



联合国
粮食及
农业组织

Food and Agriculture
Organization of the
United Nations

Organisation des Nations
Unies pour l'alimentation
et l'agriculture

Продовольственная и
сельскохозяйственная организация
Объединенных Наций

Organización de las
Naciones Unidas para la
Alimentación y la Agricultura

منظمة
الأغذية والزراعة
للأمم المتحدة

COMMISSION ON PHYTOSANITARY MEASURES

Fifteenth Session

Virtual Meeting, 16, 18 March and 1 April 2021

**Written reports from international organizations - Summary Report of the
WTO Committee on Sanitary and Phytosanitary Measures**

Agenda item 15.2

Prepared by the WTO Secretariat

English, French and Spanish

ACTIVITIES OF THE SPS COMMITTEE AND OTHER RELEVANT WTO ACTIVITIES IN 2019 AND 2020

REPORT BY THE WTO SECRETARIAT¹

This report to the 15th Session of the Commission on Phytosanitary Measures (CPM) provides a summary of the activities of the WTO Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") during 2019 and 2020. It outlines SPS Committee discussions of relevance to the CPM related to the International Plant Protection Convention (IPPC) following the main agenda items of SPS Committee meetings, i.e. specific trade concerns (STCs); transparency; equivalence; regionalization; monitoring the use of international standards; technical assistance; and review of the operation and implementation of the SPS Agreement. The report also includes relevant information on dispute settlement in the WTO and on the Organization's most recent multilateral Agreement on Trade Facilitation (2017).

1 WORK OF THE SPS COMMITTEE

1.1. The SPS Committee held three regular meetings in 2019 (on 21-22 March, 18-19 July and 7-8 November)², and two regular meetings in 2020 (on 25-26 June and 5-6 and 13 November).³ Mr Daniel Arboleda of Colombia was appointed Chairperson for the 2019-2020 period in July 2019, taking over from Ms Noncedo Vutula of South Africa. Mr Gregory McDonald of Canada was appointed for Chairperson for the 2020-2021 period in July 2020.

1.2. The Committee agreed to the following tentative calendar of regular meetings for 2021: 25-26 March, 15-16 July and 4-5 November.⁴

1.1 Specific Trade Concerns

1.3. The SPS Committee devotes a large portion of each regular meeting to the consideration of specific trade concerns (STCs). Any WTO Member can raise concerns about the food safety, plant or animal health requirements imposed by another WTO Member. Issues raised in this context are often related to the notification of a new or changed measure or based on the experience of exporters. Often other WTO Members will share the same concerns. At SPS Committee meetings, WTO Members usually commit to exchange information and hold bilateral consultations to resolve the identified concern.

1.4. A summary of the STCs raised in meetings of the SPS Committee is compiled on an annual basis by the WTO Secretariat.⁵ Altogether, Members have raised 505 STCs since the establishment of the WTO in 1995. Of these, 116 (23%) have been primarily related to plant health.

1.5. Seven out of the 53 new STCs raised in 2019 and 2020 (i.e. 13%) stemmed from plant health issues. These were:

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

² The report of the March 2019 meeting is contained in [G/SPS/R/94](#) and [G/SPS/R/94/Corr.1](#), that of the July 2019 meeting in [G/SPS/R/95](#) and [G/SPS/R/95/Corr.1](#), and that of the November 2019 meeting in [G/SPS/R/97/Rev.1](#).

³ The March 2020 meeting was cancelled due to the COVID-19 pandemic ([JOB/SPS/5/Rev.1/Corr.1](#)). The report of the June 2020 meeting is contained in [G/SPS/R/99](#) and [G/SPS/R/99/Corr.1](#), and that of November 2020 meeting is contained in [G/SPS/R/100](#), [G/SPS/R/100/Corr.1](#) and [G/SPS/R/100/Corr.2](#).

⁴ The tentative dates of the SPS Committee meetings for 2021 are contained in document [G/SPS/GEN/1823](#).

⁵ The latest version of this summary was circulated in March 2020 under symbol [G/SPS/GEN/204/Rev.20](#). The next version will be circulated in [G/SPS/GEN/204/Rev.21](#) in March 2021. These are public documents available from <https://docs.wto.org/>. SPS documents and STCs can also be searched through the SPS Information Management System (SPS IMS): <http://spsims.wto.org>.

- Brazil's concern regarding alleged undue delays in Japan's pest risk analysis of Mediterranean fruit fly for the importation of avocados, raised in July 2019 ([STC No. 464](#));
- Israel's concern regarding the European Union's new rules for the importation of high-risk plants (Regulation (EU) 2016/2031). The Regulation listed specific plant genera whose importation would not be allowed pending the submission of a technical dossier and a complete risk assessment. The concern was raised in November 2019 and in June 2020, and was supported by Canada, Kenya and the United States ([STC No. 469](#));
- Japan's concern regarding Thailand's phytosanitary restrictions on imports of fresh citrus fruits due to sweet orange scab, due to the non-recognition of Japan's equivalent treatments. The concern was raised in June 2020 and in November 2020, and was supported by Chile ([STC No. 470](#));
- the EU's concern regarding alleged undue delays in US recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle, raised in June 2020 and in November 2020 ([STC No. 471](#));
- the Russian Federation's concern regarding India's import requirements for grain and other products, namely the mandatory use of methyl bromide for fumigation. The concern was raised in June 2020 and in November 2020, and was supported by Canada ([STC No. 472](#));
- Ukraine's concern on Chinese Taipei's phytosanitary risk assessment procedure on imports of fresh vegetables and fruits, namely onions and apples. The concern was raised in November 2020 ([STC No. 496](#)); and
- Canada's concerns on India's import requirements for pulses, including mandatory fumigation requirements. The concern was raised in November 2020, and was supported by the Russian Federation ([STC No. 497](#)).

1.6. The following previously raised concerns were again discussed in 2019 and/or in 2020:

- Nigeria and Senegal's concerns regarding Mexico's measures on imports of hibiscus flowers (discussed twice since it was raised in 2015) ([STC No. 386](#))⁶;
- Madagascar and Senegal's concerns regarding India's fumigation requirements for cashew nuts (discussed four times since it was raised in 2017) ([STC No. 427](#));
- the European Union's concerns regarding US import restrictions on apples and pears (discussed seven times since it was raised in 2018) ([STC No. 439](#));
- Japan's concerns regarding New Zealand's draft import health standard for vehicles, machinery and equipment (discussed twice since it was raised in 2018) ([STC No. 440](#)); and
- STCs [469](#), [470](#), [471](#) and [472](#) mentioned above.

1.7. In addition to the above, Members discussed several pesticide MRL-related STCs in all Committee meetings 2019 and 2020, displaying growing attention to the topic.⁷

1.2 Other information

1.8. In 2019 and 2020, WTO Members also provided to the Committee the following general information, related either in part or entirely to plant protection:

- Argentina, March 2019: Ministerial Declaration issued by the Agriculture Ministers of the Southern Agricultural Council (CAS) (comprising Argentina, Brazil, Chile, Paraguay and Uruguay) on gene editing techniques, issued in September 2018⁸;

⁶ This STC was considered as resolved in March 2016 but was raised again by Senegal in November 2019, and was supported by Burkina Faso.

⁷ Please consult the summary reports of the Committee's meetings [G/SPS/R/94](#) and [G/SPS/R/94/Corr.1](#) (March 2019), [G/SPS/R/95](#) and [G/SPS/R/95/Corr.1](#) (July 2019), [G/SPS/R/97/Rev.1](#) (November 2019), [G/SPS/R/99](#) and [G/SPS/R/99/Corr.1](#) (June 2020) and [G/SPS/R/100](#), [G/SPS/R/100/Corr.1](#) and [G/SPS/R/100/Corr.2](#) (November 2020) for more information.

⁸ See summary report of the Committee's 2019 March meeting, [G/SPS/R/94](#), section 2.1.9.

- the European Union, March 2019: implementation of its new Plant Health Law (Regulation (EU) 2016/2031)⁹;
- the European Union, March 2019 and June 2020: implementation of its new regulation on official controls (Regulation (EU) 2017/625)¹⁰;
- the United States, July 2019: Executive Order 13874, entitled "Modernizing the Regulatory Framework for Agricultural Biotechnology Products", issued in June 2019¹¹;
- Belize, November 2019: plans to conduct a simulation for *Fusarium oxysporum* f. sp. *ubense tropical* race 4, the strain that causes fusarium wilt or Panama disease, by the Belize Agricultural Health Authority (BAHA) and several other stakeholders;
- Senegal, November 2019 and June 2020: initiatives to bring its mango and pepper sectors into conformity with the European Union's new SPS regulations (among others, Directive (EU) 2019/523 on the control of fruit flies) and Implementation of EU Directive 2019/523 on exports of agricultural products¹²;
- Ecuador, June 2020: online platform for electronic certification¹³;
- European Union, June 2020: Farm to Fork Strategy, adopted in May 2020¹⁴;
- United Kingdom, June 2020: Implementation and administration of the Agreement on Sanitary and Phytosanitary Measures during the transition period¹⁵;
- United States, June 2020: the USDA Animal and Plant Health Inspection Service's SECURE Rule on Biotechnology ([G/SPS/N/USA/3082/Add.1](#)), concluded in May 2020¹⁶; and
- Canada, the Philippines and the United States: International Statement on Agricultural Applications of Precision Biotechnology ([G/SPS/GEN/1658/Rev.4](#)).¹⁷

1.9. In addition to the above, several Members provided information on initiatives and activities related to setting pesticide MRLs.¹⁸ Additionally, 40 Members submitted a request for the suspension of the processes and entry into force of reductions of maximum residue limits (MRLs) for plant protection products in light of the COVID-19 pandemic.¹⁹

1.3 Fall Armyworm

1.10. In March 2019, the SPS Committee held a Thematic Session on Fall Armyworm within its Review of the Operation and Implementation of the SPS Agreement (see also [Section 1.9](#) below). The session provided an opportunity for WTO Members to discuss the role of the SPS Agreement in enabling access to tools and technologies, and facilitating international trade, using fall armyworm as a case study. It provided information on the nature and impact of the spread of fall armyworm, the challenges for smallholders, and the available tools and technologies, including integrated pest management, surveillance, monitoring, pesticides and biotechnology.²⁰ The first meeting of an open-ended Working Group on fall armyworm was also held in March 2019.

⁹ See summary report of the Committee's 2019 March meeting, [G/SPS/R/94](#), section 2.1.7.

¹⁰ See summary report of the Committee's 2019 March meeting, [G/SPS/R/94](#), section 2.1.8; and Committee's 2020 June meeting, [G/SPS/R/99](#), section 2.1.6.

¹¹ See summary report of the Committee's 2019 July meeting, [G/SPS/R/95](#), section 3.1.4.

¹² See summary report of the Committee's 2019 November meeting, [G/SPS/R/97/Rev.1](#), section 2.1.5; and Committee's 2020 June meeting, [G/SPS/R/99](#), section 2.1.10.

¹³ See summary report of the Committee's 2020 June meeting, [G/SPS/R/99](#), section 2.1.12.

¹⁴ See summary report of the Committee's 2020 June meeting, [G/SPS/R/99](#), section 2.1.5.

¹⁵ See summary report of the Committee's 2020 June meeting, [G/SPS/R/99](#), section 2.1.8.

¹⁶ See summary report of the Committee's 2020 June meeting, [G/SPS/R/99](#), section 2.1.3.

¹⁷ See summary report of the Committee's 2020 June meeting, [G/SPS/R/99](#), section 2.1.4.

¹⁸ Please consult the summary reports of the Committee's meetings [G/SPS/R/94](#) and [G/SPS/R/94/Corr.1](#) (March 2019), [G/SPS/R/95](#) and [G/SPS/R/95/Corr.1](#) (July 2019), [G/SPS/R/97/Rev.1](#) (November 2019), [G/SPS/R/99](#) and [G/SPS/R/99/Corr.1](#) (June 2020) and [G/SPS/R/100](#), [G/SPS/R/100/Corr.1](#) and [G/SPS/R/100/Corr.2](#) (November 2020) for more information.

¹⁹ See WTO official document [G/SPS/GEN/1778/Rev.5](#).

²⁰ The programme and presentations are available on the WTO's website, at: https://www.wto.org/english/tratop_e/sps_e/workshop19032019_e.htm.

1.11. At its June 2020, the Committee adopted the Report of the Fifth Review of the Operation and Implementation of the SPS Agreement, discussed in [Section 1.9](#) below.²¹ The report includes the following recommendations on fall armyworm:

- *Members should continue to exchange experiences on efficient, predictable and science-based regulatory approaches to fight fall armyworm that help to mitigate its effect on trade while safeguarding human, animal and plant life or health and accounting for the specific needs of smallholder farms.*
- *As appropriate, Members are encouraged to request technical assistance to support efforts to improve their integrated pest management strategies and, where needed, their regulatory approach to pre-market approval and inspection systems.*
- *Members are encouraged to continue discussion of the concepts identified in [G/SPS/W/317](#) that aim to assist Members, particularly those with capacity constraints, to address SPS challenges, in the SPS Committee and, where appropriate, in the working group on approval procedures referred to in paragraph 3.9 above.*

1.4 Transparency

1.12. The SPS Information Management System (SPS IMS) allows easy access and management of all WTO SPS-related documentation, including all notified SPS measures, contact lists of National Notification Authorities and Enquiry Points, STCs (see [Section 1.1](#) above), as well as other SPS-related documents circulated at the WTO.²²

1.13. The legal obligation of WTO Members is to notify new or modified SPS measures when these deviate from the relevant international standards, including International Standards for Phytosanitary Measures (ISPMs). The recommendations of the SPS Committee, however, encourage the notification of all new or modified measures even when these conform to international standards.²³ Although this recommendation does not change the legal obligations of WTO Members, it enhances transparency regarding the application of ISPMs.

1.14. In 2019, a total of 1,762 notifications were submitted to the WTO. Of these, 1,118 were regular and 119 were emergency notifications; the rest was constituted by corrigenda and addenda, as well as notifications of determination of the recognition of equivalence (five). A total of 166 (15%) of the 1,118 regular notifications and 29 (24%) of the 119 emergency ones identified plant protection as their main objective. A clear majority of these (125 of the 166 regular plant protection notifications and 21 of the 29 emergency ones) indicated conformity with a relevant ISPM.

1.15. In 2020, a total of 2,122 notifications were submitted to the WTO. Of these, 1,253 were regular and 265 were emergency notifications; the remaining 604 were corrigenda and addenda. A total of 235 (11%) of the 2,122 regular notifications and 24 (9%) of the 265 emergency ones identified plant protection as their main objective. A majority of these (139 of the 235 regular plant protection notifications and 20 of the 24 emergency ones) indicated conformity with a relevant ISPM.

1.16. SPS National Notification Authorities can complete and submit notifications online through the SPS Notification Submission System (SPS NSS). Approximately 75% of notifications were submitted online in 2019 and up to 84% in 2020.

1.17. During the COVID-19 pandemic, the SPS Committee held an information sharing session in June 2020 where Members, the three international standard-setting bodies and observer organisations, including WHO, presented an overview of actions taken during the pandemic.²⁴ The IPPC Secretariat informed the SPS Committee on the adaptation of their standard-setting work to the situation, the postponing of meetings and/or the moving to virtual or hybrid meetings, as necessary. The IPPC Secretariat also encouraged the acceptance of electronic certification adopted by Members to minimise the pandemic's impact on the procedural aspects of trade, without

²¹ See WTO official documents [G/SPS/64](#) and [G/SPS/64/Add.1](#).

²² See <http://spsims.wto.org>.

²³ [G/SPS/7/Rev.4](#), paragraph 2.3.

²⁴ The programme, the presentations and the report of the June 2020 information sharing session are available on the WTO website, at: https://www.wto.org/english/tratop_e/sps_e/sps_covid_session_24620_e.htm.

compromising safety considerations. Additionally, the informal session held before the November 2020 Committee meeting included an information sharing session on the topic.²⁵ The IPPC Secretariat reported that the possibility of adopting ISPMs virtually was being explored. The IPPC Secretariat had been urging Members to make use of electronic phytosanitary certificates (ePhyto Solution). The IPPC invited countries to harmonize measures through the use of ISPMs, to share knowledge and best practices, and to continue to take technically justified measures to protect plant health.

1.18. Since April 2020, several Members have imposed measures aimed at facilitating trade, namely through the acceptance of copies or scanned documents instead of requiring originals or implementing electronic signatures, following the on-going trend of the e-Phyto solution. A total of 15 notifications related to COVID-19 indicated plant protection as an objective and, of these, 11 were trade facilitating. During this period, Argentina and Chile informed of the elimination of the use of paper in their phytosanitary certification.²⁶ Detailed information on measures adopted by WTO Members is available in the dedicated website COVID-19 and world trade.²⁷

1.5 Equivalence

1.19. The guidelines on the implementation of Article 4 of the SPS Agreement on equivalence note, *inter alia*, the work undertaken on the subject in the Codex, the OIE and the IPPC, and encourages the further elaboration of specific guidance by these organizations. No contributions were made by any of the standard-setting organizations neither in 2019 nor in 2020 under this agenda item.

1.20. During 2019, one Member – Senegal – took the floor under the agenda item on equivalence. It informed the SPS Committee about bilateral consultations with a trading partner, which had resulted in a bilateral phytosanitary protocol granting authorization for groundnut access.²⁸

1.21. The issue of equivalence was also included in the Fifth Review of the SPS Agreement (see [Section 1.9](#) below).

1.6 Regionalization

1.22. Article 6 of the SPS Agreement requires that measures take into account pest- or disease-free areas or areas of low pest or disease prevalence. In the context of the SPS Committee, this concept is frequently referred to as "regionalization". Guidelines on regionalization²⁹ adopted by the SPS Committee identify the type of information normally needed for the recognition of pest- or disease-free areas or areas of low pest or disease prevalence, as well as typical administrative steps in the recognition process. The Committee agreed to monitor the implementation of Article 6, on the basis of information provided by WTO Members.

1.23. The WTO Secretariat prepared two reports on the implementation of Article 6, one covering the period from 1 April 2018 until 31 March 2019 and a second one from 1 April 2019 until 31 March 2020, based on information provided by WTO Members through notification and at SPS Committee meetings.³⁰ The reports summarized (i) requests for recognition of pest- or disease-free areas or areas of low pest or disease prevalence; (ii) determinations on recognition of regionalization; and (iii) Members' experiences in the implementation of Article 6 and the provision of relevant background information on their decisions to other interested Members. Relevant issues outlined in the report included, among others, declarations on areas free from fruit flies, pink bollworm and boll weevil, and the regionalization regarding quarantine for plant pests.

1.24. The issue of regionalization was also included in the Fifth Review of the SPS Agreement (see [Section 1.9](#) below).

²⁵ The report of the informal session is included in the summary report of the November 2020 Committee meeting, [G/SPS/R/100](#).

²⁶ See WTO official document [G/SPS/GEN/1779](#), circulated in May 2020.

²⁷ The dedicated website is available at https://www.wto.org/english/tratop_e/covid19_e/covid19_e.htm.

²⁸ See summary report of the Committee's November meeting, [G/SPS/R/97/Rev.1](#), section 4.1.1.1.

²⁹ [G/SPS/48](#).

³⁰ [G/SPS/GEN/1711](#) and [G/SPS/GEN/1777](#).

1.7 Monitoring the Use of International Standards

1.25. The procedure adopted by the SPS Committee to monitor the use of international standards invites WTO Members to identify specific trade problems they have experienced due to the use or non-use of relevant international standards, guidelines or recommendations.³¹ These problems, once considered by the SPS Committee, are drawn to the attention of the relevant standard-setting organization.

1.26. Annual reports on the monitoring procedure summarize the standards-related issues that the Committee has considered and the responses received from the relevant standard-setting organizations. The 2018-2019 and 2019-2020 annual reports were circulated to Members in June 2019 and May 2020, respectively.³²

1.27. No new issues related to plant protection were raised since the issuance of the previous report. Discussions continued with one previously raised issue, ISPM 38 on the international movement of seeds.³³ Prompted by Indonesia, Nigeria and the United States, these talks highlighted the importance of the standard in view of the rapid growth and increasing complexity of international seed trade. The United States also informed the Committee about a workshop in early 2019 by the North American Plant Protection Organization (NAPPO), Canada, Mexico and the United States, focusing on the effective implementation of ISPM 38.

1.8 Technical Assistance

1.28. At each of its meetings, the SPS Committee solicits information from WTO Members regarding their technical assistance needs and activities. In 2019, the SPS Committee was kept informed of the training activities and workshops provided by the IPPC Secretariat and relevant technical assistance activities of the FAO. In 2020, the Committee was informed that IPPC Secretariat's in-person technical assistance and capacity development activities were suspended due to COVID-19 pandemic, leading to the development of some eLearning materials.

1.29. Several Members, including Australia³⁴, Canada³⁵, Chile³⁶, the European Union³⁷, Japan³⁸, Chinese Taipei³⁹ and the United States⁴⁰ provided information about SPS technical assistance activities provided in 2019 and in 2020. Similarly, several Members, including Belize⁴¹, Burkina Faso⁴², Bangladesh⁴³ and Senegal expressed their gratitude for technical assistance received. Senegal laid a particular emphasis on specific health-related technical assistance activities which had contributed to gaining market access for its groundnuts (see also [Section 1.5](#) on equivalence, above).⁴⁴ In addition, several observer organizations outlined their technical assistance activities to the Committee.⁴⁵

1.30. Documents [G/SPS/GEN/997/Rev.10](#), [G/SPS/GEN/997/Rev.10/Add.1](#) and [G/SPS/GEN/997/Rev.10/Add.2](#), issued in 2020, provide information on all WTO technical assistance activities in the SPS area planned for the calendar year. The WTO Secretariat scheduled regional SPS workshops in 2020, upon request from one Member in coordination with a regional organization.

³¹ [G/SPS/11/Rev.1](#).

³² [G/SPS/GEN/1710](#) and [G/SPS/GEN/1776](#).

³³ See summary report of the Committee's July 2019 meeting, [G/SPS/R/95](#), section 5.5.2.3.

³⁴ See summary report of the Committee's 2019 November meeting, [G/SPS/R/97/Rev.1](#), section 6.2.1.

³⁵ See summary report of the Committee's 2019 November meeting, [G/SPS/R/97/Rev.1](#), section 6.2.4.; and 2020 November meeting, [G/SPS/R/100](#), section 6.2.3.

³⁶ See summary report of the Committee's 2019 July meeting, [G/SPS/R/95](#), section 7.2.2.

³⁷ See summary report of the Committee's 2020 June meeting, [G/SPS/R/99](#), section 6.2.1.

³⁸ See summary report of the Committee's 2019 July meeting, [G/SPS/R/95](#), section 7.2.1; and 2020 November meeting, [G/SPS/R/100](#), section 6.2.1.

³⁹ See summary report of the Committee's 2020 November meeting, [G/SPS/R/100](#), section 6.2.4.

⁴⁰ See summary report of the Committee's 2020 June meeting, [G/SPS/R/99](#), section 6.2.2.

⁴¹ See summary report of the Committee's 2020 November meeting, [G/SPS/R/100](#), section 6.2.2.

⁴² See summary report of the Committee's 2019 November meeting, [G/SPS/R/97/Rev.1](#), section 6.2.5.

⁴³ See summary report of the Committee's 2020 June meeting, [G/SPS/R/99](#), section 6.2.2.

⁴⁴ See summary report of the Committee's 2019 November meeting, [G/SPS/R/97/Rev.1](#), sections 6.2.2 and 6.2.3.

⁴⁵ Please consult the summary reports of the Committee's meetings [G/SPS/R/94](#) (March 2019), [G/SPS/R/95](#) (July 2019), [G/SPS/R/97/Rev.1](#) (November 2019), [G/SPS/R/99](#) (June 2020) and [G/SPS/R/100](#) (November 2020) for more information.

National seminars were provided upon request by WTO Members and acceding governments. Further information on SPS activities is available through <http://www.wto.org/sps/ta>.

1.31. Before the June 2020 SPS Committee meeting, the WTO Secretariat circulated its report entitled "SPS Technical Assistance and Training Activities", containing detailed information on all SPS-specific technical assistance activities undertaken by the WTO Secretariat from 1994 to the end of 2019. At a later stage, the WTO Secretariat circulated an addendum detailing activities delivered between January and the end of June 2020.⁴⁶

1.9 Review of the Operation and Implementation of the SPS Agreement

1.32. The SPS Committee is mandated to review the operation and implementation of the SPS Agreement every four years, including proposals submitted by Members for possible areas of future work. In 2020, the Committee adopted the Report of the Fifth Review of the Agreement, launched in 2018.⁴⁷

1.33. Altogether, WTO Members have submitted more than 20 proposals in the review process, demonstrating historically high engagement.⁴⁸ Notably, a large share of discussions in this review has been initiated by developing countries, either independently or together with developed country Members. Since 2019, Members have been working on concrete recommendations for the report of the Review⁴⁹, paving the way for successful conclusion in 2020. The draft recommendations address transparency and call for intensified exchanges on subjects of interest – including, for instance, fall armyworm, the trade effects of pesticide MRLs and the role of the relevant standard-setting bodies Codex, IPPC and OIE in the SPS Committee's discussions on STCs.

1.34. The draft recommendations for the Fifth Review Report, and other suggestions, were compiled from the proposals submitted under the Fifth Review, and Members' written inputs in response to the Chairperson's request at the July 2019 SPS Committee meeting, the September 2019 consultations, and the November 2019 SPS Committee meeting.⁵⁰

1.35. The SPS Committee also continued to organize thematic sessions and workshops on topics included in the Fifth Review to exchange experiences and hear from experts. In March 2019, it held the second part of a Thematic Session on Equivalence. This second part built on previous exchanges in October 2018 and was dedicated to Members' experiences in the implementation of equivalence.⁵¹ The margins of the SPS Committee meetings in July 2019 welcomed Members for a two-day workshop on transparency and national coordination⁵², whereas the last thematic session of the year, held in November, was dedicated to approval procedures, providing a platform to discuss among others phytosanitary import requirements for LMOs that pose a pest risk.⁵³ In November 2020, the Committee held a Thematic Session on Voluntary Third-party Assurance Schemes (vTPA).⁵⁴ Representatives from the public and private sectors, as well as international standard-setting bodies, presented experiences regarding vTPA; information on capacity building efforts was also provided.

⁴⁶ See WTO official documents [G/SPS/GEN/521/Rev.15](#) and [G/SPS/GEN/521/Rev.15/Add.1](#).

⁴⁷ See WTO official documents [G/SPS/64](#) and [G/SPS/64/Add.1](#).

⁴⁸ See [G/SPS/GEN/1625/Rev.6](#).

⁴⁹ [G/SPS/W/313](#) and subsequent revisions.

⁵⁰ The most recent compilation of comments on the recommendations/suggestions submitted by Members for the Fifth Review prior to the adoption of the report are set out in SPS Committee document [G/SPS/W/318/Rev.3](#).

⁵¹ The programme and presentations are available at https://www.wto.org/english/tratop_e/sps_e/workshop18032019_e.htm.

⁵² The programme and presentations are available at https://www.wto.org/english/tratop_e/sps_e/workshop15072019_e.htm.

⁵³ The programme and presentations are available at https://www.wto.org/english/tratop_e/sps_e/workshop05112019_e.htm.

⁵⁴ The thematic session originally planned for March 2020 had to be postponed due to the COVID-19 pandemic, as informed in document [G/SPS/GEN/1754/Rev.1/Corr.1](#). The programme and presentations are available at https://www.wto.org/english/tratop_e/sps_e/sps_thematic_session_31120_e.htm.

2 OTHER RELEVANT WTO ACTIVITIES

2.1 Dispute Settlement

2.1.1 The WTO Dispute Settlement Procedure

2.1. Any WTO Member may invoke the formal dispute resolution procedures of the WTO if they consider that a measure imposed by another WTO Member violates any of the WTO Agreements, including the SPS Agreement. If formal consultations on the problem are unsuccessful, a WTO Member may request that a panel be established to consider the complaint.⁵⁵ A panel of three individuals considers written and oral arguments submitted by the parties to the dispute and issues a written report of its legal findings and recommendations. The parties to the dispute could, until December 2019, appeal a panel's decision before the WTO's Appellate Body which has not been operative since end-2019 due to a lack of quorum. The Appellate Body examined the legal findings of the panel and could uphold or reverse these.

2.2. According to the SPS Agreement, when a dispute involves scientific or technical issues, the panel should seek advice from appropriate scientific and technical experts. Scientific experts have been consulted in all but one SPS-related disputes. The experts are usually selected from lists provided by the Codex, IPPC Secretariat, and OIE standard-setting bodies referenced in the SPS Agreement. The parties to the dispute are consulted in the selection of experts and regarding the information solicited from the experts.

2.1.2 SPS Disputes

2.3. As of January 2021, 599 complaints have formally been raised under the WTO's dispute settlement procedures. Of these, 50 have concerned SPS issues, and panel (and as the case may be, Appellate Body) reports have been issued in thirteen SPS-related disputes.

2.4. Three panel reports have concerned plant pests and quarantine requirements: (i) the United States' complaint about Japan's requirement for testing each variety of fruit for efficacy of treatment against codling moth (*Japan-Agricultural Products*)⁵⁶; (ii) the United States' complaint about Japan's set of requirements on apples imported from the United States relating to fire blight (*Japan-Apples*)⁵⁷; and (iii) New Zealand's complaint against Australia's restrictions on apples (*Australia-Apples*).⁵⁸ In addition, panel deliberations are on-going in one plant health-related dispute (*Costa Rica-Avocados*).⁵⁹

2.5. The developments of these and other disputes can be followed at <http://www.wto.org/disputes>.

2.2 Trade Facilitation

2.6. The WTO's newest multilateral Agreement on Trade Facilitation, which entered into force in 2017, aims to enhance the movement, release and clearance of goods across borders. The Agreement's 36 provisions set out requirements for border agencies to streamline border formalities, improve transparency and enhance intra-agency and cross-border cooperation. It requires each WTO Member to establish a national committee to oversee its implementation.

2.7. In 2020, the ratifications of the Trade Facilitation Agreement rose to comprise over 93% of the WTO's Membership (153 out of the 164 Members have now deposited their ratification of the Agreement).

⁵⁵ A flow chart of the dispute resolution process can be consulted at http://www.wto.org/english/thewto_e/whatis_e/tif_e/disp2_e.htm.

⁵⁶ The report of the panel is contained in document [WT/DS76/R](#). The Appellate Body report is contained in document [WT/DS76/AB/R](#).

⁵⁷ The report of the panel is contained in document [WT/DS245/R](#). The Appellate Body report is contained in document [WT/DS245/AB/R](#).

⁵⁸ The report of the panel is contained in document [WT/DS367/R](#). The Appellate Body report is contained in document [WT/DS367/AB/R](#).

⁵⁹ Dispute settlement panel established on 18 December 2018, document [WT/DS524/2](#), and panel composed on 16 May 2019, document [WT/DS524/3](#).

2.8. Under the Trade Facilitation Agreement, developing and least-developed countries can self-designate which provisions they will implement either immediately, after a transition period, or upon receiving assistance and support for capacity building. By end-2020, close to 90% of developing and least-developed countries had designated their commitments accordingly.⁶⁰

2.9. In order to meet the national implementation deadlines, and reap the full benefits from implementation of this Agreement, the successful integration of plant protection authorities into national discussions on trade facilitation is essential. Indeed, the objectives of trade facilitation and plant protection support each other. Trade facilitation seeks to incentivize trade in safe plant products by promoting more efficient and effective controls, such as through a greater focus on inspections on high-risk products, while also suggesting ways to conduct checks before or after the border to avoid the creation of bottlenecks.

⁶⁰ Developed countries were required to implement all provisions of the TFA from its entry into force on 22 February 2017.