and 5% concern other issues such as certification requirements, control or inspection procedures. 39% of concerns raised relate to animal health and zoonoses. The animal health and zoonoses category is further divided into foot-and-mouth disease (FMD), transmissible spongiform encephalopathies (TSEs), avian influenza (AI) and other animal health concerns (OAH). Chart 1.2b shows that TSEs account for 32% of animal health concerns, while issues related to FMD and to avian influenza account for 23% and 8%, respectively. The remaining 37% relate to other animal health concerns.

Chart 1.2a – Trade Concerns by Subject (1995-2015)

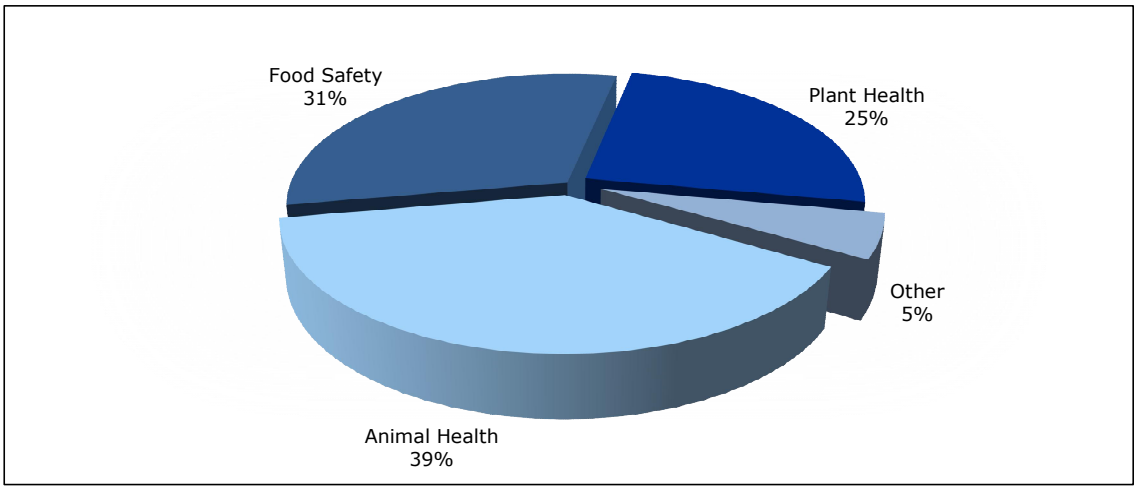
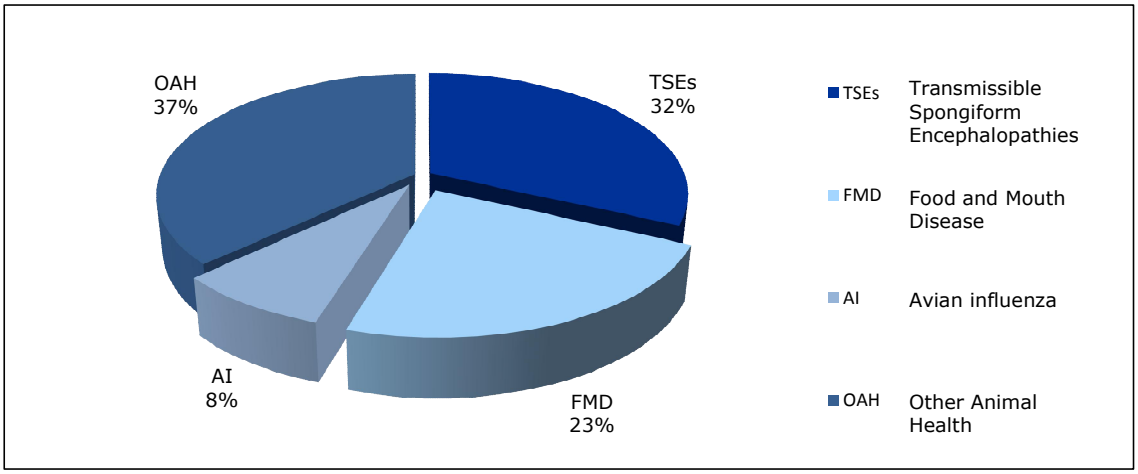
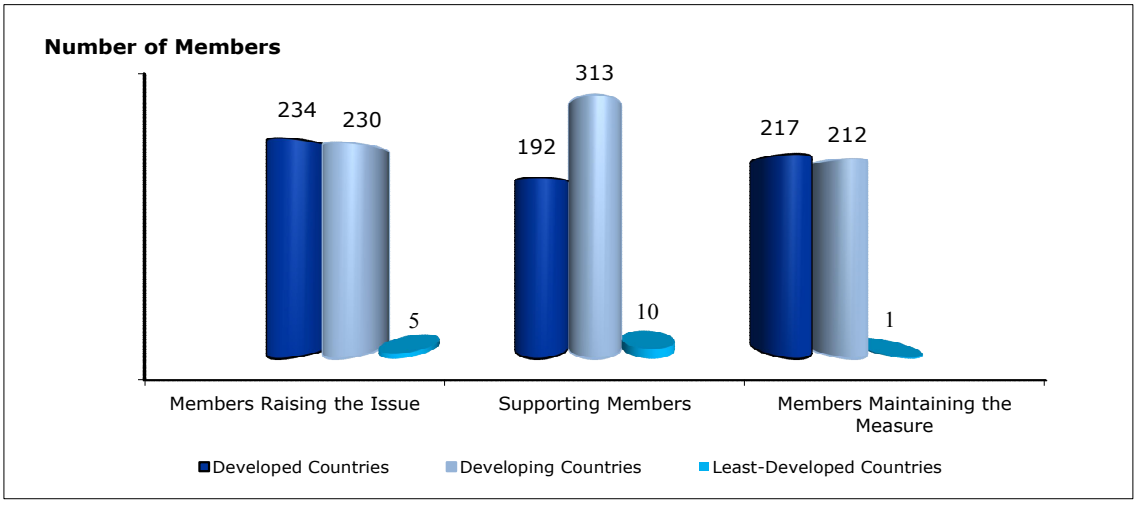


Chart 1.2b – Trade Concerns Related to Animal Health & Zoonoses (1995-2015)



1.3. Developing countries are participating actively under this agenda item in the SPS Committee meetings. Chart 1.3a indicates that over the 21 years, developing country Members have raised 230 trade concerns (on many occasions more than one Member has raised, supported or maintained an issue) compared to 234 raised by developed country Members, and five raised by least-developed country Members.[3] A developing country Member has supported another Member raising an issue in 313 cases, compared to 192 for developed country Members, and ten for least-developed country Members. In 217 cases, the measure at issue was maintained by a developed country Member, and in 212 cases it was maintained by a developing country Member. One trade concern regarding measures maintained by a least-developed country Member has been raised. Chart 1.3b shows the number of new issues raised each year by each category of Member.[4]

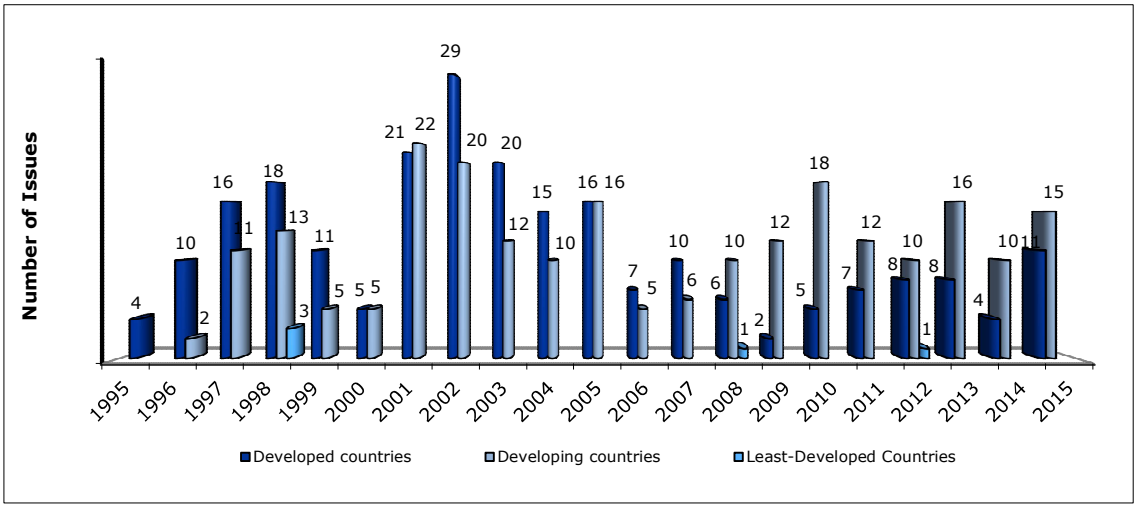
Chart 1.3a – Participation by WTO Members (1995-2015)



[3] On 1 December 2009, the *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community* (done at Lisbon, 13 December 2007) entered into force. On 29 November 2009, the WTO received a Verbal Note (WT/L/779) from the Council of the European Union and the Commission of the European Communities stating that, by virtue of the *Treaty of Lisbon*, as of 1 December 2009, the European Union replaces and succeeds the European Community. The European Union was counted as one Member. Similarly, when one Member spoke on behalf of ASEAN, it was counted as one Member only.

[4] As any individual trade concern can potentially be raised by more than one Member, this explains the apparent double-counting shown in Charts 1.3a and 1.3b compared with the overall count of the 403 specific trade concerns raised since 1995.

Chart 1.3b – Number of New Issues Raised by Members



1.4. Chart 1.4 indicates that 146 trade concerns (36%) have been reported resolved out of the 403 trade concerns raised over the 21 years. Two issues were reported as resolved in 2015. Thirty-one trade concerns (8%) have been reported to be partially solved. In these instances, trade may have been allowed for selected products or by some of the importing Members maintaining the measure in question. No solutions have been reported for the remaining 226 trade concerns. There are 206 trade concerns that are at least one year old and for which no solution has been reported. However, some of these concerns may have been resolved without the Committee being made aware of these developments.

Chart 1.4 – Solved Trade Concerns

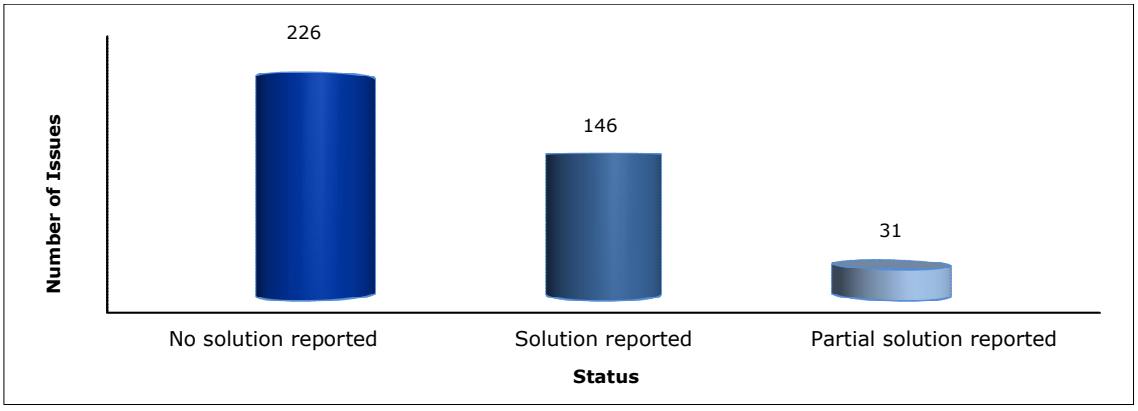


Table 1.1 - List of Specific Trade Concerns (1995–2015)

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
1995				
1	Shelf-life requirements	Korea, Republic of	Australia, Canada, United States of America	PR
2	Import clearance measures and practices	Korea, Republic of	United States of America	R
1996				
3	Restrictions on gelatine imports	Norway	Brazil	R
4	Measures related to BSE	Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Czech Republic, France, Germany, Italy, Netherlands, Poland, Romania, Singapore, Slovak Republic, Slovenia, Spain, United States of America	Switzerland	R
5	Import requirements for wine	Brazil	European Union	R
6	Importation of cheese	Canada	European Union	R
7	Regionalization in relation to animal health	United States of America	European Union	NR
8	Ban on salmon imports	Australia	Canada, United States of America	R
9	Zero-tolerance for salmonella in imported poultry products	Chile, Czech Republic, El Salvador, Honduras, Slovak Republic	United States of America	NR
10	Imports of potatoes	Czech Republic	European Union	R
11	Restriction on levels of copper and cadmium in imported squid	Spain, European Union	United States of America	R
12	Testing requirements for different varieties of apples, cherries and nectarines	Japan	United States of America	R
13	Translation of regulations	Japan; Korea, Republic of	Argentina	NR
1997				
14	Restrictions on imported wheat	Brazil	United States of America	R
15	Zoosanitary import policies pertaining to BSE	Canada	European Union	NR
16	Restrictions on imports of wheat and fruit	Chile	United States of America	R
17	Cosmetics and BSE	European Union	Australia	R
18	Certification requirements for pet food	France, European Union	United States of America	NR

[5] NR = Not Reported, P = Partially resolved, R = Resolved.

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
19	Protected zones	European Union	Uruguay	NR
20	Restrictions on imports of rough rice	Honduras	United States of America	R
21	Fresh fruit and vegetables	Indonesia	Australia, United States of America	NR
22	Measures affecting imports of bovine meat	Israel	Uruguay	R
23	Plant quarantine regulations	Japan	United States of America	NR
24	Requirements for certification of consumer rice	Panama	United States of America	R
25	Restrictions on wheat and oilseeds	Poland	United States of America	NR
26	Phytosanitary issues in general	Certain Members	United States of America	R
27	Citrus canker	European Union	Argentina	R
28	Notification on wheat, rye and triticale	Switzerland	Argentina	R
29	Measures related to avian influenza	Venezuela, Bolivarian Republic of	United States of America	NR
30	Regulation concerning warehouses and silos	Czech Republic	European Union	R
31	Rules on "specified risk materials" in products of animal origin	European Union	United States of America	NR
32	Gelatine imports	European Union	Brazil, United States of America	PR
33	Salmonella-related restriction on fishmeal imports	European Union	Chile, Peru	PR
34	Measures regarding FMD	Japan	Argentina, European Union	PR
35	Import ban on frozen poultry	Korea, Republic of	Thailand	R
36	Import prohibition of milled rice	Mexico	Thailand	R
37	Actions taken by local governments	United States of America	Chile	R
		1998		
38	Temporary prohibition of fresh pork and products	Argentina	European Union	R
39	Maximum levels for certain contaminants (aflatoxins) in foodstuffs	European Union	Argentina; Australia; Bolivia, Plurinational State of; Brazil; The Gambia; India; Indonesia; Malaysia; Philippines; Senegal; Thailand	R

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
40	Trade restrictions in response to cholera	European Union	Tanzania	PR
41	Restrictions on imports of apples, pears and quinces	Slovak Republic	Hungary	R
42	Import restrictions on potatoes	Slovak Republic	Poland, European Union	R
43	Prohibition on bone-in beef imports from EC member States	South Africa	European Union	R
44	Measures related to BSE	United States of America	European Union	NR
45	Import restrictions on cheese	Australia, New Zealand	European Union, Switzerland	R
46	Import prohibition of coconut palms and related products	Brazil	Philippines	NR
47	Measure on establishments operating in the animal feed sector	European Union	United States of America	NR
48	Import ban on livestock	Turkey	Hungary, United States of America	PR
49	Restrictions on imports of sauces containing benzoic acid	Australia	Philippines	R
50	Quarantine requirements for chicken meat	Australia	Thailand	NR
51	Prohibition of poultry meat imports	Czech Republic	Thailand	R
52	Measures on food treated with ionizing radiation	European Union	United States of America	NR
53	Emergency measures on citrus pulp	European Union	Brazil	R
54	Notifications regarding import requirements on meat and eggs	Switzerland	United States of America	R
55	TSE-related import restrictions of live cattle	Israel	European Union	R
56	Notification on amendment of the Japanese Plant Protection Law	Japan	United States of America	NR
57	Requirements for imports of milk and milk products	Poland	European Union	R
58	Notification on refrigeration and labelling requirements for shell eggs	United States of America	European Union	NR
59	Interim rule affecting solid wood packaging material	United States of America	Hong Kong, China	R
		1999		
60	Import restrictions on bovine semen and embryos, milk and milk products	Argentina	European Union	R

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
61	Import restrictions on bovine semen	India	Canada, European Union	PR
62	Restrictions on imports of horses	India	European Union	NR
63	Information on dioxin	Certain Members	European Union	R
64	Ban on antibiotics in feed	European Union	United States of America	NR
65	Import restrictions on beef	Korea, Republic of	Argentina	NR
66	Notifications related to dioxin	Malaysia, Singapore	Switzerland	R
67	Import restrictions on beef	Mexico	Argentina	NR
68	Notifications on veterinary measures and measures on animal products including gelatine	Poland	Switzerland, United States of America	R
69	Import restrictions on rhododendrons in growing medium	United States of America	European Union	R
70	Import conditions for pork meat and products	Venezuela, Bolivarian Republic of	European Union	NR
71	Restrictions on meat and dairy products	El Salvador	Uruguay	R
72	Measures regarding canned tuna in oil	Belgium, European Union	Philippines	NR
73	Imports of citrus fruit	United States of America	Argentina	R
		2000		
74	Restrictions on imports of tropical fresh fruit	Australia	Philippines	NR
75	Notification on meat and meat products	Iceland	Argentina	R
76	Ban on pet food imports	Turkey	Hungary	R
77	Restrictions on canned tuna	Egypt	Thailand	NR
78	Notification on methyl bromide	Australia	European Union	R
79	Import restrictions on durian	Australia	Thailand	NR
80	Restrictions on poultry meat imports	Bolivia, Plurinational State of	Chile	R
81	Wood packing material	European Union	Canada	R
82	Restrictions on importation of fresh fruit	Indonesia	New Zealand	R
83	Restrictions on milk powder imports	Panama	European Union	R
		2001		
84	Import restrictions affecting BSE-free countries	Argentina; Australia; Canada; Korea, Republic of; New Zealand; United States of America	Bulgaria, Croatia, Czech Republic, Estonia, Latvia, Poland, Romania, Slovak Republic, Slovenia	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
85	Import restrictions on prawns and prawn products; revised generic IRA for prawns and prawn products	Australia	China, Thailand	PR
86	Access of California table grapes	Australia	United States of America	R
87	Measures affecting imports of products containing Brazilian beef	Canada	Brazil	R
88	Import restrictions due to FMD	Canada, United States of America	Hungary	NR
89	Import restrictions on soy sauce	European Union	Thailand	NR
90	Restrictions on bovine products	Hungary	Canada	R
91	Restrictions on pork products	Hungary	Canada	R
92	Restrictions on banana imports	Turkey	Ecuador	R
93	Phytosanitary requirements for potatoes, garlic and onions	Venezuela, Bolivarian Republic of	Argentina	NR
94	Directive 2000/42 on pesticide residues	European Union	Côte d'Ivoire	NR
95	Legislation on the fungicide thiabendazole (TBZ)	European Union	Israel	NR
96	Geographical BSE risk assessment	European Union	Canada, Chile, India	R
97	Restrictions on the use of fishmeal	European Union	Chile, Norway, Peru	PR
98	Restrictions on Egyptian potatoes	European Union	Egypt	NR
99	Restrictions on importation of sugar cane top	Japan	Indonesia	NR
100	Import measures on apples due to fire blight	Japan	United States of America	R
101	Proposed import prohibition of commodity-country combinations of fresh cut flowers and foliage	New Zealand	European Union	R
102	Import restrictions on potted plants	United States of America	European Union	NR
103	FMD-related import restrictions	Certain Members	Argentina, European Union	PR
104	FMD restrictions	Chile	Argentina	R
105	Restrictions on apples and pears	Cuba	Argentina	NR
106	Regulations on genetically modified food and feed	European Union	United States of America	PR
107	Transitional TSE measures	European Union	Canada	R
108	Cut flowers	European Union	Ecuador, Israel	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
109	Phytosanitary regulations (Canary Islands)	Spain, European Union	Argentina	NR
110	Agricultural biotechnology approval process	European Union	United States of America	PR
111	FMD restrictions	Indonesia	Argentina	NR
		2002		
112	FMD trade restrictions	Bolivia, Plurinational State of	Argentina	R
113	Pet food import requirements	Chile	Argentina	R
114	Food safety regulations affecting agricultural products produced from modern biotechnology	China	United States of America	NR
115	Import restrictions for citrus and other fruits related to fruit fly	China	Argentina	R
116	FMD restrictions	Colombia	Argentina	R
117	Traceability and labelling of genetically modified organisms and food and feed	European Union	Argentina, Canada, United States of America	NR
118	Import licenses for agricultural products	Panama	Canada	R
119	Notification on Chinese fruit imports	Philippines	China	PR
120	Restrictions on pig meat	United States of America	European Union	NR
121	Imports of clementines	United States of America	European Union	R
122	FMD Restrictions	Venezuela, Bolivarian Republic of	Argentina	R
123	Restrictions on imports of potatoes, onions, fertilised eggs, day-old chicks and meat products	Venezuela, Bolivarian Republic of	Canada, Colombia	PR
124	Notifications related to avian influenza	Certain Members	United States of America	NR
125	BSE related measures	Argentina	Canada	R
126	Import requirements for seed potatoes	Brazil	Canada, European Union	R
127	Import ban on products of Dutch origin	China	European Union	R
128	Import requirements for cosmetics	China	European Union	R
129	Import restrictions on spiced pork and salted meat products	Cuba	Argentina	R
130	Restrictions on shellfish	European Union	Indonesia	NR
131	Pesticide and antibiotic limits in honey (Directive 96/23)	European Union	Cuba	NR
132	Import restrictions on dairy products	Indonesia	Argentina	R
133	Official control restrictions on citrus and other fresh fruits and vegetables	Japan	New Zealand, United States of America	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
134	SPS measures on animal products	Romania	Moldova, Republic of	R
135	Restrictions on beef and pork	South Africa	Brazil	PR
136	Policies regarding quarantine and non-quarantine pests	Chinese Taipei	United States of America	NR
137	Import restrictions on meat and meat products	United States of America	Switzerland	NR
138	Pest risk assessment requirements	Argentina	United States of America	R
139	Restriction on pig meat	Australia	European Union	R
140	Imports of live ostriches	Brazil	European Union	R
141	Pest risk assessments for imports of plant origin	Brazil	Canada	NR
142	Zero tolerance for *e-coli*	China	United States of America	NR
143	Regulation on wood packaging material	China	European Union	R
144	Restrictions on the importation of fruits and fruit juices	European Union	Brazil	R
145	Import restrictions on chicken meat imports	Honduras	Costa Rica	R
146	Ban on hormones in animal production	Indonesia	United States of America	R
147	Regulation on food additives	Japan	European Union	NR
148	Amendment of the food sanitation law	Japan	China	NR
149	Restrictions on food products	Panama	European Union	R
150	Certification of meat and dairy products	Philippines	Canada	R
151	Restrictions on imports of pork sausages and other pork products	Trinidad and Tobago	Argentina	NR
152	Restrictions on melons	United States of America	Mexico	NR
153	Restrictions on imports of Chinese potted plants in growing medium	United States of America	China	NR
154	Risk assessment on BSE	Uruguay	Canada, United States of America	PR
		2003		
155	Import requirements for Netherlands truss tomatoes	Australia	European Union	R
156	Notification G/SPS/N/BRA/74 and G/SPS/N/BRA/75 on BSE-related measures	Brazil	Canada	R
157	Quarantine measures for the entry and exit of aquatic products	China	European Union	R

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
158	Restrictions on pork imports	Croatia	Slovenia	R
159	Proposal on animal by-products	European Union	United States of America	NR
160	Transitional BSE measures	European Union	United States of America	NR
161	EC Directive 2001/661/EC on foot-and-mouth disease	European Union	South Africa	NR
162	Fumigation standards	Japan	United States of America	R
163	Restrictions on Austrian products	Mexico	European Union	NR
164	Restrictions on the importation of dry beans	Mexico	United States of America	R
165	Import restrictions on Spanish olive oil	Bahrain, Kingdom of; Kuwait, the State of; Oman; Qatar; United Arab Emirates	European Union	PR
166	Import measures on live animals and meat products	Croatia	Hungary	R
167	Restrictions on honey imports	European Union	United States of America	R
168	Maximum levels for aflatoxins in corn and sampling contaminants in food	European Union	Argentina	NR
169	EC proposed regulation on maximum residue levels of pesticides	European Union	Argentina, China	NR
170	Live animals and animal products	European Union	Australia	NR
171	Animal health conditions and certification requirements for live fish	European Union	Australia	R
172	Restrictions on imports of mangoes	Japan	Brazil	R
173	Notification on uses of living modified organisms	Japan	Australia	R
174	Notification on transboundary movement of living modified organisms	Korea, Republic of	Australia	R
175	Notification on food and feed controls	European Union	United States of America	NR
176	Notification on maximum tolerance levels for Ocratoxin A in coffee	Germany, European Union	Colombia, Papua New Guinea	PR
177	Sanitary conditions for the importation of live material for apiculture	European Union	Argentina	NR
178	Revision of standards and specifications for food and additives	Japan	China	NR
179	Guidelines for maximum residue level (MRL) testing	Korea, Republic of	United States of America	R

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
180	Heat treatment for meat and bone meal in poultry for pet food	Chinese Taipei	United States of America	R
181	Import restrictions on potatoes	Chinese Taipei	New Zealand	R
182	Implementation of ISPM 15	United States of America	Argentina	R
183	Implementation of ISPM 15	Certain Members	Chile, Uruguay	PR
		2004		
184	Lack of transparency for certain SPS measures	China	United States of America	NR
185	Restrictions due to avian influenza	India	European Union, United States of America	NR
186	Phytosanitary import restrictions	India	European Union, United States of America	PR
187	FMD restrictions	Panama	Argentina	R
188	Delisting of France from countries authorized to export certain meat and meat products to the United States	United States of America	European Union	R
189	Prohibition on the use of specified risk materials and requirements for disabled cattle	United States of America	Argentina	NR
190	Regionalization and recognition of animal disease free status	Certain Members	European Union	PR
191	Maximum residue levels for pesticides on food	European Union	China	NR
192	Non-notification of various SPS measures	India	United States of America	NR
193	General import restrictions due to BSE	Certain Members	European Union, United States of America	PR
194	Restrictions on fresh grapes	Australia	Chile	R
195	Restrictions on citrus	Barbados	Venezuela, Bolivarian Republic of	NR
196	Measures on US poultry	China	United States of America	R
197	Regulation on Ocratoxin A in coffee	European Union	Colombia	R
198	Regulation on aflatoxins and Ocratoxin A in foods for infants and young children	European Union	China	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
199	Deviation from international standard for wood packing material	Spain, European Union	United States of America	R
200	Ban on food grade wax	India	United States of America	R
201	Standards and specifications for food additives (boscalid)	Japan	China	NR
202	Septoria controls on horticultural products	Korea, Republic of	United States of America	R
203	Rule on materials derived from cattle and record-keeping requirements	United States of America	Argentina, China	NR
204	Notification by Members of implementation of ISPM 15	Certain Members	European Union	R
		2005		
205	Slaughter of imported breeding cattle	Bolivia, Plurinational State of	Mexico	NR
206	Inspection and testing procedures for imported wheat	Greece, European Union	Canada	R
207	Directives on residual pesticide tolerance and inspection methods for tea	European Union	China	PR
208	Food and feed hygiene rules	European Union	Canada	NR
209	Plant health directive	European Union	United States of America	NR
210	Restrictions on imports of chicken meat	Guatemala	Mexico	NR
211	Restrictions on the transit of avocados	Guatemala	Mexico	NR
212	Positive list system for pesticides, veterinary drugs and feed additives MRLs	Japan	China, United States of America	PR
213	Restrictions on beef imports	Japan	United States of America	NR
214	Inspection regime for food processing establishments	Panama	United States of America	R
215	Public Health Regulation 11	Thailand	United States of America	NR
216	Restrictions on Ya pears imports	United States of America	China	R
217	Import restrictions on apples	Australia	New Zealand	NR
218	Lack of recognition of regionalization and disease-free status for classical swine fever	Brazil	European Union	NR
219	EurepGAP requirements for bananas	European Union	Saint Vincent and the Grenadines	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
220	Proposed regulations for piper methysticum (kava-kava)	United Kingdom, European Union	Fiji	NR
221	Safety insurance and quality improvement standards for feed and feed additives	Japan	China	R
222	Import suspension of heat-processed straw and forage for feed	Japan	China	R
223	Import requirements for Indian mangoes	Japan	India	NR
224	Restrictions on EC exports of plant and animal products	Japan	European Union	NR
225	Restrictions on US poultry	Mexico	United States of America	R
226	Inspection regime for agricultural products	Panama	Costa Rica	R
227	BSE-related import restrictions on non-ruminant products	Chinese Taipei	United States of America	NR
228	Import procedures for fruits and vegetables	United States of America	European Union	NR
229	Import restrictions on Enoki mushrooms	Canada	Chinese Taipei	R
230	Phytosanitary requirements on fresh oranges	Costa Rica	Nicaragua	R
231	Restrictions on cinnamon	European Union	Sri Lanka	R
232	Import restrictions on EC beef due to BSE	Israel	European Union	R
233	Phytosanitary import legislation	Israel	European Union	R
234	Suspension of importation of live poultry and poultry carcasses	Thailand	Mexico	NR
235	Import restrictions on EC exports of live birds, meat, meat products and other derivates due to avian influenza	Certain Members	European Union	PR
2006				
236	Restrictions on beef exports under the Hilton Quota	Argentina	European Union	R
237	Lack of regionalization for Newcastle disease and restrictions on live birds	Brazil	European Union	NR
238	Application and modification of the EU Regulation on Novel Foods	European Union	Colombia, Ecuador, Peru	NR
239	Tolerance levels for soil content on potato tubers	Dominican Republic	Canada	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
240	Biotech labelling and import approval process regulations	India	United States of America	NR
241	Import restrictions on wooden Christmas trees	United States of America	China	R
242	Restrictions on US poultry exports	European Union	United States of America	NR
243	Lack of recognition of pest-free areas	Indonesia	United States of America	PR
244	Importation of live animals and meat products	Indonesia	Brazil	NR
245	Restrictions on US pork and poultry imports	Romania	United States of America	NR
		2007		
246	Import restrictions on products of animal origin due to dioxin	China	European Union	R
247	BSE-related measures on beef products	Korea, Republic of	Canada	R
248	Regionalization for bovine and pig meat products	Korea, Republic of	Brazil	R
249	Reform of Australia's IRA process	Australia	European Union	NR
250	Trade restrictions related to national systems for determining maximum residue levels (MRLs) for pesticides	Certain Members	Argentina	NR
251	Zero tolerance for pathogens on raw meat and poultry products	China	United States of America	NR
252	Zero tolerance for salmonella in poultry and eggs	El Salvador	United States of America	NR
253	Export certification requirements for dairy products	India	United States of America	NR
254	Animal health requirements for poultry meat	El Salvador	United States of America	NR
255	Application of regionalization and prohibition of bovine meat	China	Brazil	R
256	Import restrictions on cooked poultry products from China	European Union	China	PR
257	Import restrictions on cooked poultry products from China	United States of America	China	R
258	Import restrictions on beef and beef products due to Blue Tongue disease	Certain Members	European Union	NR
259	Avian influenza restrictions	China	United States of America	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
260	Requirements for quarantine treatment of aircraft	Chile	Argentina	R
261	Varietal restrictions on US apples	China	United States of America	NR
		2008		
262	Restrictions on heat-treated products in relation to avian influenza	Egypt	European Union	R
263	Import restrictions on cooked and frozen meat	Mexico	Brazil	NR
264	Maximum residue levels for Ethephon in pineapple	European Union	Ecuador	NR
265	Regulatory process economic analysis requirement	United States of America	Brazil	NR
266	Price list for inspections	Malaysia	Brazil	NR
267	Pesticide maximum residue level (MRL) enforcement system	Japan	China, United States of America	NR
268	Import restrictions on EC dairy products	United States of America	European Union	NR
269	Restrictions on apples	United States of America	China	NR
270	Import restrictions on rice	Mexico	Pakistan	R
271	Restrictions on imports of swine meat	Mexico	Brazil	NR
272	Rapid Alert System regarding mango imports	European Union	Senegal	NR
273	Health certificate ratification by national embassies	Oman, Certain Members	European Union	R
274	Korea's Livestock Epidemic Prevention Act	Korea, Republic of	Canada	NR
275	Restrictions on ractopamine in beef and pork	Chinese Taipei	United States of America	NR
276	Maximum residue levels for pesticides in cacao	European Union	Ecuador	NR
277	NAPPO draft standard for ships and cargoes from areas infested with Asian gypsy moth	Canada, Mexico, United States of America	China	R
		2009		
278	Hygiene standard for distilled spirits and integrated alcoholic beverages	China	Mexico	NR
279	Import restrictions on pork products due to influenza A/H1N1	Armenia; Bahrain, Kingdom of; China; Gabon; Indonesia; Jordan; Suriname	Mexico	NR
280	New meat import conditions	Indonesia	European Union	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
281	Import restrictions on gelatine from bovine hides and head skin due to BSE requirements	Colombia	Brazil	R
282	Measures on food products containing meat, poultry or processed egg products	United States of America	China	NR
283	Pesticide maximum residue levels (MRLs)	Japan	Brazil, Ecuador	PR
284	Rule on importation of wooden handicrafts from China	United States of America	China	R
285	Import restrictions on fresh pork meat and beef	United States of America	Brazil	PR
286	Import restrictions on poultry meat	Indonesia	Brazil	NR
287	Import restrictions on fresh pork meat and beef	South Africa	Brazil	PR
288	Import measures on animals and animal products	Ukraine	European Union	R
289	Measures on catfish	United States of America	China	NR
290	Suspension of inspection and delivery of plant and animal health certificates for imports	Venezuela, Bolivarian Republic of	Colombia	R
2010				
291	BSE Measures	Chinese Taipei	Canada	NR
292	Prohibition of ornamental plants larger than 18 inches	United States of America	Costa Rica	R
293	Risks arising from Carambola fruit fly in French Guyana	France, European Union	Brazil	NR
294	Import restrictions on plant and plant products	Malaysia	Brazil	NR
295	Artificial colour warning labels	European Union	United States of America	NR
296	SPS notification practices	China	European Union	NR
297	Registration requirement for pet food export enterprises	Canada	China	R
298	Import restrictions on Brazilian beef	Colombia	Brazil	NR
299	US 2009 Food Safety Enhancement Act	United States of America	China, India	NR
300	EC Regulation No. 1099/2009	European Union	India	NR
301	US risk analysis for the entry of queen bees	United States of America	Argentina	NR
302	Restrictions on products derived from biotechnology	Turkey	United States of America	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
303	Import restrictions on poultry meat	Senegal	Brazil	NR
304	Proposed MRL for 1-Methylcyclopropene in bananas	Canada	Ecuador	NR
305	Import restrictions on beef and recognition of the principle of regionalization	Indonesia	Brazil	NR
306	Maximum residue levels of pesticides	European Union	India	NR
307	Prohibition of certain food additives	Japan	India	NR
308	Restrictions on bovines and bubalines for reproduction	Brazil	Colombia	R
309	Labelling of products of animal origin	Brazil	European Union	NR
310	Measures on canned sardines	Brazil	Morocco	NR
311	Restrictions on poultry and poultry products	Albania, Croatia	Chile	R
312	Restrictions on beef exports due to BSE-related concerns	Mexico	Nicaragua	R
2011				
313	Import restrictions due to dioxin contamination in Germany	Certain Members	European Union	R
314	Ban on offals	Viet Nam	United States of America, European Union	NR
315	Ukraine import restrictions on poultry and poultry products	Ukraine	Mexico	NR
316	United States import restrictions on chrysanthemums	United States of America	Costa Rica	NR
317	Mexico's BSE measures	Mexico	Canada	NR
318	US failure to recognize South Patagonia as FMD-free and to import beef from north of the 42nd parallel	United States of America	Argentina	NR
319	Chinese quarantine and testing procedures for salmon	China	Norway	NR
320	Restrictions on imported fresh meat	Philippines	United States of America	NR
321	Japan's MRLs applied to sesame	Japan	Paraguay	NR
322	Polyamide and melamine plastic kitchenware	European Union	China; Hong Kong, China	NR
323	Import restrictions on pork and pork products	Malaysia	European Union	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
324	China's requirement for registration and supervision of foreign enterprises	China	India	NR
325	EU regulations on cadmium in cocoa	European Union	Colombia, Ecuador	NR
326	Restrictions on table grapes, apples and pears	Thailand	South Africa	NR
327	EU Court of Justice ruling regarding pollen derived from GMOs	European Union	Argentina	NR
328	US default MRLs, limits of determination or limits of quantification on basmati rice	United States of America	India	R
		2012		
329	Testing methods for food additives	China	India	NR
330	Indonesia's port closures	Indonesia	China, European Union, New Zealand, United States of America	PR
331	EU limits of aluminium in flour products	European Union	China	NR
332	Restrictions related to FMD	Japan	Argentina	NR
333	Trade restrictive measures due to the Schmallenberg Virus	Certain Members	European Union	NR
334	MRLs for roasted and powdered coffee	Chinese Taipei	India	R
335	EU testing of pesticide residues	European Union	India	NR
336	US measures on fresh lemons from the north west region of Argentina	United States of America	Argentina	NR
337	Delay in finalizing inspection procedures on bovine and poultry meat from Argentina	Canada	Argentina	NR
338	Import ban on live animals from the EU	Russian Federation	European Union	NR
339	Restrictions on tomatoes	United States of America	Senegal	NR
340	Requirements for importation of sheep meat	Turkey	Australia	NR
341	Russia's listing of export establishments	Russian Federation	European Union	NR
342	Restrictions on shrimp due to anti-oxidant residues	Japan	India	R
343	Permits on horticultural products	Indonesia	United States of America	NR
344	Measures on shrimp	Brazil	Ecuador	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
2013				
345	Import conditions related to phthalates	China	European Union	NR
346	Ban on Bisphenol A	France, European Union	United States of America	NR
347	Import restrictions on apples, pears and citrus	India	Argentina	NR
348	EU quarantine measures on certain pine trees and other products	European Union	Russian Federation	NR
349	MRLs for veterinary medicines in live animals	Costa Rica	Panama	NR
350	Prohibition of use and sale of treated seeds	European Union	United States of America	NR
351	EU temperature treatment requirements for imports of processed meat products	European Union	Russian Federation	NR
352	US proposed rule on good manufacturing practice for human food	United States of America	China	NR
353	EU renewal of GMO approvals	European Union	Argentina	NR
354	Import restrictions in response to the Japanese nuclear power plant accident	China, Certain Members	Japan	NR
355	EU import requirements for orchid tissue culture plantlets in flasks	European Union	Chinese Taipei	NR
356	Phytosanitary measures on citrus black spot	European Union	South Africa	NR
357	Accreditation of third-party bodies to conduct food safety audits and to issue certifications	United States of America	China	NR
358	Import conditions for pork and pork products	India	European Union	NR
359	Strengthened import restrictions on fishery products with regard to radionuclides	Korea, Republic of	Japan	NR
360	Import policy on swallow nests	China	Indonesia	R
361	Non-recognition of testing laboratories for meat products	Russian Federation	India	NR
362	Import restrictions on beef due to BSE	South Africa	Brazil	NR
363	Import restrictions on beef due to BSE	China	Brazil	NR
364	Import restrictions on beef due to BSE	Japan	Brazil	NR
365	Import conditions on poultry	Saudi Arabia, Kingdom of	European Union	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
366	Quarantine requirement for blueberries	Japan	Argentina	NR
367	Import requirements on traditional foods	Turkey	Japan	NR
368	Import restrictions on confectionary products	Russian Federation	Ukraine	NR
2014				
369	Import ban on live pigs and pork products due to African Swine Fever	Russian Federation	European Union	NR
370	US Imports of meat from Brazil	United States of America	Nicaragua	NR
371	Import requirements for blueberries and avocados	India	Chile	NR
372	Import restrictions on certain types of plant products	Russian Federation	European Union	NR
373	US high cost of certification for mango exports	United States of America	India	NR
374	EU ban on mangoes and certain vegetables from India	European Union	India	NR
375	US non-acceptance of OIE categorization for BSE	United States of America	India	NR
376	Australia's non-acceptance of OIE categorization for BSE	Australia	India	NR
377	Brazil's regulation on international certificates for fish and fishery products	Brazil	China	NR
378	EU withdrawal of equivalence for processed organic products	European Union	India	NR
379	Russia's market access requirements for bovine meat	Russian Federation	India	NR
380	Import restrictions on fruits and vegetables	Russian Federation	European Union	NR
381	Requirements for veterinary certificates	Russian Federation	Ukraine	NR
382	Categorization of compounds as endocrine disruptors	European Union	United States of America	NR
2015				
383	China's measures on bovine meat	China	India	NR
384	General import restrictions due to African swine fever	Certain Members	European Union	NR
385	General import restrictions due to highly pathogenic avian influenza	Certain Members	European Union	R
386	Measures on imports of hibiscus flowers	Mexico	Nigeria	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
387	Chinese Taipei's strengthened import restrictions on food with regard to radionuclides	Chinese Taipei	Japan	NR
388	US proposed rule for user fees for agricultural quarantine and inspection services	United States of America	Mexico	NR
389	Chinese import regime, including quarantine and testing procedures for fish	China	Norway	NR
390	The Russian Federation's import restrictions on processed fishery products from Estonia and Latvia	Russian Federation	European Union	NR
391	Malaysia's import restrictions related to approval of poultry meat plants	Malaysia	Brazil	NR
392	China's import restrictions due to African swine fever	China	European Union	NR
393	Korea's import restrictions due to African swine fever	Korea, Republic of	European Union	NR
394	Costa Rica's temporary suspension of the issuing of phytosanitary import certificates for avocados	Costa Rica	Guatemala, Mexico	NR
395	China's proposed amendments to the implementation regulations on safety assessment of agricultural GMOs	China	Paraguay, United States of America	NR
396	EU proposal to amend regulation (EC) No. 1829/2003 to allow EU member States to restrict or prohibit the use of genetically modified food and feed	European Union	Argentina, Paraguay, United States of America	NR
397	India's amendment to its import policy conditions for apples; Restriction to Nhava Sheva port	India	Chile, New Zealand	NR
398	Viet Nam's restrictions on fruit due to fruit flies	Viet Nam	Chile	NR
399	Viet Nam's restrictions on plant products	Viet Nam	Chile	NR
400	Undue delays in the start of Australia's risk analysis for avocados	Australia	Chile	NR
401	Undue delays in Viet Nam's approval process for dairy and meat products	Viet Nam	Chile	NR

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[5]
402	Undue delays in Australia's approval process for chicken meat	Australia	Chile	NR
403	India's amended standards for food additives	India	European Union	NR

2 STCS CONSIDERED IN 2015

2.1. A total of 40 specific trade concerns were brought to the attention of the Committee during 2015, of which 21 were new issues (Table 2.1), 18 were previously raised (Table 2.2), and two were reported as resolved (Table 2.3).

2.2. Chart 2.1 shows all trade concerns raised in the Committee or for which a resolution was reported in 2015, by subject. Overall, thirteen issues (32%) relate to food safety, ten issues (25%) relate to plant health and five issues (13%) relate to other concerns. The remaining 12 issues (30%) relate to animal health and zoonoses; nonetheless, this category includes issues such as transmissible spongiform encephalopathies (TSEs) that are also relevant for food safety. TSEs account for 25% of animal health concerns raised in 2015, while issues related to foot-and-mouth disease account for 8%. Eight per cent of issues raised in 2015 relate to avian influenza. The remaining 59% of raised concerns refer to other animal health issues.

Chart 2.1 - Trade Concerns by Subject – 2015

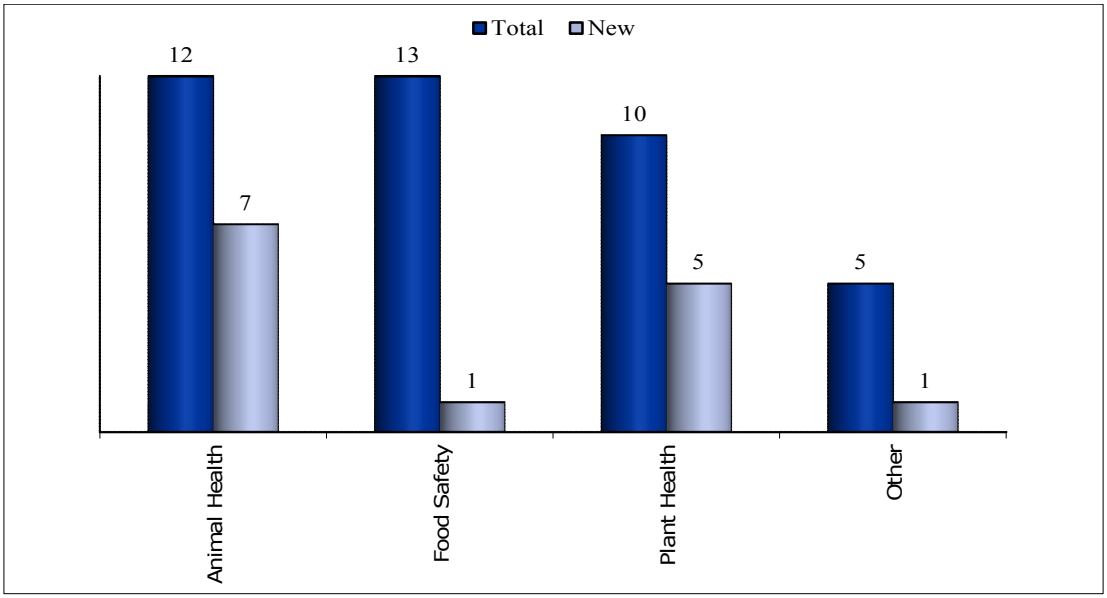


Chart 2.2 - Trade Concerns Related to Animal Health & Zoonoses – 2015

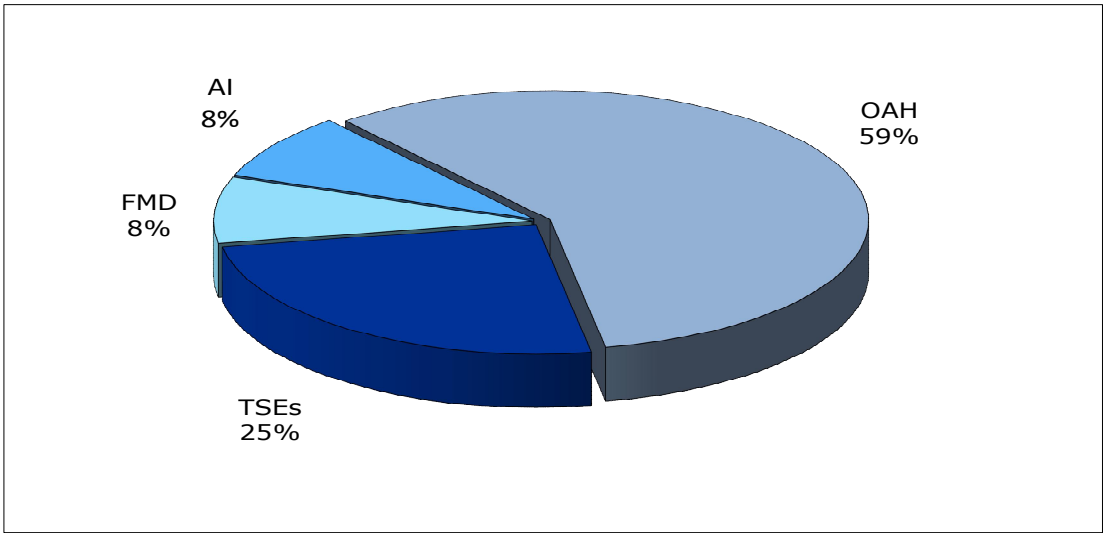
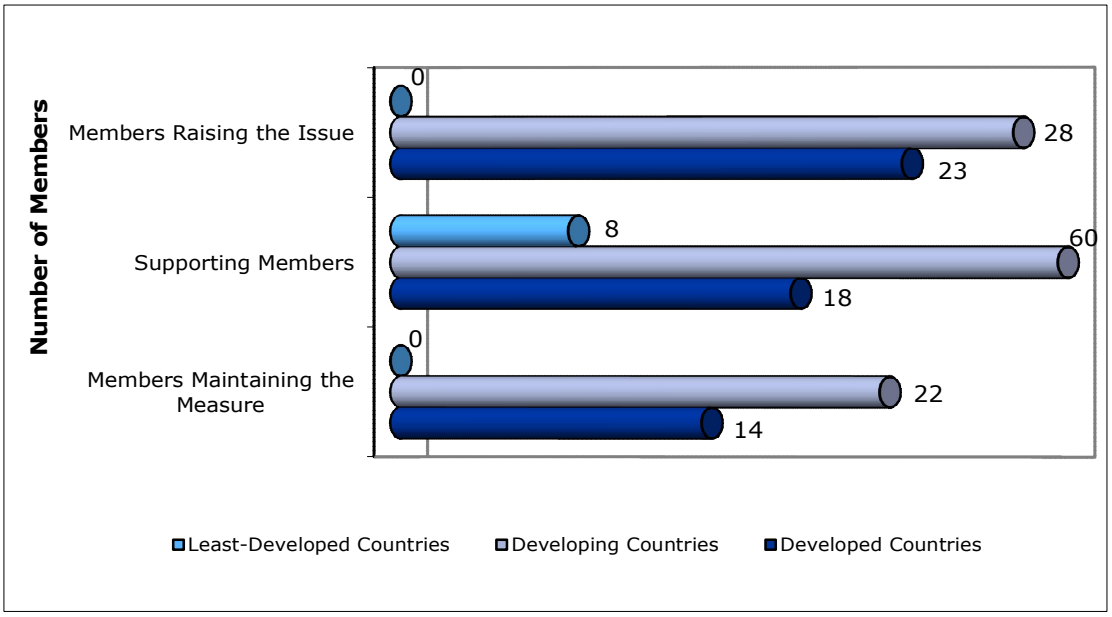


Chart 2.3 - Participation of Members – 2015



2.3. Of the 40 trade concerns discussed in 2015 (including those resolved), in 23 cases a developed country Member has raised the issue, compared to 28 cases for developing country Members. On some occasions, developing and developed country Members have raised or supported the same issue. No cases were raised by a least-developed country Member in 2015. Developed country Members have supported another Member raising the issue in 18 cases and developing country Members have supported another Member in 60 cases. Eight cases were supported by a least-developed country Member in 2015.

2.4. In 22 cases, the measure at issue was maintained by a developing country Member, and in 14 cases it was maintained by a developed country Member. No trade concerns regarding measures maintained by a least-developed country Member were raised.[6]

2.5. Panel proceedings occurred in the context of the WTO dispute settlement resolution procedures with respect to five STCs (185, 286, 318, 359 and 369).

2.6. The information that follows is presented according to the Member(s) maintaining the measure in the order of the alphabetic list of Members. It provides a summary of the discussions in the SPS Committee on the trade concern.

[6] As any individual trade concern can potentially be raised by more than one Member, this explains the apparent double-counting shown in Charts 2.2 and 2.3 compared with the overall count of the 403 specific trade concerns raised since 1995.

Table 2.1 – Issues Raised for the First Time in 2015

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[7]
383	China's measures on bovine meat	China	India	NR
384	General import restrictions due to African swine fever	Certain Members	European Union	NR
385	General import restrictions due to highly pathogenic avian influenza	Certain Members	European Union	R
386	Measures on imports of hibiscus flowers	Mexico	Nigeria	NR
387	Chinese Taipei's strengthened import restrictions on food with regard to radionuclides	Chinese Taipei	Japan	NR
388	US proposed rule for user fees for agricultural quarantine and inspection services	United States of America	Mexico	NR
389	Chinese import regime, including quarantine and testing procedures for fish	China	Norway	NR
390	The Russian Federation's import restrictions on processed fishery products from Estonia and Latvia	Russian Federation	European Union	NR
391	Malaysia's import restrictions related to approval of poultry meat plants	Malaysia	Brazil	NR
392	China's import restrictions due to African swine fever	China	European Union	NR
393	Korea's import restrictions due to African swine fever	Korea, Republic of	European Union	NR
394	Costa Rica's temporary suspension of the issuing of phytosanitary import certificates for avocados	Costa Rica	Guatemala, Mexico	NR
395	China's proposed amendments to the implementation regulations on safety assessment of agricultural GMOs	China	Paraguay, United States of America	NR
396	EU proposal to amend regulation (EC) No. 1829/2003 to allow EU member States to restrict or prohibit the use of genetically modified food and feed	European Union	Argentina, Paraguay, United States of America	NR
397	India's amendment to its import policy conditions for apples; Restriction to Nhava Sheva port	India	Chile, New Zealand	NR

[7] NR = Not Reported, P = Partially resolved, R = Resolved.

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[7]
398	Viet Nam's restrictions on fruit due to fruit flies	Viet Nam	Chile	NR
399	Viet Nam's restrictions on plant products	Viet Nam	Chile	NR
400	Undue delays in the start of Australia's risk analysis for avocados	Australia	Chile	NR
401	Undue delays in Viet Nam's approval process for dairy and meat products	Viet Nam	Chile	NR
402	Undue delays in Australia's approval process for chicken meat	Australia	Chile	NR
403	India's amended standards for food additives	India	European Union	NR

Table 2.2 - Issues Previously Raised and Discussed Again in 2015

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[8]
193	General import restrictions due to BSE	Certain Members	European Union, United States of America	PR
238	Application and modification of the EU Regulation on Novel Foods	European Union	Colombia, Ecuador, Peru	NR
289	Measures on catfish	United States of America	China	NR
294	Import restrictions on plant and plant products	Malaysia	Brazil	NR
319	Chinese quarantine and testing procedures for salmon	China	Norway	NR
330	Indonesia's port closures	Indonesia	China, New Zealand, United States of America, European Union	PR
340	Requirements for importation of sheep meat	Turkey	Australia	NR
346	France's ban on Bisphenol A (BPA)	France, European Union	United States of America	NR
354	Import restrictions in response to the Japanese nuclear power plant accident	China, Certain Members	Japan	NR
356	EU phytosanitary measures on citrus black spot	European Union	South Africa	NR
358	India's import conditions for pork and pork products	India	European Union	NR
359	Strengthened import restrictions on food and feeds products with regard to radionuclides	Korea, Republic of	Japan	NR
373	US high cost of certification for mango exports	United States of America	India	NR
374	EU ban on mangoes and certain vegetables from India	European Union	India	NR
375	US non-acceptance of OIE categorization for BSE	United States of America	India	NR
376	Australia's non-acceptance of OIE categorization for BSE	Australia	India	NR
378	EU withdrawal of equivalence for processed organic products	European Union	India	NR
382	European Union revised proposal for categorization of compounds as endocrine disruptors	European Union	United States of America	NR

[8] NR = Not Reported, P = Partially resolved, R = Resolved.

Table 2.3 - Issues Reported as Resolved in 2015

Specific Trade Concern Number	Description of Measure	Member(s) Maintaining the Measure	Member(s) Raising the Issue	Status[9]
360	Import policy on swallow nests	China	Indonesia	R
385	General import restrictions due to highly pathogenic avian influenza	Certain Members	European Union	R

[9] NR = Not Reported, P = Partially resolved, R = Resolved.

2.1 Australia

2.1.1 Animal Health

General import restrictions due to BSE (STC 193)

2.7. See paragraphs 2.401.–2.461.

Australia's non-acceptance of OIE categorization for BSE (STC 376)

Raised by:	India
Supported by:	
Dates raised:	July 2014 (G/SPS/R/75, paras. 4.11-4.12), October 2014 (G/SPS/R/76, paras. 3.24-3.25), March 2015 (G/SPS/R/78, paras. 3.26-3.29), July 2015 (G/SPS/R/79, paras. 3.31-3.34)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.8. In July 2014, India raised its concern regarding Australia's non-acceptance of OIE categorization for BSE. Under Australia's new requirements, countries had to obtain clearance on their BSE categorization to be able to export beef products to Australia. India noted that Australia had also chosen to implement its own categorization process and voiced its concern with the potential multiplicity of systems, as well as the risk posed if national categorization processes ran counter to OIE's categorization. India requested that Australia accept its categorization as designated by the OIE, in order to resolve this issue.

2.9. Australia noted that this concern was being raised for the first time in the Committee and that bilateral discussions had been held on the margins of the meeting to identify India's concerns. Australia reserved its right to conduct its own assessment on the status of India or any other Member, in relation to diseases of biosecurity concern, including BSE, in accordance with its current policies and appropriate level of protection.

2.10. In October 2014, India expressed its concern, once again, regarding Australia's non-acceptance of its OIE categorization as negligible risk country for BSE, and requested again that Australia accept the OIE categorization.

2.11. Australia reiterated that it reserved its right to conduct its own risk assessments and offered to conduct meetings in Delhi or at the margin of the ongoing SPS Committee meeting in order to resolve this issue bilaterally.

2.12. In March 2015, India reiterated its concern regarding Australia's non-acceptance of its OIE categorization as negligible risk country for BSE. India noted that Australia had chosen to implement its own categorization process and voiced concerns about the multiplicity of systems, as well as the risk that national categorization processes would contradict the OIE's categorization. India requested that Australia share the reasoning behind its diverging view in determining a negligible risk country.

2.13. Australia indicated that, consistent with the SPS Agreement, it reserved its right to conduct its own risk assessments on the status of India or any other Member in relation to diseases of biosecurity concern, including BSE, in accordance with its appropriate level of protection.

2.14. In July 2015, India restated its concern that the United States and Australia did not accept the OIE categorization of India as a negligible risk country for BSE. India had shared its OIE dossier with the United States, but had not received any response yet. India urged both countries to carry their assessment in accordance to OIE standards.

2.15. Australia said it hoped previous bilateral discussions with India had helped to clarify Australia's position and reiterated that it reserved its right to conduct its own risk assessments on India's or any other Member's status in relation to diseases of biosecurity concern, including BSE, in accordance with its appropriate level of protection.

2.16. India referred to the explicit recognition of OIE standards under Annex A.3 of the SPS Agreement, and invited the United States and Australia to share any additional factors that would be taken into consideration in determining India's BSE status.

Undue delays in Australia's approval process for chicken meat (STC 402)

Raised by:	Chile
Supported by:	
Dates raised:	October 2015 (G/SPS/R/81, paras. 3.14-3.15)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.17. In October 2015, Chile expressed concerns in relation to the Australian Government's delays in approving Chilean exports of poultry products. Chile had first expressed interest in gaining access to the Australian poultry meat market in 2008, subsequent to which a formal request was submitted in June 2013 to the Department of Agriculture. Since then, Chile had taken several actions in order to gain access to the Australian market, which included reaffirming its interest in April 2014, at the request of Australia. Chile noted that it had once again indicated its interest to export poultry meat to Australia at a bilateral meeting on the Free Trade Agreement held in October 2014, following which Chile had been requested to submit information on Australian importers that would import poultry from Chile, in order to start the assessment process. Noting its optimal animal health conditions and efficient sanitary health services, Chile requested Australia to comply with the obligations of the SPS Agreement, particularly in relation to Articles 2.2, 5.4, 6, and Annex C (1a).

2.18. Australia responded that its Generic Import Risk Analysis Report for Chicken Meat (chicken meat IRA) for the importation of chicken meat from all countries, including Chile, had been released in 2008. The IRA recommended that the importation of chicken meat be permitted, subject to import conditions for nine disease agents of biosecurity concerns such as notifiable avian influenza virus, among others. Australia invited Chile to provide a proposed health certificate for the export of chicken meat to Australia based on the import conditions in the chicken meat IRA.

2.1.2 Plant Health

Undue delays in the start of Australia's risk analysis for avocados (STC 400)

Raised by:	Chile
Supported by:	
Dates raised:	October 2015 (G/SPS/R/81, paras. 3.11-3.12)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.19. In October 2015, Chile raised concerns in relation to delays in gaining market access to Australia for its avocado exports. Chile explained that in 2006, it had requested market entry requirements for avocados into Australia, which resulted in Australia placing it on List B for pest risk assessment (PRA), which is of lower priority. In 2011, Australia informed Chile that it had begun the process of developing a PRA for Chilean avocados, and an inspection visit took place the following year. However, in 2013 Australia reported that the PRA had not started due to a lack of

resources. Chile further noted that it had communicated its interest in starting the PRA on several occasions, with no progress made. Chile affirmed that it was free from major pests of economic importance for plant products and urged Australia to begin its PRA in conformity with the SPS Agreement, in particular with Articles 2.2, 5.4 and Annex C (1a).

2.20. Australia responded that it had identified over 30 pests and diseases of quarantine concern to Australia, associated with avocados from Chile. Due to the large number of pests and diseases and the complexity of the import risk analysis (IRA) work and progress, Australia could not start the formal IRA until sufficient resources were available.

2.2 China

2.2.1 Food safety

Chinese quarantine and testing procedures for salmon (STC 319)

Raised by:	Norway
Supported by:	Switzerland, United States of America, European Union
Dates raised:	June 2011 (G/SPS/R/63, paras. 19-24), October 2011 (G/SPS/R/64, para. 196), March 2012 (G/SPS/R/66, paras. 44-46), July 2012 (G/SPS/R/67, paras. 40-42), October 2012 (G/SPS/R/69, paras. 40-41), March 2013 (G/SPS/R/70, paras. 3.34-3.36), June 2013 (G/SPS/R/71, paras. 4.22-4.24), October 2013 (G/SPS/R/73, paras. 3.42-3.43), October 2015 (G/SPS/R/81, paras. 3.23-3.24)
Relevant document(s):	G/SPS/GEN/1090
Status:	Not reported
Solution:	
Date reported as resolved:	

2.21. In June 2011, Norway stated that after years of steady increase in its exports of fresh salmon to China, exports had dropped significantly due to testing and quarantine procedures implemented by China on 13 December 2010. These were followed by strengthened inspection and quarantine procedures as stated in Notice No. 9 2011, which had not been notified to the WTO. The Norwegian monitoring programmes, in operation since 1998, showed no presence of illegal substances in the fish products and had consistently documented low levels of contaminants. China's measures did not seem to be based on scientific principles or a risk assessment, and Norway requested an explanation for these measures and how they complied with the SPS Agreement.

2.22. The United States supported Norway and expressed their concern that China had implemented AQS1Q Order No. 9, Notice on Strengthening Inspection and Quarantine on Imported Salmon, in February 2011, without having notified the measure. The stated objective of this notice was to safeguard consumer health, however no risk assessment had been provided. The United States requested a copy of China's risk assessment, and requested that China rescind AQS1Q Order No. 9's documentation requirements until the measure had been notified. China was also asked to explain how the requirement for the exporter's vessel name and number related to ensuring that wild salmon was safe for human consumption. The European Union also called for transparency in all SPS matters.

2.23. China clarified that since 2010, the entry and exit inspection and quarantine bureaus in China had detected fish lice, pathogenic micro-organisms and excess veterinary drug residues in imported chilled salmon. In an attempt to protect their consumers, China had published a notice to strengthen the inspection and quarantine of imported salmon, based on the Administrative Measure for Inspection, Quarantine and Supervision on Import and Export of Feed and Feed Additives and its revision and amendment measures of imports and exports of aquatic products, which were notified to the WTO. The measures taken were covered by these laws and regulations without any new element and therefore it was unnecessary to make another notification. China had already responded to Norway's concerns when it raised them in March 2011, during Norway's visit to China's AQSIQ and hoped that those replies addressed its concerns. China was open to further bilateral discussions with the European Union and the United States on this topic.

2.24. Norway stressed that ensuring seafood safety is a major objective of Norwegian authorities, who monitor the presence of undesirable substances, microorganisms and parasites in wild-caught and farmed seafood, as well as fish feed. Norway had been performing a risk assessment on seafood, based on studies of the most commercially important fish species in Norway. Stakeholders often held conflicting views on food safety and on the benefits of seafood and it was important to distinguish between fact and fiction. Norway was keen to further collaborate in this area with China.

2.25. China observed that Norway's concerns focussed on the detailed testing methods, however these purely technical matters had to be discussed among scientists. In March, scientists from both countries had held detailed discussions on this issue, and almost all of Norway's concerns had been clarified. China was disappointed with the lack of Norwegian efforts to resolve this issue, as when any cargo was identified to be carrying disease the problem was supposed to be rectified by the exporter. China welcomed Norway's and other interested parties participation in bilateral discussions as this issue had been on-going for two years.

2.26. In October 2011, Norway provided an update on recent developments in China's measures on salmon, in particular the new testing and quarantine measures on fresh salmon. The measures introduced in December 2010 by the implementation of AQSIQ Order Number 9 had led to a 70% reduction in the volume of Norway's exports of fresh salmon to China. Norway had requested bilateral consultations between the relevant technical experts, and urged China to agree to hold this meeting before the end of 2011. China indicated that the sharing of written documents and data was as important as physical talks, but Norway had not yet provided the necessary information. However, there had been smooth discussions on this issue in AQSIQ in Beijing.

2.27. In March 2012, Norway reiterated concerns about the new testing and quarantine measures introduced by China in December 2010, directed specifically at fresh, chilled salmon from Norway. These measures were further strengthened in February 2011 by the implementation of AQSIQ Order No. 9 and had led to a dramatic reduction in the volume of Norway's exports of fresh salmon to China. SPS measures should be supported by a scientifically based risk analysis, but to date, Norway had not received a copy of China's risk assessment on salmon. Norway urged China to agree on a date for bilateral consultations at an expert level as soon as possible.

2.28. The European Union supported the need for transparency and good communication in this matter, and underscored the importance of open and direct contact with trading partners on measures of concern.

2.29. China repeated the explanation provided in June 2011 regarding the detection of fish lice, pathogenic micro-organisms and excess chemical residues, among other issues, in imported salmon, and the measures it had taken to strengthen the inspection and quarantine of imported salmon. These import inspection and quarantine procedures were not aimed at any particular Member, but quarantine issues were detected in numerous shipments of salmon from Norway. China was willing to adjust the relevant measures once Norway had addressed the quality issues.

2.30. In July 2012, Norway noted that after December 2010, China had begun to report a tenfold increase in the number of notifications of "contaminants" in Norwegian salmon, amounting to a total of 24 in 2011. A large number of these notifications identified a microorganism that was not an issue in Norwegian aquaculture due to the prevailing low water temperatures. Active co-operation between technical experts from both parties was necessary to discuss and clarify the issue and ultimately normalize trade, but it had not been possible to hold such technical bilateral meetings despite Norway's numerous requests. However, Norway was encouraged that during the recent Trade Policy Review, China agreed to address the issue in a meeting between relevant technical experts.

2.31. Switzerland shared the concerns raised by Norway and requested China and Norway to meet in order to resolve the issue.

2.32. China observed that Norway was one of the main suppliers of salmon to China; however, in recent years more and more shipments of unqualified salmon were being detected. In 2011, 19 shipments of salmon were deemed as unqualified for the Chinese market. The diseases found in shipments of salmon from Norway were considered to pose food safety risks by the Chinese

National Food Safety authorities and their presence was prohibited in food products. China was in the process of revising the limits on pathogens in food products and would set new food safety standards. The new draft standard had been notified to the WTO for comments. China remained committed to continue bilateral discussions with Norway.

2.33. In October 2012, Norway reiterated that these measures posed serious challenges to Norway's trade of fresh salmon to China, as the quarantine measures implied that all consignments of fresh salmon would be tested and retained in custody awaiting the test results. The obligations under the SPS Agreement required that SPS measures be supported by a science-based risk analysis, not more trade restrictive than necessary and applied in a transparent manner. The measures applied to salmon from Norway appeared not to be proportional to the situation and Norway requested China to provide the risk analysis that supported the testing and quarantine measures. Norway recognized the communication between AQSIQ and the Norwegian Embassy in Beijing, but requested AQSIQ to agree to the request for technical consultations on this issue, in line with Article 5 of the SPS Agreement.

2.34. China reiterated that in recent years its inspection authorities had detected pathogenic germs and excessive veterinary drug residues in imported salmon. Based on the results of a risk assessment, Chinese experts were of the opinion that the importation of salmon, especially chilled, fresh and farm-raised salmon, posed a high food safety risk. In order to protect the health of Chinese consumers, AQSIQ decided in early 2011 to further strengthen the inspection and quarantine of salmon imported into China from all countries. The relevant measures were based on existing laws and regulations and were not new measures which needed to be notified to the WTO. Norway was one of the main suppliers of salmon to China, however, Norway had failed to meet China's inspection requirements in recent years. In 2011, 24 cases of unqualified aquatic products from Norway were reported, of which 19 cases involved salmon. China remained committed to continue bilateral discussions with Norway and looked forward to further communication in relation to the Sino-Norway Memorandum of Understanding on SPS.

2.35. In March 2013, Norway reiterated its concerns regarding Chinese testing and quarantine measures for salmon, introduced in December 2010, and urged China to respond positively to its request for technical consultations with experts on this issue.

2.36. China indicated that since 2010, Chinese inspection and quarantine authorities had detected parasites, lice, pathogenic microorganisms and veterinary drug residues exceeding standards in imported salmon from Norway and other countries. In January 2011, for the protection of consumer health, China had strengthened inspections and quarantine on imported salmon, in accordance with the Chinese food safety law. The media had recently reported on a type of amoebic parasite found in a Norwegian fish farm and which was suspected to be present in another four Norwegian fish farms. This parasite could infect marine fish, including salmon, with the amoebic gill disease, which had already impacted Norway in 2006 and had devastating effects on the growth of salmon in the fish farms of Ireland and Scotland in 2012. China requested Norway to submit a list of fish farms and fish species that had been infected by the parasite, together with the measures taken by Norway in this regard. Based on the risk analysis of salmon, China would consider gradual adjustments to its measures under the premise of ensuring safety in the future. China expected Norway to continue to take relevant measures to carry out the inspection of exported aquatic products including salmon and to report information on the quality of fish and fish farms to China.

2.37. Norway acknowledged the right of China to perform the necessary testing on seafood and on all products entering the country. However, Norway noted discrepancies between the outcomes of the inspections in Norway and the findings reported by China in its statement. For this reason, Norway emphasized the need for actual cooperation on a technical level to resolve this issue.

2.38. In June 2013, Norway reiterated its concern regarding China's testing and quarantine measures on salmon exported from Norway. In addition to these measures, China enforced a licensing system in a manner that de facto established quantitative restrictions on the import of salmon from Norway. While this system was probably outside the purview of the SPS Committee, it helped to illustrate the overall pattern of restriction. Although Norway generally had quite fruitful co-operation with the Chinese authorities regarding food safety and imports, it had yet to receive a response from China despite multiple requests for technical consultations on this issue. Norway recalled that at the SPS Committee meeting in October 2012, China stated that it had requested

information from Norway regarding the issue of amoebic gill parasite. However, Norway had been unable to verify that such a request was ever received by Norwegian authorities. As such, Norway asked China to provide the necessary information in writing so that it could comply with China's request. Norway expressed its desire to move this issue towards positive resolution.

2.39. China responded that its entry and exit inspection and quarantine agencies had detected carcinogenic microbes and veterinary drug residues in salmon imported from Norway. These products, especially chilled, ready-to-eat salmon, posed a substantial threat to the health of consumers. As such, since 2011, the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) had enhanced inspection and quarantine measures on imported salmon from all countries and areas. In light of the detection of parasitic infections in salmon in recent years, China would consider adjusting its import measures based on quality and risk analyses of salmon to ensure the safety of its consumers.

2.40. Norway stated that there was a discrepancy in Chinese and Norwegian testing results and this pointed to the need for co-operation at a technical level. Norway requested that such a meeting take place in order to work with China towards a solution.

2.41. In October 2013, Norway recalled that it had raised this concern several times in the past, however, the quarantine and testing measures introduced by China in 2010 were still applied to Norwegian salmon. Norway repeated the need for technical consultations and hoped to see a prompt positive resolution to this issue.

2.42. China explained that its entry-exit inspection and quarantine services had detected pathogenic microorganisms and excessive veterinary drug residues in salmon, including frozen salmon. Upon risk analysis, experts had considered that the pathogenic bacteria found in the ready-to-eat frozen salmon posed a substantial threat to consumer health. As such, since 2011, the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) had enhanced inspection and quarantine measures on imported salmon from all countries and areas. China expressed concern about infectious salmon anaemia (ISA) that had intensively occurred in Norwegian salmon since 2012, and feared that Norwegian salmon could be the source of Listeria monocytogenes. China stated its willingness to continue communications with the Norwegian authorities.

2.43. In October 2015, Norway raised concerns on China's new import control regime for Norwegian seafood, which included extensive testing for up to 40 substances and resulted in a prolonged quarantine period for consignments and increased costs. This regime applied not only to salmon, but to all kinds of seafood from Norway, leading to a severe reduction in trade. Norway indicated that it had not received adequate information from China, despite submitting several requests through various diplomatic channels over the last six months. In addition, Norwegian food safety authorities had not received any reports on findings that could warrant such an increase in testing. While supporting the right of Members to implement food safety measures, Norway was of the view that the changes in import control routines had not been implemented in a transparent, predictable and non-discriminatory manner. Norway requested China to provide qualified information on its import control and quarantine procedure regimes as soon as possible. In depth bilateral technical consultations with China would be necessary to address the full range of food safety issues regarding seafood trade, and Norway was willing to work with China to address this issue.

2.44. China explained that it had provided a detailed explanation and clarification during the last Committee meeting and invited Norway to recall the minutes of the last meeting. China further expressed its willingness to continue to work with Norway on this issue.

Import restrictions in response to the Japanese nuclear power plant accident (STC 354)

2.45. See paragraphs 2.383.-2.400.

Import policy on swallow nests (STC 360)

Raised by:	Indonesia
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.9-3.10), March 2015 (G/SPS/R/78, para. 3.50)
Relevant document(s):	G/SPS/N/CHN/472
Status:	Resolved
Solution:	Indonesia reported that its concern regarding China's import policy for bird nests had been resolved.
Date reported as resolved:	26/03/2015

2.46. In October 2013, Indonesia raised concerns regarding the effects that China's registration requirements for foreign food-producing enterprises, notified in August 2011 (G/SPS/N/CHN/472), had on its exports of edible bird nests. Indonesia, the world's largest bird nest producer, had signed a protocol with China on the inspection, quarantine and hygiene requirements for the importation of bird nest products in April 2012. Since then, Indonesia had striven to comply with the Chinese requirements, among others on traceability. The Indonesian Agricultural Quarantine Agency had conducted feasibility assessments in eight bird nest processing plants, and invited the Chinese authorities to conduct a verification visit. No response had been received from China. Indonesia characterized China's registration requirements as complicated and burdensome, and urged China to bring its measures in line with WTO rules.

2.47. China noted that since the conclusion of the protocol, it had actively engaged with Indonesia, urging it to comply with the protocol and to inform China accordingly. China invited Indonesia to provide a veterinary and sanitary certificate model, certificates of origin, and documents on its control systems in order to resolve the problem as soon as possible.

2.48. In March 2015, Indonesia reported that specific trade concern number 360 concerning China's import policy for bird nests had been resolved. Indonesia expressed appreciation to the Government of China and welcomed further cooperation in the future.

2.49. China thanked Indonesia for the update and expressed its intention to solve additional specific trade concerns and to continue bilateral discussions with Indonesia.

Chinese import regime, including quarantine and testing procedures for fish (STC 389)

Raised by:	Norway
Supported by:	
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.1-3.3)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.50. In July 2015, Norway expressed concern about China's new import control regime for seafood from Norway, which included extensive testing for up to 40 substances. As a result, the costs for importers and exporters were increased, and products were kept in quarantine for a longer period. However, China had not notified any finding that could explain such measure. Norway highlighted that the new regulation was implemented in a non-transparent and discriminatory manner, since the increased testing only applied to Norwegian products. Furthermore, since 2011, Norway had repeatedly asked for consultations at technical level, but this request had never been addressed. Norway urged China to provide information on this new regime and on quarantine procedures in general, and on all specific measures applicable to Norwegian seafood. Norway also requested China bilateral consultations on food safety issues relating to trade in seafood.

2.51. China responded that uncompliant products had been found on several occasions and constituted a risk for consumer health. The General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) had issued an announcement in 2011 to further strengthen inspection and quarantine of salmons imported from all Members. China stated that these measures were not new and were based on existing Chinese laws and regulations. Moreover, the measures were addressing the threat represented by Norwegian aquatic products mentioned in several reports over the last years. China had therefore strengthened the inspection and quarantine of high risk products.

2.52. Norway reiterated its request for consultations with China at a technical level and informed the Committee that Norwegian food safety regulations were harmonised with the EU legislation, and as a result, were in compliance with EU requirements.

China's proposed amendments to the implementation regulations on safety assessment of agricultural GMOs (STC 395)

Raised by:	Paraguay, United States of America
Supported by:	
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.16-3.18), October 2015 (G/SPS/R/81, paras. 3.42-3.44)
Relevant document(s):	G/SPS/N/CHN/881
Status:	Not reported
Solution:	
Date reported as resolved:	

2.53. In July 2015, Paraguay raised a concern about the inclusion of some socio-economic aspects in the Chinese risk assessment process for GMOs, contrary to Article 5 of SPS Agreement and to the guidance of the relevant international organizations recognized by the WTO. The amendments to the implementing regulations had been notified in G/SPS/N/CHN/881. Paraguay stated that the measures, which went beyond scientific principles, could lead to arbitrary or unjustified distinctions, and that the inclusion of these elements could undermine the production of safe food. Paraguay therefore requested China to reconsider the amendments to the regulations.

2.54. The United States shared Paraguay's concern, and stressed the importance of notification of such measures to allow trading partners to review proposed changes, provide and discuss comments, and see them being taken into account. The United States highlighted its concerns about the negative impact that policies related to regulatory approval procedures for biotech products could have on the ability of consumers and producers to reap the benefits of advances in technology through trade. The delays and lack of transparency in China's current biotech approval process meant that several products were pending at various stages in the process, despite the SPS Agreement's prohibition on undue delays in approval procedures and its obligation regarding standard processing periods and for a mechanism to resolve complaints. China was seeking to remove the specific timelines governing its regulatory review process, and was introducing new criteria referring to economic and social considerations. The United States had requested additional information from China in order to better understand the objectives behind the proposed changes. The United States also wished to ensure that the measures would comply with the SPS Agreement, and requested that China delay the implementation of the revisions to allow for a substantive dialogue with its trading partners. The United States further requested that China approve the currently pending events in a timely fashion and that the proposed changes to China's approval system not depart from the key tenets of timely, predictable science-based approvals required by the SPS Agreement.

2.55. China replied that the changes to its regulations aimed to enhance the management of safety evaluations for agricultural GMOs. The draft version of these management measures had been notified on 2 June and was open to comments until 1 August 2015. China indicated that it had not received comments from the United States and Paraguay, but would take any comments into consideration for further modification and improvement of the measures.

2.56. In October 2015, the United States again raised concerns with China's Proposed Amendments to the Implementation Regulations on Safety Assessment of Agricultural Genetically

Modified Organisms, which amends the requirements for the safety assessment for genetically engineered products (notified as G/SPS/N/CHN/881). The United States appreciated the extensive and productive bilateral meetings held with Chinese authorities since the July 2015 Committee meeting. The United States also welcomed China's reaffirmation of the importance of implementing timely, transparent, predictable, and science-based approval processes that were based on international standards, as well as China's commitment to revise and improve its regulation based on comprehensive consultations with domestic and international stakeholders and to enhance its capabilities in safety administration and safety approval of agricultural biotechnology products. The United States noted again that there were 24 products pending at various stages in China's regulatory process, including seven poised for final adoption that had been pending as long as since 2010, and requested that China approve these products in a timely and expeditious fashion. The United States thanked China for its engagement and commitments to resolving this process.

2.57. Paraguay shared this concern about the inclusion of socio-economic aspects in the Chinese risk assessment process for GMOs, contrary to Article 5 of SPS Agreement and to the guidance of the relevant international organizations. Paraguay stated that the measures, which went beyond scientific principles, could lead to arbitrary or unjustified distinctions, and that the inclusion of these elements could undermine the production of safe food. Paraguay therefore requested China to reconsider the amendments to the regulations.

2.58. China replied that the changes to its regulations aimed to enhance the management of safety evaluations for agricultural GMOs in response to the rapid development of biotechnology and social and environmental concerns. The draft version of these management measures had been notified on 2 June and had been open to comments until 1 August 2015. China received comments from Australia, Brazil, Canada and the United States. China thanked Members for their comments and was now in the process of reviewing and analysing them. Feedback to Members would be provided through the proper channels. China assured Members that, in line with the relevant requirements of the SPS Agreement, China's agricultural GMOs safety evaluation would be based on science, taking into account the relevant economic factors. China remained ready to continue bilateral discussions and consultations with interested Members on this issue.

2.2.2 Animal Health

General import restrictions due to BSE (STC 193)

2.59. See paragraphs 2.401.–2.461.

China's measures on bovine meat (STC 383)

Raised by:	India
Supported by:	
Dates raised:	March 2015 (G/SPS/R/78, paras. 3.2-3.3), July 2015 (G/SPS/R/79, paras. 3.35-3.36)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.60. In March 2015, India raised its concerns about China's import ban on bovine meat due to the prevalence of FMD in India. The ban had first been imposed by China in 1990 because of the incidence of rinderpest and FMD in India. Despite India being declared free from rinderpest in 1995 through an OIE resolution, China had not accepted India's rinderpest-free status until 2012. With regard to FMD, India had informed the Chinese authorities about the implementation of a strong FMD control programme through vaccinations that had created FMD-free areas, from where bovine meat was exported to various countries. China had signed a veterinary protocol for import of bovine meat from India in May 2013; nonetheless a visit for inspections of meat processing plants by the Chinese authorities from the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) was still pending. India also noted that all the information requested by

AQSIQ had been provided to the Chinese authorities. India therefore requested China to carry out the required inspections at the earliest so that trade in bovine meat could restart smoothly.

2.61. China noted that a questionnaire had been required to lift the ban and that the first expert panel meeting had been convened in December 2013. However, since the department of Agriculture of India had not sent any experts to the meeting, technical exchange on prevention and control of FMD could not be conducted. Furthermore, the technical data requested by China had not been provided until July 2014. And were currently being assessed. China would hold the second expert panel meeting in December 2015 in view of lifting the ban and hoped that the Indian Department of Agriculture would assign a contact person for technical issues to ensure smooth communication.

2.62. In July 2015, India recalled its concern about China's import ban on buffalo meat and the various exchanges of FMD-related information that had taken place since 2013. India had implemented the OIE recommendations, in particular on importation from FMD free countries or zones where vaccination is practised (Chapter 8.5, Article 8.5.23), and was exporting frozen buffalo meat to several WTO Members.

2.63. China confirmed that the import ban on Indian artiodactyla and artiodactyla products was due to FMD concerns and recalled that a Memorandum of Understanding had been signed by both parties in May 2013. It had received supplementary materials on India's disease status in March 2015, which were being reviewed in preparation of a field visit to India.

China's import restrictions due to African swine fever (STC 392)

Raised by:	European Union
Supported by:	
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.9-3.10), October 2015 (G/SPS/R/81, paras. 3.66-3.67)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.64. In July 2015, the European Union raised concerns about China's bans due to African Swine Fever (ASF) and indicated that the vast majority of EU trading partners did not take any import measures against the European Union on African Swine Fever (ASF) grounds because they fully trusted the strict EU control system. China had imposed a ban on EU pork and pork products since February 2014 without applying regionalization, any scientific justification, or clarification on how and when it would recognise the stringent zoning measures put in place in the European Union to allow the prompt resumption of safe trade despite continuously receiving information from the European Union about these stringent control, surveillance and monitoring measures. The European Union had requested several times that China provide a risk assessment justifying the country-wide ban and the non-recognition of the EU zoning measures, but China had failed to respond. The European Union asked China to respect its regionalization obligations under the SPS Agreement and to allow the trade of all safe products.

2.65. China replied that its measures were entirely based on science and safety considerations. It highlighted the threat represented by ASF in the world, and the fact that China was a major pig producer, and as such subject to great losses in case the disease entered the country. China indicated that the measures were in line with relevant Chinese laws and regulations that prohibited imports of relevant animals and animal products from countries infected by ASF. Finally, China stated that it needed to evaluate further the measures taken by the European Union, since a number of cases of ASF had still been detected in recent months in the region of Podlaskie, Poland.

2.66. In October 2015, the European Union again raised concerns about China's bans due to African swine fever (ASF) and reiterated the arguments presented in July 2015.

2.67. China replied that its measures were entirely based on science and safety considerations. It was a major pig producer, and as such subject to great losses in case the disease entered the

country. China indicated that the measures were in line with relevant Chinese laws and regulations and stated that it needed to further evaluate the EU measures, since a number of ASF cases had still been detected in recent months in the region of Podlaskie, Poland.

2.3 Costa Rica

2.3.1 Plant Health

Costa Rica's suspension of the issuing of phytosanitary import certificates for avocados (STC 394)

Raised by:	Guatemala, Mexico
Supported by:	South Africa, United States of America
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.13-3.15), October 2015 (G/SPS/R/81, paras. 3.56-3.58)
Relevant document(s):	G/SPS/N/CRI/160, G/SPS/N/CRI/160/Add.1, G/SPS/N/CRI/162
Status:	Not reported
Solution:	
Date reported as resolved:	

2.68. In July 2015, Mexico raised concerns regarding the emergency measure taken by Costa Rica's phsytosanitary service in April 2015 through resolution DSFE 03-2015, notified to the WTO under G/SPS/N/CRI/160 and G/SPS/N/CRI/160/Add.1. Costa Rica had temporarily suspended the issuing of import certificates for avocados of various origins because of the supposed presence of the sunblotch viroid in imported avocados. Costa Rica had affirmed that the nature of the problem was urgent, but according to Mexico there was no international regulatory basis for this view. Indeed, the fact that Costa Rica had declared that its territory was free of a pest could not be a basis for the implementation of the emergency phytosanitary measure. The consequence was a complete interruption of trade, and Mexico did not believe that the measure was legitimate. Mexico requested a demonstration of the absence of the pest in line with ISPM 04, Requirements for the Establishment of Pest Free Areas. The interruption of trade meant that Costa Rica's measure was not proportional to the risk, especially because there has been no notification of the pest in Mexico for 21 years. Mexico noted that the measure contravened the SPS Agreement and the SPS Chapter of the Free Trade Agreement between Mexico and Latin America. Mexico finally requested several documents from Costa Rica showing that Costa Rica was actually free of the pest, and information on shipments of avocados from Mexico that had shown positive results for the pest.

2.69. Guatemala, South Africa and the United States shared Mexico's concern. Guatemala also requested information about Costa Rica's pest free pest status. The United States worried that this suspension of the issuance of import permits for avocados from eight countries and Florida was part of a larger attempt to use SPS measures to protect sensitive domestic industries. In the US view, the measure raised concerns regarding its consistency with international standards and guidelines, its scientific justification and its level of trade restrictiveness. South Africa was concerned that it appeared on the list of countries affected by the suspension despite the fact that it was not exporting avocados to Costa Rica. South Africa requested to be removed from the list.

2.70. Costa Rica reaffirmed its commitment to transparency and to the multilateral system. It referred to measures taken to protect the country from the virus and repeated that this pest could cause considerable damage to the phytosanitary status of its crop. Studies carried out in 2014-2015 by its SPS authorities had established that Costa Rica was free from the virus. As a result, the country had taken SPS measures against Peru and California to avoid the introduction of the pest. Costa Rica indicated that Mexico was its main provider of avocados and had reported the presence of the pest, which demonstrated the presence of an imminent risk. The current measure was temporary, and a risk assessment was under way. Costa Rica indicated that its authorities were in close contact with Mexico.

2.71. In October 2015, Mexico again raised concerns regarding the emergency measure taken by Costa Rica's phytosanitary service in April 2015 through resolution DSFE 03-2015, notified to the WTO under G/SPS/N/CRI/160, G/SPS/N/CRI/160/Add.1 and G/SPS/N/CRI/162. Mexico reiterated the explanation that it had provided in July 2015. In Mexico's view the measure was in breach of

the SPS Agreement and the SPS Chapter of the Free Trade Agreement between Mexico and Latin America. Mexico requested that Costa Rica immediately remove the ban and respond in writing to questions it had submitted. Mexico viewed the measures imposed by Costa Rica as a negative precedent for the application of SPS measures without adherence to international standards.

2.72. The United States shared this concern and worried that this suspension on issuing import permits for avocados from eight countries and Florida was part of a larger attempt to use SPS measures to protect sensitive domestic industries. In the US view, the measure also raised concerns regarding its consistency with international standards and guidelines, its scientific justification and its level of trade restrictiveness.

2.73. Costa Rica reaffirmed its commitment to transparency and to the multilateral system and restated the observations presented during the July 2015 meeting. The current measure was temporary, and a risk assessment was under way. Costa Rica remained open to dialogue regarding the implementation of its SPS measures.

2.4 European Union

2.4.1 Food safety

Application and modification of the EU Regulation on Novel Foods (STC 238)

Raised by:	Colombia; Ecuador; Peru
Supported by:	Argentina; Benin; Bolivia, Plurinational State of; Brazil; Chile; China; Costa Rica; Cuba; El Salvador; Guatemala; Honduras; India; Indonesia; Mexico; Nicaragua; Paraguay; Philippines; Uruguay; Venezuela, Bolivarian Republic of
Dates raised:	March 2006 (G/SPS/R/40, paras. 21-29), June 2006 (G/SPS/R/42, paras. 35-37), October 2006 (G/SPS/R/43, paras. 140-143), February 2007 (G/SPS/R/44, para. 64), April 2008 (G/SPS/R/49, paras. 48-52), October 2008 (G/SPS/R/53, paras. 19-23), October 2009 (G/SPS/R/56, paras. 53-55), June 2011 (G/SPS/R/63, paras. 32-35), October 2011 (G/SPS/R/64, paras. 72-73), March 2012 (G/SPS/R/66, paras. 50-52), July 2012 (G/SPS/R/67, paras. 56-58), October 2012 (G/SPS/R/69, paras. 26-28), March 2013 (G/SPS/R/70, paras. 3.37-3.39), October 2013 (G/SPS/R/73, paras. 3.52-3.54), March 2014 (G/SPS/R/74, paras. 3.15-3.18), July 2014 (G/SPS/R/75, paras. 4.38-4.40), October 2014 (G/SPS/R/76, paras. 3.6-3.8), March 2015 (G/SPS/R/78, paras. 3.13-3.15), July 2015 (G/SPS/R/79, paras. 3.24-3.26), October 2015 (G/SPS/R/81, paras. 3.19-3.22)
Relevant document(s):	G/SPS/GEN/681, G/SPS/GEN/699, G/SPS/GEN/700, G/SPS/GEN/713, G/SPS/GEN/714, G/SPS/GEN/733, G/SPS/GEN/735, G/SPS/GEN/1087, G/SPS/GEN/1117, G/SPS/GEN/1137, G/SPS/GEN/1218, G/SPS/N/EU/64, G/SPS/N/EU/64/Add.1 and G/SPS/N/EU/64/Add.2, G/SPS/GEN/1329, G/SPS/GEN/1361, G/SPS/GEN/1383, G/SPS/GEN/1422, G/SPS/GEN/1444
Status:	Not reported
Solution:	
Date reported as resolved:	

2.74. In March 2006, Colombia raised concerns on the application of the EC Regulation on Novel Foods (Regulation No. 258/97) and with the draft project of the European Commission to amend the regulation, foreseen to enter into force in 2007. The amendment could directly affect the trade potential of traditional and exotic foods. Some traditional and exotic products already had substantial presence in the US and Japanese food markets, and European consumers were now becoming interested in these food products. It was important to recall, however, that these traditional foods had been consumed in South America for thousands of years. This was in contrast to genetically modified products which could be considered as real Novel Foods. Increased trade in traditional and exotic products also had important socio-economic impacts, as the export of these products represented a measure to decrease extreme rural poverty in South America and had

potential to address specific social and environmental issues, such as providing alternatives to both the growing of narcotic crops and to the illegal felling of protected forests.

2.75. Colombia was aware of the importance of protecting consumer health. However, the amount of information on the safety of these traditional food products required by the EC regulation and the costs to undertake scientific studies were not proportional to health risks and were excessive especially for small scale farmers and exporters. The proposed amendment of Regulation No. 258 would result in a non-tariff barrier to trade with negative effects on the introduction of traditional foods into European markets, contrary to Articles 2.2 and 5.6 of the SPS Agreement. Colombia requested the European Communities to consider the following points regarding the amendment of the Regulation No. 258/97: (i) the non-application of Regulation No. 258 to exotic, traditional products with a history of safe consumption in their region of origin; (ii) greater transparency and clarity in the procedures and definition, giving credit to a safe consumption history of food in the country of origin; requirements, tests, and procedures in proportion with the nature of the foods concerned and the risks they could imply for consumers; and (iii) all exotic traditional products to remain in the public domain and no private entity to be granted privileged access to the European market.

2.76. Ecuador reported that the amendment would also affect the trade potential of traditional and exotic food from its country. In light of Ecuador's great biodiversity, over the last decade international organizations like UNCTAD had been promoting the development of new export products ("Bio-Comercio"). In Ecuador also the export of traditional and exotic foods had major socio-economic impacts and related closely to efforts to overcome rural poverty. Ecuador invited the European Communities to consider carefully Colombia's recommendations regarding the amendment. The amendment of the regulation and its impacts were of importance for many developing countries.

2.77. Peru added that currently, within the Convention on Biological Diversity, countries were discussing measures and mechanisms for the preservation and sustainable use of biodiversity. Contrary to that approach, the application of Regulation No. 258 would restrict greater sustainable use of traditional and exotic products, by diminishing their export potential. Peru stressed the high costs and the long period of time needed for products to be registered under Regulation No. 258 to allow them to enter the European market. Peru also supported Colombia's recommendations regarding the amendment (G/SPS/GEN/681).

2.78. Brazil, Chile, Costa Rica and Paraguay reported that their exports had also been affected by Regulation No. 258/97. Benin requested more information on how a product was considered as "novel". Argentina and Mexico both indicated that they were still in the process of analysing the implications of the regulation. El Salvador, Honduras, India, Uruguay and Venezuela and expressed their interest in the topic and shared the concerns of Colombia, Ecuador and Peru.

2.79. The European Communities confirmed that Regulation No. 258/97 was being reviewed and recognized that some modifications were needed. A 40-page document which might answer a lot of questions would be circulated as an SPS document shortly. The document set out clearly the purpose and scope of the regulation, which was targeted at new food technologies, including genetically modified products. As the food industry was investing in different new technologies, Regulation No. 258 aimed to reassure European consumers of the safety of those technologies. The vast majority of applications for authorization of Novel Foods had been from within the European Communities. The European policy was aimed at striking the right balance between encouraging technical innovation and ensuring that consumers are protected. Some products marketed as "products of biodiversity" had in the past turned out to be unsafe and harmed the users. Dealing with such products was thus in the interest of all stakeholders, considering the damage to the image of products if they were marketed in an unsafe manner. The European Communities invited interested stakeholders to submit comments and make their views known.

2.80. In June 2006, Peru raised further concerns regarding the EC novel food regulation. In Peru's view, one of the major problems of the EC regulation was that it did not distinguish between new foods that had not been consumed before anywhere, and those that were new only to the European Communities, which was the case for most of the traditional exotic products originating from developing countries. Peru requested that the European Communities provide information showing that it was necessary to apply this measure to traditional exotic products, in accordance with the provisions of the SPS Agreement. Peru considered that the regulation constituted an

unnecessary and unjustified barrier to trade due to the cost and time required to gain approval for Novel Foods, even if they had a history of safe consumption in their countries of origin, and requested the exclusion of traditional exotic products from the novel food category. Peru also requested that the European Communities explain how special needs of developing countries had been taking into account in accordance with Article 10 of the SPS Agreement (G/SPS/GEN/713).

2.81. Bolivia, Brazil, Colombia, Ecuador, India, Paraguay and the Philippines shared the concerns raised by Peru. Ecuador indicated that a study on the impact of the novel food regulation was about to be finalized. Preliminary results of this study showed that this regulation could have negative economic and social consequences for Ecuador's production system by having an effect both on current exports and on products with export potential in the European Communities that were currently marketed in other countries (G/SPS/GEN/714). Bolivia and Colombia highlighted that some of the products were currently being promoted inter alia by policies supporting alternatives to narcotic crops, some of which were funded by the European Communities or its member States. The Philippines indicated that the effects of the novel food regulation and of EC regulations on genetically modified food were still being evaluated.

2.82. The European Communities stressed that the concerns expressed were being taken seriously, and that the novel food regulation was currently under review (G/SPS/GEN/699 and G/SPS/GEN/700). The original intention of the novel food regulation had been trade-creating; its purpose was to authorize trade in Novel Foods. In addition, products that had already been traded prior to 1997 had been exempted. The regulation had been targeted mainly at EC companies. The regulation had been successful in that new foods were being approved on the basis of safety assessments. A statement that a product had been consumed for centuries was not sufficient. The European Communities highlighted that very few applications for approval of traditional exotic products had been received, so that there were very few case studies. "Traditional exotic products" was a broad category including some items where there had been safety concerns. In the context of the review of the regulation, the European Communities indicated that it would be helpful to receive more information on these products, including a clear definition of the products at issue whether they had been approved in other export markets, and safety-related data available, as well as information on the socio-economic impact.

2.83. In October 2006, Colombia, Ecuador and Peru reiterated concerns relating to EC Regulation No. 258/97 on Novel Foods (G/SPS/GEN/733 and G/SPS/GEN/735). They considered that the regulation constituted a non-justified barrier to trade in these products as it was not flexible and made no distinction between novel (GMO) foods and traditional foods with no known risks. They noted that exotic products originating from Latin America were not the result of any type of genetic modification but rather formed part of the biodiversity of the region and were consumed traditionally. Also there were inconsistencies in the way this regulation was applied throughout the European Communities. The European Communities had not considered the fact that many of the traditional products had been marketed in a number of countries with very strict sanitary standards as they posed no health risks to consumers.

2.84. The European Communities was requested to promptly review Regulation No. 258/97, and to exclude from its scope of application exotic traditional products resulting from biodiversity. The European Communities was also encouraged to take into account scientific assessments and relevant evidence from other countries and competent international organizations when risk assessments were made, and to establish different procedures for foods of known risk and no known risk in the European Communities. The European Communities was also requested take into account the history of the product, the consumption patterns and traditional knowledge relating to its use and preparation, so as to provide for greater flexibility in the application of the regulation and facilitate the entry of exotic traditional products into the European market.

2.85. Bolivia, Brazil and the Philippines shared the concerns of Peru, Ecuador and Colombia. The Philippines highlighted the fact that the regulation could become an unjustified non-tariff barrier to the EC market in view of the unclear technical distinction between these products and other products. The Philippines expressed hope that progress would be made on the issue and a mutual solution found as soon as possible.

2.86. The European Communities reminded the Committee that the issue had been discussed in the SPS Committee on previous occasions and there had been various exchanges of communications between the Members concerned. The European Communities acknowledged the

problem with traditional products, which were not in the EC market prior to 1997 and noted that the regulation was not discriminatory as EC producers had to undergo similar risk evaluations. Nonetheless, the European Communities imported an enormous volume of foods and vegetables. They reiterated the request that the Members concerned submit data on the volume of trade and risk assessments carried out in other developed countries. The European Communities indicated that the EC Commission was putting forward a new proposal that addressed the genuine concerns of Members. A public consultation had been held on the matter and the European Communities appreciated the contributions from the concerned Members.

2.87. In February 2007, Peru noted that although it had not requested that this issue be on the agenda for this meeting, it would welcome an update from the European Communities on current developments. The European Communities indicated that the Novel Foods Regulation was being revised. It had initially been designed to cover a full range of Novel Foods, from GMO foods to products of biological diversity. Following public consultations and the consideration of the views and comments received, revised legislation was being prepared. The European Communities anticipated that the result would be a two-tiered process, with products that had a long history of safe use subjected to less rigorous procedures than other Novel Foods. The European Communities was looking to address the concerns identified by trading partners, while ensuring consumer safety.

2.88. In April 2008, Colombia, speaking on behalf of Bolivia, Chile, Costa Rica, Ecuador, Mexico, Paraguay and Peru recalled the concerns previously expressed regarding the proposed revision of the EC Regulation No. 258/97, as contained in COM(2007)872. The proposed regulation had been notified to the TBT Committee, however these Members considered that it was appropriate to continue to consider this issue in the SPS Committee. These Members welcomed the proposed recognition of traditional food products from third countries, resulting from their biodiversity and with a history of safe use for large proportions of the populations of these countries. This recognition could facilitate trade, which was particularly important as the production of these traditional products was often part of programs to diversify agricultural production and exports.

2.89. Colombia noted that a number of concerns remained. The proposed definition of a traditional foodstuff was that it had been part of the diet of a large part of the population for at least one generation. This definition could restrict those products that were part of the dietary traditions of certain subpopulations or regions of the country. It would also be useful to clarify how a "generation" was to be defined. Another concern was that requests for authorization would have to come from commercial operators, hence excluding such requests from the competent governmental authorities or producer associations. These Members suggested that information regarding safe use of the traditional food in other countries should also be considered. The concerned Members recognized that although the proposed process had been considerably simplified, a period of five months was still foreseen for consideration of a request, and they suggested that three months should be sufficient. These Members remained concerned that the definition of a novel food remained a product that had not been consumed in the EC market prior to 1997, which seemed to bear no relation to the scientific evidence regarding the safety of a product.

2.90. Brazil indicated that it supported the concerns raised by Colombia on behalf of eight countries. Brazil was still analysing the relevant documents, but considered the issues raised by Colombia to be very important.

2.91. The European Communities noted that it was currently revising legislation, in particular the provisions on traditional products and products of biological diversity, in response to concerns raised by various developing countries. A much simplified procedure was now being developed. A range of legitimate and reasonable concerns had been expressed, and these should be communicated directly to the relevant EC services, since the legislation was currently under consideration. While the concern was that the EC legislation might be a barrier to trade in traditional products, this should be seen in the broader context: the European Communities was by far the world's largest importer of fruits and vegetables, especially from developing countries, hence the import regime in general was extremely import-friendly.

2.92. In October 2008, Peru requested that there should be a notification to the SPS Committee regarding the modification of the EC Novel Foods Regulation. Many exporting Members failed to understand the content of the regulation, why some products were banned while others were not.

Also, the regulation gave exporting countries, many of which were developing countries, the burden of proof that their products were safe and complied with the EC Regulation. Brazil, Colombia, Costa Rica, Cuba, Ecuador, Mexico, Paraguay and the Philippines shared Peru's concerns regarding the EC Regulation on Novel Foods.

2.93. UNCTAD reported that it was contributing to the review of the EC Regulation on Novel Foods in three specific areas: (i) revising the procedure, which required more scientific clarification; (ii) facilitating dialogue between the European Communities and developing countries; and (iii) analysing legal aspects of current regulations in the context of multilateral agreements.

2.94. The European Communities stated that the existing legislation was too ambitious in covering a whole range of Novel Foods. For this reason, the European Communities planned to revise the regulation, as had been notified to the TBT Committee. This proposal had been under negotiation in the EC Parliament and Council. However, there were concerns regarding the approval of some products. For instance, matters became complicated when exporters requested the classification of food supplements as Novel Foods, rather than whole fruits and vegetables. However, the revised procedure was expected to be more flexible, and some Novel Foods had already been approved for entry into the EC market. The European Communities noted that in this specific case, the legal advice had been to only notify the proposed revision to the TBT Committee since it covered approval procedures for Novel Foods in general. This did not preclude that the issue could be discussed at the SPS Committee. In response to a query, the Secretariat clarified that it generally recommended that draft regulations with any SPS content should be notified to the SPS Committee, even if these regulations were also notified to the TBT Committee.

2.95. In October 2009, Peru recalled that the entry of traditional exotic products to the EC market had been seriously affected by the EC regulation on novel foods. The measure contravened the activities that the European Communities themselves had been undertaking to support small producers and to open the EC market to new and exotic products. Various exotic products had been certified by the Health and Environment Authority of Peru, which certified the safety and compliance with a HACCP system, and these products were fit for human consumption and could be marketed internationally. Peru expressed concern about the continuous loss of business opportunities due to this measure and asked for an update on the modification progress. Brazil, Colombia, Ecuador, and Mexico supported Peru's concerns regarding the EC regulation on Novel Foods.

2.96. The European Communities stated that on 15 January 2008, the EC Commission had submitted to the Council and the European Parliament a proposal for the revision of the Novel Food Regulation. The proposal was notified to WTO Members in March 2008 under the TBT Agreement. The revised procedure was expected to be more flexible and some novel foods had already been approved for entry into the EC market. The reference period for establishing a history of safe food use had been changed to a period of 25 years, and consumption data could originate from any third country and not necessarily from the country that submitted the application. The possibility to apply for a novel food authorization had also been opened to any interested party. The proposal kept the main rules currently applicable to novel goods, but simplified EC market access for traditional foodstuffs from third countries which had a history of safe use and put in place proportionate regulatory measures. The proposal was still under negotiation and its adoption was foreseen for July 2010.

2.97. In June 2011, Peru again raised concerns about Regulation No. 258/97, that particularly affected trade in Peruvian traditional foods that were safely sold in the United States and Japan (G/SPS/GEN/1087). Colombia shared the concern of Peru, as this regulation was an unjustified barrier to trade of traditional foods and consequently impeded economic activities. In 2009, the European Union had agreed to change this regulation in a way that would take into account traditional foods. This modification had not been implemented, however, because of disagreements that the European Council and the European Parliament had regarding products of cloned animals, although there was general agreement on traditional foods. Colombia encouraged the European Union to separate these issues and resolve the matter of traditional foods by the end of 2011. Brazil, Chile, China, Costa Rica, Indonesia, Mexico and Paraguay supported the concerns raised by Peru and Colombia.

2.98. The European Union stated that foods were considered novel under the present Regulation No. 258/97 if they were derived from new technological processes or if they had no significant

history of consumption in Europe. On 15 January 2008, steps were taken to update the existing novel food rules in an effort to facilitate applications for novel food authorizations and to simplify market access to the European Union for traditional foodstuffs from third countries which had a history of safe food use. However, the initial proposal submitted to the co-legislators was not adopted. The main stumbling blocks related to provisions regarding food from cloned animals and nanotechnology. Any new regulation would contain a centralized and quicker authorization procedure for novel foods and specific measures for traditional foods, as agreement had indeed already been reached on this issue between the European co-legislators.

2.99. In October 2011, Peru recalled its concerns about Regulation No. 258/97 (G/SPS/GEN/1117). Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico and Paraguay shared the concerns raised by Peru.

2.100. The European Union reiterated the explanation that it had provided in June 2011 regarding the definition of novel foods and the current process of revision of the regulation.

2.101. In March 2012, Peru recalled its previously raised concerns about the EU Novel Foods regulation (No. 258/97) that restricted foods which were not marketed in the European Union before May 1997 (G/SPS/GEN/1137). The Regulation did not distinguish between foods and ingredients that were new in the strict sense and traditional products derived from the biodiversity of developing countries. The EU measures were unnecessary and excessive as they applied to products that had a history of safe consumption in other markets and presented no risk for consumer health. Recalling the provisions of the SPS Agreement, Peru urged the European Union to refrain from applying Regulation No. 258/97 to traditional products with a history of safe consumption outside the EU market.

2.102. Cuba supported the concerns of Peru and indicated that the measure was discriminatory. Colombia also supported Peru's concerns and urged the European Union to accelerate the modification of the regulation on novel foods, highlighting the unnecessary and unjustified effect that the delay was having on the access of traditional products to the EU market. Argentina, Brazil, Chile and Paraguay indicated that they shared the concerns and were closely following the issue.

2.103. The European Union restated the observations presented during the 2011 June and October meetings.

2.104. In July 2012, Peru once again recalled its concerns about the EU novel foods regulation. Peru considered that its traditional products were a sign of the sustainable use of its biodiversity and argued that this regulation particularly affected trade in traditional foods. This regulation had negative economic and social impacts, including the loss of trade revenue, the administrative costs faced by importers and the potential effect on the general health of consumers worldwide as a result of the decrease in consumption of traditional products with high nutritional value. Peru urged the European Union to refrain from applying Regulation No. 258/97 to traditional products or to facilitate the entry of products with a history of safe consumption outside the EU market.

2.105. Cuba supported the concerns of Peru and indicated that the measure was discriminatory, highlighting the unjustified effect that the measure was having on the access of traditional products to the EU market. Colombia and Ecuador also supported Peru's concerns and urged the European Union to implement the reforms to the regulation on novel foods.

2.106. The European Union explained that revision of the novel foods rules had started in January 2008 in an effort to facilitate applications for novel foods authorizations and to simplify EU market access for traditional foodstuffs from third countries with a history of safe use. However, the co-legislators had not agreed to the proposed revision and the European Union was now engaged in preparing the next steps in the hope of facilitating the consensus necessary to allow a revised novel food regulation to be adopted into law. The European Union would make public the next steps it was taking once these were agreed. The Commission was currently preparing a legislative proposal based on the overall agreement reached with EU co-legislators, with adoption expected in 2013. Any new regulation on novel foods would contain a centralized and quicker authorization procedure for novel foods and specific measures would be put in place for traditional foods from third countries to access EU markets. A related legislative proposal on animal cloning was planned

to be adopted by the Commission in 2013, based on the results of an impact assessment which was currently underway.

2.107. In October 2012, Peru reiterated its concern that the application of Regulation No. 238/97 continued to restrict access of traditional products into the European Union. Regulation No. 238/97 was in practice an unnecessary and unjustified barrier to trade, not adopted on the basis of an appropriate risk assessment taking into account scientific evidence, thus contrary to Article 5 of the SPS Agreement. Peru reiterated its request that the European Union exclude from the regulation traditional products arising from biodiversity and remove the unjustified hindrances to trade.

2.108. Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador and Venezuela supported Peru's concern and asserted that Regulation No. 238/97 constituted an unnecessary barrier to trade because it targeted products that were not widely traded in the EU market before 1997 without considering the history of safe consumption in other countries. Colombia regretted the EU delay in reforming this Regulation to bring it into compliance with WTO obligations. Brazil, Chile and Costa Rica reiterated their interests in developments regarding the reform of this Regulation.

2.109. The European Union recalled that at the last meeting it had provided a detailed explanation on the state of play of the Novel Foods dossier; it was now engaged in preparing a new legislative proposal on Novel Foods, expected to be adopted in 2013. The European Union would keep Members informed on the progress of the novel food negotiations, on future measures applicable to traditional foods from third countries, and would notify the new draft legislation to the WTO for comments. In order to help producers, importers and those responsible for placing products on the EU market a Novel Food Catalogue had been created, and a document indicating how interested operators may establish whether a food or food ingredient had a history of consumption in the European Union. The European Union remained committed to work with concerned partners towards an amicable solution of this matter.

2.110. In March 2013, Peru reiterated its previously raised concern with regard to EU Regulation No. 258/97 on Novel Foods whose application restricted access to the EU market for products which were not marketed in the European Union before May 1997 (G/SPS/GEN/1137). Peru considered the Regulation to be an unjustified trade barrier for Peruvian traditional products derived from biodiversity, due to the high costs of the application required to access the market and to the time required for market access approval. The EU measure was contradictory to international co-operation and technical assistance efforts for market development and for capacitation of small and medium producers. For example, camu camu (*Myrciaria dubia*), a sylvan fruit native to the western Amazon basin, was traded in countries like Japan and the United States and was listed in the Codex Classification of Foods and Feeds, but banned in the European Union. Peru requested information on the status of the new EU legislative proposal on Novel Foods and asked the European Union to reconsider those traditional products arising from biodiversity with a history of safe consumption outside the EU market.

2.111. Chile, Colombia, Ecuador and Paraguay echoed Peru's concern and looked forward to the EU legislative proposal to revise the regulation. Colombia and Paraguay urged the European Union to take into account the history of safe consumption of such products.

2.112. The European Union stated that the new legislative proposal was still taking shape and was due later that year. Specific measures for traditional foods from third countries to ease their access to EU markets would be proposed. The overall purpose of the proposal was to streamline the approval procedure and provide for a centralized system of authorization. The new draft, once finalised, would be sent to all EU trading partners via notification under both the SPS and the TBT Agreements to allow any comments and concerns to be taken into account. The European Union remained open to discuss the matter in more detail.

2.113. In October 2013, Peru reiterated its concern over the EU Regulation on Novel Foods, as it restricted the access of traditional biodiversity-based products into the European market. Peru had previously shown the negative effects of this measure on exporters. The proposed amendment of Regulation No. 258/97 would exclude from its scope traditional biodiversity-based products which had previously been safely consumed in their country of origin. The aim of this was to facilitate the export of these products from developing countries. Peru requested information on the status of

the proposed amendment to Regulation No. 258/97, which would be an important step to access the European market.

2.114. Chile, Colombia, Costa Rica, Cuba and El Salvador expressed their support for Peru's concerns.

2.115. The European Union confirmed that the European Commission intended to present a new Novel Food proposal by the end of 2013. This would take into account the overarching agreement reached by the EU co-legislators on future measures applicable to Novel Foods, including those which were traditional in third countries. The proposal would streamline the approval process and provide specific measures for traditional foods from third countries, intended to ease their access to EU markets for the benefit of consumers whilst ensuring their safety. The draft proposal would be circulated to all Members through notifications under the SPS and TBT Agreements to allow for any comments and concerns to be well taken into account.

2.116. In March 2014, Peru reiterated its concern over the EU Regulation on Novel Foods and requested information on the status of the proposed amendment to Regulation No. 258/97.

2.117. Ecuador noted that the revised legislation, No. 2013/894, still posed barriers to products of biodiversity and sought assurances that it was compliant with Articles 2.2 and 5.6 of the SPS Agreement. The regulation created a disadvantage to small producers because the EU regulations required that the marketing history of traditional biodiversity-based products be disclosed, and this information was rarely available in developing countries. Ecuador suggested that the European Union: (i) replace the existing process with a simplified risk-based authorization procedure; (ii) define clearly the factors to be used to evaluate safety; and (iii) clarify the international standards and procedures on which EFSA would base its decisions and carry out the risk assessments.

2.118. Costa Rica, El Salvador and Nicaragua also expressed support for Peru's concerns.

2.119. The European Union announced that in December 2013, the Commission adopted a proposal for a new regulation on novel foods, accompanied by a further proposal on cloning. The proposed new regulation for novel foods focused on easing market access for traditional foods, including those produced by small producers. The objective was to simplify and streamline approval procedures while ensuring food safety. The proposal was notified to WTO in December 2013 (G/SPS/N/EU/64) and an exceptionally long comment period (120 days) had been given. No comments had been received to date and interested Members were encouraged to submit their comments by the 20 April 2014 deadline. The European Union encouraged Ecuador to submit their comments in writing so that they could be considered as part of the notification process.

2.120. In July 2014, Peru reiterated its concern over the proposed amendment of Regulation No. 258/97 (documents G/SPS/N/EU/64, G/SPS/N/EU/64/Add.1 and G/SPS/N/EU/64/Add.2) and referred to its comments on how to facilitate access to the EU market for biodiversity products from developing countries (G/SPS/GEN/1329). Peru highlighted its concerns on the proposed definitions of: (i) "novel food" - and requested the risk assessment that established 15 May 1997 as the reference date; (ii) "traditional food from third country" – given that the majority of potentially exportable traditional foods derived from primary production; and (iii) "history of safe food use in a third country"- proposing a period of five years without any indication of risk to human health for demonstrating safe use, instead of the 25 year time-period envisaged by the European Union. Peru requested that the European Union revise these definitions to establish criteria that would allow traditional biodiversity products from developing countries real and timely access to the EU market.

2.121. Colombia, Costa Rica and Ecuador expressed their support for Peru's concerns.

2.122. The European Union recalled that in December 2013 it notified the proposal for a new regulation on novel foods, and an exceptionally long comment period (150 days in total) had been given to facilitate interested Members to dialogue with the European Union. The deadline to submit comments had been extended to 20 May 2014, and comments had been received from Canada, China, Costa Rica, Ecuador, Peru and the United States. EU experts were examining the comments and written replies would be provided soon. The European Union explained that the reference date

of 15 May 1997 was already applied by the existing Regulation No. 258/97/EC, and as the new proposal did not change the scope of the EU legislation, this date remained unchanged. A guidance document had been elaborated to explain how to establish the use of a food to "a significant degree". On the definition of "traditional food from third country", this only referred to primary production. Sacha inchi oil could be placed on the EU market, whereas camu camu or rumberry were only known in the European Union to be used in food supplements. The 25 years history of safe use reflected experience gained by one generation of population consuming the food in question, and no toxicological data were required, only compositional data. The new proposals aimed to streamline the pre-market authorization procedure, in particular by faster and more proportionate safety assessments for traditional foods from third countries with a history of safe use. Detailed guidance on all information to be presented as part of the application would be provided. Recommendation 97/618/EC would be replaced by a new scientific guidance elaborated by EFSA by 31 October 2015, and would be subject to public consultation.

2.123. In October 2014, Peru restated its concerns over the proposed amendment of EU Regulation No. 258/97 (G/SPS/GEN/1361), again requesting the review of several definitions. Furthermore, Peru addressed Article 9 of the proposed amendment, which sets forth the procedure for authorizing the placement of novel food on the EU market, requiring the exporter to present scientific evidence demonstrating the safety of the novel food in question. Peru challenged the consistency of EU's proposed Regulation with Articles 2.2 and 5 of the SPS Agreement, which require the importing Member to adopt the least trade-restrictive measure, based on a risk assessment, and requested the European Union to provide the underpinning scientific basis.

2.124. Colombia and Guatemala expressed their support for Peru's concerns.

2.125. The European Union informed the Committee that Members' comments on the new proposed Regulation were being transmitted to the European Parliament and European Council for consideration before its final adoption. Regarding Peru's comments on Article 9, the European Union recalled that one of the main objectives of the proposed Regulation was to facilitate and streamline the authorization of novel foods from third countries. European Commission Recommendation 97/618/EC reflected the scientific considerations underpinning the draft legislation. As it was not possible to anticipate the potential risks associated with novel foods production processes, the European Union noted that a high level of food safety could only be achieved by putting in place a pre-market approval system, compatible with Article 8 and Annex C of the SPS Agreement. The European Union expressed its confidence that the proposed Regulation was consistent with the SPS Agreement since it provided unified, simplified and shortened authorization procedures. The European Union reiterated its commitment to work closely with all Members to address their concerns and to provide detailed guidance to applicants regarding the authorization and notification procedures.

2.126. In March 2015, Peru reiterated its concerns over the proposed amendment of EU Regulation No. 258/97 (G/SPS/GEN/1383). Peru challenged the consistency of the EU proposed regulation with Articles 2.2 and 5 of the SPS Agreement, which require the importing Member to adopt the least trade-restrictive measure, based on a risk assessment, and requested the European Union to provide the underpinning scientific basis. Peru noted how trade statistics for kaniwa (or cañihua) exports showed the detrimental effects of the EU's Regulation on Novel Foods on Peru's traditional products derived from biodiversity. While Peru's global exports of kaniwa had increased by more than 317% in 2013 and about 206% in 2014, going to markets such as Australia, Canada and the United States, the marketing of this food in the European market was restricted and its real potential was therefore reduced. Peru also requested the European Union to clarify the scope of the phrase "a large part of the population of a third country", contained in Article 2.2(c). The definition did not specify the percentage or number of people required for this part of the population to be considered "large", nor did it specify whether the population in question should constitute a representative sample of the country's population as a whole or whether it may concern specific areas.

2.127. The Plurinational State of Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador and Guatemala expressed their support for Peru's concerns.

2.128. The European Union recalled that the new proposal did not change the definition of novel food or the scope of the regulation, which covered foods, production processes and production methods new to the European Union for various reasons. This was in line with article 5.2 of the

SPS Agreement. The European Union noted that in some cases safe consumption might require preparation or consumption habits only known to the consumers of the country producing the food in question. It was therefore not possible to anticipate the potential risk associated with such novel foods, production processes or production methods and to address them in an all-encompassing risk assessment. As a result, the high level of food safety pursued in the European Union could only be achieved on a case by case basis within the framework of a pre-market approval system. The EU scheme for Novel Food was in line with the SPS Agreement, as it was a pre-market approval based on scientific risk assessment, in line with Articles 5, 8 and Annex C. The European Union also reiterated its commitment to provide detailed guidance to applicants regarding the authorization and notification procedures and noted that products such as kaniwa should particularly benefit from the new Novel Food Regulation, as they were likely to qualify for the simplified and shortened procedure for authorization of traditional foods from third countries. The European Union finally recalled that the discussion by the EU Parliament and the Council had not yet concluded; therefore no final text was available. The European Union would be in a position to provide a definitive answer to the questions and concerns raised by WTO Members only when the final text was available.

2.129. In July 2015, Peru reiterated its concerns over the EU proposal for a regulation repealing Regulation (EC) No. 258/98 on novel foods notified in G/SPS/N/EU/64. Peru's traditional biodiversity products with high export potential were being affected by the European Union's current regulation on novel foods, to the detriment of small- and medium sized Peruvian producers and exporters. Peru gave the example of "huito", the marketing of which is restricted in the European Union, as described in document G/SPS/GEN/1422. Peru requested that the European Union indicate the scientific basis for its regulation on novel foods and take into consideration the points raised by Peru at different meetings.

2.130. Colombia, Ecuador, the Dominican Republic, Nicaragua, Guatemala, Costa Rica and Brazil supported Peru's statement, and highlighted the measures potential adverse effects on trade that the measure. They stated that the EU measure was not based on scientific principles and requested more information on its current status.

2.131. The European Union announced that the definitive text of the new regulation was not yet available, although some progress had been made by the co-legislators. It was not possible to anticipate the potential risk associated with all novel foods, production processes and methods, and to address them in an all-encompassing risk assessment. The high level of food safety pursued by the European Union could only be achieved on a case-by-case basis within the framework of a pre-market approval system, in accordance with Article 8 and Annex C of the SPS Agreement. Regarding "huito", there had been no application for its authorization as novel food. Since the current novel food regulation had been in place since 1997, but there had been substantial imports of "huito" into the European Union in 2008, there seemed to be no causal relationship between the regulation and the trade of this product into the European Union. Like all other traditional biodiversity foods, "huito" should particularly benefit from the new novel food regulation, since it was likely to qualify for the simplified, shorter procedure for such traditional foods. The European Union announced that once the regulation was adopted, guidance on all the information to be presented by applicants would be made available for public consultation and an information session would be organized. The European Union remained committed to cooperating on this matter with all interested WTO Members.

2.132. In October 2015, Peru reiterated its concerns on the EU proposed novel foods regulation, as notified in G/SPS/N/EU/64. Peru asserted that the proposed regulation was not compatible with Articles 5.1, 5.2 and 2.2 of the SPS Agreement, since the ban on the marketing of traditional biodiversity products was not justified by scientific evidence (G/SPS/GEN/1444). Peru observed that there was no scientific justification to require exporters to demonstrate safety of each product they wished to export to the European market and emphasized that Peru's traditional biodiversity products with high export potential were being affected by the European Union's current regulation. Peru gave the example of ornamental fish, which were of high importance for vulnerable regions of Peru and exported to over 80 countries, but would be subject to restrictions in the EU market due to this regulation. The proposed regulation did not take into account the needs of developing countries regarding access for biodiversity products and generated high barriers to trade in the European market. Peru requested that the European Union respond to the questions it had submitted. Peru invited the European Union to provide information on the

upcoming vote by the European Parliament on this regulation, as well as details on the content of the project, and future steps.

2.133. Brazil, Chile, Colombia, Costa Rica, the Dominican Republic and Guatemala supported the concern and requested additional information on the scientific justification of the regulation. They also requested information on the discussions and voting process in the European Parliament, and on its adoption.

2.134. The European Union recalled that the co-legislators, European Parliament and Council, had made progress in the negotiations on the regulation and expressed hope that the novel foods legislation could be adopted in the current year. The European Union confirmed that it would hold a special information session to present the new regulation once finalized. After its adoption, a document containing detailed guidance for applicants on the information to be presented would be prepared and subject to public consultation. In responding to the specific queries raised, the European Union indicated that it was not possible to anticipate the potential risks associated with all novel foods, production processes and methods and to address them in an all-encompassing risk assessment. The high level of food safety pursued in the European Union could only be achieved on a case-by-case basis within the framework of a pre-market approval system, in accordance with Article 8 and Annex C of the SPS Agreement. The European Union noted that the proposed regulation was in line with the SPS Agreement as it was based on scientific risk assessment. In addition, the regulation complied with Article 10 on special and differential treatment because it introduced a simplified procedure for the placement of traditional biodiversity foods on the EU market, once their history of safe use in third countries had been demonstrated if no safety concerns based on scientific evidence had been raised. The European Union queried Peru's example of ornamental fish, which was not considered food in the European Union. In addition, the European Union highlighted that Peru currently exported ornamental fish to the European Union on a regular basis.

2.135. Peru commented that the regulation would limit its exports to the European Union and requested that Peru be informed ex-ante and not ex-post on this issue. The European Union indicated that information would be provided on the final text and on the practicalities of the regulation, once available. The European Union underscored the objective of the regulation which was to shorten and simplify the current process, especially for traditional foods.

Categorization of compounds as endocrine disruptors (STC 382)

Raised by:	United States of America
Supported by:	Argentina, Brazil, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Egypt, Guatemala, India, Jamaica, Kenya, Madagascar, Malaysia, Mexico, New Zealand, Nigeria, Pakistan, Paraguay, Peru, Senegal, Sierra Leone, South Africa, Uruguay, Viet Nam
Dates raised:	March 2014 (G/SPS/R/74, paras. 4.3-4.4), March 2015 (G/SPS/R/78, paras. 3.20-3.22), July 2015 (G/SPS/R/79, paras. 3.50-3.52), October 2015 (G/SPS/R/81, paras. 3.34-3.37)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.136. In March 2014, the United States noted that the European Union planned to publish a road map outlining different options and a preliminary impact assessment in its process to assess, classify and regulate endocrine disruptors. The United States urged the European Union to swiftly notify the roadmap, any future proposals and the draft impact assessment, and to take into account comments from Members. The United States requested that the European Union explain its endocrine disruptor assessment program, particularly the timing for public consultations, as well as the timeframe for notifications and the manner in which Members' comments would be taken into consideration.

2.137. The European Union highlighted that several segments of its legislation contained provisions on endocrine disruptors; however, scientific criteria for the identification of endocrine

disruptor substances were not yet available. The European Union noted that it had planned to propose scientific criteria to identify endocrine disruptors in its biocidal products regulation and plant protection products regulation by December 2013. However, in light of the potential impacts of a choice of criteria, the European Commission decided to carry out a comprehensive impact assessment to analyse the different policy options available to define criteria for the identification of endocrine disruptors, before making a revised proposal. This process was underway and the next step would be publication of a roadmap, within the coming weeks, outlining the various policy options for the criteria to be assessed. The impact assessment would follow standard EU guidelines, take into account existing scientific studies and reports, relevant international on-going work on this subject, and the impact on international trade. The European Union further clarified that a public consultation would be launched as part of the process in the course of 2014, enabling all stakeholders and trading partners to provide their input.

2.138. In March 2015, the United States raised concerns regarding the EU public consultation on defining criteria for identifying endocrine disruptors in the context of the implementation of the plant protection product regulation and biocidal products regulation. The United States questioned the scientific evidence considered in developing and selecting each of the options presented in the Roadmap and feared that risk might have not been taken into account. Implementation of any hazard-based "cut off" option that did not consider risk from actual exposure could have severe implications for EU imports of agricultural goods, including those from the United States. Furthermore, banning chemicals and pesticides solely based on endocrine-disrupting properties might incentivize the use of more dangerous products, simply because they do not present endocrine-disrupting properties. The United States encouraged the European Union to explain in a public document how significant stakeholders' comments would be taken into account and urged the Commission to adopt an approach that fully considered the vital role that pesticide chemicals play in food safety and security.

2.139. Argentina, Brazil, Canada, China, Colombia, Costa Rica, Guatemala, India, Kenya, Madagascar, Malaysia, Mexico, Nigeria, Pakistan, South Africa and Uruguay shared the US concern regarding the socio-economic effects that the EU measure would have on their countries if the legislation was to be approved. Various Members asked if the European Union had considered conducting an economic impact assessment for such a regulation and looked forward to being further informed.

2.140. The European Union noted that there was currently no new EU legislative proposal on defining criteria for identifying endocrine disruptors. The European Commission was in the process of conducting a full impact assessment, where all health, environmental and socio-economic aspects, including impacts on international trade, would be addressed. Following the publication of the Roadmap in June 2014, a public consultation had been held from September 2014 to January 2015. Over 27,000 responses had been received and published on the EU Commission website, and an analytical report of these responses would be provided in due course. A stakeholders' conference for all interested parties, including third countries, was planned for the 1 June 2015, while a dedicated webpage with information on the ongoing impact assessment would be available soon on the DG-SANTE website. In parallel, the necessary studies to support the impact assessment were ongoing. The first one would estimate which substances would be identified under each option for the criteria outlined in the Roadmap, with 700 chemicals being screened. Only when the results of these screenings would be available, the European Commission would launch the studies assessing impacts on health, environment, trade, agriculture and socio-economic effects in general and include them in the impact assessment report that would accompany any legislative proposal. If and when such proposal would be made, the legislative draft would be notified to the WTO to allow Members to present their comments, in line with the transparency obligations of the SPS Agreement that the European Union promoted and would like to reinforce.

2.141. In July 2015, the United States recalled its concerns on EU roadmap outlining possible options for defining criteria to identify endocrine disruptors, specifically as they related to plant protection products. Referring to the public consultation held in Brussels on 1 July 2015, the United States questioned the scientific evidence underlying the options, and the consideration of any hazard-based "cut off" option instead of risk from actual exposure. It encouraged the European Union to share information on the methodology used in developing EU member States' impact assessments. The United States requested that the European Union recognize risk-based endocrine programmes developed by other countries. It also request that the European Union keep

the Committee informed of relevant developments, and encouraged the European Union to publish the draft legislation, once developed, including any risk and impact assessments carried out.

2.142. Australia, Brazil, Canada, Chile, China, Colombia, the Dominican Republic, Egypt, India, Kenya, Malaysia, Mexico, New Zealand, Nigeria, and Peru also spoke about the revised EU proposal on endocrine disruptors. They urged the European Union to take into account all the comments made during the public consultation and requested that the Committee be informed of any relevant developments.

2.143. The European Union recalled that it was currently conducting an all-inclusive risk assessment, including impacts on international trade, and that the report of the public consultation conducted between September 2014 and January 2015 would be made public in the coming weeks. The European Union also noted that all the relevant information about the impact assessment had been made available on their website. The European Union recalled that two studies were being conducted, one on the identification of the endocrine disruptors and another on the assessment of impacts. Once, and if, a legislative proposal was eventually made, it would be notified to the Committee and comments from Members would be taken into account before adoption of the final regulation.

2.144. In October 2015, the United States recalled its concerns about the EU "roadmap" which outlined possible options for defining criteria to identify endocrine disruptors, specifically as they related to plant protection products. It thanked the European Union for its report of the public consultation held in Brussels in July 2015 (G/SPS/GEN/1448) but questioned the scientific evidence underlying the options, and the consideration of any hazard-based "cut off" option instead of risk from actual exposure. It encouraged the European Union to share information on the methodology used in developing EU member States' impact assessments. The United States requested that the European Union recognize risk-based endocrine programmes developed by other countries. It also requested that the European Union keep the Committee informed of relevant developments, and encouraged the European Union to publish the draft legislation, once developed, including any risk and impact assessments carried out.

2.145. Argentina shared the US concern and reiterated that future actions should be taken on a case-by-case basis and based on solid scientific evidence after appropriate risk assessment. Special attention should be given to minimizing adverse impacts on international trade and especially on trade in agricultural products, but also to minimizing socioeconomic losses in commodity-producing countries, in particular developing countries. Argentina also thanked the European Union for its report of the consultation and requested that the rest of the process be conducted in a transparent manner inclusive of all relevant stakeholders.

2.146. Brazil, Burkina Faso, Canada, Chile, China, Colombia, the Dominican Republic, Egypt, India, Jamaica, Kenya, Madagascar, Malaysia, Mexico, Nigeria, Paraguay, Peru, Senegal, Sierra Leone and Viet Nam also spoke about the revised EU proposal on endocrine disruptors. They encouraged the European Union, inter alia, to follow a risk-based approach, adhere to relevant international standards and to keep informing the Committee of any relevant developments.

2.147. The European Union recalled that it was currently conducting an all-inclusive impact assessment, including impacts on international trade. The European Union also noted that all the relevant information about the impact assessment had been made available on their website. The European Union recalled that two studies were being conducted, one on the identification of the endocrine disruptors and another on the assessment of impacts. Once, and if, a legislative proposal were eventually to be made, it would be notified to the Committee and comments from Members would be taken into account before adoption of the final regulation.

EU proposal to amend regulation (EC) No. 1829/2003 to allow EU member States to restrict or prohibit the use of genetically modified food and feed (STC 396)

Raised by:	Argentina, Paraguay, United States of America
Supported by:	Brazil, Canada, Uruguay
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.19-3.23), October 2015 (G/SPS/R/81, paras. 3.38-3.41)
Relevant document(s):	G/TBT/N/EU/284
Status:	Not reported
Solution:	
Date reported as resolved:	

2.148. In July 2015, Argentina raised concerns about this amendment, notified in G/TBT/N/EU/284, which would allow EU member States to restrict or prohibit the use of genetically modified food and feed approved at EU level. Currently, member States had the right to restrict or prohibit imports of such products when there was scientific proof that they represented a risk for health or for the environment. The new EU proposal would allow member States to ban or restrict the use of these products without requiring scientific evidence. In the past, the European Union and its member States had attempted to justify restrictions on use of GMOs for scientific reasons, without success. This new proposal could be considered as an alternative way to reach the same objective. The measure would enable EU member States to create unnecessary barriers to international trade. It would also introduce unpredictability in commodity trade, and would affect the single market and the free movement of goods in the European Union. Argentina therefore invited the European Union to reconsider this draft amendment and to implement the current EU legislation on authorization and approval of GMOs in the entire European Union in accordance with multilateral rules.

2.149. Paraguay shared Argentina's concerns with respect to the EU proposal, which could have an effect on products used for several years and which had not had any adverse effect on human and animal health or on the environment. The amendment would allow member States to take measures not be based on scientific evidence, which would therefore not comply with the SPS Agreement. The European Union was a major trading partner for Paraguay and Argentina, and the proposal was of great concern for their producers. Paraguay therefore asked the European Union to reconsider the amendment of the regulation.

2.150. The United States also shared the concern, raising procedural questions, since the EU proposal had only been notified to the TBT Committee, but should also have been notified to the SPS Committee in accordance with Article 7 and Annex B of the SPS Agreement, and the SPS Committee's Recommended Transparency Procedures contained in G/SPS/7/Rev.3. The amendment related to Regulation (EC) No. 1829/2003 that was an SPS measure because it governed the health and safety approvals of biotech products. This measure had been notified to the SPS Committee in G/SPS/N/EEC/149, with several addenda and corrigenda. The United States also expressed substantive concerns regarding the amendment's potential adverse effects on trade, including unfair competition, regulatory uncertainty, increased costs, and damages to integrated supply chains. The proposal could lead to a proliferation of arbitrary and discriminatory measures and to a lack of clarity and certainty. Finally, the United States recalled the EC-Biotech (2006) dispute, in which the DSB had found that nine EU member State bans of biotech products approved at the EU level were inconsistent with the European Union's obligations under the SPS Agreement. Yet some EU member States had maintained such bans, and adopted new ones. The United States urged the European Union not to adopt the proposal.

2.151. Brazil, Canada and Uruguay also shared this concern, emphasizing the measure's potential negative effect on trade and seeking additional information.

2.152. The European Union explained that the proposal was not an SPS measure. It had no relation to the protection of life or health, since restrictions linked to health risks or to the environment were excluded. As a consequence, the measure did not fall under the scope of the SPS Agreement. The European Commission would report the comments received from the WTO Members to its co-legislators. The European Union indicated that it had complied with its

transparency obligations by notifying the legislation, which clearly indicated that member States could not invoke the risks to health or life to impose a ban or a restriction on GMOs.

2.153. In October 2015, Argentina again raised concerns about this amendment, notified in G/TBT/N/EU/284, which would allow EU member States to restrict or prohibit the use of genetically modified food and feed approved at EU level. Argentina reiterated the explanation that it had provided in July 2015. Additionally, Argentina recalled a recent statement by the Committee on Agriculture of the European Parliament stating that this measure should be compatible with the international obligations of the European Union in the WTO and Article 34 of the Treaty on the Functioning of the European Union (TFEU), which prohibits quantitative restrictions on exports between EU member States and all measures having equivalent effect. Argentina requested the European Union to withdraw the draft amendment and implement the current EU legislation on authorization and approval of GMOs throughout the entire European Union in accordance with multilateral rules.

2.154. The United States shared Argentina's concerns and requested clarifications on the status of the proposal within the relevant EU bodies. The United States reported that on 3 September 2015 the European Parliament's Agriculture and Rural Development Committee (ComAgri) rejected the European Commission's proposed national "opt out" system for genetically engineered imports. ComAgri also urged the Parliament's Environment, Public Health, and Food Safety Committee (ComEnvi) to reject the proposal. The United States requested more information on the review procedure of ComEnvi as well as about the status of an impact statement and legal opinion to be developed by the European Commission on the behest of the European Parliament. The United States appreciated the EU efforts to keep the SPS Committee apprised of actions related to its regulations on approvals of genetically engineered products, including with respect to Commission withdrawal of its current proposal and any subsequent actions, such as consideration of alternative proposals that the Commission may or may not undertake. Finally, the United States recalled the EC-Biotech (2006) dispute and reiterated the explanation that it had provided in July 2015.

2.155. Brazil, Canada, Paraguay and Uruguay also shared this concern, emphasizing the measure's potential negative effect on trade and seeking additional information.

2.156. The European Union explained that the proposal was not an SPS measure. It had no relation to the protection of life or health, since restrictions linked to health risks or to the environment were excluded. As a consequence, the measure did not fall under the scope of the SPS Agreement and therefore it had been notified under the TBT Agreement. The European Commission would reply to the comments received from WTO Members via the TBT channels. The European Union indicated that it had complied with its transparency obligations by notifying the legislation, which clearly indicated that EU member States could not invoke considerations linked to risks to health or protection of the environment as justification to impose a ban or a restriction on GMOs approved at the EU-level.

2.4.2 Plant Health

Phytosanitary measures on citrus black spot (STC 356)

Raised by:	South Africa
Supported by:	Argentina, Brazil, Zambia
Dates raised:	June 2013 (G/SPS/R/71, paras. 4.15-4.17), March 2014 (G/SPS/R/74, paras. 3.31-3.32), October 2014 (G/SPS/R/76, paras. 3.16-3.17), July 2015 (G/SPS/R/79, paras. 3.67-3.69), October 2015 (G/SPS/R/81, paras. 3.72-3.74)
Relevant document(s):	G/SPS/GEN/26, G/SPS/N/EEC/46, G/SPS/N/EEC/47
Status:	Not reported
Solution:	
Date reported as resolved:	

2.157. In June 2013, South Africa raised concerns regarding the EU restrictive import measures on South African citrus exports infested with citrus black spot. This issue had been on-going since 1992. During the July 1997 SPS Committee meeting, South Africa had circulated a statement,

G/SPS/GEN/26, in regard to the EU notifications of modifications of phytosanitary measures on citrus black spot (G/SPS/N/EEC/46 and G/SPS/N/EEC/47). At that time, South Africa contended that the EU measures were not scientifically justified and lacked a technical basis, as infested fruit did not pose a significant pest risk. Unfortunately the issue remained unresolved. The EU measures not only lacked scientific basis, but had also had an excessively negative effect on trade and, as such, were in contravention of the SPS Agreement. As previously noted in the SPS Committee, this issue had been raised in the context of the IPPC dispute settlement procedure, and bilateral talks were set to continue on this matter. South Africa was still waiting for the results of an EU pest-risk analysis regarding *Guignardia citicarpa* that was supposed to have been completed in 2011. South Africa urged the European Union to finish its pest risk analysis and to implement measures that had a scientific basis.

2.158. Argentina supported South Africa's position, as it was also a large exporter of citrus to the European Union. Argentina urged the European Union to complete its risk analysis swiftly and to put in place measures that were scientifically-based and not unduly restrictive of trade.

2.159. The European Union confirmed that this matter was the subject of the IPPC's first dispute settlement procedure and noted that its territory was free from citrus black spot, hence the restrictions in place reflected the EU desire to maintain this freedom. Detections of citrus black spot on South African fruit sent to the European Union had been on the rise, therefore the European Union decided that after a certain number of interceptions action may be taken. The European Union assured South Africa of close cooperation before any such decision was made. The European Union underlined that the European Food Safety Authority (EFSA) was assessing whether citrus fruit itself could transmit citrus black spot disease. The draft pest-risk analysis should be available in July 2013, and would be open to public consultation. The European Union hoped that the discussions, both bilaterally and at the IPPC, and the expected forthcoming scientific information, would result in a solution that was agreeable to all involved.

2.160. In March 2014, South Africa reiterated its concerns over the restrictive requirements regarding citrus fruit imports by the European Union. In December 2013, the European Union published an emergency measure on further restrictions to prevent the introduction of the citrus black spot pathogen into EU territory. The EFSA pest risk analysis on citrus black spot was made available in February 2014. South Africa reviewed its risk management practices related to citrus black spot on an annual basis and significant improvements had been made, as documented to the European Union. South Africa maintained that the EU measures were more stringent than technically justified, and disproportionate in light of the area of the European Union that could possibly be endangered by citrus black spot.

2.161. The European Union confirmed that EFSA had carried out a pest risk analysis on citrus black spot. As part of the process, a public consultation with scientific experts was held and all the resulting comments were made public. EFSA's assessment confirmed that citrus black spot presented a high risk to the European Union as environmental conditions in some parts of the European Union were favourable for the introduction, establishment and spread of the disease via the import of citrus fruit. It was also underlined that while EU prevention measures were sufficient, they should be reinforced in some cases. Since the process of revising its general import requirements in respect of citrus black spot would take time, the European Union was considering interim measures for the import of citrus fruit from South Africa due to the number of non-compliant consignments during the previous season. The European Union acknowledged the efforts being made by South Africa to ensure a safer trade in citrus fruits.

2.162. In October 2014, South Africa recalled that it had previously raised concerns over restrictive EU requirements for citrus fruit. Despite comments submitted by South Africa as well as by an international group of scientific experts, EFSA had released its final risk assessment on citrus black spot in February 2014, maintaining its opinion that commercial citrus fruit from areas where citrus black spot was present presented a risk to the European Union. Based on this conclusion, the European Commission Standing Committee on Plant Health had decided on additional import measures for citrus fruit from South Africa, which had taken effect in July 2014. In South Africa's opinion, these significantly more stringent measures were unjustified restrictions on trade, and were disproportionate to any possible risk to the European Union. The measures implied additional costs and had severe negative influence on South Africa's citrus industry. South Africa had voluntarily suspended exports from certain areas for the rest of 2014, and had asked the secretariat of the IPPC to establish an expert committee in line with Article XIII of the IPPC to

provide an independent science-based opinion. South Africa had been engaging with the European Union for 22 years without a successful outcome. South Africa would again review its citrus black spot risk management system for the 2015 export season, and would continue to strengthen its citrus industry. South Africa upheld its science-based opinion that EU phytosanitary import requirements in respect of citrus black spot for fresh consumption fruit were more stringent than technically justifiable.

2.163. The European Union stressed that the measures were in place to prevent the entry of citrus black spot, since there had been an increasing number of interceptions in 2014. The European Union was currently free from citrus black spot, and the disease would have severe socio-economic implications if imported. EFSA had established a scientific panel and was in the process of organizing a dialogue. The European Union acknowledged South Africa's efforts to remedy the situation and expressed its willingness to comply with its responsibilities under the IPPC dispute resolution process, but was also looking forward to a bilateral dialogue with South Africa's officials.

2.164. In July 2015, South Africa reiterated its concerns on EU restrictive import requirements regarding citrus fruit. EU measures on citrus black spot (CBS) implemented since 2014, were significantly more stringent than previous ones, lacked a scientific basis, implied additional costs and had severe negative influence on South Africa's citrus industry. South Africa recalled that it had asked the IPPC secretariat to establish an expert committee in line with Article XIII of the IPPC to provide an independent science-based opinion. South Africa urged the IPPC to expedite the process.

2.165. The European Union stressed that the measures were in place to prevent the entry of CBS to EU territory. The strengthening of the requirements was the result of the risk assessment conducted by EFSA in February 2014 and the recurring number of interceptions. The European Union noted that there had been 28 interceptions in 2014 and four in 2015. Given the circumstances, the European Union was maintaining its import requirements and would consider taking further measures. The European Union acknowledged South Africa's efforts to remedy the situation, however the efforts has not yet resulted in a reduction of imports interceptions. The European Union welcomed bilateral discussion between the technical bodies of both countries to resolve the matter. With regard to the work in IPPC, the European Union indicated that it would provide its comments on the draft terms of reference proposed by the IPPC secretariat.

2.166. The IPPC noted that this was the first formal dispute under the IPPC, and would serve as a learning experience. The IPPC reiterated was facing significant difficulties in finding neutral scientific experts on CBS. The IPPC had expanded its search by including experts in the area of risk assessment as it is related to CBS. The IPPC encouraged Members to come forward with names of experts, and explained that the terms of reference of the panel were subject to the negotiation between the parties.

2.167. In October 2015, South Africa reiterated its concerns regarding restrictive EU import requirements on citrus fruit. South Africa restated the observations presented during the July 2015 meeting.

2.168. Brazil and Zambia shared South Africa's concern, and Brazil offered support to help expedite the IPPC process so that it could be concluded with the necessary urgency.

2.169. The European Union stressed that the measures were in place to prevent the entry of CBS to EU territory. The strengthening of the requirements was the result of the risk assessment conducted by EFSA in February 2014 and the recurring number of interceptions. The European Union noted that there had been 28 interceptions in 2014 and nine in 2015. Given the circumstances, the European Union was maintaining its import requirements and would consider taking further measures. The European Union acknowledged South Africa's efforts to remedy the situation, however the efforts had not yet resulted in a sufficient reduction of interceptions. The European Union welcomed bilateral discussion between the technical bodies to resolve the matter. With regard to the work in IPPC, the European Union highlighted the importance of the terms of reference in this first ever IPPC procedure, so as to lay down a solid and legally sound foundation not only for the current dispute but also for the IPPC Dispute Settlement Procedure in

general. Furthermore, the European Union signalled its being fully committed to supporting the IPPC process and that it would provide its comments on the draft terms of reference.

EU ban on mangoes and certain vegetables from India (STC 374)

Raised by:	India
Supported by:	Dominican Republic, Nigeria
Dates raised:	July 2014 (G/SPS/R/75, paras. 4.7-4.8), October 2014 (G/SPS/R/76, paras. 3.18-3.19), March 2015 (G/SPS/R/78, paras. 3.41-3.42), July 2015 (G/SPS/R/79, paras. 3.47-3.49), October 2015 (G/SPS/R/81, paras. 3.54-3.55)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.170. In July 2014, India noted that, as of 1 May 2014, the European Union had banned the import of mangoes and four other vegetables from India, on the grounds of the increasing number of interceptions of harmful pests and organisms in the consignments exported to the European Union. India had held discussions with the European Union to share information on the various control measures which it had taken to address this issue. The EU ban had been imposed prior to the consideration of the outcome of several alternative methods for treating mangoes, such as hot water treatments or irradiation. As a result, the entire mango crop destined for the EU market could not be exported. An EU technical team would visit India in September 2014 to inspect the various facilities and India welcomed an early solution to this concern.

2.171. The European Union explained that its measures had been introduced on 24 April 2014, due to the growing number of interceptions at the EU border of consignments of plants and plant products with harmful organisms. Several meetings had been held with India to discuss problems related to its insufficient phytosanitary export checks and inadequate certification systems. In 2010 and 2013, the EU Food and Veterinary Office undertook two missions to India, which revealed significant shortcomings in the certification system of plants exported to the European Union. To date, there had been no improvement in this situation, and the number of consignments of plant products with harmful organisms intercepted at the EU border continued to grow. On this basis, the European Union had temporarily prohibited the import of five commodities until the end of 2015 to allow India to take corrective measures and upgrade its certification system. This temporary ban would be reviewed in light of: (i) the outcome of future audits, the first one planned for September 2014; (ii) the receipt of sufficient guarantees from the Indian authorities; and (iii) the decrease in the number of interceptions on plants and plant products for which imports from India are not prohibited. The European Union hoped that India would take the necessary measures to allow resumption of export of all plants and plant products to the European Union.

2.172. In October 2014, India reiterated its concern regarding the EU ban on its exports of mangoes and four other vegetables on the grounds of increasing numbers of interceptions of harmful pests and organisms. India had informed the European Union of various measures taken to reduce the interceptions, such as treating mangoes with hot water against fruit flies. EU authorities had agreed to visit the Indian pack houses and the systems in place, and India requested the European Union to remove the restrictions at the earliest.

2.173. The European Union explained again the reasons for introducing its measures on five problematic commodities at the EU border. The European Union clarified that the current temporary ban was in force until the end of 2015, and that an audit report would be released in the next few weeks. Before reviewing the ban, the European Union was looking forward to sufficient guarantees from India that it would take effective corrective measures.

2.174. In March 2015, India recalled its previously-raised concern regarding the EU ban on exports of mangoes and four types of vegetables. India reported that the ban on mangoes had been lifted in February 2015; however the ban on four types of vegetables remained. India had informed the European Union on various measures to improve its packaging, quarantine and

inspection system. India also recalled the Commission's Food and Veterinary Office (FVO) visit to India in September 2014, which had reported overall improvement in the control system. India requested that the European Union recognize this improvement and lift the remaining ban.

2.175. Nigeria shared India's concern and noted that such measures could be an impediment to Nigeria's export diversification efforts.

2.176. The European Union explained that the ban was temporary, to prevent the introduction into and spread within the European Union of harmful organisms with regard to bitter gourd, taro, eddo, eggplant and snake gourds originating from India. The European Union confirmed that the audit mentioned by India had shown significant improvements in India's phytosanitary export certification system; nevertheless, interceptions of harmful organism in consignments of non-prohibited commodities from India were still occurring regularly. The European Union indicated that further analysis was needed and that a further review would take place in 2015 on the basis of the evolution of import interceptions.

2.177. In July 2015, India recalled its concern regarding the EU ban on exports of mangoes and four types of vegetables, on the grounds of the increasing number of interceptions of harmful pests and organisms since May 2014. The ban on mangoes had been lifted in February 2015; however the ban on vegetables continued. India had shared information with the European Union on various control measures including the strengthening of plant quarantine systems and the increasing of sampling intensity. India also recalled the Commission's Food and Veterinary Office (FVO) visit to India in September 2014, which had reported overall improvement in the control system.

2.178. The Dominican Republic shared India's concerns, noting that it was currently facing a similar situation.

2.179. The European Union confirmed that its measures had been introduced on 24 April 2014 to prevent the introduction of harmful organisms. The European Union explained that the ban on mangoes had been lifted in February 2015 based on the positive feedback received after the visit of EU inspectors and the confirmation from the Indian competent authorities that they would apply a specific phytosanitary treatment on mangoes before exportation. Despite the progress made, many interceptions of harmful organisms were still occurring. These repeated interceptions raised EU concerns over the effectiveness of India's phytosanitary export system. The European Union recalled that the measures were temporary and would be reviewed before the end of 2015 on the basis of the evolution of import interceptions and the guarantees provided by the Indian competent authorities.

2.180. In October 2015, India recalled its concern regarding the EU ban on exports of mangoes and four types of vegetables, on the grounds of the increasing number of interceptions of harmful pests and organisms since May 2014. The ban on mangoes had been lifted in February 2015; however the ban on vegetables continued. India had shared an action plan in August 2015 with the European Union related to the four remaining vegetables included in the ban but had yet to receive a response. India requested the European Union to review the action plan and the report of the EU audit to facilitate removing the ban as soon as possible.

2.181. The European Union confirmed that its measures had been introduced on 24 April 2014 to prevent the introduction of harmful organisms and reiterated the explanation that it had provided in July 2015.

2.4.3 Other concerns

EU withdrawal of equivalence for processed organic products (STC 378)

Raised by:	India
Supported by:	
Dates raised:	July 2014 (G/SPS/R/75 paras. 4.15-4.18), October 2014 (G/SPS/R/76 paras. 3.37-3.40), March 2015 (G/SPS/R/78, paras. 3.47-3.49), July 2015 (G/SPS/R/79, paras. 3.58-3.66), October 2015 (G/SPS/R/81, paras. 3.45-3.47)
Relevant document(s):	G/SPS/GEN/1354, G/SPS/GEN/1354/Rev.1
Status:	Not reported
Solution:	
Date reported as resolved:	

2.182. In July 2014, India indicated its concerns with the EU withdrawal of equivalence for processed organic products, which it had previously recognized since 2006. The equivalence agreement with the European Union provided that processed and unprocessed organic food products from India could be exported to the European Union pursuant to certification from the bodies accredited under India's National Programme for Organic Products (NPOP). In order to expand its exports, in September 2012 India had published guidelines that would permit certain imported ingredients products. These guidelines, which provided that the percentage of imported ingredients would be within the range of 5%, were shared with the European Union who made no comment. However, EU Regulation No. 125/2013 with effect from 1 April 2013 removed processed organic products from the equivalence agreement, on the grounds that the agreement required that all of the ingredients must be grown in India. India clarified that no processed organic products containing imported ingredients were exported to the European Union. India requested that the equivalence recognition be restored as it had withdrawn the 2012 guidelines.

2.183. The European Union responded that India's concern was not an issue under the scope of the SPS Agreement. This position had previously been communicated to India during bilateral meetings held in April 2014 and on the margins of the current meeting of the SPS Committee. The European Union reiterated its commitment towards engaging with India at a technical level on this issue, within the appropriate framework.

2.184. India explained that the criteria for designating a product as organic were far more stringent than the requirements for non-organic products and as such, notification of these requirements would fall within the scope of the SPS Agreement. India requested clarification from the Secretariat in this regard, including a list of notifications regarding requirements for organic products. India also queried whether the international standard-setting bodies had undertaken any work in this regard.

2.185. The Secretariat noted that most notifications regarding organic products had been submitted under the TBT Agreement, as could be seen from the SPS and TBT Information Management Systems (IMS). There was no WTO legal interpretation addressing organic products. The Codex had undertaken work regarding, in particular, the labelling of organic food products, but as confirmed by the representatives, neither the IPPC nor the OIE had any activities in that regard. The information provided by the Secretariat was subsequently issued in G/SPS/GEN/1354.

2.186. In October 2014, the Secretariat informed Members about inaccuracies in document G/SPS/GEN/1354, which provided information about SPS and TBT notifications on organic products, and on relevant Codex work. These inaccuracies would be corrected and a revised document would be circulated as soon as possible (G/SPS/GEN/1354/Rev.1, dated 7 November 2014).

2.187. India reiterated its concerns with the EU withdrawal of equivalence for processed organic products, which it had previously recognized since 2006. The September 2012 guidelines would permit certain imported ingredients, such as herbs, flavours, additives and colours, to be blended with Indian organic value-added products. India clarified again that no processed organic products

containing imported ingredients were exported to the European Union since its 2012 guidelines had recently been withdrawn. India requested that the equivalence recognition be restored.

2.188. The United States was looking forward to the revised document and expressed its view that organic products did not fall under the ambit of the SPS Committee.

2.189. The European Union explained that its position that organic production was not covered by the SPS Agreement had not changed. Furthermore, as this concern related to a lack of compliance with rules of origin, the issue had no relation to SPS or food safety requirements. The European Union expressed its willingness to convey India's concerns to the services of the European Commission responsible for organic products. The European Union had contacted the competent authority in India to start a dialogue at technical level.

2.190. In March 2015, India raised concerns regarding the EU withdrawal of equivalence for processed organic products, which had previously been recognized since 2006. The equivalence agreement with the European Union provided that processed and unprocessed organic food products from India could be exported to the European Union pursuant to certification from the bodies accredited under India's National Programme for Organic Products (NPOP). In order to expand its exports, in September 2012 India had published guidelines that would permit certain imported ingredients. These guidelines provided that the percentage of imported ingredients would be within the range of 5%. However, EU regulation No. 125/2013 with effect from 1 April 2013 had removed processed organic products from the equivalence agreement, on the grounds that the agreement required that all of the ingredients be grown in India. India clarified that no processed organic products containing imported ingredients were exported to the European Union. India requested that the equivalence recognition be restored since it had withdrawn the 2012 guidelines.

2.191. The European Union responded that India's concern was not an issue under the scope of the SPS Agreement. The European Union reiterated its commitment towards engaging with India at a technical level on this issue, within the appropriate framework. An audit of the EU's Food and Veterinary Office (FVO) would take place in India on 13-24 April 2015.

2.192. The United States supported the EU response, noting that organic standards and organic certification programmes were not under the scope of the SPS Agreement.

2.193. In July 2015, India recalled its concerns regarding the EU withdrawal of equivalence for processed organic products, which it had previously recognized since 2006. India restated the explanation that it had provided in July 2014 and March 2015. EU regulation No. 125/2013 with effect from 1 April 2013 had removed processed organic products from the equivalence agreement, on the grounds that the agreement required that all of the ingredients be grown in India. India noted that no processed organic products containing imported ingredients were exported to the European Union, and again requested that the equivalence recognition be restored, since it had withdrawn the 2012 guidelines that would permit certain imported ingredients.

2.194. The European Union restated its opinion that India's concern was not under the purview of the SPS Committee. India's concerns were being discussed bilaterally in the appropriate forum.

2.195. The United States supported the EU response and explained that organic programmes did not address risks to plant, animal or human health. Their requirements were similar to those of halal labelling and thus would fall under the TBT Agreement.

2.196. India noted that packaging and labelling requirements directly related to food safety fell under Annex A of the SPS Agreement. India also highlighted that document G/SPS/GEN/1354/Rev.1 listed 24 notifications related to organic products, and that Codex had developed standards on organic products. Furthermore, according to India, language used in EU regulation No. EC834/2007 linked organic products with protection of human, animal and plant health.

2.197. Chile expressed the view that Codex standards did not define the scope of the SPS Agreement.

2.198. Ecuador requested clarification on the relevant Committee to discuss organic products requirements.

2.199. Codex explained that its Guidelines for the Production, Processing, Labelling and Marketing of Organically Produced Foods contained a definition of organic products but did not establish any food safety standards, nor any MRLs for food products.

2.200. The Secretariat explained that many Codex standards included requirements related to nutrition, labelling and packaging for food products and were thus relevant for the TBT Committee. The Secretariat informed notifying Members when it was not clear whether a particular notification should be notified under the SPS or the TBT Agreement, but ultimately the Member decided under which Agreement it wished to submit a particular notification. Some notifications related e.g., to residues of organic pesticides had been notified under the SPS Agreement, and many notifications related to organic agriculture had been made under the TBT Agreement.

2.201. The European Union noted that India's selective reading of EU regulations led to the wrong conclusion. It confirmed that the regulation was not aimed at food safety, nor related to the SPS Committee.

2.202. In October 2015, India recalled its concerns regarding the EU withdrawal of equivalence for processed organic products, which had previously been recognized since 2006. EU regulation No. 125/2013, with effect from 1 April 2013, had removed processed organic products from the equivalence agreement, on the grounds that the agreement required that all of the ingredients be grown in India. India noted that no processed organic products containing imported ingredients were exported to the European Union, and again requested that the equivalence recognition be restored, since it had withdrawn the 2012 guidelines that would have permitted use of certain imported ingredients.

2.203. Chile stated that it had a similar agreement with the European Union; however it was clear this issue was related to TBT measures rather than SPS measures.

2.204. The European Union restated its opinion that India's concern was not under the purview of the SPS Committee and expressed willingness to continue bilateral discussions with Indian authorities in the appropriate framework as demonstrated by the discussions that had taken place in India earlier in October 2015.

2.5 France, European Union

2.5.1 Food Safety

France's ban on Bisphenol A (BPA) (STC 346)

Raised by:	United States of America
Supported by:	Brazil
Dates raised:	March 2013 (G/SPS/R/70, paras. 3.4-3.5), March 2015 (G/SPS/R/78, paras. 3.23-3.25), July 2015 (G/SPS/R/79, paras. 3.53-3.55)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.205. In March 2013, the United States expressed concern regarding a French law adopted in December 2012 on food packaging made with Bisphenol A (BPA). The legislation required all food packaging made with BPA to be accordingly labelled. In addition, food packaging made with BPA would be prohibited after 1 January 2015. The United States indicated that this measure would have a significant negative effect on trade, due to the wide range of products that would be subject to the law. Given the serious nature of the potential trade concerns, the United States strongly urged the European Union to notify this ban to the SPS or the TBT Committee at its earliest convenience and to provide a scientific risk assessment to support the restriction.

2.206. The European Union explained that its member States could adopt national measures in areas where no legislation existed at an EU-wide level, if they were in conformity with the Treaty on the Functioning of the European Union. In particular, the Treaty allows the adoption of national measures if they are deemed necessary in view of protecting the health and lives of the citizens. France had justified its national measures on these grounds and had adopted its law on the basis of the hazard assessments conducted by the French Agency for Food, Environmental and Occupational Health and Safety (ANSES). Two reports on BPA were issued by ANSES: one report on the use of BPA in products and another that identified hazards for human health. The French legislation stipulated that from 1 January 2013 BPA could not be used in any materials and articles containing food intended for infants and children up to, and including, three years of age. From 1 January 2015, it introduced a complete ban of the use of BPA in all food contact materials, and a labelling provision for pregnant women and young children in the interim period. The European Union was now awaiting the outcome of EFSA's on-going risk assessment on the use of BPA in all food contact applications, the first conclusions of which were expected to be available before the summer. The European Union indicated that once it had all the relevant information on which to base its decision, including the EFSA opinion and information on the availability of safe alternatives, it would decide on the French national measure and on BPA in food contact materials in the European Union.

2.207. In March 2015, the United States recalled its concerns over France's ban on the use of the chemical Bisphenol A (BPA) in the production of food containers and food contact surfaces, including cans, for baby food beginning 1 January 2013 and for all foods beginning on 1 January 2015. The United States urged the European Union to notify this ban to the SPS Committee and requested France to provide its risk assessment supporting the ban. The United States also highlighted the lack of scientific basic for the ban by recalling the assessment on BPA released by the US Food and Drug Administration, the European Food Safety Authority (EFSA) and the German Federal Risk Assessment Institute (BfR). According to the United States, all agencies found no safety issues with BPA, that exposure to BPA from the diet or a combination of sources was considerably under the safe level, and therefore poses no health risk to consumers. The United States therefore urged France to rescind the ban on BPA.

2.208. The European Union explained that as a general rule, EU member States may adopt their own national measures in areas that are not harmonised at an EU level. For areas that are harmonized at EU level, member States may, in addition, temporarily suspend or restrict application of the harmonized EU provisions within their territory when, as a result of new information or reassessment of existing information, it has detailed grounds for concluding that the use of the material endangers human health. For areas where there is no harmonized measure, member States may adopt national provisions if they are deemed necessary in view of protecting the health and lives of citizens. According to the European Union, France had justified its national measures on these grounds.

2.209. The European Union further explained that BPA had raised divergent views from scientists for many years, referring to both the US and EU risk assessments on BPA. France adopted its national law in December 2012 on the basis of an assessment of the health effects of BPA conducted by the French Agency for Food, Environmental and Occupational Health and Safety. This was subsequently underpinned by a specific risk assessment on BPA by the French Agency, which was published in April 2013. EFSA had completed its comprehensive evaluation of the risks to public health from BPA, which was published only in January 2015. The French Agency and EFSA had discussed the diverging views, which was foreseen in EU food law and may occur as part of the normal scientific risk assessment process. The European Union was now evaluating the opinion of EFSA on BPA in full as a matter of priority and would assess the adequacy of existing EU measures as well as measures adopted by member States. The European Union ensured that decisions taken on the risk management concerning BPA in food contact materials at EU level would be communicated effectively to all stakeholders, including third countries. If any changes to the EU legislation were to be proposed, they would be duly notified to the WTO SPS Committee to allow WTO Members to share their scientific data or opinions and make their observations that would be taken into account, assessed and properly responded to within the WTO framework.

2.210. In July 2015, the United States recalled its concern over France's ban of the use of the chemical Bisphenol A (BPA) in the production of food containers and food contact surfaces, including cans, for baby food beginning 1 January 2013 and for all foods beginning 1 January 2015. The United States again questioned the scientific justification for the ban, and recalled the

assessments of BPA released by the European Food Safety Agency (EFSA) and the US Food and Drug Administration (FDA). The United States reiterated its request for a scientific justification for the ban, which threatened to have a significant negative trade impact on the US food industry, and any other company whose products were packaged using safe levels of BPA. The United States requested that the European Union provide information on when the ban would be enforced and how it would be monitored. It also requested to be informed about the European Commission's current examination of the ban for possible violation of EU single market rules.

2.211. Brazil shared US concerns, noting that the ban was inconsistent with the SPS Agreement as it was not based on science and was more trade restrictive than necessary.

2.212. The European Union noted again that BPA had raised divergent views from scientists across the world for many years and that several countries, including some EU member States, the United States and Canada had introduced restrictions on the use of BPA in food contact materials. Some EU member States had imposed additional restrictions. The European Union reiterated that EU member States had the right to adopt their own national measures in areas that were not harmonised at EU level, and to temporarily suspend or restrict application of EU provisions within their territory in areas harmonized at EU level when there was new information about human health risks. According to the European Union, France had justified its national measures on these grounds. The European Union recalled that France had adopted its national law on the basis of an assessment by the French agency in 2011, subsequently underpinned by a specific risk assessment published in April 2013. From 1 January 2015, the ban on BPA in France included all food packaging, containers and utensils and was enforced by random checks on the market or checks targeted at operators. According to France, the ban was directed towards products for which BPA was intentionally used in the manufacturing process. The French Agency and EFSA had discussed the diverging views and the detail of the meeting had been published on EFSA website. The European Union was now evaluating the EFSA opinion as a matter of priority, and would shortly set out a series of options for the risk management of BPA at EU level. Any changes to the EU legislation on BPA in food contact materials would be communicated effectively to all stakeholders, including third countries and duly notified to the WTO SPS Committee.

2.6 Hong Kong, China

2.6.1 Food Safety

Import restrictions in response to the Japanese nuclear power plant accident (STC 354)

2.213. See paragraphs 2.383.-2.400.

2.7 India

2.7.1 Food Safety

India's amended standards for food additives (STC 403)

Raised by:	European Union
Supported by:	Chile, United States of America
Dates raised:	October 2015 (G/SPS/R/81, paras. 3.16-3.18)
Relevant document(s):	Raised orally
Status:	
Solution:	
Date reported as resolved:	

2.214. In October 2015, the European Union raised its concerns on India's Draft Food Safety and Standard Amendment Regulation, as detailed in G/SPS/N/IND/108. The European Union welcomed the user-friendly and simple approach to the listing of food additives in food products, as well as the hierarchical listing of food additives. However, the European Union observed that the regulation needed further clarification and improvement in several areas. The draft regulation recommended maximum levels of additives only where Codex had set such levels in the General

Standard for Food Additives (GSFA). The European Union noted that the GSFA had expressly stated that a lack of reference to a particular additive or to a particular use of an additive in a food in GSFA did not imply that the non-listed additive was unsafe or unsuitable for use. The European Union further noted that the GSFA was neither complete nor exhaustive and that many Members had implemented maximum levels of additives on a scientific basis where no Codex standard existed. In addition, for wines and spirits, in the European Union's view, India had not taken into consideration the adoption of standards by other international standard-setting bodies, such as the International Organization for Vine and Wine (OIV). In this regard, the European Union outlined several steps that India could take to avoid unnecessarily disrupting trade, such as setting standards that took into account the safety of products and benefits for consumers, which were proportionate, necessary, as well as scientifically and technologically justified. The European Union requested India to take into account all of its comments, including any additional comments submitted after the 4 October deadline, and welcomed a written response from India at the earliest convenience. The European Union further urged India to notify the measure to the WTO Committee on Technical Barriers to Trade.

2.215. The United States supported the concern and highlighted that although it supported aligning food standards to Codex, the Codex standard was not designed to be a comprehensive standard for all additives commonly used in the production of wine and distilled spirits. The standard did not include some main additives commonly used in the production of these beverages. The United States indicated that it had submitted comments and urged India to take these comments into account in finalizing the measure. Chile also supported the concern and noted that it would submit comments to India.

2.216. India responded that it had notified the measure in August 2015 and had provided time for comments until 4 October 2015. India hoped that the concerned Members had submitted their comments in writing, so that the concerns could be addressed appropriately by the authorities.

2.7.2 Animal Health

Import conditions for pork and pork products (STC 358)

Raised by:	European Union
Supported by:	Canada
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.4-3.6), March 2014 (G/SPS/R/74, paras. 3.23-3.25), July 2014 (G/SPS/R/75, paras. 4.27-4.28), October 2014 (G/SPS/R/76, paras. 3.31-3.33), March 2015 (G/SPS/R/78, paras. 3.35-3.36), July 2015 (G/SPS/R/79, paras. 3.42-3.43), October 2015 (G/SPS/R/81, paras. 3.70-3.71)
Relevant document(s):	G/SPS/N/IND/98
Status:	Not reported
Solution:	
Date reported as resolved:	

2.217. In October 2013, the European Union noted that it had for several years been urging India to align its import conditions on pork and pork products with international standards. Currently, (i) India requested that the exporting country certify freedom from a number of diseases for which the OIE had not set an international standard, yet India had not provided a science-based justification for these import conditions; (ii) India required exporting countries to have country freedom without contemplating the possibility of trade from established disease-free regions; (iii) specifically with regard to import conditions for processed meat of pork origin, India required that the exporting country certify that meat was processed so as to achieve an internal temperature of not less than 70°C for 30 minutes, without allowing any alternative treatments. These requirements by India were not based on the relevant OIE and CODEX standards. The European Union further noted that under the SPS Agreement, import conditions should not be stricter than the measures applicable to the domestic market, and Indian legislation allowed non-heat treated processed pig meat within its domestic market.

2.218. The European Union urged India to bring its measures in line with the international standards or, alternatively, to provide a science-based risk analysis for each of the diseases for

which India applied import conditions stricter than the international standards and also for its requirement to import only heat-treated processed pork meat. The European Union also urged India to recognise the principle of regionalisation, which was effectively applied in the European Union, instead of requiring country freedom for certain diseases.

2.219. India noted that a technical expert committee had been established within the Department of Animal Husbandry, Dairying and Fisheries. This committee reviewed all the technical aspects concerned in order to reach a decision on the relevant veterinary certificates. One meeting of the committee had already been held and another was scheduled to take place.

2.220. In March 2014, the European Union recalled its concerns on India's import requirements for pork and pork products and reiterated its request that such measures be brought in line with the OIE standards. Alternatively, India could provide a science-based risk analysis for each of the diseases for which India applied import conditions stricter than the international standards, and also for its requirement to only allow imports of heat-treated processed pork meat. The European Union also urged India to recognize the principle of regionalization, which was effectively applied in the European Union, instead of requiring country freedom for certain diseases.

2.221. Canada shared many of the concerns raised by the European Union. Canada's exports of pork and pork products to India had been blocked due to India's onerous import requirements. Canada's concern was with respect to India's requirements for countries to certify freedom from diseases for which the OIE had not set a standard. Canada looked forward to an update from India on the process and timeline anticipated to complete India's review of its import requirements.

2.222. India explained that its import requirements required freedom from certain diseases which were exotic to India. With a strengthened border surveillance system now in place, as communicated via bilateral channels, a technical expert committee was in the process of reviewing the import health certificate requirements, in light of the OIE standards, but without compromising domestic health requirements.

2.223. In July 2014, the European Union recalled its concerns on India's import requirements for pork and pork products and noted that it had for many years been requesting India to bring such measures in line with international standards. Specifically, the European Union requested India: (i) to require that the exporting country certify freedom only from diseases for which there were OIE standards and not from other diseases; (ii) to require cooking of pig meat and to recognize the curing processes in accordance with the relevant Codex standards; (iii) to apply the same conditions to non-heat treated processed pig meat, weather imported or produced in India; and (iv) to provide a sound scientific justification to diverge from international standards.

2.224. India noted that the sanitary requirements were being revised and that the Secretariat and Members would be informed in due time.

2.225. In October 2014, the European Union recalled its concerns regarding India's import requirements for pork and pork products, and noted that it had been requesting India for many years to bring such measures in line with the international standards of the OIE. While according to international standards veterinary authorities should not require any condition to allow trade of "safe commodities", India had imposed trade bans and had never provided any sound scientific justification. The European Union repeated its request from July 2014. While India had promised to review its import requirements on multiple occasions, this had not yet led to tangible results. The European Union urged India to respect its obligations under the SPS Agreement, OIE and Codex Alimentarius, and to lift its longstanding barrier to trade immediately.

2.226. Canada echoed the concerns of the European Union and emphasized that India had not provided any scientific rationale for its deviation from international standards. Canada also noted that India required freedom from several animal diseases for which the OIE did not recommend veterinary certification. Canada requested that India provide the Committee with a timeline for publishing revised import conditions for pork and pork products.

2.227. India noted that the sanitary import requirements were being revised and that Members would be informed in due time. India further explained that the mentioned revision was delayed by the recent cases of African swine fever in the European Union.

2.228. In March 2015, the European Union recalled its concerns regarding India's import requirements for pork and pork products, and noted that at the last four Committee meetings it had requested India to bring such measures into line with OIE standards. The European Union welcomed the effort made by India in its new import measures on pork and pork products as notified to the WTO. However, India had not yet adopted the regionalization principle, requiring a whole country to be free from animal diseases. India also still required exporting countries to certify freedom from diseases for which there were no OIE standards. The European Union requested that India provide scientific justification for such measures and fully respect its obligations under the SPS Agreement. The European Union also requested that India publish amended measures in a timely and transparent manner. The European Union remained open to cooperating with India to resolve this issue.

2.229. India explained that the measures were currently under review and had been notified on 16 March 2015 (G/SPS/N/IND/98). India invited all Members to submit their comments in writing through the relevant authorities for due consideration.

2.230. In July 2015, the European Union thanked India for the notification on its certificate for import of pork and pork products (G/SPS/N/IND/98). The European Union welcomed India's introduction of the regionalization and of references to alternative requirements to the Indian laws based on OIE and Codex standards. The European Union urged India to take into account its comments in finalizing the certificate and to allow imports quickly. The European Union requested that India provide a solid risk analysis demonstrating, for example, that the diseases included in the health certificate were transmitted by pork or pork products and that they pose a significant risk to India. The European Union asked India to make a series of specific changes to the certificates. The European Union was concerned because despite repeated requests, it had not received any scientific justification from India for deviating from the OIE standards, and because the Indian requirements would unnecessarily and unjustifiably restrict trade in safe products. The European Union requested that India notify the health certificate for imports of live pigs. The European Union welcomed future discussions to allow imports of safe products to India.

2.231. India explained that the requirements were being developed taking into account comments received from Members in accordance with paragraph 5(d) of Annex B. Comments had been received from Canada, South Africa and the United States, but not from the European Union.

2.232. In October 2015, the European Union recalled its concerns regarding India's import requirements for pork and pork products, and noted that it had been requesting for many years that India bring its measures in line with OIE standards. At the July 2015 meeting it had thanked India for the notification on its certificate for import of pork and pork products (G/SPS/N/IND/98). The European Union repeated the arguments made during the July 2015 meeting.

2.233. India thanked the European Union and stated that this issue demonstrated India's commitment to harmonize its regulations with international standards. India had received comments from Canada and the United States on G/SPS/N/IND/98 within the 60-day comment period. Consultations on comments received had concluded in September 2015. India explained that the veterinary certificates needed to be legally vetted, which could take time.

2.7.3 Other Concerns

India's amendment to its import policy conditions for apples; Restriction to Nhava Sheva port (STC 397)

Raised by:	Chile, New Zealand
Supported by:	United States of America, European Union
Dates raised:	October 2015 (G/SPS/R/81, paras. 3.2-3.6)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.234. In October 2015, New Zealand raised concerns regarding India's amendment to its import policy that limited the entry of apple imports to the Nhava Sheva Port of Mumbai, with all other ports consequently closed. Historically, New Zealand's apple exports had been able to enter India through six ports and as result, the process of restricting entry to only one port had caused congestion. New Zealand further observed that this measure had neither been notified to the WTO nor was justified and was in breach of Articles 5 and 7 of the SPS Agreement. While New Zealand thanked India for the bilateral discussions to date, it also urged India to notify its amended measure to the WTO and to provide the rationale for its decision to limit port access, as well as the time-frame for this measure.

2.235. Chile shared New Zealand's concerns and further requested India to provide the reasoning and scientific basis for only allowing apple imports from a single port. In addition, Chile requested an explanation of the rationale regarding: the absence of a notification to the WTO, in conformity with Article 7 and Annex B; compliance with Article 8 and Annex C; and the justification for applying an emergency measure in relation to Articles 5.4 and 5.5 of the SPS Agreement.

2.236. The United States and the European Union supported this concern, emphasizing the need for clarification of the objective of the measure and urged India to notify the measure immediately. The United States noted that given the urgency of the announcement and the restrictiveness of the measure, it was left to speculate that the measure had been implemented due to an SPS concern. The United States was concerned that the single port in India could not meet the storage and infrastructure requirements required to handle the volume of US apple exports to India expected this year. Similarly, the European Union indicated concerns about the potential increase in transportation costs. The United States requested that India provide a cogent explanation of its reasons consistent with its WTO obligations for resorting to this action.

2.237. India had indicated at the beginning of the meeting, when the agenda was adopted, that it would not respond to this concern, as it was not an SPS-related issue. After Members expressed their concerns, India reiterated that the measure in question was not an SPS measure and as such, could not be in violation of the SPS Agreement. India emphasized that the agricultural nature of the products covered did not automatically make the measure itself an SPS measure, as defined in Annex A of the SPS Agreement.

2.238. Chile noted that in situation such as this one, a Member could place on record its view that a measure on which a specific trade concern had been raised was not covered by the SPS Agreement. It was not necessary to raise this before the adoption of the agenda. Chile further indicated that a response such as India's was legitimate and asked that the response be included in the record. In addition, Chile queried whether the measure would fall under Import Licensing or another agreement.

2.8 Indonesia

2.8.1 Plant Health

Indonesia's port closures (STC 330)

Raised by:	China, New Zealand, United States of America, European Union
Supported by:	Argentina; Australia; Canada; Chile; Chinese Taipei; Japan; Korea, Republic of; South Africa; Thailand; Uruguay
Dates raised:	March 2012 (G/SPS/R/66, paras. 19-25), July 2012 (G/SPS/R/67, paras. 49-55), October 2012 (G/SPS/R/69, paras. 45-48), March 2013 (G/SPS/R/70, paras. 3.40-3.43), June 2013 (G/SPS/R/71, paras. 4.39-4.43), October 2013 (G/SPS/R/73, paras. 3.26-3.29), July 2014 (G/SPS/R/75, paras. 4.19-4.22), March 2015 (G/SPS/R/78, paras. 3.44-3.46)
Relevant document(s):	G/SPS/N/IDN/48, G/SPS/N/IDN/49, G/SPS/N/IDN/53, G/SPS/N/IDN/54, G/SPS/N/IDN/54/Corr.1, G/SPS/N/IDN/58
Status:	Partially resolved
Solution:	Partial resolution applies only to the United States.
Date reported as resolved:	16 October 2013

2.239. In March 2012, the United States raised concerns about Indonesia's plan to close several entry ports for imports of fruit and vegetables, including the main port of Jakarta (Tanjung Priok), originally scheduled for 19 March, but postponed until 19 June 2012. The port closure would threaten 90% of fresh fruit and vegetable exports to Indonesia, and the measure was not done in a transparent manner. The United States indicated its willingness to work with Indonesia to resolve any legitimate phytosanitary concerns Indonesia had with respect to fruit and vegetable imports, while also facilitating trade in these products. The United States urged Indonesia to notify these trade restrictions to the Committee and to provide scientific evidence to support them.

2.240. The European Union agreed that unnecessary trade disruption would occur from the port closure and recalled that any SPS measure should be no more trade restrictive than required and in line with the SPS Agreement. The European Union similarly encouraged Indonesia to notify its draft measures to the WTO and to allow sufficient time for formal comments from trading partners and related discussions.

2.241. Australia also expressed concerns with Indonesia's revised horticultural regulation, which was of major commercial interest to Australian exporters, and indicated its willingness to work collaboratively with Indonesia to resolve this issue. Chile indicated that it was closely following the concern and awaited the notification of Indonesia in order to work bilaterally on the issue. South Africa joined with other Members to request that Indonesia notify this regulation to the Committee with the necessary reasoning and documentation. South Africa indicated its willingness to cooperate with Indonesia to find a solution.

2.242. Canada voiced concern that similar port closures could occur in the future for other commodities, for example, food of animal origin, which could have a negative impact on Canada's exports to Indonesia.

2.243. New Zealand noted particular concerns that the Jakarta seaport had not been included on the list of accepted entry points as 90% of NZ horticulture exports entered through that port. The port closures would result in higher costs and longer transport times, affecting the quality, value and shelf life of the perishable horticultural products. New Zealand requested justification for the implementation of this regulation and while noting Indonesia's comments regarding port capacity, observed that restricting the number of ports for horticulture imports would compound the problem by diverting trade to fewer and smaller ports. Although the delay in the implementation of the regulations was welcomed, New Zealand requested that the regulations be rescinded as trade to Indonesia would otherwise not be viable. New Zealand looked forward to working constructively with Indonesia and highlighted the need for a transparent approach.

2.244. Indonesia reported that the Ministry of Agriculture had published new regulations No. 15 and No. 16 of 2012, which postponed the enforcement of regulations No. 89 and No. 90 from 19 March until 19 June 2012. The postponement of enforcement of the regulations was in order to provide sufficient time for stakeholders and trading partners to set up infrastructure such as warehouses, cold storage and transportation, so as to prevent distortion in the distribution of fresh fruits and vegetables. Both new regulations provided specific policies for several ports. As of 19 June 2012, all horticulture products should only enter through four ports -- the Belawan Sea Port in Medan, Makassar Sea Port, Tanjung Sea Port in Surabaya and Soekarno-Hatta Airport in Jakarta -- and should no longer enter through the Port of Jakarta (Tanjun Priok). The rationale for these new regulations was based on: (i) the identification of 19 cases threatening Indonesia's agriculture by the quarantine inspection and food security at Tanjung Priok; (ii) the limited ability of the quarantine and food safety laboratory to conduct examinations at Tanjung Priok; (iii) the absence of quarantine installations at entry ports; and (iv) inadequate number of quarantine inspectors in relation to the number of products to be examined. Indonesia indicated that it would notify and circulate the regulation as soon as possible.

2.245. In July 2012, New Zealand reported on fruitful discussions with Indonesia that had addressed and resolved some of the concerns related to the importation of NZ horticultural products. Indonesia should provide better clarity about its trade measures that may affect agricultural products through timely notifications under the relevant WTO agreements, and engage in consultations on these regulations with relevant WTO Members.

2.246. South Africa supported the request that regulations pertaining to the closure of the port be notified to the WTO. Indonesia's notification about the regulations in May 2012, however, did not provide a specific timeframe for Members to comment before the regulations were implemented on 19 June 2012. South Africa had nonetheless provided comments on the regulations, but received no response from Indonesia. Indonesia was also asked to clarify media reports on the reinstatement of imports through Jakarta harbour for products from some Members, and to elaborate on what basis the exemption was made. South Africa wished to discuss the matter with Indonesia bilaterally on an urgent basis, in light of the start of South Africa's export season.

2.247. The European Union shared the concerns raised by New Zealand and stated that despite the new regulations implemented by Indonesia to open up additional ports for imports, the situation had not improved significantly. Indonesia had granted a few countries preferential access to the main entry port of Jakarta based on country recognition, but had not granted such access to the European Union despite its high food safety and plant health standards. This was clearly a trade restrictive measure and it created a competitive disadvantage for EU exporters as bringing fruits and vegetables via other ports meant longer travel times, increasing costs and raised difficulties for the quality of the highly perishable products. Additionally, the measure had not been notified to the WTO. The European Union urged Indonesia to lift the unnecessarily trade restrictive measures and to implement measures in line with the SPS Agreement, including giving advance notification through the SPS notification system, allowing comments and allowing sufficient time for economic operators to adapt to any new measures.

2.248. Japan expressed interest on the measures related to the port closure put in place by Indonesia and stated its willingness to work closely with the Indonesian government on this issue. Australia shared New Zealand's concerns and thanked Indonesia for its constructive bilateral engagement on a range of SPS-related issues. Australia also encouraged Indonesia to notify all measures to the relevant WTO Committees. Korea also supported the concerns raised by New Zealand and welcomed Indonesia's recent decision to postpone the implementation of the new import regulation on horticultural products until September. Korea sought bilateral discussions with Indonesia to find a solution.

2.249. Indonesia clarified that the previous regulations of concern had been revoked and replaced by the decrees of the Ministry of Agriculture No 42/2012 and 43/2012, which had been notified to the WTO in July 2012 (G/SPS/N/IDN/53, G/SPS/N/IDN/54 and G/SPS/N/IDN/54/Corr.1). These concerned plant quarantine actions for the import of certain fresh fruits and/or fresh vegetables, and fresh plant products in the form of fresh bulb vegetables, into the territory of Indonesia effective 19 June 2012. Since the March 2012 SPS Committee meeting, Indonesia had conducted constructive bilateral and technical meetings in Jakarta with interested Members and had addressed most of the issues bilaterally, but remained open for further bilateral discussions.

2.250. In October 2012, China expressed concern with Indonesia's amended plant quarantine measures for the importation of fresh fruits and vegetables, which entered into force in June 2012 and was notified to the WTO in July 2012. The requirements included the accreditation of food safety and control systems and the designation of four ports - not including Jakarta's Tanjung Priok sea port - for entry of fruits and vegetables. The restriction on use of Indonesia's major trading ports would negatively impact trade with China, as 90% of Chinese fruit and vegetable exports entered Indonesia through Jakarta. China had a long history of trade in fruits and vegetables with Indonesia and its regulatory system monitored risks from fruit and vegetable exports. China questioned the scientific justification for the measure, as the pests highlighted by Indonesia did not occur in China. The international practice was for the importing country to first strengthen its inspection system at ports of entry to ensure the safety of imported food and vegetables, before implementing a process to accredit the food safety control systems of the exporting country. China had submitted a formal application for accreditation of its food safety control system and encouraged Indonesia to schedule an inspection visit to review China's quarantine systems.

2.251. The European Union echoed China's concern with Indonesia's restrictive quarantine measures for the import of fresh fruits and vegetables, and fresh plant products in the form of fresh bulbs. At the last WTO SPS Committee, Indonesia had stated that it had addressed most of the issues bilaterally and had provided access to the main entry port of Jakarta to a number of countries based on country recognition. Only a limited number of countries had been granted preferential access to Indonesia, while other countries could only use a limited number of entry

ports and remained excluded from using the main port in Jakarta. Despite bilateral discussions with Indonesia, EU exports remained unnecessarily blocked or exposed to higher costs, and Indonesia had provided no justification for these trade restrictive measures and the discriminatory preferential access. The European Union urged Indonesia to lift the unnecessarily trade restrictive measures and to implement measures in line with the SPS Agreement, including giving advance notification, so that comments of trading partners could be taken into account before trade disruptive measures were imposed.

2.252. Thailand echoed the concerns of China and the European Union, indicating that it was a major exporter of fruits and vegetables to Indonesia and that its exports had been negatively affected. Thailand requested Indonesia to remove the measure in order to minimize barriers and strengthen trade.

2.253. Indonesia recognized that the publication of its Ministry of Agriculture Regulation No 42/2012 and 43/2012 had raised concerns among some Members regarding the limitation of ports of entry for certain fresh fruits and vegetables, and fresh plant products in the form of fresh bulb vegetables. Indonesia had not closed its ports for the importation of horticulture products, but was seeking to prevent the spread of plant diseases and pests through effective management and regulation. Its largest sea port, Tanjung Priok, did not have appropriate facilities to implement quarantine measures such as the physical examination and detention of horticultural products. To prevent the spread of plant diseases and pests, and given the high volume of activity at Tanjung Priok, imports had been re-routed to other ports which had the requisite infrastructure. These ports were Belawan Sea Port in Medan, Makassar Sea Port, Tanjung Sea Port in Surabaya and Soekarno-Hatta International Airport in Jakarta. Indonesia was taking measures to improve the quarantine installation facility in Tanjung Priok, including by establishing an integrated system between the quarantine, customs and other relevant agencies; developing and improving existing infrastructure to accommodate imported commodities in the port area during quarantine inspections; and providing specifically for the entry and exit of containers. The first stage of this improvement programme should be finished by the end of 2013. These comprehensive steps were deemed necessary based on the results of a 2010-2011 assessment carried out by plant quarantine officials, which identified 15 exotic plant diseases that never previously existed in Indonesia. In most cases these plant diseases were found in horticulture products entering Tanjung Priok port. Indonesia remained concerned about the increasing number of interceptions that posed a serious threat to its plant and consumer protection.

2.254. In March 2013, China expressed concern with Indonesian Regulations No. 89, 90, 42 and 43 (G/SPS/N/IDN/48, G/SPS/N/IDN/49, G/SPS/N/IDN/53, G/SPS/N/IDN/54), issued in December 2011, that revised the inspection and quarantine measures for imported fresh fruits and vegetables. The regulations required accreditation of food safety and control systems and permitted the entry of fresh fruit and vegetables only through four specific Indonesian ports that did not include the Priok Sea port of Jakarta. This restriction negatively affected trade with China, as 90% of Chinese fruit and vegetable exports to Indonesia, entered through Jakarta. China also voiced concern regarding Decrees No. 30 and No. 60 (G/SPS/N/IDN/58), issued in 2012 that required a safety licence, issued by the Ministry of Trade, for the import of certain fruit and vegetable products. Since Indonesia had delayed the granting of these licences, the export of Chinese agricultural products to Indonesia had experienced a sharp decline. The Ministry of Trade of Indonesia had also restricted the import volume licence and required that fruit and vegetable products be inspected at the ports of the country of origin before exporting. From August to November 2012, China had invited Indonesia four times to verify the Chinese inspection and quarantine safety system. Indonesia had systematically requested investigations of the pest-free area for fruit flies of garlic in China. Given that garlic is not a host of fruit flies, China invited Indonesia to verify its inspection system more generally, not limiting the investigation to garlic. In December 2012, Indonesia responded that it would not conduct an investigation in China without feedback on the proposed investigation on fruit flies in garlic. China had successfully established a safety system for the export of fruit and vegetables, and exported fruit to over 18 countries, including the European Union, the United States, Canada, Australia and Japan. China hoped that both sides would further strengthen their inspection services under the framework of the SPS Consultation and Co-operation Memorandum of Understanding that China and Indonesia had signed in December 2008, and quickly resolve the inspection and quarantine problem.

2.255. The European Union supported the concern raised by China, highlighting that the denial of access to the port of Jakarta significantly increased the costs of exports to Indonesia. Indonesia justified its measure by stating that it had found an increasing number of interceptions that posed a serious threat to its plant and consumer protection, however, Indonesia had never reported interceptions on any EU products. Despite several bilateral discussions with Indonesia, the European Union had not received any clarification that would justify these trade restrictive measures or explain the discriminatory preferential access to the port of Jakarta for only a few countries. The European Union urged Indonesia to lift these unnecessarily trade restrictive measures without delay, and to only set SPS measures with a view to minimize any negative trade effects in a non-discriminatory manner.

2.256. Argentina, Chile, Korea, Chinese Taipei and Uruguay also reported that the port closure was affecting their trade and stated their willingness to hold consultations with Indonesia to find a swift solution on this matter. Chile indicated that it had provided Indonesia with the necessary information to confirm that its products were free from fruit flies and other pests, but had not received any response. Argentina noted that this issue should be solved as swiftly as possible as the concerned products (fruits) were seasonal and perishable products.

2.257. Indonesia highlighted its strong bilateral trade ties with China and emphasized that China represented the biggest supplier of agricultural products to Indonesia. The Indonesian government was still in the process of developing port infrastructure in Jakarta, including inspection facilities for quarantine and custom agencies. The new inspection system should be finalized by the end of this year and in the meantime trading partners should use the other specified ports after fulfilling the required food safety investigation and certification procedures. Indonesia urged Members to get information on how to obtain accreditation through their embassies in Jakarta.

2.258. In June 2013, China expressed concern with Indonesia's plant inspection and quarantine measures for fresh fruit and vegetables that required inspection before export, access into the country only through minor ports and quota restrictions. China had established an inspection and quarantine supervision system for its exported fruit and vegetables and had never received any indication from Indonesia with regard to pest problems in Chinese fruit. Jakarta's port closure increased transport costs, affected the preservation of the products and reduced market competitiveness. China asked Indonesia to cancel the requirement of third party inspection after mutual recognition of the newly established supervision system carried out by competent authorities of China and Indonesia. China also encouraged Indonesia to implement the agreement signed by both parties in Jakarta in May 2013 and to conduct field investigations to grant certification for eight kinds of fruit and vegetable products. Finally, China requested that Indonesia eliminate the quotas for fruit and vegetable products from China, to promote smooth development of trade between the two countries.

2.259. The European Union shared the concerns raised by China, highlighting that Jakarta's port closure significantly increased the costs of exports to Indonesia. Indonesia had claimed that its measure was justified by interceptions that posed a serious threat to its plant and consumer protection, however, Indonesia had never reported interceptions on any EU products. Despite several bilateral discussions, the European Union had not received any clarification that would justify Indonesia's trade restrictive measures or explain the discriminatory preferential access to the port of Jakarta. The European Union therefore urged Indonesia to lift these unjustified and discriminatory restrictions on EU products.

2.260. South Africa also shared China's concerns that Jakarta's port closure and the mandatory use of SGS certification hampered trade flows into Indonesia and increased transport and certification costs. Despite submitting all required information with regard to the safety of its exports, South Africa had not received a favourable response from Indonesia. South Africa therefore requested that Indonesia lift these unjustified and discriminating measures.

2.261. Chile, Korea and Chinese Taipei also shared China's concerns and hoped that the problem would soon be resolved. Chile reported that it had obtained a bilateral meeting with Indonesia after providing all information required on its fruit exports.

2.262. Indonesia noted that this issue was in the process of being resolved bilaterally with China. A meeting with the Ministry of Agriculture of Indonesia had taken place on 22 May 2013 and the

two countries had agreed to complete an extendable protocol of import and export inspection and quarantine requirements for agricultural and food products. Indonesia explained that its measures had been adopted to ensure consumer safety, as in the past, exotic quarantine pests were intercepted in potatoes imported from one of the Members who had now raised a concern against Indonesia. Indonesia also noted that the port of Jakarta would be re-opened as soon as the port infrastructure and the inspection facilities for quarantine and customs agencies were ready.

2.263. In October 2013, China noted that since December 2011, Indonesia's Department of Agriculture had issued successive ministerial orders (G/SPS/N/IDN/48, G/SPS/N/IDN/49, G/SPS/N/IDN/53, G/SPS/N/IDN/54) amending the inspection and quarantine requirements for imported fresh fruits and vegetables. China asserted that these orders, requiring accreditation of control systems, limiting the number of import licences, requiring that exports come from zones free from fruit fly, and limiting the point of entry to specific ports excluding Jakarta's main port Tanjung Priok, seriously affected its fruit and vegetable exports. The two countries had traded for years on the basis of established inspection and supervision systems, and Indonesia had never informed China about any pest- or food safety- related problems. China had proposed a mutual recognition agreement on the inspection and quarantine of fruits and vegetables to Indonesia on 25 April 2013, and urged Indonesia to study it as soon as possible. China also requested Indonesia to remove quota limitations on Chinese fruits and vegetables, and to provide scientific justification for its measures.

2.264. Chile noted that it had engaged in bilateral negotiations with Indonesia, and hoped that this issue would be resolved before the next meeting of the Committee.

2.265. The European Union shared the concerns raised by China, noting that trade in certain horticultural products continued to be unnecessarily hampered because of the closure of several entry points, including Tanjung Priok. The opening of that port to some countries based on receipt of information on their food safety and plant health conditions, but not to others, appeared discriminatory. The European Union had provided all the requested information on the EU food safety and plant protection systems as requested, but Indonesia continued to maintain the entry restriction.

2.266. Indonesia recalled several pest outbreaks it had suffered in the past, including papaya infestation by *Paracoccus* sp. and spread of *Globodera rostochiensis* in potato, and noted that in addition to pests, some imported fresh produce posed a food safety threat, exceeding permitted mycotoxin and chemical limits. Indonesia's quarantine facilities were limited and the workload too great for plant quarantine officers. Tanjung Priok port was undergoing necessary facility improvements in an effort to mitigate SPS risks. This risk mitigation, Indonesia stressed, was carried out in accordance with Article 6 of the SPS Agreement. Indonesia was not closing the port completely, but opening it under certain conditions. It had also amended its horticultural and animal product regulations, eliminating certain verification requirements in the country of origin, and requiring that registered importers should import at least 80% of the volume of their import permit to maintain their status as a registered importer.

2.267. In July 2014, Chile expressed its concern at the lack of access for its fruit exports through the Jakarta port, due to Resolutions No. 42 and No. 43 which had been issued by Indonesia's Ministry of Agriculture, effective June 2012. Chile had provided Indonesia with all the necessary documentation establishing its fruit fly-free status, and had requested that this be formally recognized. To date, Chile had not been recognized as free of fruit flies by Indonesia, although other countries had been granted that status. The Indonesian authorities had not yet carried out a technical visit to Chilean sites, despite the invitation. Chile noted that Indonesia's measure was not in keeping with the objective of the SPS Agreement and further urged Indonesia to find a solution to its concern as soon as possible.

2.268. Korea reiterated Chile's concern, indicating that it had experienced difficulties in exporting its fresh agricultural produce to Indonesia since the port closure. Several bilateral discussions had been held and the requested information provided to the Indonesian government, including the results of a fruit flies survey. Korea urged Indonesia to resolve this issue as soon as possible. Japan further supported this concern and requested Indonesia to find a solution to this issue.

2.269. Indonesia recalled the closure of Jakarta port had been undertaken to protect consumers from the threat of new pests and diseases identified in fresh produce imported through the port. Indonesia was free from Medfly and precautionary actions were being taken in particular on products from countries which had Medfly. The Indonesian Quarantine Agency (IQA) had information that Medfly had been found in the Valparaiso region in Chile, in a grape plantation area in 2013. Owing to the Medfly's ability to fly long distances, IQA was concerned that products from Chile could adversely affect various fruit and vegetable plantations in Indonesia. Given its limited capacity to control the potential spread of Medfly, Indonesia could only approve products from countries with Medfly-free status or subject to treatments in compliance with the IPPC guidance.

2.270. Chile stressed that as of 2013, IPPC provided for the retention of the recognition of a country's pest-free status when an outbreak was quickly detected and controlled. Chile again invited Indonesia's technical experts to visit Chile to verify the swift management and eradication of these outbreaks. Furthermore, Chile had not received any warning prior to restrictions being imposed on its fruit exports. Chile reiterated its commitment to bilateral efforts to resolve this trade concern.

2.271. In March 2015, Chile recalled its concern regarding the loss of access for its fruit exports through the Jakarta port, due to resolutions No. 42 and 43 issued by Indonesia's Ministry of Agriculture in June 2012. Chile had provided Indonesia with all the necessary documentation establishing its fruit fly-free status, and had invited Indonesian authorities to conduct a technical visit to Chile, which had not yet occurred. To date, Chile had not been recognized as free of fruit flies by Indonesia, although Chile had fulfilled the international standards set by IPPC. Chile noted that Indonesia's measure was not in line with the objectives of the SPS Agreement and further urged Indonesia to announce a solution at the next Committee meeting.

2.272. Chinese Taipei shared Chile's concerns with regard to Indonesia's import licensing regime for agricultural products. Chinese Taipei noted that the regime was complex, burdensome and time consuming, and was not in line with the national treatment obligation. Chinese Taipei requested that Indonesia bring its import procedures into conformity with all relevant WTO agreements.

2.273. Indonesia explained that the measures had been taken to effectively control pest outbreaks and not to ban the importation of fruits and vegetables through Tanjung Priok port. Indonesia clarified that resolutions No. 42 and 43 issued by its Ministry of Agriculture were in accordance with Article 6 of the SPS Agreement. Indonesia confirmed the receipt of additional documents provided by Chile and informed Chile that the documents were currently being reviewed by the relevant authority.

2.9 Korea, Republic of

2.9.1 Food safety

Strengthened import restrictions on food and feeds products with regard to radionuclides (STC 359)

Raised by:	Japan
Supported by:	
Dates raised:	October 2013 (G/SPS/R/73, paras. 3.7-3.9), March 2014 (G/SPS/R/74, paras. 3.19-3.20), July 2014 (G/SPS/R/75, paras. 4.29-4.30), October 2014 (G/SPS/R/76, paras. 3.9-3.10), March 2015 (G/SPS/R/78, paras. 3.16-3.17)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	Dispute settlement panel established on 28 September 2015. Panel request: document WT/DS495/3
Date reported as resolved:	

2.274. Japan expressed concerns regarding Korea's fishery import restrictions, including a ban on imports from eight prefectures and additional testing and certification requirements in all cases where radioactive Cesium was detected, even in quantities below the Korean limit of 100 Bq/kg.

This requirement applied exclusively to Japanese products; Korean and other trading partners' products could be distributed as long as the radioactive Cesium level remained below 100 Bq/kg.

2.275. Japan reiterated that contaminated water at the Fukushima Daiichi nuclear power station had been detected only within an area of 0.3 square kilometres inside the port, and that the problem of contaminated water should not be equated with the safety of Japanese fishery products. Japan's central and local governments had taken measures to prevent the distribution of fishery products where required, and the amount of samples exceeding the limit of 100 Bq/kg had drastically decreased both in the Fukushima prefecture (from 53% in March/June 2011 to 2.2% in July/September 2013) and elsewhere (from 6.5% to 0.4% during the same periods). Japan recalled that SPS measures must not arbitrarily or unjustifiably discriminate between trading partners and urged Korea to provide a scientific basis for its measures or explain concretely how the available scientific evidence was insufficient to carry out a risk assessment.

2.276. Korea indicated that its measures were in accordance with Article 5.7 of the SPS Agreement, as a result of insufficient scientific evidence and the potentially far-reaching cumulative effects of radioactive contamination on human health. Korea was reviewing the information provided by Japan but needed more time to come to a final determination.

2.277. In March 2014, Japan reiterated its concerns regarding Korea's food, fisheries and feed import restrictions. These included a ban on imports from eight prefectures and additional testing and certification requirements in all cases where radioactive Cesium was detected, even in quantities below the Korean limit of 100 Bq/kg. This requirement applied exclusively to Japanese products; Korean and other trading partners' products could be distributed as long as the radioactive Cesium level remained below 100 Bq/kg. Japan noted that Korea also required inspection certificates on feed exported from certain areas in Japan.

2.278. Korea explained that its measures were in accordance with Article 5.7 of the SPS Agreement, as a result of insufficient scientific evidence and the potentially far-reaching cumulative effects of radioactive contamination on food safety and human health. Korea was in the process of reviewing requested information provided by Japan in January 2014, but given the complexity of the issue, needed more time to come to a final determination. Korea was willing to engage with Japanese experts and discuss bilaterally in order to finalize this process promptly.

2.279. In July 2014, Japan reiterated its concerns regarding Korea's food, fisheries and livestock products import restrictions. These bans and additional testing requirements for radionuclides were non-transparent, not based on science, discriminatory and more trade-restrictive than necessary. Japan had held numerous bilateral meetings and provided detailed information to Korea, and had offered additional meetings between experts, but Korea had not agreed to participate. In March 2014, according to Articles 4 and 5.8 of the SPS Agreement, Japan had requested Korea: (i) to provide an explanation of the objectives and reasons for Korea's SPS measures; (ii) to identify the risks that its measures intend to address; (iii) to indicate the level of protection that its measures intend to achieve; and (iv) to provide a copy of any risk assessments undertaken. In June 2014, Japan had reiterated its written request. Furthermore, Korea's measures had not been published and the Korean enquiry point had not responded to requests for additional information. If Korea continued ignoring Japan's requests, Japan would have no choice but to resort to other actions under the WTO.

2.280. Korea explained that its measures were in accordance with Article 5.7 of the SPS Agreement, to protect human health and food safety from radioactive contamination. Korea was in the process of reviewing information provided by Japan in January 2014. In parallel, Korea had held several expert meetings with Japan, and was willing to hold technical experts meetings and conduct on-site visits after reviewing the information, if necessary.

2.281. In October 2014, Japan reiterated its concern regarding Korea's import restrictions on fishery and food products, as these bans and additional testing requirements for radionuclides were non-transparent, not based on science, discriminatory and more trade-restrictive than necessary. Japan had held numerous bilateral meetings and provided detailed information to Korea, and sought to use the tools set forth in the SPS Agreement to reach an amicable solution. While Korea had recently started to provide some responses to Japan's questions raised under Articles 4, 5.8 and 7 of the SPS Agreement, these were insufficient. Yet, Japan welcomed Korea's

indication that it was conducting a review, and its clarification on the appropriate level of protection underpinning its measures in relation to the radionuclide thresholds established in Codex STAN 193-1995. Japan was concerned about the lack of transparency surrounding Korea's review of the measures taken between 2011 and 2013, and encouraged Korea to provide more information on its review meetings and timeframes. Japan hoped that this review would include an objective, transparent and science-based reassessment of Korea's measures in accordance with international standards, such as Codex Working Principle CAC/GL 62-2007. Japan reiterated that if Korea continued ignoring Japan's requests, Japan would have no choice but to resort to other actions under the WTO.

2.282. Korea clarified that its measures were in accordance with Article 5.7 of the SPS Agreement, to protect human health and food safety from radioactive contamination. Korea had been seeking to obtain additional information for a more objective and science-based risk assessment, but received insufficient data from Japan. The latest technical meeting had been held on 18 September 2014. Korea was willing to conduct additional expert meetings and hoped for full co-operation with Japan to finalize its review process and resolve this issue.

2.283. In March 2015, Japan reiterated its concern regarding the additional import bans and testing requirements maintained by the Government of Korea on Japanese food products. Japan considered that these bans and the additional testing requirements were non-transparent, discriminatory, more trade-restrictive than necessary and lacked a scientific basis. Japan had held numerous bilateral meetings and provided detailed information to Korea, seeking to use the tools set forth in the SPS Agreement to reach an amicable solution. In addition, at the request of the Korean government, Japan had hosted on-site visits by a Korean investigative committee in December 2014 and January 2015, and had assisted the committee's members in fully understanding the extent of the measures that Japan had taken to secure the safety of Japanese fishery products. In contrast, Korea had failed to respond to Japan's requests and had provided no information on the timeline and steps towards the lifting of its measures. To illustrate the damage of this ban, Japan reported the example of the Tohoku area, where around 70% of farmed sea squirt was previously exported to Korea. The Tohoku sea squirt farmers were now facing a ban despite the fact that more than 150 samples from sea squirt had been inspected, with radioactive cesium either significantly below Korea's safety thresholds or so low as to be non-detectable. Japan stressed the fact that Korea's ban on such products lacked any scientific basis and reiterated that if Korea continued ignoring Japan's requests, Japan would have no choice but to resort to other actions under the WTO.

2.284. Korea noted that the necessary procedures to resolve this issue in a bilateral way had been in place since Japan had first raised this issue in the SPS Committee. Korea explained that the ban had been adopted as a provisional measure in accordance with Article 5.7 of the SPS Agreement. At the same time, Korea had sought to obtain additional information from the Japanese government and had organized a private experts committee to review this information and to verify the scientific evidence. Korean experts had also visited Japan three times since last December. Korea was in the process of reviewing all the information obtained and hoped for full co-operation with Japan to solve this issue bilaterally.

2.285. In accordance with the provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Japan requested consultations with Korea on 21 May 2015 (WT/DS495/1). The Dispute Settlement Body established a panel on 28 September 2015 (WT/DS495/3).

2.9.2 Animal Health

General import restrictions due to BSE (STC 193)

2.286. See paragraphs 2.401.–2.461.

Korea's import restrictions due to African swine fever (STC 393)

Raised by:	European Union
Supported by:	
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.11-3.12), October 2015 (G/SPS/R/81, paras. 3.68-3.69)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.287. In July 2015, the European Union raised a concern about the import restrictions on pork and pork products put in place in February 2014 by Korea on African Swine Fever (ASF) grounds. The European Union repeated that trade could take place safely, and affirmed that Korea disrespected the SPS Agreement regarding regionalization. Korea continuously received detailed information on the control, surveillance and monitoring measures of the European Union. Korea's risk assessment process lacked of clarity about the required steps and the use of information provided by the European Union. The European Union called on Korea to respect its regionalization obligations under the SPS Agreement and to allow trade of all safe products. The European Union also restated its availability to continue working with Korea and any other trading partners with a view to finding a rapid solution on this matter.

2.288. Korea responded that it had banned pork and pork products from Poland since the first case of ASF was reported in February 2014, in agreement with Poland. In response to the European Union for regionalization, Korea had implemented the necessary steps to assess the current situation in Poland, and sent experts to have an on-site inspection. The preliminary assessment on ASF had been delivered to Poland and an exchange of views was still under way. As a result, Korea had been consistent with Articles 6.2 and 6.3 of the SPS Agreement and hoped to continue bilateral discussion on the basis of science and data.

2.289. In October 2015, the European Union recalled its concerns regarding Korea's import restrictions on pork and pork products due to African swine fever (ASF) taken since February 2014. Korea had continuously received detailed information from the European Union. Korea's risk assessment process lacked clarity about the required steps and the use of information provided by the European Union, in particular on its control, surveillance and monitoring measures. The European Union called on Korea to respect its regionalization obligations under the SPS Agreement and to allow trade of safe products. The European Union also restated its availability to continue working with Korea and any other trading partners with a view to finding a rapid solution on this matter.

2.290. Korea recalled that it had banned pork and pork products from Poland since the first case of ASF was reported in February 2014, in agreement with Poland. At the request of the European Union, Korea had implemented the necessary steps to assess the current situation in Poland, and hired experts to that effect. Korea had completed its preliminary assessment after considering Poland's comments received in May 2015 and had decided to move on to the next steps. Korea requested that Poland and the European Union take proactive control measures to prevent the spread of ASF and cooperate fully to expedite the risk assessment process, which needed to incorporate a distinction between affected and unaffected areas.

2.10 Malaysia

2.10.1 Plant Health

Import restrictions on plant and plant products (STC 294)

Raised by:	Brazil
Supported by:	Japan
Dates raised:	March 2010 (G/SPS/R/58, paras. 25-27), October 2015 (G/SPS/R/81, paras. 3.59-3.60)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.291. In March 2010, Brazil expressed concerns related to Malaysia's import restrictions on plants and plants products due to a regulation on South American leaf blight disease. Brazil considered that the regulation did not have a scientific justification. Malaysia's import restrictions were apparently based on a provision in the constitutive of the Asia and Pacific Plant Protection Commission (APPPC) on South American leaf blight disease. However, other parties to the APPPC did not apply this provision to Brazil. A representative of FAO conducted a pest risk analysis to verify whether the South American leaf blight disease represented a risk to Malaysia, but no risks had been identified. Therefore, Brazil requested that Malaysia allow the importation of plants and plants products from Brazil.

2.292. Japan observed that the trade restriction was also a concern for Japan. Japan recognized the efforts of the APPPC to amend its regulation so as to be consistent with the SPS Agreement.

2.293. Malaysia indicated that it had not received any information from Brazil in advance of the meeting and, thus, could not consult with his technical officials. Malaysia invited Brazil to send its concern in writing so a response could be provided.

2.294. In October 2015, Brazil again raised concerns related to Malaysia's import restrictions on plants and plant products due to a regulation on South American leaf blight disease. Since 2010, when the issue had been raised for the first time, the measure had remained unchanged on the basis that it was consistent with Asia and Pacific Plant Protection Commission (APPPC) phytosanitary standards. Brazil recalled that the regulation had no scientific justification and increased exporting costs through unnecessary laboratory analysis. In 2009, FAO had completed a pest risk analysis and no risks to Malaysia had been identified. A bilateral meeting had been held in the margins of the Committee meeting and would be followed by another one in Kuala Lumpur.

2.295. Malaysia reported that it was reviewing import conditions on South American leaf blight disease and welcomed its bilateral discussions with Brazil on this matter.

2.10.2 Other Concerns

Malaysia's import restrictions related to approval of poultry meat plants (STC 391)

Raised by:	Brazil
Supported by:	
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.7-3.8)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.296. In July 2015, Brazil raised concerns regarding the Malaysian Government's delays in approving Brazilian poultry meat export plants and the lack of definition of the applicable

international sanitary certification. Brazil had been negotiating access to the Malaysian poultry meat market since 2010, and had not received a mission from Malaysia to audit Brazilian plants before March 2014. Since then, the Brazil had only received a feedback about one establishment. According to Brazil, this situation was in breach of paragraph 1(a) of Annex C of the SPS Agreement. Brazil had also proposed an international sanitary certificate to support its exports of poultry meat, but Malaysia had provided no answer to this request. Malaysia had not presented scientific evidence for the lack of approval of the audited facilities. The final audit report and the response to the proposed certificate had also been unduly delayed. Brazil affirmed that the Malaysian measure did not comply with the provisions of Articles 2 and 5 of the SPS Agreement since it resulted in arbitrary and unjustified discrimination between Members and in disregard of the objective of minimizing negative trade effects. The measure was also inconsistent with the provisions on control, inspection and approval procedures contained in Article 8 and Annex C of the SPS Agreement, as it created undue and unnecessary delays in the opening of the Malaysian market. Therefore, Brazil requested the Malaysian authorities to approve the Brazilian poultry meat export plants and to react to the proposal made by Brazil regarding the international sanitary certificate.

2.297. Malaysia replied that, as mentioned by Brazil, there had been an inspection. The result had been communicated to Brazil, one plant had been approved, and three had been rejected because they failed to comply with the Malaysian halal standard. Malaysia encouraged the Brazilian Embassy to send a written request to the Malaysian veterinary services.

2.11 Mexico

2.11.1 Plant Health

Measures on imports of hibiscus flowers (STC 386)

Raised by:	Nigeria
Supported by:	Burkina Faso, Senegal
Dates raised:	March 2015 (G/SPS/R/78, paras. 3.6-3.8), October 2015 (G/SPS/R/81, paras. 3.48-3.50)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.298. In March 2015, Nigeria expressed concerns on certain verification procedures being used by Mexico on imported hibiscus flowers from Nigeria. Following the Mexican quarantine authorities' request to change the certificate, Nigeria had developed an online platform to generate electronic phytosanitary certificates and had held bilateral discussions with Mexico's quarantine authority. The validation procedures were causing delays for Nigeria's exports of hibiscus flowers and real losses in some cases. Nigeria thanked the Mexican delegate for the efforts made to convene a bilateral meeting on the margins of the Committee meeting, but noted that no timelines had been agreed for the resolution of the issue.

2.299. Burkina Faso echoed Nigeria's concern since it was experiencing similar problems with exports to Indonesia. Senegal also shared the concern, noting that Senegal was currently trying to develop its hibiscus flower sector and would consider the possibility of exporting to Mexico.

2.300. Mexico explained that 14 shipments of Hibiscus flowers with false SPS certificates had been intercepted during 2014. Mexican authorities had since maintained ongoing communication with Nigeria and had held a meeting in capital and a bilateral meeting on the margins of the Committee meeting with the aim of guaranteeing the authenticity of the certificates produced by the Nigerian authorities. While setting a timeline was not possible due to certain aspects that still needed to be concluded, Mexico confirmed its willingness to find a prompt solution to the problem.

2.301. In October 2015, Nigeria restated its concerns on certain verification procedures being used by Mexico on imported hibiscus flowers from Nigeria. Following the Mexican quarantine authorities' request to change the certificate, Nigeria had developed an online platform to generate

electronic phytosanitary certificates and had held bilateral discussions with Mexico's quarantine authority. The validation procedures were causing delays for Nigeria's exports of hibiscus flowers and significant losses in some cases. Nigeria also expressed further concern that sesame had now been included in the list of validation requests from Mexico. Nigeria thanked Mexico for the bilateral meeting on the margins of the Committee meeting and for reassurances of Mexico's efforts to resolve this issue as soon as possible. Nigeria stated that it was prepared to utilize the procedures for good offices of the Chairperson as contained in G/SPS/61 should its concerns remain unaddressed by Mexico.

2.302. Burkina Faso echoed Nigeria's concern as a producer of hibiscus and in the interest of facilitating trade of this product. Senegal also shared the concern, noting the importance of following guidelines for documentation and certificates to prevent any delays.

2.303. Mexico noted that at the outset the issue had been that false SPS certificates had accompanied hibiscus shipments from Nigeria. Both countries had exchanged documentation and had decided to improve communication and coordination at the national level, set up contact points and seek out the best way to address the concerns raised. Mexico also noted that hibiscus trade had not been stopped entirely. Delays had been due to the review and validation of the certificates.

2.12 Russian Federation

2.12.1 Food Safety

The Russian Federation's import restrictions on processed fishery products from Estonia and Latvia (STC 390)

Raised by:	European Union
Supported by:	
Dates raised:	July 2015 (G/SPS/R/79, paras. 3.4-3.6), October 2015 (G/SPS/R/81, paras. 3.27-3.29)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.304. In July 2015, the European Union indicated that, as of 4 June, the Russian Federation introduced a ban on imports of all fishery products from Estonia and Latvia, allegedly due to deficiencies detected during recent inspections. The European Union stated that the measure had been notified very late, was inconsistent with the SPS Agreement and taken in violation of Russia's WTO Accession commitments which included not to suspend exports from groups of establishments without having provided first the technical information and scientific justification of the risks detected, and not to take such measures before the expiry of the timeframe provided for the adoption of corrective measures. Indeed, Russia had not provided evidence of immediate risk to consumers caused by deficiencies in the control systems of Estonia and Latvia, which had been regularly inspected by the Russian Federation in recent years without having identified any major problems. The measures were clearly more trade restrictive than necessary and the ban had been announced before the official reports of the inspections were provided to the competent authorities of Latvia or Estonia. The European Union expressed its willingness to cooperate with the Russian Federation to address their concerns but requested the Russian Federation to lift the ban, to bring its measures in line with international standards, and to respect its WTO obligations.

2.305. The Russian Federation replied that conclusions by Russian experts about deficiencies in the work of the Latvian and Estonian competent authorities overlapped with the results of previous investigations by the European Union, and the presence of a risk was also confirmed by the notifications of the EU Commission in the rapid alert system. Russia stressed the importance and urgency of the report made by the European Union about the safety of food products. An inspection in 2013 had showed that Latvia and Estonia had not taken measures to withdraw unsafe products from the market. According to Russia, the European Union had failed to take necessary measures in relation to establishments where violations were detected and to inform its

trade partners. Indeed, between 2013 and July 2015, Russian inspections had revealed more than 2,000 cases of unreliable certification, and yet, no effective measures had been taken against the violators. The Russian Federation had concluded that the guarantees given by the European Union were not reliable. As a result, Russia was forced to impose temporary restrictions, as stated in official letters to the European Union. The measures were not bans, but temporary restrictions, and complied with the SPS Agreement, which allowed Members to adopt measures to protect human, animal or plant health.

2.306. The European Union clarified that they did not dispute Russia's right to take SPS measures, but expected proportionate measures taken in a transparent manner and in accordance with the SPS Agreement.

2.307. In October 2015, the European Union reiterated its concerns regarding the Russian Federation's restrictions on imports of all fishery products from Estonia and Latvia, allegedly due to deficiencies in the safety systems. The European Union stated that the measure had been notified a month after implementation as an emergency measure. This was inconsistent with the SPS Agreement and in contravention of the Russian Federation's WTO accession commitments, which included not to suspend exports from groups of establishments without first having provided the technical information and scientific justification of the risks detected, and not to take such measures before the expiry of the timeframe provided for the adoption of corrective measures. The Russian Federation had not presented a risk assessment or provided evidence of immediate risk to consumers caused by deficiencies in the control systems of Estonia and Latvia, which had been regularly inspected by the Russian Federation in recent years without having identified any major problems. The European Union highlighted that Article 2.1 required that measures taken to protect human, animal or plant life or health must be consistent with the provisions of the Agreement. In addition, the European Union recalled that Articles 2.2 and 5.6 required measures to be based on scientific evidence and not to be more trade restrictive than necessary. Furthermore, the Russian Federation had adopted the ban just one day after the submission of the preliminary report of the audit to the competent authorities, in contrast with the reasonable time commitment it made prior to its accession. The comments provided by Latvia and Estonia on the audits had not received a response by the Russian Federation, more than three months after the submission. The European Union indicated its willingness to cooperate with the Russian Federation on this issue and requested the Russian Federation to lift the ban, bring its measures in line with international standards, and respect its WTO obligations.

2.308. The Russian Federation responded that it was justified in imposing temporary restrictions on fishery products from Latvia and Estonia. Upon inspection, the Russian authorities found that Latvia and Estonia were unable to produce safe products that complied with requirements from both importing and exporting countries. Therefore, the Russian Federation had concluded that the guarantees provided by the EU veterinary services were not reliable. Many of these products had continued to be marketed and exported to the Russian Federation, which called for another round of inspections. The Russian Federation was cooperating with veterinary services of Latvia and Estonia to objectively assess the safety systems of fish processing establishments. Comments on the preliminary report had been received, but Latvian and Estonian authorities could not show that the withdrawal of potentially hazardous products was timely and effective enough. The Russian Federation was concerned that trading partners were not being informed about product safety problems. The temporary restrictions were in compliance with the international Eurasian Economic Union legal framework and with international standards. Before imposing the restrictions, relevant information had been published on the official website and consultations had been held with Latvian and Estonian authorities. Final reports of the inspections had just been sent to the veterinary services. The Russian Federation asked Latvia and Estonia to carry out their own inspection of the establishments and of their compliance with the Eurasian Economic Union veterinary requirements. The competent authorities of Latvia and Estonia had indicated that they did not oppose the Russian Federation's decisions and the EU representatives had agreed that the certification of products from Latvia and Estonia to Russia should be suspended. However, certification had not been suspended. Nevertheless, the Russian Federation was ready to find a solution on this issue.

2.309. The European Union replied that some of the information which had been provided by the Russian Federation contradicted EU information, reiterating that no major problems had been found in the numerous inspections held by the Russian Federation. Furthermore, the European Union indicated its concern with the statement that the EU had voluntarily agreed to suspend the

certification of products from Latvia and Estonia, which did not reflect the EU information. The European Union reiterated the transparency of its own information and urged the Russian Federation to repeal its measures.

2.13 Saudi Arabia, Kingdom of

2.13.1 Animal Health

General import restrictions due to BSE (STC 193)

2.310. See paragraphs 2.401.–2.461.

2.14 Chinese Taipei

2.14.1 Food Safety

Import restrictions in response to the Japanese nuclear power plant accident (STC 354)

2.311. See paragraphs 2.383.-2.400.

Chinese Taipei's strengthened import restrictions on food with regard to radionuclides (STC 387)

Raised by:	Japan
Supported by:	
Dates raised:	March 2015 (G/SPS/R/78, paras. 3.9-3.10), July 2015 (G/SPS/R/79, paras. 3.35-3.36), October 2015 (G/SPS/R/81, paras. 3.30-3.31)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.312. In March 2015, Japan expressed its concerns over the import ban imposed by Chinese Taipei on food exports from five Japanese prefectures after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station, as well as over the draft strengthened import regulations that required a pre-test certificate issued by the Japanese Government for almost all Japanese foods from all remaining prefectures. Japan had repeatedly provided Chinese Taipei with comprehensive monitoring results to demonstrate that Japanese food was safe for human consumption. Four years had passed since the nuclear accident in 2011. In the meantime 13 Members such as Australia and Viet Nam had lifted their import restrictions. Many other Members, including the European Union, the United States and Singapore had eased their import restrictions based on sound scientific data. Japan believed that the measures maintained by Chinese Taipei were not based on relevant international standards and were more trade-restrictive than required. Japan therefore requested that Chinese Taipei lift the import ban on the five prefectures and withdraw the draft strengthened import regulations notified to the SPS Committee last November.

2.313. Chinese Taipei noted that, although all the inspected batches proceeding from Japan were in compliance with Chinese Taipei's regulation, consumer protection groups and the public were still concerned about the safety of food imported from Japan. The notified draft control measure requiring that food products imported from Japan be accompanied by pre-export radiation test certificates and certificates of origin was developed as a consequence of the radioactive contaminated water leak accident from Fukushima nuclear power plant in 2013. Chinese Taipei expressed its willingness to continue bilateral talks and looked forward to finding a mutual satisfactory solution on this matter.

2.314. In July 2015, Japan reiterated its concerns over the import ban imposed by Chinese Taipei on food exports from five Japanese prefectures after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station, as well as over the strengthened import restrictions imposed since 15 May 2015. According to information published by Chinese Taipei, none of the more than

70,000 samples of Japanese food products tested had exceeded Chinese Taipei's limit levels of radioactive cesium, which seemed to confirm the appropriateness of Japan's measures taken after the incident. Japan also noted that Chinese Taipei's import restrictions were not based on science, nor based on the relevant international standards, and were more trade restrictive than required. Japan requested that Chinese Taipei complete its risk assessment and immediately remove its measures. Japan also expressed hope that bilateral consultations would help find a mutually acceptable solution.

2.315. Chinese Taipei confirmed the implementation of control measures consisting in the temporary suspension of inspection applications for food produced in the Fukushima and the other four nearby prefectures since March 2011. However, in March 2015 food products from the restricted prefectures had entered the Chinese Taipei market using false labelling. Consequently, Chinese Taipei had implemented control measures requiring certificates of origin and, for specific food products and prefectures, radioactive examination reports. Chinese Taipei also noted concerns over the continuous leakage of radioactive contaminated water from Fukushima nuclear power plant since 2013. Chinese Taipei reiterated its commitment to bilateral efforts to find a solution to this matter.

2.316. In October 2015, Japan reiterated its concerns over the import ban imposed by Chinese Taipei on food from five Japanese prefectures after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station, as well as over the strengthened import restrictions imposed since 15 May 2015. Japan stressed that although an incident where some Japanese food products had been imported with false labelling was unfortunate, it should be clearly distinguished from the import ban. Japan noted that Chinese Taipei's import restrictions were not based on scientific evidence. Japan also questioned the extent to which Japan's treatment of radioactive contaminated water was relevant to food safety in this situation. With regard to alleged consumer concerns in Chinese Taipei about Japanese food safety, Japan noted that there had been a steady increase in food imports from Japan by Chinese Taipei over the past three years. Japan requested that Chinese Taipei complete its risk assessment and immediately remove its measures, even if on a step-by-step basis. Japan also expressed hope that bilateral consultations would result in a mutually acceptable solution.

2.317. Chinese Taipei confirmed the continued temporary suspension of inspection applications for food produced in the Fukushima and four other nearby prefectures since March 2011. According to information published by Japan, food products were still found to have radioactive residues and, in July 2015, several cases had been confirmed to have levels exceeding the tolerance levels proposed by Japan. Chinese Taipei reiterated its commitment to bilateral efforts to find a solution to this matter.

2.15 Turkey

2.15.1 Animal Health

General import restrictions due to BSE (STC 193)

2.318. See paragraphs 2.401.–2.461.

Requirements for importation of sheep meat (STC 340)

Raised by:	Australia
Supported by:	United States of America
Dates raised:	October 2012 (G/SPS/R/69, paras. 19-20), March 2013 (G/SPS/R/70, paras. 3.18-3.19), June 2013 (G/SPS/R/71, paras. 4.27-4.28), October 2013 (G/SPS/R/73, paras. 3.35-3.36), March 2014 (G/SPS/R/74, paras. 3.26-3.27), July 2014 (G/SPS/R/75, paras. 4.25-4.26), October 2014 (G/SPS/R/76, paras. 3.34-3.36), March 2015 (G/SPS/R/78, paras. 3.33-3.34)
Relevant document(s):	G/SPS/N/TUR/9
Status:	Not reported
Solution:	
Date reported as resolved:	

2.319. In October 2012, Australia raised concerns about the undue delay by Turkey in providing information regarding its measures on the importation of sheep meat, requested in April 2011. Australia recalled Turkey's obligations under the SPS Agreement to act in a transparent manner and to ensure that any SPS measure be based on scientific evidence, only applied to the extent necessary, and not unjustifiably discriminate between Members.

2.320. Turkey responded that its authorities were still working on the requirements and certification procedures for the importation of sheep meat, and that these would be in line with the SPS Agreement. Turkey also committed to sharing the outcomes with Australia as soon as these were completed.

2.321. In March 2013, Australia reiterated its concern with regard to the undue delays by Turkey in responding to its request for information on the import ban on sheep meat, which it first raised in April 2011. Australia highlighted that it was a safe and reliable supplier of sheep meat to approximately 100 countries and that it consistently met the relevant international SPS standards for trade in sheep meat. Australia reminded Turkey of its obligations under the SPS Agreement, with specific reference to Articles 2, 7 and Annex B of the Agreement. Australia advised that it had held bilateral discussions with Turkey in the margins of the meeting and hoped the issue would be resolved as soon as possible.

2.322. Turkey stated that fruitful bilateral discussions had resulted in the two countries agreeing upon a uniform health certificate model for beef and veal products. Turkey was aligning its national regulations with the EU acquis. Furthermore, a framework Law No. 5996 on Veterinary Services, Plant Health, Food and Feed had entered into forced in 2011, which was notified to the WTO. Turkey was in the process of preparing a uniform model certificate for sheep and goat meat, and was working to determine the minimum health requirements for these products. However, trade of live cattle and sheep continued without any disruptions.

2.323. In June 2013, Australia reiterated its concerns regarding Turkey's requirements for the import of sheep meat. Australia had been seeking information from Turkey regarding its import measures since April 2011, but despite raising this concern at both the 55th and 56th SPS Committee meetings, it had yet to receive a response. Australia was a safe and reliable supplier of sheep meat to some 100 countries and had consistently met all relevant international SPS measures for such trade. Turkey's measures appeared to contravene its obligations under the SPS Agreement, including Articles 2 and 7 and Annex B. Australia looked forward to the resolution of this issue.

2.324. Turkey responded that it was in the process of aligning its food safety legislation with that of the European Union. It had enacted many implementation measurements, but still needed to propose guidelines for sheep and goat meat. Turkey stated that it would send its model health certificate for sheep and goat meat to Australia and other interested Members once it was prepared.

2.325. In October 2013, Australia reiterated its concerns regarding Turkey's requirements for the import of sheep meat and its June 2013 meeting statement.

2.326. Turkey reiterated that it was in the process of aligning its food safety legislation with that of the European Union. In this context, Turkey had so far prepared certificates for beef, bovine meat, livestock and fishery products, while a uniform model certificate for other animal-origin products, including sheep- and goat-meat, was under process.

2.327. In March 2014, Australia reiterated its concerns over Turkey's requirements for the import of sheep meat, which it had raised at each Committee meeting since October 2012. In February 2012, Australia had provided Turkey with a draft bilingual sheep meat certificate based on EU requirements. Turkey had not acknowledged receipt of the draft certificate nor provided advice on its acceptability. Turkey's lack of response was not consistent with its obligations under the SPS Agreement.

2.328. Turkey reiterated its October 2013 meeting statement.

2.329. In July 2014, Australia reiterated its concerns over Turkey's requirements for the import of sheep meat. Turkey had indicated at previous meetings that it was in the process of aligning its food safety legislation with that of the European Union. However, Australia currently exported sheep meat to the European Union. In February 2012, Australia had provided Turkey with a draft bilingual sheep meat certificate based on EU requirements but Turkey had not acknowledged receipt of the draft certificate nor provided advice on its acceptability. Turkey's lack of response was not consistent with its obligations under the SPS Agreement.

2.330. Turkey indicated again that the development of a uniform model certificate for other products of animal origin, including sheep- and goat-meat, was underway. Efforts to determine the health requirements for the appropriate level of protection for the import of sheep- and goat-meat were also in process. Turkey was committed to resolving this trade concern and highlighted that the first Turkey-Australia Agricultural Steering Committee meeting would be held in October 2014, and field visits would be made to Australian abattoirs and meat processing facilities.

2.331. In October 2014, Australia reiterated its concerns over Turkey's requirements for sheep meat imports, which it had raised at each Committee meeting since October 2012, and reiterated its statement from the July 2014 meeting.

2.332. The United States shared Australia's concern and noted that importing countries should develop science-based standards in a timely manner when certification was required. The United States appreciated Turkey's willingness to work with US authorities to develop new certificates on import requirements, and requested that imports not be disrupted during the process of developing new standards.

2.333. Turkey noted that after bilateral meetings with Australia it had adopted its Law on Veterinary Services, Plant Health, Food and Feed, notified as G/SPS/N/TUR/9. Turkey had also prepared model health certificates for beef, bovine meat, livestock and fishery products aligned with EU standards. Development of a uniform model certificate for other products of animal origin, including sheep and goat meat, was underway. Efforts to determine the appropriate level of protection for imports of sheep and goat meat were also in process. Turkey was committed to resolving this trade concern, but highlighted that the first meeting of the Turkey-Australia agricultural steering committee planned for October 2014 had been delayed due to the heavy schedule of the Australian Minister of Agriculture. Turkey reiterated its openness for dialogue and close co-operation with Australia at different levels.

2.334. In March 2015, Australia repeated its concerns over Turkey's requirements for sheep meat imports, which it had raised at each Committee meeting since October 2012. Australia reported that it had held productive bilateral discussions with Turkey in the margins and hoped these discussions would lead to a satisfactory resolution of the issue. Turkey had advised that it had prepared a draft veterinary health certificate for sheep meat and undertook to provide a copy of the certificate and information on certification requirements upon receipt of an official written request from Australia.

2.335. Turkey explained that during a bilateral meeting, both delegations had determined that the measure was based on OIE standards. Turkey reiterated that certification requirements would be

made available upon request and stressed that the measure was not intended to be a trade barrier. Turkey was open for further consultation with Australia to resolve this issue.

2.16 United States of America

2.16.1 Animal Health

US non-acceptance of OIE categorization for BSE (STC 375)

Raised by:	India
Supported by:	
Dates raised:	July 2014 (G/SPS/R/75, paras. 4.9-4.10), October 2014 (G/SPS/R/76, paras. 3.22-3.23), March 2015 (G/SPS/R/78, paras. 3.26-3.29), July 2015 (G/SPS/R/79, paras. 3.31-3.34), October 2015 (G/SPS/R/81, paras. 3.63-3.64)
Relevant document(s):	Raised orally
Status:	Not Reported
Solution:	
Date reported as resolved:	

2.336. In July 2014, India raised its concern regarding the US request for India's OIE dossier, which it had previously submitted to the OIE in order to gain recognition of its status as a negligible risk country for BSE. India noted that the United States had chosen to disregard the OIE's designation, which was contrary to accepted international practice among Members, and had instead requested India to share its OIE dossier in order to enable the United States to conduct their own assessment of India's status. Given the significant trade interest, India had requested the OIE to share its dossier with the United States, but further requested that the United States recognize its official OIE status.

2.337. The United States reiterated its commitment to aligning its import regulations governing BSE with OIE guidelines and further highlighted that in 2013, USDA APHIS had published a final rule in the Federal Register that ensured that US BSE import regulations were aligned with international animal health standards that support safe trade in bovines and bovine products. In that rule, it had been noted that the review of information for India was ongoing. If the findings supported concurrence with OIE's designation, a notice would be published in the Federal Register. However, the United States indicated that it had been unable to complete its review due to the lack of access to India's OIE dossier, in spite of repeated requests since 2010. Although India had authorized the OIE to share a copy of the dossier in May 2014, this information had still not been received. The United States reiterated its request for India to provide the necessary information to facilitate the evaluation and indicated its willingness to continue working with India on the issue.

2.338. In October 2014, India restated its concern that the United States did not accept the OIE categorization of India as a negligible risk country for BSE. India recalled that OIE defined the standards for six diseases including BSE, and that India followed these standards in line with the SPS Agreement. India reminded Members to apply OIE designations instead of conducting their own national assessments, and noted that the United States had chosen to disregard the OIE designation, which was contrary to accepted international practice among Members. India requested the United States to recognize its official OIE BSE status.

2.339. The United States reiterated its commitment to aligning its import regulations governing BSE with OIE guidelines. The United States had received India's OIE dossier on 18 September 2014, and was currently reviewing India's status, with an opportunity for public comments.

2.340. In March 2015, India restated its concern that the United States did not accept the OIE categorization of India as a negligible risk country for BSE. India recalled that the OIE defined the standards for six diseases including BSE, and that India followed these standards in line with the SPS Agreement. India reminded Members to apply OIE designations instead of conducting their own national assessments, and noted that the United States had chosen to disregard the OIE designation, which was contrary to accepted international practice among Members. India requested the United States to recognize its official OIE BSE status.

2.341. The United States reiterated its commitment to aligning its import regulations governing BSE with OIE guidelines. The United States had received India's OIE dossier on 10 September 2014, and was currently reviewing India's status, with an opportunity for public comments.

2.342. In July 2015, India restated its concern that the United States and Australia did not accept the OIE categorization of India as a negligible risk country for BSE. India had shared its OIE dossier with the United States, but had not received any response yet. India urged both countries to carry their assessment in accordance to OIE standards.

2.343. The United States restated its commitment to align its import regulations governing BSE with that of OIE guidelines as reflected in USDA APHIS final rule published in 2013. It was currently reviewing India's OIE dossier, and the result would be published and public comments welcomed.

2.344. India referred to the explicit recognition of OIE standards under Annex A.3 of the SPS Agreement, and invited the United States and Australia to share any additional factors that would be taken into consideration in determining India's BSE status.

2.345. In October 2015, India restated its concern that the United States did not accept the OIE categorization of India as a negligible risk country for BSE. India had shared its OIE dossier with the United States, but had not received any response yet. India urged the United States to carry out the assessment in accordance with OIE standards.

2.346. The United States reiterated its commitment to align its import regulations governing BSE with that of OIE guidelines as reflected in USDA APHIS final rule published in 2013. It was currently reviewing India's OIE dossier, and the result would be published and public comments welcomed.

2.16.2 Plant Health

US high cost of certification for mango exports (STC 373)

Raised by:	India
Supported by:	Brazil, Dominican Republic
Dates raised:	July 2014 (G/SPS/R/75, paras. 4.5-4.6), October 2014 (G/SPS/R/76, paras. 3.13-3.15), March 2015 (G/SPS/R/78, paras. 3.39-3.40), July 2015 (G/SPS/R/79, paras. 3.44-3.46), October 2015 (G/SPS/R/81, paras. 3.51-3.53)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.347. In July 2014, India raised its concerns on the high cost of certification for mango exports to the United States. Since April 2007, India had been granted access to export mangoes to the United States on the basis that its mangoes would first be irradiated, under the supervision of US inspectors, to mitigate the risk of fruit flies and stone weevil. India noted the high cost of certification that it had to bear, which involved funding the travel and accommodation of US inspectors at the irradiation facility and other US officials involved in the process at various other locations. These costs reflected 12% of the FOB costs per metric ton of mangoes exported to the United States. India requested that the United States recognize India's conformity assessment procedures, as was done for organic certification, or find other means to reduce the costs and enable Indian mangoes to remain competitive in the US market. Failure to find a solution could result in loss of India's market share.

2.348. The United States noted that India had been the first country to ship irradiated commodities to the United States and that the value of these exports had steadily grown, reaching US$1.6 million dollars in 2013. Several efforts had been undertaken to reduce the costs of the preclearance programme, such as collaboration on budget and financial issues. The United States had also amended its regulations to facilitate the importation of Indian mangoes by allowing

irradiation upon arrival in the United States. The United States requested India to submit a formal request for amendment of the US operational work plan.

2.349. In October 2014, India reiterated its concern regarding the high cost of certification for mango exports to the United States. Since 2007, India had been granted access to export mangoes to the United States on the basis that they would be irradiated, under the supervision of US inspectors, to mitigate the risk of fruit flies and stone weevil and noted they had shipped 1,600 metric tons of mangos to the United States. India noted that bearing the high cost of certification rendered its mangoes uncompetitive. While a trust fund had been created, India had suggested preclearance by the National Plant Protection Authorities, which had not been agreed on. In previous meetings, the United States had offered irradiation upon arrival which, however, would result in an economically unfeasible situation. Taking into account the past seven years of Indian mango exports to the United States, India requested mutual recognition of equivalence of mango certification and conformity assessment procedures in order to reduce costs and to facilitate trade, as had been done for organic certification.

2.350. The Dominican Republic expressed its support for India's concern and requested further information from the United States on the costs of import procedures.

2.351. The United States recalled that India had been the first country to export irradiated mangoes to the United States. While the value of Indian mango exports had risen every year since, the United States had attempted to accommodate India's concern by amending its legislation for irradiation upon importation to lower the costs of clearance. The United States reiterated that it was looking forward to receiving further proposals from India on how to lower the costs of mango clearance.

2.352. In March 2015, India reiterated its concern regarding the high cost of certification for mango exports to the United States. In previous meetings, the United States had offered the possibility of irradiation upon arrival. This solution had been discussed in a bilateral meeting held on 3 to 4 March 2015. India requested that the United States circulate a draft work plan for the irradiation upon arrival requirement.

2.353. The United States reported that the bilateral discussion in March 2015 had been productive. Two options had been discussed: (i) expansion of the current irradiation programme for mangoes (and pomegranates) in India through the approval of two additional irradiation facilities in India; and (ii) irradiation of Indian-origin mangoes (and pomegranates) upon arrival in the United States. The United States welcomed further engagement with India on this issue.

2.354. In July 2015, India restated its concerns about the high cost of certification for mango exports to the United States. Since April 2007, India had been granted access to export mangoes to the United States on the basis that its mangoes would first be irradiated, under the supervision of US inspectors. India noted the high cost of certification that it had to bear, which amounted to approximately 12% of the FOB costs per metric ton of mangoes exported to the United States. India recalled that in a bilateral meeting held in March 2015, the United States had offered the possibility of irradiation upon arrival, and India had requested circulation of the corresponding draft work plan.

2.355. Brazil and the Dominican Republic shared India's concern. Brazil noted that during the 2015 mango exports season, Brazil had spent half a million US dollars for the on-the-spot inspection carried by the US inspectors. Brazil noted that the procedures were costly and duplicative, and urged the United States to ease its requirements. The Dominican Republic requested further information from the United States on the costs of import procedures.

2.356. The United States confirmed that India had exported mangoes every year since the market was opened in 2007, and the value of those exports had risen to reach nearly 2 million US dollars in 2014. The United States recalled the two options that had been discussed in March 2015: (i) expansion of the current irradiation programme by resolving substantial deficiencies of new irradiation facilities in Vashi and Innova; and (ii) irradiation upon arrival in the United States. Additional information on the second option had been sent to India in June 2015. The United States welcomed further engagement with India to resolve these concerns and would plan a second visit when India's facilities were ready for certification. The United States noted that only

the irradiation facility at Nasik was currently certified. The United States also welcomed bilateral consultations with Brazil and the Dominican Republic.

2.357. In October 2015, India restated its concerns about the high cost of certification for mango exports to the United States. Since April 2007, India had been granted access to export mangoes to the United States on the basis that its mangoes would first be irradiated, under the supervision of US inspectors. India noted the high cost of certification that it had to bear, which amounted to approximately 12% of the FOB costs per metric ton of mangoes exported to the United States. India recalled that in a bilateral meeting held in March 2015, the United States had offered the possibility of irradiation upon arrival, and India had requested circulation of the corresponding draft work plan.

2.358. The Dominican Republic shared India's concern and considered the best option for a solution was to require treatment of the mangoes upon entry into the United States. Brazil also shared India's concern and noted that US inspections had nearly double the cost of those conducted by Brazilian inspectors. Brazil stated that India's options presented a good basis to begin discussions on a potential solution.

2.359. The United States confirmed that India had exported mangoes every year since the market was opened in 2007, and the value of those exports had risen to reach nearly US$2 million in 2014. The United States recalled the two options that had been discussed in March 2015: (i) expansion of the current irradiation programme by resolving the substantial deficiencies of the new irradiation facilities in Vashi and Innova; and (ii) irradiation upon arrival in the United States. Additional information on the second option had been sent to India in June 2015. The United States welcomed further engagement with India to resolve these concerns and would plan a second visit when India's facilities were ready for certification. The United States noted that only the irradiation facility at Nasik was currently certified. The United States looked forward to continue discussions on this issue with India and any other interested trading partners.

2.16.3 Other Concerns

Measures on catfish (STC 289)

Raised by:	China
Supported by:	
Dates raised:	October 2009 (G/SPS/R/56, paras. 21-22), October 2012 (G/SPS/R/69, paras. 29-30), October 2014 (G/SPS/R/76, paras. 3.20-3.21), March 2015 (G/SPS/R/78, paras. 3.37-3.38), July 2015 (G/SPS/R/79, paras. 3.27-3.28), October 2015 (G/SPS/R/81, paras. 3.25-3.26)
Relevant document(s):	G/SPS/N/USA/2171
Status:	Not reported
Solution:	
Date reported as resolved:	

2.360. In October 2009, China raised concerns about the US Federal Meat Inspection Act which potentially could have a significant impact on the international trade of catfish. According to the Act, regulatory responsibility for catfish was shifted from the Food and Drug Administration (FDA) to the US Department of Agriculture (USDA). USDA was mandated to draft a series of rules concerning the production and inspection requirements for catfish before the beginning of 2010; countries wanting to export or to continue exporting catfish to the United States were required to have their inspection system recognized by the USDA as equivalent to the US system. China had serious concerns about the possible negative impact this change of the regulatory system could have on the current catfish trade. China requested an explanation of the sudden change of the regulatory system, and whether any SPS risk factors had triggered the decision. China also questioned whether the US policy would remain consistent in order to avoid any adverse effect to the existing trade of catfish, and whether the existing trade between China and the United States would be taken into consideration when developing the new regulatory system.

2.361. The United States stated that the Food Conservation and Energy Act of 2008, signed into law on 18 June 2008, amended the Federal Meat Inspection Act and required USDA's Food Safety

Inspection Service (FSIS) to establish a new federal programme for the production and inspection of catfish. In preparation of the anticipated changes to the federal regulations, USDA had visited and communicated with many Members to alert them to the new law. Members were encouraged to participate in the rule-making process once it was announced and notified via the WTO, and to identify any potential concerns with the proposed regulation as soon as possible.

2.362. In October 2012, China recalled that in March 2011, the United States notified a requirement for mandatory inspection of catfish and catfish products which included catfish regulation with that of terrestrial animal meat products. Aquatic animal products presented lower risks than terrestrial animal products, and China sought an explanation and risk assessment from the United States. Moreover, China hoped that if the regulation were to be implemented, the United States would respect the traditional transitional period of 5 years considering China's developing country status.

2.363. The United States recalled that the Food Conservation and Energy Act of 2008 mandated that catfish be regulated under the Federal Meat Inspection Act. A proposed rule for the inspection of catfish was notified to the WTO and comments accepted until 24 June 2011. The US Department of Agriculture was still reviewing the comments and would notify the adoption of the final rules for inspection of catfish before implementation. The United States would make every effort to minimize disruptions to trade once the catfish inspection program began.

2.364. In October 2014, China recalled that in March 2011, the United States had notified its regulations for mandatory inspection of catfish and catfish products, intending to transfer the regulatory responsibility from the Food and Drug Administration (FDA) to the US Department of Agriculture (USDA). In 2014, USDA had been mandated to draft rules concerning the requirements for inspection of catfish and catfish products, which had included catfish regulation with that of terrestrial animal meat products. The biological characteristics, farming, processing and inspection of catfish products, however, were different from that of terrestrial animal meat products. The OIE had established terrestrial and aquatic animal health codes respectively, and there was no evidence that catfish products had higher food safety risks than other aquatic products. China raised its concern that USDA's inspection programme imposed additional costs on foreign catfish producers by requiring equivalence programmes. China believed that the inspection programme was a trade barrier and violated US obligations under WTO agreements. China urged the United States to adjust its mandatory inspection measure based on science, and to implement catfish inspection under the management regulations of aquatic products instead of terrestrial animal meat products.

2.365. The United States explained that the Food Conservation and Energy Act of 2008 had mandated that catfish be regulated under the Federal Meat Inspection Act. The Agricultural Act of 2014 had made the Food Safety and Inspection Service (FSIS) responsible for fish safety and inspection. The United States noted that FSIS was currently working on finalizing the catfish inspection rules, and that trading partners would be notified as soon as these rules were finalized.

2.366. In March 2015, China recalled that in the 2014 Farm Bill of the United States, the regulatory food safety oversight of all Siluriformes fish was moved from the Food and Drug Administration (FDA) to the United States Department of Agriculture's Food Safety Inspection Service (FSIS). FDA was traditionally in charge of other food products, including aquatic products. The proposed rule on mandatory inspection of catfish and catfish products, notified to the Committee in March 2011, would thus duplicate inspections already conducted by FDA on all catfish products. China also recalled the report published by the United States Government Accountability Office in May 2012. According to China, the report observed that the USDA proposed rule on mandatory inspections would duplicate existing government programmes and would not improve consumer safety. The USDA risk assessment published in July 2012 showed that the probability of food poisoning from catfish is very low, with only one salmonella outbreak linked to catfish in the past 20 years. China believed that the inspection programme was not based on a serious risk assessment, which violated US obligations under the SPS Agreement. China urged the United States to regulate catfish on a scientific basis, and to maintain the catfish inspection programme under the regulatory system of aquatic products.

2.367. The United States explained that the Food Conservation and Energy Act of 2008, known as the 2008 Farm Bill mandated that catfish be regulated under the Federal Meat Inspection Act and directed USDA to promulgate a rule to define catfish and provide for its mandatory inspection.

The Agricultural Act of 2014, known as the 2014 Farm Bill had made FSIS responsible for Siluriformes fish including catfish. The United States noted that FSIS was currently working on finalizing the catfish inspection rules, and that trading partners would be notified as soon as these rules were finalized.

2.368. In July 2015, China recalled its concerns regarding US regulations on the mandatory inspection of catfish and catfish product notified in March 2011, which transferred the regulatory food safety oversight of all Siluriformes fish from the Food and Drug Administration (FDA) to the United States Department of Agriculture's Food Safety Inspection Service (FSIS). As a result, the United States applied terrestrial animal meat inspection procedures for the imports of Siluriformes fish, including catfish. According to China, the inspection programme was not based on science and would result in a disguised restriction on international trade. China also recalled that according to the 2012 US Government Accountability Office report, the risk of food poisoning from catfish might be overestimated. China urged the United States to revoke all legislation on mandatory inspection of Siluriformes fish and to maintain the catfish inspection programme under the FDA regulatory system of aquatic products.

2.369. The United States explained that the regulation was based on relevant international standards and would also apply to domestic products. The United States welcomed comments from Members in this regard.

2.370. In October 2015, China raised its concern regarding the US regulation on Mandatory Inspection of Catfish and Catfish Products, which transferred the regulatory food safety oversight of catfish from FDA to the Food Safety Inspection Service (FSIS) of the United States Department of Agriculture (USDA). The 2014 US Farm Bill had extended the product range covered through this transfer from catfish to all Siluriformes fish. China observed that the USDA had previously been responsible for meat, poultry and processed eggs, while FDA had been in charge of other food products, including aquatic products. As such, China queried the application of terrestrial animal meat inspection procedures to aquatic products, highlighting that this approach was without precedent worldwide. China further noted that there was no evidence showing that Siluriformes fish posed a higher food-borne risk than other aquatic products and thus queried the rationale for changing the regulatory responsibility from FDA to USDA only for Siluriformes fish instead of all aquatic products. In addition, China believed that the US measure was not based on a scientific risk assessment in accordance with Article 5.1 of the SPS Agreement. China noted that the distinction between Siluriformes fish and other aquatic products could also result in a disguised restriction on international trade and as such, China urged the United States to base its regulation on relevant international standards or on a scientific risk assessment.

2.371. The United States replied that its measure had been published in February 2011 and notified to the SPS Committee in G/SPS/N/USA/2171. In particular, the United States noted the previous exchanges with China regarding the statutory details that underpinned this proposed rule, which remained unchanged. FSIS would continue to work to finalize its rule on fish inspection. The United States assured Members that it had closely reviewed the comments provided by its trading partners and that the final rule would be consistent with its international obligations.

US proposed rule for user fees for agricultural quarantine and inspection services (STC 388)

Raised by:	Mexico
Supported by:	
Dates raised:	March 2015 (G/SPS/R/78, paras. 3.11-3.12), July 2015 (G/SPS/R/79, paras. 3.56-3.57), October 2015 (G/SPS/R/81, paras. 3.61-3.62)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.372. In March 2015, Mexico raised a concern regarding the United States proposed rule for user fees for agricultural quarantine and inspection services. Mexico was particularly concerned about an increase of over 200% in the inspection services fees for commercial trucks with electronic

transmitters, and an increase of 52% of the current fee for other types of commercial trucks. Mexican agricultural exports entered the United States mainly via land. Since Mexico was one of the main trading partners of the United States and the main source of agricultural products, this measure would not only affect transportation costs for Mexico, but it would also have a direct effect on the prices for final consumers, generating inflation and putting at risk small and medium producers and thousands of jobs directly or indirectly related to this sector. Mexico also noted that the measure could be considered discriminatory against Mexican imports, violating the Article 2.3, since most other trading partners did not export via land and traded much smaller volumes with the United States. The regulation also countervailed Members' obligations on transparency, as it had not been officially notified to the WTO. In Mexico's view the regulation was also incompatible with Article 8 and Annex C of the SPS Agreement, which required that any fees imposed for procedures on imported products be limited to the processing cost and be no higher than the actual cost of the services. The Mexican Government and private sector had participated in the consultation procedures and had submitted their concerns. Mexico hoped that its comments would be taken into consideration and invited the United States to comply with the provisions of the SPS Agreement.

2.373. The United States noted that the APHIS proposed rule had been published on 25 April 2014. Due to the interest in this proposed rule by stakeholders, the comment period had been extended to 24 July 2014. Comments had been received from over 200 stakeholders and the review by APHIS was still ongoing. The United States assured Mexico that it would carefully consider its and other comments before proceeding with any decisions on the matter.

2.374. In July 2015, Mexico recalled its concern on an APHIS proposed rule for user fees for agricultural quarantine and inspection services. Higher transportation costs would result in higher prices for customers, threatening the livelihood of small-scale producers. In Mexico's views the measure violated the MFN principle, as well as Article 8 and Annex C of the SPS Agreement. Mexico urged the United States to take Members' comments into account.

2.375. The United States explained that the rulemaking process was still ongoing and that Mexico's comments would be considered before any decision was taken. The United States welcomed future bilateral discussions.

2.376. In October 2015, Mexico recalled its concern on an APHIS proposed rule for user fees for agricultural quarantine and inspection services. Higher transportation costs would result in higher prices for customers, threatening the livelihood of small-scale producers. In Mexico's view the measure violated the GATT, MFN principle, as well as Article 8 and Annex C of the SPS Agreement. Mexico requested an update on the draft regulation and urged the United States to take Members' comments into account as well as to comply with the transparency provisions of the SPS Agreement.

2.377. The United States explained that the rulemaking process was still ongoing and that Mexico's comments would be considered before any decision was taken.

2.17 Viet Nam

2.17.1 Animal Health

Undue delays in Viet Nam's approval process for dairy and meat products (STC 401)

Raised by:	Chile
Supported by:	
Dates raised:	October 2015 (G/SPS/R/81, para. 3.13)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.378. In October 2015, Chile raised its concern regarding undue delays in Viet Nam's approval process for meat and dairy products, noting that while it had expressed interest in exporting dairy

and meat products to Viet Nam from 2009, a response was only received in 2011 from Viet Nam's Official Veterinary Service requesting more information. Chile further explained that it had submitted all the necessary information, along with proposals for sanitary export certificates for the specified products in 2012. This resulted in Viet Nam approving the certificates for dairy products in February 2015. While Chile expressed its appreciation for this result, it indicated that it still had not received authorization for the list of certificates which would allow exports from the dairy sector. In relation to meat products, Chile informed the Committee that although Viet Nam had communicated its approval of 10 meat processing establishments in 2013, the approval of the respective certificates was still under review by Viet Nam. Chile outlined the various steps it had taken to provide new, updated and previously submitted information to Viet Nam based on its several requests, as recently as in July 2015. Chile underscored that while it had not received any reply during this period, it had been informed by capital officials that a recent communication had been received from Viet Nam. Chile affirmed that its animal health conditions were optimal, free from major diseases that could limit exports and that the quality of its sanitary health services guaranteed this status. Chile appreciated the positive bilateral relationship with Viet Nam and hoped that the issue would be rapidly resolved, in accordance with Articles 2.2, 5 and 6, and Annex C (1a) of the SPS Agreement.

2.17.2 Plant Health

Viet Nam's restrictions on fruit due to fruit flies (STC 398)

Raised by:	Chile
Supported by:	
Dates raised:	October 2015 (G/SPS/R/81, paras. 3.7-3.8)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.379. In October 2015, Chile expressed concerns about Viet Nam's restrictions on its horticultural products due to fruit fly. In August 2015, Viet Nam had informed Chile of its suspension of fruit imports, as Chile was not recognized as free of fruit flies and would not regain its status until Viet Nam was able to carry out a PRA. Chile explained that since 1980, it had operated a fruit fly programme administered by the National Plant Protection Organization (NPPO), through which Chile maintained the National Fruit Fly Detection System (SNDMF). SNDMF ensured that Chile was free from the Mediterranean fruit fly and from other exotic fruit flies of economic significance, based on the IPPC guidelines. Chile had eradicated fruit flies from each of the outbreak areas for three biological life cycles of the insects. Currently, there were two Mediterranean fruit fly outbreaks in Chile, for which a timely corrective action plan had been initiated to achieve eradication. Chile indicated that since it had taken action to eradicate the pest, there had been no exports of fruit from the pest-infected areas and all fruit exports were inspected prior to shipping. As such, Chile considered Viet Nam's measure to be disproportionate and without scientific basis, and urged Viet Nam to comply with the SPS Agreement, in particular with Articles 2.2, 2.3, 3, 5.4, 5.5, 5.6 and 6. Finally, Chile thanked Viet Nam for the bilateral discussions held and expressed its willingness to continue to address the issue in a positive manner.

2.380. Viet Nam replied that the temporary suspension of issuing import permits, due to Mediterranean fruit flies, was aimed at protecting Viet Nam's plant health from risks arising from pests. Chile had experienced outbreaks of Mediterranean fruit flies from March to May 2015. In October 2014, Viet Nam's Ministry of Agriculture and Rural Development had published the list of pests, where fruit flies had been assigned to quarantine pest group 1. This group listed high risk pests that had never been previously introduced into Viet Nam. The Circular had been notified to the WTO (G/SPS/N/VNM/63 and G/SPS/N/VNM/63/Add.1) and Viet Nam further noted that the temporary suspension was aligned with ISPM 11. Although Viet Nam had sent official letters to Chile requesting more information on the outbreaks in order to carry out a PRA and other regulatory quarantine procedures, Viet Nam had not yet received adequate information to start the process. Viet Nam requested that Chile work closely with the competent authorities in Viet Nam to resume the discussions.

Viet Nam's restrictions on plant products (STC 399)

Raised by:	Chile
Supported by:	
Dates raised:	October 2015 (G/SPS/R/81, paras. 3.9-3.10)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.381. In October 2015, Chile raised a concern on Viet Nam's restrictions on the entry of kiwis, apples, cherries and grapes. Chile explained that it had a history of exporting fruits to Viet Nam and that during that time it had never received notifications of detected pests in its exported products. Since 2011, Chile had been submitting phytosanitary information on these fruits in order for Viet Nam to develop pest risk analyses (PRAs). Two regulations, among others, had been subsequently notified by Viet Nam in 2014 (G/SPS/N/VNM/53 and G/SPS/N/VNM/56), which outlined new regulations for PRAs. In February 2015, Viet Nam shared the PRA for Chilean fruit products but Chile noted several inaccuracies in the document, related to the listed pests. Chile subsequently requested that Viet Nam provide responses to its comments, as well as confirmation that exports of the four fruits could continue while the respective PRAs and a bilateral agreement for conditions of exports were being completed. Inspectors from Viet Nam were subsequently invited to perform a verification of the production and export systems of Chilean fruit products. However, in the same month, Chile received Viet Nam's response to its comments with a 60-day deadline to respond. In particular, Chile was concerned about the new measures which required radiation treatment of fruit, as this had never been required in the history of its trade with Viet Nam or by any other Member. Chile asked Viet Nam to consider its commitments under the SPS Agreement and expressed its willingness to continue bilateral discussions in order to agree on new measures that would provide appropriate phytosanitary security without affecting normal trade.

2.382. Viet Nam responded that it was revising its regulations in order to comply with international practices. It had circulated G/SPS/N/VNM/53 and G/SPS/N/VNM/53/Add.1 in order to notify Members about the Circular from Viet Nam's Ministry of Agriculture and Rural Development regarding the list of regulated articles and regulated articles subject to PRA, prior to importation into Viet Nam. Viet Nam noted that import permits would continue to be issued for commodities that had historic trade to Viet Nam and that Chilean export of vegetables for human consumption had been authorized, and were not impacted by this regulation. Viet Nam highlighted that the PRA had already been completed and that it was awaiting Chile's response. Viet Nam further indicated its willingness to discuss and resolve any issue arising from implementation of the new regulation.

2.18 Certain Members

2.18.1 Food Safety

Import restrictions in response to the Japanese nuclear power plant accident (STC 354)

Raised by:	Japan
Supported by:	
Dates raised:	June 2013 (G/SPS/R/71, paras. 4.7-4.11), March 2014 (G/SPS/R/74, paras. 3.11-3.12), July 2014 (G/SPS/R/75, paras. 4.31-4.32), October 2014 (G/SPS/R/76, paras. 3.11-3.12), March 2015 (G/SPS/R/78, paras. 3.18-3.19), July 2015 (G/SPS/R/79, paras. 3.39-3.41), October 2015 (G/SPS/R/81, paras. 3.32-3.33)
Relevant document(s):	Raised orally
Status:	Not reported
Solution:	
Date reported as resolved:	

2.383. In June 2013, Japan raised concerns over restrictions on Japanese food exports in the wake of the Fukushima incident. Following the incident, Japan had been closely monitoring food products for the presence of radionuclides and, as of April 2012, had imposed a food intervention exemption level of 1mSv/year - equivalent to the Codex standard. However, the dietary exposure estimates from total diet studies were far below 1 mSv/year across all studies - including those completed in Fukushima Prefecture. Based on this scientific data, Japan requested all Members to lift any import restrictions on Japanese exports. Japan thanked those Members that had already lifted most or all such measures, but noted that China, Hong Kong, China and Chinese Taipei continued to maintain import bans on many Japanese food exports. Japanese foods placed on the market were safe for human consumption without any extra control measures; nonetheless, Japan was willing to certify compliance with the radionuclide regulation for each consignment as a provisional measure. Hong Kong, China and Chinese Taipei had already begun to analyse the monitoring data provided by Japan, and Japan looked forward to the opportunity the meet with China regarding this trade concern.

2.384. Chinese Taipei explained that although Japanese food exports contained acceptable trace levels of radionuclides, those levels still raised concern for Chinese Taipei and its consumers, consumer protection groups, and legislators. In order to assuage these concerns, Chinese Taipei requested further information from Japan, including about its surveillance methodology and control measures. Chinese Taipei also requested that foods exported from the five restricted prefectures be accompanied by a certificate of origin and a pre-export laboratory report certifying that they had been tested for radioactivity. The relevant supplementary documents had been received from Japan on 13 June 2013 and were under review. Chinese Taipei expressed its desire to continue normal communications and co-operation with Japan in the future.

2.385. Hong Kong, China explained that its import restrictions were based on public health concerns over food imported from the five affected prefectures in Japan. It was waiting for further information from Japan in order to fully assess the threat level presented by Japanese imports. Hong Kong, China stated that it would continue to monitor information from Japan and other relevant international organizations and would adjust its import measures according to any new updates.

2.386. China responded that it only restricted the import of products produced in seriously nuclear-contaminated areas and those products seen as high-risk. The detection of nuclear contamination in food and agricultural products in Japan had been on-going. China requested that Japan urge its relevant departments and enterprises to take measures that would ensure all food and agricultural exports were uncontaminated by nuclear matter and could satisfy the Chinese national standards.

2.387. Japan explained that the detection of nuclear contamination in agricultural and food products noted by China only occurred in products that were not legally released to the market. Japan continued to monitor these products.

2.388. At the March 2014 meeting, Japan reiterated its concern over import restrictions by China on Japanese food exports, mainly food and feed, following TEPCO's nuclear power station incident. China maintained the ban on all types of food and feed from 10 prefectures in Japan and requested the submission of an official pre-test certificate for fruits, vegetables, milk products, medicinal plants and fishery products from all other prefectures. Japan considered that these measures were more trade restrictive than necessary and not based on the relevant international standard. Furthermore, China had not yet approved the form for the requested certificate. Japan requested that China expeditiously finalize its analysis of the proposed certificate, and either accept or specify amendments, if any, to the proposed form.

2.389. China explained that since the nuclear leak incident, serious contamination threats existed to Japan's maritime products. Several adjustments had been made to inspection and quarantine measures since then. China had requested information from Japan in order to conduct a risk assessment. In addition, due to the risk of radioactive contamination of alcoholic beverages, a prohibition had been imposed in accordance with the enhanced inspection and quarantine measures of Japan. Based on the conclusions of its risk analyses, China had permitted a number of imports from two prefectures.

2.390. In July 2014, Japan reiterated its concern over import restrictions by China on Japanese food exports, following TEPCO's nuclear power station incident. China maintained a ban on products from ten prefectures in Japan and requested the submission of an official pre-test certificate for fruits, vegetables, tea, milk, medicinal plants and their products from other prefectures. These measures were more trade restrictive than necessary, not based on the relevant Codex standards and applied in a manner that constituted a disguised restriction on international trade. Japan requested that China promptly accepted the proposed pre-test certificate and lift the import ban on the ten prefectures.

2.391. China explained that since the nuclear leak incident, serious contamination threats existed to Japan's agriculture and maritime products. Several adjustments had been made to inspection and quarantine measures since then. China had received Japan's request to lift the import restrictions and was in the process of reviewing technical data and conducting research and risk analyses. The current measures would be reviewed accordingly.

2.392. In October 2014, Japan recalled its concern over import restrictions by China on Japanese food exports, following TEPCO's nuclear power station incident. Japan regretted that no progress had been made since the July 2014 SPS Committee Meeting, as China maintained a ban on products from ten Japanese prefectures. This ban might not be based on international standards and be more trade-restrictive than required to achieve the appropriate level of protection. In June 2013, Japan had provided China with monitoring results that had demonstrated that Japan's food was safe for human consumption. Moreover, Japan raised its concern that additional prefectures were also subject to import bans on vegetables, fruits, tea, milk, medicinal plants and related products. While China had announced in 2011 that it would lift the import ban on those products, it had since been reluctant to do so, although Japan had proposed pre-test certificates. Japan was concerned that China deliberately avoided any progress on this issue, raising the doubt that China was applying its measures in a manner which might constitute a disguised restriction on international trade. Japan requested China to immediately accept Japan's pre-test certificates, and to lift the import ban without further delay.

2.393. China explained that TEPCO's nuclear power station incident, which had brought great losses to Japan, had posed serious threats to food safety. China had imposed corresponding measures on agricultural and marine products from Japan, based on risk assessment in compliance with international practice. China had already adjusted the inspection and quarantine measures for Japanese food and agricultural products, and continued to apply restrictions only for high-risk products from seriously polluted regions. Following Japan's request, China was currently analyzing the technical data provided and would review the measures accordingly.

2.394. In March 2015, Japan recalled its concern over import restrictions by China on Japanese food exports, following TEPCO's nuclear power station incident. Japan had expressed the same concern three times consecutively since last March and regretted that no progress had been made, since China still maintained a ban on products from ten Japanese prefectures. In Japan's view, this ban was not based on international standards and was more trade-restrictive than required to achieve the appropriate level of protection. In June 2013, Japan had provided China with monitoring results that demonstrated that Japan's food was safe for human consumption. Japan was also concerned about additional prefectures subject to import bans on vegetables, fruit, tea, milk, medicinal plants and related products. While China had announced in 2011 that it would lift the import ban on these products, it had since been reluctant to do so, despite Japan's proposal of pre-test certificates. Japan was concerned that China deliberately avoided any progress on this issue, raising the doubt that its measures were applied as a disguised restriction on international trade. Japan requested that China immediately accept Japan's pre-test certificates, and lift the import ban without further delay.

2.395. China explained that TEPCO's nuclear power station incident, which had brought great losses to Japan, had posed serious threats to food safety. China had imposed corresponding measures on agricultural and marine products from Japan, based on risk assessment in compliance with international practice. China had already adjusted the inspection and quarantine measures for Japanese food and agricultural products, and continued to apply restrictions only for high-risk products from seriously polluted regions. China expressed concerns about reports by Japanese media about the monitoring procedures for nuclear pollution of the Fukushima Daiichi Nuclear power plant. According to Japanese media, the company responsible for the monitoring had used simple detection methods and had directly discharged nuclear wastewater into the open sea.

Additionally, no action had been taken after discovering a high presence of radioactive substances in some drainage channels. China invited Japan to verify the media reporting and noted that China would take measures according to the technical documents provided by Japan and to the experts' assessment results.

2.396. In July 2015, Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station. Japan recalled that despite raising this concern in each Committee meeting since March 2014, no progress had been made. Japan regretted that China maintained a ban on products from ten prefectures without considering additional information provided. Japan had proposed pre-test certificates in June 2011, answered all technical questions asked in August 2012 and shared a comprehensive monitoring result in June 2013. Japan reiterated its concerns that China had deliberately avoided any progress on this issue for more than three years, and that its measures and actions were not in line with the requirement of several articles of the SPS Agreement including Article 2.3, Article 7 and Annex B as well as Article 8 and Annex C. Japan urged China to accept the proposed form of the pre-test certificate and to immediately lift the import ban on the ten Japanese prefectures. Japan stressed that it would consider every effective option for the resolution of this issue.

2.397. China explained that it had been adjusting its measures on Japanese imports in accordance with Japan's nuclear pollution status and its risk analysis results. Import restrictions were currently imposed only for high-risk products from seriously polluted regions. China noted that through smooth bilateral cooperation, exports from Japan had increased each year since 2012, and in 2014 represented more than 85% of the level of exports in 2010. China noted that the monitoring of the Fukushima Daiichi power plant revealed that Japan's control measures were unsatisfactory, especially regarding the treatment of radioactive waste water, which had delayed the lifting of import restrictions. China was currently conducting a risk assessment on the latest status of nuclear pollution, based on updated information received in April 2015.

2.398. Japan appreciated China's comments and welcomed more consultations between the competent authorities of both governments.

2.399. In October 2015, Japan reiterated its concern regarding the import restrictions imposed by China on Japanese food exports after the accident at TEPCO's Fukushima Daiichi Nuclear Power Station. Japan recalled that despite raising this concern in each Committee meeting since March 2014, no progress had been made. Japan regretted that China maintained a ban on products from ten prefectures without considering the additional information provided on pre-test certificates in June 2011. Japan stated that since then no substantive response from China indicating the scientific justification of the ban had been received. Japan also questioned the duration of the risk assessment currently being conducted by China, which was taking too long. In September 2015, Japan had sent an official request to China requesting clarification and justification of its measures in light of the provisions of the SPS Agreement. Japan strongly urged China to complete its risk assessment and respond to the official request to facilitate progress on this concern.

2.400. China stated that it had provided a detailed explanation and clarification at the last meeting of the Committee. China was currently conducting a risk assessment on the latest status of nuclear pollution and would adjust its measures according to the results.

2.18.2 Animal Health

General import restrictions due to BSE (STC 193)

Raised by:	European Union; United States of America
Supported by:	Canada; Switzerland; Uruguay
Dates raised:	June 2004 (G/SPS/R/34, paras. 37-38), October 2004 (G/SPS/R/35, paras. 85-86), June 2005 (G/SPS/R/37/Rev.1, paras. 75-76), February 2007 (G/SPS/R/44, para. 29), October 2008 (G/SPS/R/53, paras. 24-28), February 2009 (G/SPS/R/54, paras. 11-12), June 2009 (G/SPS/55, para. 47), October 2009 (G/SPS/R/56, para. 46), March 2010 (G/SPS/R/58, paras. 35-36), June 2010 (G/SPS/R/59, para. 44), October 2010 (G/SPS/R/61, para. 24), March 2011 (G/SPS/R/62, para. 65), June 2011 (G/SPS/R/63, paras. 73-74), October 2011 (G/SPS/R/64, paras. 98-99), March 2012 (G/SPS/R/66, paras. 28-31), July 2012 (G/SPS/R/67, paras. 45-48), October 2012 (G/SPS/R/69, paras. 49-52), March 2013 (G/SPS/R/70, paras. 3.20-3.24), June 2013 (G/SPS/R/71, paras. 4.33-4.35), October 2013 (G/SPS/R/73, paras. 3.44-3.46), March 2014 (G/SPS/R/74, paras. 3.28-3.30), July 2014 (G/SPS/R/75, paras. 4.33-4.37), October 2014 (G/SPS/R/76, paras. 3.26-3.30), March 2015 (G/SPS/R/78, paras. 3.30-3.32), July 2015 (G/SPS/R/79, paras. 3.29-3.30), October 2015 (G/SPS/R/81, para. 3.65)
Relevant document(s):	Raised orally
Status:	Partially resolved
Solution:	Solutions notified regarding certain members
Date reported as resolved:	

2.401. In June 2004, the European Communities raised concerns about unjustified import restrictions on EC exports due to concerns about BSE. To satisfy consumer demands, the European Communities had adopted comprehensive measures to address risks relating to BSE. These measures applied both to products intended for consumption within the European Communities and to those destined for export. The system of geographical assessment used in the European Communities had successfully identified countries in which the disease was still present. The European Communities called on other countries to replace import bans, which exceeded OIE recommendations and yet did not fully address potential internal risks, with specific import requirements in accordance with OIE standards. Many products, such as semen, embryos and dairy products, could be traded with predefined guarantees. Members were urged to take into consideration OIE recommendations for international trade and to stop discriminating among Members with similar BSE conditions.

2.402. In October 2004, the United States also raised concerns on this issue by noting that some Members were reviewing their import restrictions on US beef and also urged all those Members who had not done so to align their regulations in accordance with OIE standards.

2.403. Canada recalled that at its last meeting the OIE had reconfirmed that some products, such as semen, embryos, hides, and milk, did not contribute to the transmission of BSE. Hence the imports of these types of products did not provide a potential pathway for introduction of the disease.

2.404. In October 2004, the European Communities informed the Committee that several WTO Members had reviewed their bans on EC beef and small bovine ruminant products and replaced them with specific requirements in accordance with OIE standards. The European Communities urged all those Members who had not yet done so to align their regulations in accordance with OIE standards. The United States noted that some Members were reviewing their import restrictions on US beef and also urged all those Members who had not done so to align their regulations in accordance with OIE standards.

2.405. In June 2005, the European Communities reported that the number of countries that had lifted their respective bans on EC bovines and bovine products in accordance with OIE standards had been regularly growing, including also non-Members of the WTO. According to the revised BSE

chapter of the Terrestrial Animal Health Code, many bovine derived products, including deboned skeletal muscle and blood products, could be safely traded regardless of the BSE status of the exporting country. The European Communities invited the remaining WTO Members to replace their import bans with specific import requirements in accordance with OIE standards.

2.406. In February 2007, the United States expressed concern that US ruminant and non-ruminant products continued to face BSE-related restrictions. Although there had been some progress and a number of Members had removed measures, US products continued to face overly restrictive measures which exceeded the OIE standards. The United States had undertaken extensive surveillance and put in place interlocking safeguards, nonetheless many restrictions remained in place. The United States asked Members to review the evidence now available and to revise their requirements accordingly.

2.407. In October 2008, the European Communities recalled the concerns previously raised by Canada regarding Korea's restriction on beef imports. The European Communities also had concerns regarding restrictions maintained by other WTO Members on beef exported from the European Communities even though these beef products were considered safe and in compliance with the BSE chapter of the OIE Terrestrial Animal Health Code.

2.408. Canada shared the EC concerns and asked Members to base their measures on the BSE chapter provisions of OIE Terrestrial Animal Health Code. In May 2007, Canada was officially recognized by the OIE as controlled-risk for BSE and this was reconfirmed in May 2008. Canada was grateful to the increasing number of WTO Members that restored full or partial access for beef and cattle. Canada urged other Members to resume full trade in beef and cattle based on the OIE designation.

2.409. Uruguay supported the concerns of the European Communities and Canada. With regard to animal health regulations applied to trade, Uruguay stated that all WTO Members should conform to the OIE designation and to the standards of the three sisters in general. Switzerland also supported the EC concern on restrictions due to BSE.

2.410. The representative of the OIE urged Members to abide by the standards enacted by the OIE.

2.411. In February 2009, the European Communities drew attention to the OIE standard for BSE, which did not recommend trade restrictions on de-boned beef from animals aged less than 30 months. The European Communities met this standard, but its exports were still facing trade restrictions. National restrictions maintained despite the OIE Code undermined this standard that had been adopted after long negotiations, thus damaging the credibility of the OIE. The OIE was planning to update the Code, because there was compelling evidence that the age requirement was not necessary, but the European Communities questioned whether this was worthwhile if Members did not apply the standard in any case. Trade in beef was important, and BSE issues were among the concerns most frequently raised in the SPS Committee. The European Communities appealed to Members to make greater efforts to base their measures on the relevant OIE standards. Jordan was now accepting the OIE Code, as did the European Communities, and others should follow this example.

2.412. OIE explained that the BSE standards had been democratically adopted by OIE members, and were in fact very conservative. The OIE was considering removing the age requirement, and relaxing the restrictions on gelatine. There was still a wide margin of safety built into the standards, and it was worrying that there was a lack of willingness on the part of Members to apply them.

2.413. In June 2009, the European Communities again drew attention to restrictions on bovine meat and related products still imposed by many Members. The European Communities requested that unjustified and discriminatory restrictions be removed. The OIE Code stated that no bans were necessary even if a country reported cases of BSE. EC measures to control BSE were exemplary and went far beyond OIE requirements, and the European Communities urged Members to establish fair, non-discriminatory and transparent rules for the import of bovine products.

2.414. In October 2009, the European Communities recalled that they had repeatedly raised concerns about unjustified restrictions by some WTO Members on imports of bovine, ovine and related products allegedly in response to transmissible spongiform encephalopathy. Any measures should be based on the relevant international standards. While many were aligning their processes to OIE recommendations, other Members still required unnecessary certification, applied burdensome and lengthy procedures and discriminated between countries without scientific basis. EC measures to eradicate and control BSE were comprehensive and offered every guarantee that EC exports were safe. The European Communities urged Members to fully take into consideration the latest OIE BSE guidelines and to establish fair, non-discriminatory and transparent rules.

2.415. In March 2010, the European Union reported that certain WTO Members still maintained unjustified import restrictions arguably to protect against Transmissible Spongiform Encephalopathies (TSE). The European Union urged Members to lift any unnecessary, disproportionate, or discriminatory restrictions which negatively affected EU exports. The OIE recommendations on BSE, which were reviewed in May 2009, included the possibility to import meat or even live animals from countries having a "negligible", "controlled", or "undetermined" BSE risk status, as long as the OIE rules on surveillance and control were followed. In addition, for certain products under specific conditions, such as de-boned skeletal muscle meat, milk and milk products, semen and embryos, there should be no BSE import requirements regardless of the BSE risk or the age of the cattle population of the exporting country, zone or compartment.

2.416. Switzerland supported the concerns raised by the European Union, stating that WTO Members should base their measures on the OIE recommendations and available data on BSE.

2.417. In June 2010, the European Union reported that certain WTO Members still maintained unjustified import restrictions to protect against TSE. The European Union urged Members to lift any unnecessary, disproportionate, or discriminatory restrictions which negatively affected EU exports. The European Union recalled that OIE had issued BSE standards based on scientific risk assessments and defined the conditions under which commodities could be safely traded. In May 2010, additional wording was inserted in Article 11.6 of the OIE Terrestrial Animal Health Code to clarify that, providing the commodities had been imported in accordance with those conditions, the status of the importing countries would not be affected. The European Union recalled the OIE recommendations, and observed that some Members had recently announced new measures which, without any scientific justification, deviated from OIE standards. The European Union urged Members to align themselves with the OIE process and to process applications from the European Union.

2.418. In October 2010, the European Union noted that restrictions of imports due to BSE remained of great concern and urged Members to lift any unnecessary, disproportionate and discriminatory restrictions. A number of WTO Members continued to impose unjustified import restrictions, such as allowing imports only from countries that had a negligible risk status according to the OIE classification or where no cases of BSE had been notified at all. There had been, however, some positive developments. The Philippines had announced the lifting of import restrictions on beef from most of EU member States, and Egypt was now allowing imports of de-boned beef from animals younger than 48 months. The European Union urged Members to quickly align their requirements with the OIE standards, and to establish fair, non-discriminatory, transparent and scientifically sound import requirements.

2.419. In March 2011, the European Union urged Members to lift unnecessary restrictions negatively affecting EU beef exports. The OIE standard highlighted that there should not be restrictions on some bovine products regardless of the BSE-risk status of the country. Unfortunately, several unjustified restrictions from Members only allowed imports from countries with a negligible BSE-risk assessment. In addition, there had also been a number of discriminatory practices and inconsistencies in the level of protection of some countries. The European Union urged Members to align their requirements with OIE standards and acknowledged the many countries that had started the assessment process to allow imports.

2.420. In June 2011, the European Union expressed concerns that several Members had not yet implemented the OIE standard on BSE and continued to impose bans or trade restrictions on EU beef products. These Members should either implement the OIE standard, or else share their scientific risk assessment. To date, the European Union had not seen any scientific justification for

restrictions that went beyond the OIE standards. The European Union welcomed the implementation of the OIE standards by several Members, as well as the process begun by the United States and Australia, which would eventually allow the import of EU beef products. The European Union urged Members to fully take into account the OIE standards and establish fair, non-discriminatory, transparent, and scientifically based rules.

2.421. Canada was pleased to note that a large number of Members had approved the import of Canadian beef based on the OIE standards, and joined the European Union in asking Members to base their measures on OIE standards.

2.422. In October 2011, the European Union recalled that it had repeatedly raised concerns that several Members continued to impose bans or restrictive conditions on products from EU member States allegedly because of BSE, but without respecting the international standards as required by the SPS Agreement. The OIE standard on BSE was very well developed and provided details regarding the disease and conditions for the safe trade of bovine products. This meant that there was no need for additional risk assessments or for any trade restrictions at all on the well-defined safe products, such as deboned meat, regardless of the BSE risk status of the country. Despite having raised this same concern for a long time, no one had ever provided a scientific risk assessment that would justify any deviation from the international standard. In this regard, the European Union urged, in particular, China, Japan and South Korea to bring their requirements into line with the international standards and the SPS Agreement. The European Union welcomed recent developments in Australia and urged Australia to finalize this process quickly. The United States was also moving towards the adoption of comprehensive BSE rules and the European Union expected to see this process rapidly lead to US requirements fully in line with the OIE standard and a tangible outcome for trade. The European Union urged all Members to fully align their BSE-related requirements with the OIE standards and thus establish fair, non-discriminatory, transparent and scientifically justified requirements.

2.423. Japan and Korea both expressed their understanding of the EU concern and indicated that they would continue discussions on this issue in bilateral meetings. China indicated that it sought further information from the European Union in order to finish its risk analysis. There was a fruitful dialogue between both Members, and China called on the European Union to provide further information and maintain its close relationship with the Chinese scientific panel.

2.424. In March 2012, the European Union recalled that it had repeatedly raised concerns about the continued bans or restrictive conditions on bovine products from EU member States - allegedly because of BSE - that did not respect the international standards as required by the SPS Agreement. The OIE standard on BSE provided details regarding the disease and conditions for the safe trade of bovine products. Despite the long history of this concern, no Member had ever provided a scientific risk assessment that would justify any deviation from the international standard. The European Union urged, in particular, China, Japan and South Korea to bring their requirements into line with the international standards and the SPS Agreement, and Australia to quickly finalize its assessment process. The recent steps by the United States to align its import conditions with the OIE standard were welcomed, and a fast implementation of conditions in line with OIE standards was expected. The European Union urged all Members to fully align their BSE-related requirements with the OIE standards and thus establish fair, non-discriminatory, transparent and scientifically justified requirements.

2.425. Korea indicated its willingness to continue bilateral discussions on this issue.

2.426. China recalled its cooperation with the European Union, including in 2011 a joint BSE prevention and control training that resulted in a productive exchange on the relevant science and technology, and the standards of the OIE. Although no consensus was reached on certain issues, China would continue to bilateral discussions on the relevant technical issues.

2.427. Japan reported that it had already started discussions with the European Union, and that its Food Safety Commission Risk Assessment Body was requested in December 2011 to conduct a risk assessment on beef imports from France and the Netherlands. This risk assessment was conducted in a neutral and fair manner on the basis of scientific data. The Food Safety Commission would assess the risk of beef from the other EU member States when the necessary information was verified, including through onsite investigation and collection of data.

2.428. In July 2012, the European Union observed that many trading partners continued to impose unjustified bans or restrictions relating to BSE, although more than half of these countries did not benefit from official BSE classification by the OIE as did the EU member States. The European Union urged Korea to make tangible and predictable progress to bring its import conditions into line with the OIE standards. This request was particularly urgent as Korea had opened its market to other trading partners which had the same BSE status as most of the EU member States. China was still keeping its market closed, claiming a lack of scientific information, although there was sufficient evidence regarding the EU BSE situation. The European Union requested China to provide the scientific risk assessment that would justify deviations from the OIE standard, or to immediately start the administrative procedures to implement the international standards. The European Union requested Japan to continue progress on pending applications so that trade could soon resume. The European Union noted the recent steps taken in the United States towards bringing its requirements into line with the OIE standards, and urged all Members to fully align with the OIE standards and establish fair, non-discriminatory, transparent and science-based rules.

2.429. China indicated that bilateral talks had taken place with the European Union on the BSE issue at various levels. China had repeatedly presented its views on BSE and emphasized that no international organization could deny countries the right to present their views based on science. A lot of work had been carried out by China on risk analysis regarding BSE.

2.430. Japan recalled that its food safety committee had started the risk assessment of beef from France and the Netherlands, and this was being discussed by experts. As for other EU member States, additional consultations were needed. Japan remained open for further co-operation with the European Union to resolve the issue.

2.431. Korea noted the on-going active communication between Korea and the European Union on the issue at the technical level. Additional discussions at the technical level were needed, and were in the interest of both sides.

2.432. In October 2012, the European Union observed that many trading partners continued to impose unjustified bans or restrictions relating to BSE, although some of these countries did not benefit from official BSE classification by the OIE as did the EU member States. The European Union once again urged Korea to make tangible and predictable progress to bring its import conditions into line with the OIE standards and requested China to quickly proceed with pending market access applications. The European Union welcomed the recent developments in Japan, where the risk assessment with regard to imports of beef had been submitted for public consultation. As a result of the scientific outcome, the European Union looked forward to beef exports being resumed in the near future. The European Union noted the recent steps taken in the United States and Australia towards bringing their requirements into line with the OIE standards, and urged all Members to fully align with the OIE standards and establish fair, non-discriminatory, transparent and science-based rules.

2.433. China indicated that the issues surrounding BSE were particularly sensitive and technical, involving not only the proper handling of animal health and husbandry, but also directly affecting China-EU co-operation and trade. China had provided thorough information to the European Union in relation to its scientific justification. Recognizing the importance of the issue particularly for exports from the Netherlands and Ireland, China had jointly organized co-operation activities with the European Union including technical exchanges among experts, seminars and technical visits. These exchanges focused on topics related to the science, technology and the OIE standards. However, no consensus had been reached on some issues. China would continue co-operation exchanges with EU technical experts in a scientific and pragmatic manner in order to solve the relevant technical problems. China had signed an MOU with Ireland for the establishment of a joint working group on BSE.

2.434. Korea indicated that it was actively engaged in bilateral discussions with the European Union, including discussions this same week, and would continue to have discussions with the European Union in this regard.

2.435. Japan reported that the risk assessment process was underway, specifically for beef from France and the Netherlands. Japan would continue close consultations with the European Union and its member States.

2.436. In March 2013, the European Union welcomed the notification from Thailand on the alignment of its SPS measures with the international standards on BSE, and appreciated that Japan had authorised access of bovine meat from EU member States. Nevertheless, many trading partners continued to impose unjustified bans or restrictions relating to BSE, although some of them did not benefit from official BSE classification by the OIE as did EU member States. Furthermore, in some cases EU products faced discrimination compared to other trading partners with a similar or even less favourable risk status. China was still keeping its market closed, despite the detailed information provided about the EU animal and food safety system, and had not provided a risk assessment to justify its measure. The European Union urged China to bring its import conditions into line with the OIE standards and to remove the unjustified restrictions against EU beef and beef products. The European Union welcomed the process in Korea to assess applications received from some EU member States and urged Korea to proceed in a speedy manner to ensure market access for EU beef, given that Korea had opened its market to other trading partners which had the same BSE status as EU member States. The European Union noted the on-going processes in the United States and Australia towards aligning their import conditions with the OIE standards and looked forward to effective market access without any further delay. The European Union urged all Members to fully align with the OIE standards and establish fair, non-discriminatory, transparent and science-based rules.

2.437. China indicated that in its many bilateral discussions it had repeatedly informed the European Union on its policies regarding BSE. BSE was still a high risk disease in the EU area, as in the last three years approximately 90 BSE cases had been reported. In addition, BSE continued to be a very sensitive and complicated issue for which scientific knowledge was insufficient to be able to interpret the transmission mechanism of the disease worldwide. The recent horse meat issue in the European Union further reinforced its lack of confidence in the EU control system for animal and animal products. China's BSE restrictive measures, put in place in 2004, were based on a risk analysis and the changes in its trading measures for Canadian beef in 2012, were based on the results of its risk assessment. China invited EU member States to exchange information on technical issues and indicated that it would review its measures concerning BSE according to the outcomes of future risk assessments.

2.438. The European Union could not accept that the horse meat issue be linked with the effectiveness of its oversight system, given the very detailed explanation that it had provided to the SPS Committee under a previous agenda item. The information provided clearly showed how the European Union had quickly and transparently identified a case of fraud and this issue was being addressed with full determination.

2.439. Korea indicated that it had closely discussed this issue with the EU delegation and had already started a risk analysis on beef from EU member States. Korea would proceed carefully with the risk analysis in order to protect consumer's health, and would continue to have close dialogue with the EU delegation.

2.440. Japan reported that its Food Safety Commission had completed an evaluation report in October 2012 and on the basis of its findings had lifted the ban on imports of cattle aged up to 30 months from the United States, Canada, France and the Netherlands. The European Union thanked Japan for the changes in its measures and for its continued engagement in the process.

2.441. In June 2013, the European Union reported that the General Session of the OIE had positively evaluated and recognised the EU risk status related to BSE. The European Union appreciated Brazil's relaxation of its BSE-related import measures and encouraged Brazil to bring these conditions further in line with the OIE standard and to notify these changes to allow partners to provide comments. Unjustifiable trade restrictions were still in place in a number of other countries and the European Union urged China to base its measure on the OIE standard and lift the ban on EU beef. The European Union welcomed the on-going work carried out by Korea and urged Korea to deal swiftly with all EU applications. The US and Australia's on-going process to align their BSE import conditions with OIE standards was appreciated and closely followed by the European Union and further progress towards real trade market access was now expected without undue delays.

2.442. Korea noted that it had been conducting a risk analysis on imported EU beef and had been in close dialogue with the European Union on the matter. Korea looked forward to continued co-operation with the European Union to move the process forward in a timely manner.

2.443. China recalled that BSE continued to be a very sensitive and highly technical issue for which scientific knowledge was still insufficient. A risk analysis was carried out with the co-operation of relevant EU member States, but experts of both parties had failed to reach consensus. Further research, communication and discussion were necessary. China expressed its willingness to continue cooperating and communicating with EU technical experts.

2.444. In October 2013, the European Union highlighted the importance of this concern as it related to one of the basic requirements under the SPS Agreement: that SPS measures adopted by Members be based on the relevant international standards. The European Union appreciated Singapore's relaxation of its BSE-related import measures and encouraged Singapore to bring these conditions further in line with the OIE standards and to notify these changes so that trading partners could provide comments. The European Union also noted in this regard that it had been three years since it had submitted its application to Australia and that Australia had not provided any scientific justification for the delay in finalizing its risk assessment. The European Union called upon Australia to finalize the process, which should lead to effective market access without undue delays.

2.445. China noted that the latent period of BSE was long and as there were no cases in China, an import prohibition of bovine cattle and related products was in place as a safety measure. According to Chinese legislation, it could conduct inspection and quarantine activities only after the BSE ban on certain EU member States had been lifted. Since 2010, OIE had released reports that a number of EU member States (France, Portugal, Spain, the United Kingdom, etc.) still suffered from BSE and China noted that these had not applied for the ban to be lifted in China. Technical exchanges, including a seminar on BSE jointly held with the European Union, and the assignment of a technical person to participate in BSE prevention training had taken place. In March 2012, EU beef exports had been discussed at the 7th China-EU Summit. Although the experts on both sides had not reached consensus, a joint expert team had been established with relevant members in order to overcome technical issues.

2.446. Korea acknowledged the European Union's concern and emphasized that its government had been conducting import risk analysis on some EU member States' beef. Responses to questionnaires were awaited so as to proceed with the IRA process in a timely manner while conducting a close dialogue with Members in this regard.

2.447. In March 2014, the European Union again highlighted the importance of this concern. Unjustifiable trade restrictions relating to BSE were still in place in a number of Members, although OIE standards for safe trade had existed for more than 10 years. The European Union urged China to base its measures on the OIE standards and lift the ban on EU beef. The European Union welcomed the on-going work in Korea and urged Korea to deal swiftly with all EU applications. Australia's and the US on-going processes to align their BSE import conditions with OIE standards was appreciated, but should be completed without delay so as to now permit trade to occur. Australia should move from the eligibility already granted to some EU member States into real trade by setting out all the necessary subsequent steps, including health certificates. The European Union looked forward to tangible results in the near future.

2.448. China noted that the latent period of BSE was long, as it had previously explained.

2.449. Korea indicated that its authorities had been conducting import risk analysis on beef from some EU member States. Responses to questionnaires were awaited so as to proceed with the risk analysis in a timely manner. Korea maintained a close dialogue with the concerned Members in this regard.

2.450. In July 2014, once again, the European Union reiterated this concern. The European Union welcomed the recent opening of China allowing imports of live cattle from one EU member State as well as the announcement to lift the ban for meat from cattle under 12 months of age from another member State, but only after going through a lengthy approval procedure. Therefore, the European Union requested China to rapidly finalize all outstanding EU applications, some of them

pending since 2005, and to increase transparency on the procedures required to lift the ban and on the risk analysis justifying it. The European Union welcomed the recent entry into force of the US BSE rule, but urged the United States to complete without further delay the evaluation procedures that would allow actual trade to take place. The European Union noted that Australia's alignment of its BSE import conditions with OIE standards was not yet satisfactory and requested Australia to quickly finalize its processes for effective market access.

2.451. China explained that as a country with a negligible BSE risk status, as recognized by the OIE in 2014, it took a cautious attitude on BSE measures. China had organized BSE risk assessment expert panels and provided questionnaires to applicant countries. For BSE-free countries such as Hungary and Latvia, beef access procedures had been initiated, while for BSE risk countries like France, Ireland and the Netherlands, technical exchanges and consultations were still ongoing. The responses to the questionnaires would be reviewed and measures revised accordingly.

2.452. In October 2014, the European Union reiterated the importance of this concern and urged all Members to align their BSE requirements with OIE standards. The European Union welcomed the growing number of WTO Members recognizing the EU control system and the EU member States' negligible or controlled risk status. The European Union urged China, the USA and Australia to adjust their BSE requirements fully in line with OIE requirements, and to speed up the approval processes of bovine and beef products from the European Union. Furthermore, China's recent lifting of its ban on live cattle imports from one EU member State only suggested differentiation between identical or similar BSE conditions found in several EU member States. The European Union welcomed Saudi Arabia's recent lifting of restrictions on beef imports from the European Union. The European Union raised, for the first time, similar concerns regarding Turkey's import restrictions on beef from the European Union. The European Union had identified in particular testing requirements that were unjustifiable and too trade restrictive. The European Union stated that it was willing to continue to work closely with Turkey to avoid inconsistencies, and to find a quick, comprehensive and practical solution.

2.453. Turkey responded that its bovine import requirements were in line with international rules and that there were no unjustified restrictions on beef imports from the European Union. Importation was allowed from EU member States with negligible BSE risk status.

2.454. China explained that it had taken a cautious approach to BSE measures to protect public health and food safety. In 2014, according to OIE statistics, two BSE cases had occurred in Germany and one in Romania, which had raised doubts that the BSE risk was under control in the region. China had engaged in technical exchanges with the European Union and its member States to solve relevant technical issues. Since the BSE risk status, prevention and control levels were not fully harmonized among EU member States, China had carried out separate risk assessments. China had recently lifted the ban on veal from the Netherlands and had sped up the access approval procedures. Regarding BSE-free countries, China had accelerated relevant beef access procedures by signing a protocol with Latvia and by agreeing on a draft protocol with Hungary. China expressed its willingness to enhance the technical exchanges with the European Union to solve this issue.

2.455. Saudi Arabia thanked the European Union for its comments and co-operation, and emphasized that it would not hesitate to facilitate trade with Members.

2.456. In March 2015, the European Union reiterated the importance of this concern; SPS measures adopted by Members had to be based on relevant international standards. Unjustifiable trade restrictions relating to BSE were still in place in a number of Members, although OIE standards for safe trade had existed for more than ten years. The European Union welcomed the growing number of WTO Members recognizing the EU control system and the EU member States' negligible or controlled risk status. The European Union urged all Members to align their BSE requirements with OIE standards.

2.457. Specifically, the European Union welcomed the progress made by China, allowing beef exports from one EU member State and the lifting of the ban on two others. The European Union also welcomed the beginning of exports from one of its member States to the United States. The European Union urged China and the United States to provide more information on their

import procedures that would allow exports from other member States. The European Union also urged Australia, South Korea and Ukraine to process the import applications submitted by the European Union in a speedy manner. The European Union reported that it had put in place a robust system for BSE in all of its member States, following the OIE Terrestrial Animal Health Code. This system guaranteed that all bovine products placed on the EU market, imported and exported were safe. Against this background, the European Union urged all Members to lift the BSE ban on bovine and bovine products for the entire European Union within a reasonable period of time.

2.458. China explained that it attached great importance to exports of beef from the European Union and was actively carrying out technical exchange and co-operation with the relevant EU member States to solve technical problems. China further explained that it had carried out separate risk assessments for the relevant EU member States. For the member States without BSE cases, accelerated procedures were imposed. China noted that Hungary had exported to China while Latvia had signed a beef export protocol. China had also lifted the ban on some beef products from the Netherlands and Ireland. China was looking forward to enhanced technical exchange and consultation with the European Union to properly solve this issue.

2.459. In July 2015, the European Union reiterated the importance of this long-standing concern and restated the observations presented during the March 2015 meeting. The European Union again urged all Members to align their BSE requirements with OIE standards and welcomed progress made by China and United States by allowing imports from some member States to take place. The European Union urged Australia, Ukraine and Korea to progress rapidly to speed their import approval procedures. The European Union recalled also the international obligations of WTO Members, and its own high level of transparency towards other countries by providing technical information about the EU animal health and food safety system.

2.460. China reiterated the explanation that it had provided in March 2015 and recalled its interest in looking forward to enhanced technical exchange and consultation with the European Union on the prevention and control of BSE and other animal disease.

2.461. In October 2015, the European Union reiterated the importance of this long-standing concern and again urged all Members to align their BSE requirements with OIE standards. The European Union recalled also the international obligations of WTO Members and its own high level of transparency towards other countries by providing technical information about the EU animal health and food safety system. The European Union re-stated that science on BSE is indisputably clear to allow safe trade of many products and regretted, once more, the fact that many countries never provided a risk assessment justifying their deviations from international standards. The European Union looked forward to progress made with regard to the United States and welcomed the beginning of exports from one EU member State to China. The European Union also urged China to complete the procedures that would allow beef imports from all other interested EU member States. Finally, the European Union urged Australia, Korea and Ukraine to speed up their import approval procedures.

General import restrictions due to African swine fever (STC 384)

Raised by:	European Union
Supported by:	
Dates raised:	March 2015 (G/SPS/R/78, para. 3.4)
Relevant document(s):	G/SPS/GEN/1159
Status:	Not reported
Solution:	
Date reported as resolved:	

2.462. In March 2015, the European Union appreciated those trading partners that had not taken any import measures due to the African swine fever (ASF) outbreaks, trusting the strict EU control system. At the same time the European Union expressed concerns with the country-wide bans imposed by several other trading partners and stressed the importance and effectiveness of regionalization measures. The European Union had demonstrated that it took all outbreaks of ASF very seriously, ensuring delivery of safe pork meat and products both to the EU market and to

third countries. The robustness of the EU system, including its surveillance and control measures, had been detailed earlier in the meeting. The European Union reminded Members of their regionalization obligations under Article 6 of the SPS Agreement and referred to document G/SPS/GEN/1159, where it had described how regionalization for animal diseases could be implemented successfully. The European Union invited all WTO Members keeping disproportionately trade-restrictive measures to respect their regionalization obligations and to lift all country-wide bans.

General import restrictions due to highly pathogenic avian influenza (STC 385)

Raised by:	European Union
Supported by:	
Dates raised:	March 2015 (G/SPS/R/78, para. 3.5), October 2015 (G/SPS/R/81, paras. 3.75-3.76)
Relevant document(s):	Raised orally
Status:	Resolved
Solution:	A number of Members had lifted their bans.
Date reported as resolved:	15 October 2015

2.463. In March 2015, the European Union also expressed concerns about Members maintaining country-wide bans on EU poultry products. The European Union remarked that the early detection, control and eradication measures for avian influenza that were legally binding in EU member States had proved to be effective. The European Union was disappointed that some Members had put temporary bans in place that had never been lifted or justified, while other Members had not informed the European Union about the steps or time required to recognize regionalization. The European Union made reference to the Committee's Guidelines to Further the Practical Implementation of Article 6 of the SPS Agreement (G/SPS/48) and invited all Members to allow trade of all safe products, especially from non-affected zones.

2.464. In October 2015, the European Union reported that specific trade concern No. 385 (General import restrictions due to highly pathogenic avian influenza) could be considered resolved as a number of Members had lifted their bans.

2.465. The Chairperson thanked the European Union and encouraged Members to continue informing the Secretariat of any resolved specific trade concerns.