



**Food and Agriculture
Organization of
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REPORT ON THE ACTIVITIES OF THE WTO SPS COMMITTEE AND OTHER RELEVANT WTO ACTIVITIES IN 2011 AND THE FIRST QUARTER OF 2012

Report by the WTO Secretariat¹

1. This report to the 35th session of the Codex Alimentarius Commission has been prepared by the Secretariat of the World Trade Organization ("WTO Secretariat"). The report provides a summary of the activities and decisions of the WTO Committee on Sanitary and Phytosanitary Measures (the "SPS Committee") in 2011 and the first quarter of 2012, and identifies the work of relevance to Codex, including: specific trade concerns; transparency; equivalence; monitoring the use of international standards; technical assistance; and SPS-related private standards. The report also includes relevant information on geographical indications and on dispute settlement cases in the WTO addressing the SPS Agreement. A separate report provides information regarding the Standards and Trade Development Facility (STDF).

I. WORK OF THE SPS COMMITTEE

2. The SPS Committee held three regular meetings in 2011: on 30-31 March, 30 June-1 July and 19-20 October.²

3. The first meeting of 2012 took place on 27-28 March.³ The two remaining meetings for 2012 are scheduled to take place on 10-11 July, and 17-18 October.

4. Mr Deny Kurnia of Indonesia was appointed as Chairperson for the 2011-2012 period. Ms Miriam Chaves, from Argentina, served as interim Chairperson at the March 2012 meeting.

A. SPECIFIC TRADE CONCERNS

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

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 or obligations under the WTO.

² The report of the March meeting is contained in G/SPS/R/62 plus corrigenda, that of the June meeting in G/SPS/R/63, and that of the October meeting in G/SPS/R/64 plus addendum.

³ The report of the March 2012 meeting is contained in G/SPS/R/65.

6. A summary of the specific trade concerns (STCs) raised in meetings of the SPS Committee is compiled on an annual basis by the WTO Secretariat.⁴ Altogether, 331 specific trade concerns were raised between 1995 through the first quarter of 2012, of which 30 per cent were related to food safety.

7. In 2011 and the first quarter of 2012, twelve food safety issues were raised for the first time in the SPS Committee:

- EU concerns regarding import restrictions due to dioxin contamination in Germany imposed by certain Members (STC# 313);
- US concerns regarding Viet Nam's ban on offals (STC# 314);
- Norway's concerns regarding China's quarantine and testing requirements for salmon (STC# 319);
- US concerns regarding the Philippine's restrictions on imported fresh meat (STC# 320);
- Paraguay's concerns regarding Japan's MRLs applied to sesame (STC# 321);
- Hong Kong, China and China's concerns regarding an EU regulation on polyamide and melamine plastic kitchenware (STC# 322);
- EU concerns regarding Malaysia's import restrictions on pork and pork products (STC# 323);
- Ecuador's concerns regarding an EU regulation on cadmium in cocoa beans (STC# 325);
- India's concerns regarding US default MRLs set at limits of determination or limits of quantification on Basmati rice (STC# 328);
- India's concerns regarding China's testing methods for food additives (STC# 329);
- US concerns regarding Indonesia's port closure (STC# 330); and
- China's concerns regarding EU limits of aluminium in flour products (STC# 331).

8. Eight issues relating to food safety that had been previously raised were discussed again during 2011 and the first quarter of 2012:

- Colombia, Ecuador and Peru's concerns regarding the application and modification of the EU regulation on novel foods (STC# 238);
- United States concerns regarding Chinese Taipei's maximum levels for ractopamine (STC# 275);
- Mexico's concerns regarding China's hygiene standard for distilled spirits and integrated alcoholic beverages (STC# 278);
- Brazil's concerns regarding Japan's pesticide MRLs (STC# 283);
- Brazil's concerns regarding South Africa's import restrictions on fresh pork meat (STC# 287);
- China and India's concerns regarding the US 2009 Food Safety Enhancement Act (STC# 299);
- India's concerns regarding Japan's prohibition of certain food additives (STC# 307); and
- India's concerns regarding EU MRLs for pesticides (STC# 306).

9. WTO Members also used the opportunity of the SPS Committee meetings during 2011 and the first quarter of 2012 to provide other information relating to food safety, including:

- The United States provided information on the Food and Drug Administration (FDA) Food Safety Modernization Act (FSMA) (G/SPS/N/USA/2156). The US indicated that trading partners would be invited to participate in the rule-making process through the WTO notification process. The law aims to strengthen collaboration among all food safety agencies, as building the food safety capacity in trading partners promotes a well-integrated and coordinated global food safety system (G/SPS/R/62);

⁴ The latest version of this summary can be found in document G/SPS/GEN/204/Rev.12. This document is a public document available from <http://docsonline.wto.org>. Specific trade concerns can also be searched through the SPS Information Management System: <http://spsims.wto.org>

- Japan reported on the food safety measures introduced under the Food Sanitation Act in response to the crisis generated by the Japan earthquake. Japan had implemented a provisional regulation to prevent food exceeding the levels of radioactive contaminants established by the Nuclear Safety Commission of Japan from being supplied for public consumption. These levels were in line with the radiation protection measurements recommended by the International Commission on Radiological Protection. Japan would be monitoring levels of radioactive contaminants in agricultural products to evaluate potential food safety risks and provide detailed information to its trading partners through the WTO, WHO and FAO. In turn, Japan requested that Members not over-react to this situation by imposing unjustifiable import restrictions. Japan has continued to provide updates at each SPS Committee meeting since the March 2011 meeting (G/SPS/R/62, 63, 64, 66);
- The European Union provided information on legislation related to pesticide residues. The new legislative framework had been applicable since September 2008 to complete the harmonization and simplification of pesticide maximum residue limits (MRLs). Under the new pesticide framework, MRLs undergo a common EU assessment to ensure that all consumer classes are sufficiently protected, while eliminating inappropriate technical barriers to trade. This means that an application for an MRL to be set for the use of a pesticide needs to be made only once, and the MRL will be applicable throughout the European Union. A default MRL of 0.01mg/kg will be applied to pesticides for which no information has been provided. Importers should apply for tolerances when products treated with pesticides are imported into the European Union, unless there are extenuating circumstances such as a Codex standard for which the European Union has not registered any reservation. For substances no longer authorised in Europe, international standards and import tolerances would normally be maintained unless data showed that these were not safe for consumers (G/SPS/R/62);
- The Dominican Republic raised an issue concerning EU Regulation 669 of 2009 under which seven products exported from the Dominican Republic had been under intense pesticide residue checking. The enquiry pertained particularly to bananas and mangoes that had been cleared by the EU authorities and yet had not been released (G/SPS/R/62);
- New Zealand indicated that the Ministry of Agriculture and Forestry (MAF) had merged with the New Zealand Food Safety Authority and the Ministry of Fisheries in 2011 (G/SPS/GEN/1142). The new ministry would be called the Ministry for Primary Industries, with responsibility for all government work across the agricultural, horticultural, fisheries and aquaculture, forestry and food sectors, including imports and exports. The new ministry would continue to have primary responsibility for food safety and biosecurity. The new name would come into effect on 30 April 2012 and administrative changes (e.g. brands, official seals and logos) would run through to mid-2013 (G/SPS/R/62 and 66);
- Belize reported that it had reviewed one of its principal laws, the Belize Agricultural Health Authority Act, Chapter 211 of the substantive Laws of Belize, 2000-2003 Revised Edition. The law covers four major areas: animal health, plant health, food safety and quarantine. The review had resulted in four major bills which, once enacted, would replace the Belize Agricultural Health Authority Act. During the review process, specific deficiencies had been addressed which would be reflected in the new legislation. Each of four draft bills would be notified separately and at different time periods, commencing in April 2011 (G/SPS/R/62);
- The European Union reported on the outbreak of Shiga Toxin-Producing Escherichia Coli (STEC). Since the beginning of the outbreak, the European Union had continually provided information and communicated with its trading partners. As soon as the outbreak became known on 22 May 2011, all existing surveillance networks were immediately activated and followed the outbreak closely. The strain that had been identified in the European Union was O104:H4. The epidemiological investigations were on-going and a task force was created which determined that the seeds used for the production of bean sprouts were the source of the outbreak. A recent report from the European Food Safety Authority and the European Centre for

Disease Prevention and Control was already available on the internet. The European Union urged Members to lift any discriminatory import restrictions that had been imposed given that the source of the outbreak had been identified (G/SPS/R/63);

- China introduced its new Regionalization Management System on Food Safety (G/SPS/GEN/1101). The presentation highlighted (i) the concept of regionalization management of food safety; (ii) the scientific connotations of regionalization management of food safety; (iii) the nine major working mechanisms; (iv) primary control measures and; (v) the system's main achievements. The system had been successfully implemented in 27 provinces, 261 counties, and had brought together all food safety stake-holders. In 2010, the counties that had successfully implemented the new system had met all import requirements, demonstrating that the regionalization management system was an effective tool to address food safety concerns. The new system would be extended to other provinces. In response to an OIE observation that China's definition of the term "regionalization" differed from that of the OIE and the IPPC, China noted that it had spent more than ten years building its capacity to enable regionalization within the OIE context. The World Bank recalled that a memorandum was signed in May between the World Bank and APEC on strengthening food safety capacity. The World Bank commended China's efforts and highlighted that this system was a crucial step in improving food safety capacity, which had been identified as a high priority issue by APEC (G/SPS/R/63);
- Mexico gave details on the "Mexican Electronic Foreign Trade Window", established through a presidential Decree of 14 January 2011 (G/SPS/W/264). The electronic window would provide a single reception point for foreign trade-related information, and would incorporate the foreign trade procedures of the National Agriculture and Food Health, Safety and Quality Service (SENASICA) as of 31 January 2012. Mexico suggested that the Committee discuss and recommend ways to help Members and international bodies to harmonize electronic sanitary and phytosanitary certification procedures. Senegal welcomed Mexico's statement, and shared its own experience with national electronic circulation of documents (G/SPS/R/64);
- The Philippines provided details on the Standards Harmonization and SPS Conformity component of a development cooperation initiative with the European Union (G/SPS/GEN/1154). Results of this component included: (i) on-going development of the Philippine Rapid Alert System; (ii) successful compliance by the Philippines' Bureau of Fisheries and Aquatic Resources (BFAR) with EU requirements (BFAR passed the EU Food and Veterinary Office audit in June 2011); (iii) indexing of SPS-related measures and issuances in a coherent manner (issuances can be retrieved electronically through the SPS e-portal: <http://spsissuance.da.gov.ph>; and (iv) a draft Food Safety Act, which had been filed with the Congress and would put in place a farm-to-fork regulatory system to ensure a high level of food safety as well as fair trade. The Philippines' online application, processing, approval and release of "SPS Import Clearances" was now operational (G/SPS/R/66).

B. TRANSPARENCY

10. The SPS information management system (SPS-IMS), made public in June 2007, allows easy access and management of all WTO SPS-related documentation.⁵

11. The legal obligation of WTO Members is to notify new or modified SPS measures when these deviate from the relevant international standards, including Codex standards. The recommendations of the SPS Committee, however, now encourage the notification of all new or modified measures even when these conform to international standards (see WTO document G/SPS/7/Rev.3). Although this recommendation does not change the legal obligations of WTO Members, it is expected that it will enhance transparency regarding the application of relevant Codex standards.

⁵ See <http://spsims.wto.org>.

12. Since June 2011, SPS National Notification Authorities can complete and submit SPS notifications online through the SPS Notification Submission System (SPS NSS). The SPS NSS allows for more accurate and complete notifications, and a substantial reduction in the time required for the WTO to circulate them. Interested WTO Members should request login names and access passwords from the WTO Secretariat. As of May 2012, 36 Members had requested and been given access to the system, and 17 of these had officially submitted notifications via the SPS NSS.

13. A total of 1,326 notifications (regular and emergency) of new or proposed SPS measures were submitted to the WTO from January 2011 through mid-May 2012. Among these, 792 regular notifications and 45 emergency notifications identified food safety as the objective of the measure being taken. Of these, 271 of the regular and 22 of the emergency notifications identified a Codex standard as relevant, with 76 per cent and 55 per cent respectively indicating conformity to a Codex standard. In 74 per cent of the specific Codex standard of relevance was identified, unfortunately the deviation from the standard was not described in most of the cases.

C. EQUIVALENCE

14. In July 2004, the SPS Committee completed its work on guidelines on the implementation of Article 4 of the SPS Agreement on equivalence in response to concerns raised by developing countries.⁶ The Decision on Equivalence adopted by the SPS Committee notes, *inter alia*, the work on recognition of equivalence undertaken in the Codex, the OIE and the IPPC, and requests the further elaboration of specific guidance by these organizations to ensure that such recognition is maintained. Equivalence remains a standing agenda item of the Committee.

D. MONITORING THE USE OF INTERNATIONAL STANDARDS

15. The procedure adopted by the SPS Committee to monitor the use of international standards invites countries to identify specific trade problems they have experienced due to the use or non-use of relevant international standards, guidelines or recommendations.⁷ These problems, once considered by the SPS Committee, are drawn to the attention of the relevant standard-setting body.

16. In July 2011, the SPS Committee adopted the Thirteenth Annual Report on the procedure to monitor the process of international harmonization.⁸

17. In March 2011, Brazil, supported by Argentina, Australia, Canada, Chile, Colombia, Costa Rica, Mexico, the United States and New Zealand, recalled that the Codex Commission had decided in 2008 to hold the proposals of ractopamine MRLs at step 8 and that Members would send further data to be analysed. To overcome the deadlock on the approval of ractopamine MRLs at the 33rd Session of the Commission, a "Friends of the Chair" group had been established to discuss possible solutions focussing on JECFA risk management. Following the approval by the Codex scientific consultative body, the adoption of the ractopamine MRLs within Codex should not be delayed. Brazil recalled that all countries had the right to adopt any sanitary measures as long as they were scientifically justified and requested the immediate adoption of the ractopamine MRLs. This was of paramount importance for the protection of consumers, the promotion of international trade, for food safety, and for the maintenance of the role of the Codex Alimentarius as an international reference organization in the area of food safety.

18. Codex stated that the matter of ractopamine MRLs would be examined again at the next Commission and that hopefully members would be able to reach a consensus.

19. The European Union, supported by Norway and Switzerland, stated that JECFA had provided Codex with a risk assessment and discussions had focused on risk-management. Therefore, while science was indeed a key element, risk managers also had to consider other factors that also impacted on consumers' health. The European Union, as part of the "Friends of the Chair" had actively searched for a solution

⁶ G/SPS/19/Rev.2.

⁷ G/SPS/11/Rev.1.

⁸ G/SPS/56.

acceptable to all parties and looked forward to making progress in advance of the July 2011 Codex Commission.

20. The issue of ractopamine was raised again at the June 2011 meeting by Costa Rica, supported by Argentina, Australia, Brazil, Canada, China, New Zealand, Peru, Philippines and the United States.

21. At the March 2012 meeting, several Members presented a joint submission on SPS measures and international standards, guidelines and recommendations.⁹ The document raises concerns with the increase in the number of SPS measures that are not based on international standards, guidelines and recommendations or that have inadequate scientific justification. The submission aimed at reconfirming the need: (i) for science-based international guidelines, standards and recommendations; (ii) to support and strengthen confidence in SPS international standard-setting bodies; and (iii) for sanitary and phytosanitary measures which result in a higher level of protection than would be achieved by measures based on the relevant international standards, guidelines and recommendations to be established on the basis of science.

E. TECHNICAL ASSISTANCE

22. At each of its meetings, the SPS Committee has solicited information from Members regarding their technical assistance needs and activities.

23. In March 2012, the WTO Secretariat presented 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 1 September 1994 to 31 December 2011.¹⁰ In 2011, the Codex secretariat participated with their expertise in WTO regional workshops held in Barbados, Kenya, Mali and Qatar, as well as in the SPS advanced course held in Geneva.

24. Document G/SPS/GEN/997/Rev.2 provides information on all WTO technical assistance activities in the SPS area planned for 2012, including the Geneva-based advanced course which aims to provide in-depth and hands-on training to government officials. Four regional workshops on the SPS Agreement are scheduled for 2012. National seminars are provided upon request to WTO Members and acceding governments. Further information on SPS activities is available through <http://www.wto.org/sps/ta>.

F. REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT

25. The SPS Committee is mandated to review the operation and implementation of the SPS Agreement every four years. The Second Review of the Agreement was completed in July 2005.¹¹ As agreed by the Committee in its Second Review, the Committee has been considering proposals to facilitate the use of ad hoc consultations and negotiations to resolve trade problems. WTO Members have different views regarding this mechanism, as reflected in the current working draft.¹²

26. The SPS Committee completed the Third Review of the Operation and Implementation of the SPS Agreement in March 2010. At the October 2010 informal meeting, Members agreed to prioritize three issues for consideration under the work of the Committee arising from the Third Review: (i) cooperation between the SPS Committee and the Three Sisters; (ii) improving the procedure for monitoring the use of international standards; and (iii) control, inspection and approval procedures (Article 8 and Annex C).

27. Members have been encouraged to discuss their experiences with control, inspection and approval procedures. The European Union presented its approach to SPS audits and inspections in third countries. Argentina noted that it was currently reviewing on-site audit procedures at the national level, and that it might present the results of this work to the SPS Committee when available.

28. On cooperation between the SPS Committee and the Three Sisters, following a proposal submitted by Japan, the WTO Secretariat organized, on 17 October 2011, a Geneva-based workshop on coordination of

⁹ G/SPS/GEN/1143/Rev.2.

¹⁰ G/SPS/GEN/521/Rev.7.

¹¹ G/SPS/36.

¹² G/SPS/W/259/rev.2.

SPS matters at the national and regional levels. The objective of the workshop was to bring together officials responsible for participation in and implementation of the SPS Agreement, Codex, IPPC and/or OIE for an in-depth discussion, at a technical level, on best practices in coordination at national and regional levels. The WTO Secretariat, in its brief report on the coordination workshop, highlighted two specific recommendations resulting from it, namely a possibility to develop guidelines for good national coordination and/or a manual of good practices. Also, at its October meeting, the SPS Committee formally agreed to a proposal from Canada and Japan to encourage the Three Sisters to undertake joint work on cross-cutting issues, such as, *inter alia*, certification, inspection, approval procedures and/or risk analysis.¹³

G. SPS-RELATED PRIVATE STANDARDS

29. Since June 2005, the SPS Committee has discussed the issue of private and commercial standards on a number of occasions. The issue was initially raised by St. Vincent and the Grenadines with regard to EurepGAP (now GlobalGAP) requirements on pesticides used on bananas destined for sale in European markets.

30. On several occasions, informal information sessions have been held in the margins of the SPS Committee meetings. A number of international organizations working on the issue of private standards, including OECD and UNCTAD, as well as a number of private standardizing groups, including GlobalGAP, have provided information regarding commercial and private standards. WTO Members have raised a number of concerns regarding the trade, development and legal implications of private standards.

31. An ad hoc working group identified "Possible Actions for the SPS Committee Regarding SPS-Related Private Standards".¹⁴ At its March 2011 meeting, the Committee adopted five of the six actions put forward by the working group.¹⁵ These actions relate to defining the scope of the discussions on these private standards and promoting information exchange among various actors in this area, including the SPS Committee, the relevant international standard-setting organizations, WTO Members, entities involved in SPS-related private standards, and the WTO Secretariat.

32. At its subsequent meetings in 2011 and 2012, WTO Members discussed how to implement the agreed actions, as well as on the outstanding proposed actions on which there was no consensus. Significant progress was made towards agreement of a working definition of "SPS-related private standards".

II. OTHER RELEVANT WTO ACTIVITIES

A. THE WTO DISPUTE SETTLEMENT PROCEDURE

33. 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.¹⁶ 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 may appeal a Panel's decision before the WTO's Appellate Body. The Appellate Body examines the legal findings of the Panel and may uphold or reverse these. As with a Panel report, the Appellate Body report is adopted automatically unless there is a consensus against adoption.

34. 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 SPS-related disputes. The experts are usually selected from lists provided by the OIE, IPPC and

¹³ G/SPS/58.

¹⁴ G/SPS/W/256.

¹⁵ G/SPS/55.

¹⁶ 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).

Codex, standard-setting organizations 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.

B. SPS DISPUTES

35. As of February 2012, more than 400 complaints have formally been raised under the WTO's dispute settlement procedures. Of these, 37 alleged violations of the SPS Agreement, and two disputes addressed the SPS Agreement, although it had not been claimed in the request for consultations (WT/DS320 and WT/DS321). Eighteen SPS-related complaints, on 13 issues, have been referred to a panel:¹⁷

- complaints by the United States and Canada in 1996 regarding the European Communities' ban on meat treated with growth-promoting hormones; *EC – Hormones* (WT/DS26 and WT/DS48, respectively);
- complaints by Canada and the United States in 1997 regarding Australia's restrictions on imports of fresh, chilled or frozen salmon; *Australia - Salmon* (WT/DS18 and WT/DS21, respectively);
- complaint by the United States in 1997 regarding Japan's requirement that each variety of certain fruits be tested with regard to the efficacy of fumigation treatment; *Japan Agricultural Products II* (also referred to as *Japan - Varietals*) (WT/DS76);
- complaint by Ecuador in 2001 regarding Turkey's import requirements for fresh fruit, especially bananas; *Turkey- Fresh Fruit Import Procedures* (WT/DS237);
- complaint by the United States in 2002 regarding Japan's restrictions on apples due to fire blight; *Japan - Apples* (WT/DS245);
- complaint by the Philippines in 2002 regarding Australia's restrictions on fresh fruits and vegetables, including bananas; *Australia - Fresh Fruit and Vegetables* (WT/DS270);
- complaints by the United States, Canada and Argentina in 2006 regarding the European Communities' measures affecting the approval and marketing of biotech products; *EC - Approval and Marketing of Biotech Products* (also referred to as *EC - GMOs*) (WT/DS291, WT/DS292 and WT/DS293, respectively);
- complaint by the European Communities in 2007 regarding Australia's quarantine procedures; *Australia - Quarantine Regime* (WT/DS287);
- complaints by the European Communities in 2008 regarding the United States' and Canada's continued suspension of obligations relating to the *EC-Hormones* dispute; *US - Continued Suspension* and *Canada - Continued Suspension* (WT/DS320 and WT/DS321, respectively);
- complaint by New Zealand in 2008 regarding Australia's restrictions on apples in 2008; *Australia - Apples* (WT/DS367);
- complaint by the United States in 2009 regarding European Communities' measures affecting poultry meat and poultry meat products; *EC - Poultry* (WT/DS389);
- complaint by Canada in 2009 regarding Korea's measures affecting the importation of bovine meat and meat products from Canada; *Korea - Bovine Products* (WT/DS391); and
- complaint by China in 2009 regarding US measures affecting imports of poultry; *US - Poultry* (WT/DS392).

36. Three dispute cases have concerned food safety regulations: (i) the EC ban on imports of meat treated with growth-promoting hormones, challenged by the United States and by Canada (*EC-Hormones*); (ii) EC measures affecting the approval and marketing of biotech products, brought by the United States, Canada and Argentina (*EC - Approval and Marketing of Biotech Products*); and (iii) US measures affecting imports of poultry from China (*US - Poultry*).

¹⁷ For summaries of all disputes that have cited the SPS Agreement please refer to: http://www.wto.org/english/tratop_e/dispu_e/dispu_agreements_index_e.htm?id=A19#selected_agreement.

C. RECENT DEVELOPMENTS ON SPS DISPUTES

37. On 6 March 2012, the United States requested consultations with India concerning measures that India imposes on the importation of various agricultural products from the United States because of concerns related to avian influenza.¹⁸ The United States and India held consultations on 16-17 April 2012. The consultations were unsuccessful in resolving this dispute, and on 11 May 2012 the United States requested the establishment of a panel to examine this matter.

D. THE STANDARDS AND TRADE DEVELOPMENT FACILITY

38. The Standards and Trade Development Facility (STDF) is a fund created by the FAO, OIE, the World Bank, the World Health Organization (WHO) and the World Trade Organization (WTO) to assist developing countries enhance their capacity to meet international sanitary and phytosanitary (SPS) standards, improving the human health, animal health and phytosanitary situation, and thus gaining and maintaining market access. The WTO is the administrator of the STDF and provides the secretariat. Relevant information regarding the operation of the STDF is being provided in a separate document.

¹⁸ India's avian influenza measures prohibit the importation of various agricultural products into India from those countries reporting OIE-notifiable avian influenza (both highly pathogenic notifiable avian influenza and low pathogenic notifiable avian influenza).