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COVER NOTE

From: General Secretariat of the Council
To: Council

Subject: WTO MC12 – sanitary and phytosanitary declaration “Responding to modern SPS challenges” adopted at the Ministerial Conference
Information from the French delegation, on behalf of the Austrian, Belgian, Cyprus, French, Greek, Irish, Italian, Latvian, Luxembourg, Portuguese, Slovak and Spanish delegations

Delegations will find in Annex an information note from the French delegation, on behalf of the Austrian, Belgian, Cyprus, French, Greek, Irish, Italian, Latvian, Luxembourg, Portuguese, Slovak and Spanish delegations, on the above-mentioned subject to be presented under "Any other business" at the session of the Council ("Agriculture and Fisheries") on 18 July 2022.

WTO MC12 – sanitary and phytosanitary declaration “Responding to modern SPS challenges” adopted at the Ministerial Conference

Information from the French delegation, on behalf of the Austrian, Belgian, Cyprus, French, Greek, Irish, Italian, Latvian, Luxembourg, Portuguese, Slovak and Spanish delegations

European Union sanitary and phytosanitary standards protect our consumers and producers. They ensure high food quality and safety across food chains, and protect animal and plant health.

The Agreement on the Application of Sanitary and Phytosanitary Measures (hereinafter ‘SPS Agreement’) of the World Trade Organisation (WTO) is of paramount importance for the EU SPS system. It forms the basis of its legitimacy and relevance, in particular Article 3.3, which allows Members to determine the level of protection they deem appropriate, and Article 5.7, which recognises the precautionary principle.

The European Green Deal and its Farm to Fork Strategy, and the regulations adopted in line with those strategies, pave the way towards a more sustainable EU food system, including on SPS issues. The new Common Agricultural Policy will contribute to this transition, as all EU policies should.

The EU should use its position as a significant actor in international markets to work with our international partners to foster a global transition towards greater sustainability. Otherwise, implementing the Green Deal and its strategies into regulations could result in environmental leakages and a fall in European agricultural production.

We thus have to continue convincing our partners that the EU transition path is sustainable, necessary and relevant. For years, the EU SPS system and standards have been criticised by some third countries. These criticisms have intensified since the publication of the European Green Deal. This continuous persuasive effort should intensify particularly at the multilateral level, in all relevant fora, including WTO and Codex Alimentarius.

The Ministerial Declaration ‘Responding to modern SPS challenges’ adopted by WTO members in June represents an opportunity to promote the EU approach. Initiated by the United States of America, Brazil and Australia in 2020, the declaration has been amended, particularly thanks to the tireless efforts of the European Commission. This declaration was finally adopted at the 12th Ministerial Conference of the WTO. It establishes a work programme. An initial timeline for this work programme, which encompasses the setting up of ‘small groups’ on specific themes, was presented to the WTO SPS Committee on 24 June 2022.

Austria, Belgium, Cyprus, France, Greece, Ireland, Italy, Latvia, Luxembourg, Portugal, Slovakia and Spain invite the Commission to participate in all the working sub-groups proposed by the Secretariat and, in particular, to take the lead in the sub-group related to sustainability. We call on the Commission to ensure that the EU Member States are kept informed of the progress of the work and to seek their views throughout the process.

In this context, we also ask the Commission to include the following elements in the position it will promote for EU and its Member States in this work programme. Austria, Belgium, Cyprus, France, Greece, Ireland, Italy, Latvia, Luxembourg, Portugal, Slovakia and Spain therefore invite the Commission to:

- **highlight the relevance of the current SPS Agreement**, particularly its Article 5.7;
- **uphold the terms of paragraph 9 of the Declaration whereby the work programme does not launch negotiations for new obligations, nor reopen or amend the SPS agreement, nor consider any proposal that could lead to such negotiations and could threaten current key principles of the SPS Agreement;**
- **promote the ambition of the European Green Deal and the Farm to Fork Strategy to address current global sanitary and environmental challenges**, including mitigation of and adaptation to climate change, biodiversity conservation and sustainable use, protection of water, land and air quality, and fighting antimicrobial resistance;
- **explain the relevance of current approaches and practices promoted at EU level**, including agro-ecology and other innovative practices, the One Health approach, farming systems that take into account higher animal welfare standards and aim to reduce excess of fertilisers, as well as the use and risks of plant protection products;
- **highlight the important contribution that the three Sisters** (Codex Alimentarius, World Organisation for Animal Health, International Plant Protection Convention) can make to the **global sustainability agenda**, as worldwide standard-setting programmes recognised by the SPS agreement;
- **capitalise on the Council's conclusions on Codex Alimentarius** adopted in February 2022 to explore **how to integrate sustainability considerations** into the work of the Codex Alimentarius Commission, **how to complement scientific risk assessment** with analyses and data related to sustainability considerations (e.g. environmental protection and animal welfare) and how to facilitate the **adequate consideration of all scientific disciplines**, through innovative methodologies for risk assessments and impact assessments regarding food standards;
- **promote an integrated risk-management approach, consistent with the One Health approach;**
- **explain how multilateral discussions, bilateral cooperation and autonomous measures contribute in complementary ways to the transition towards sustainable food systems.**



WORLD TRADE
ORGANIZATION

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Ministerial Conference

Twelfth Session

Geneva, 12-15 June 2022

**SANITARY AND PHYTOSANITARY DECLARATION FOR THE
TWELFTH WTO MINISTERIAL CONFERENCE: RESPONDING
TO MODERN SPS CHALLENGES**

MINISTERIAL DECLARATION

ADOPTED ON 17 JUNE 2022

1. We recognize that the twelfth WTO Ministerial Conference takes place following the 25th anniversary of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) — an opportune point to reflect on the successes achieved since its adoption, and to recognize the challenges ahead resulting from emerging pressures that may significantly impact international trade in food, animals and plants.

2. We wish to take this opportunity to underline that the SPS Agreement and its provisions are as relevant and applicable today as they were in 1995, and they continue to safeguard the right for Members to take measures necessary for the protection of human, animal or plant life or health.
3. In addition to this, the proper implementation of the SPS Agreement by Members supports rural livelihoods, facilitates trade, and supports sustainable agricultural growth. Of particular note to these outcomes are the contributions of the SPS Agreement's provisions requiring Members to be transparent in taking SPS measures; and that these measures be based on scientific principles, applied only to the extent necessary to protect human, animal or plant life or health, and not be maintained without sufficient scientific evidence, including through an assessment of risk, except for provisional measures referenced in Article 5.7 of the SPS Agreement.
4. We recognize that the WTO Committee on Sanitary and Phytosanitary Measures (SPS Committee) has been instrumental in advancing the implementation of the SPS Agreement, particularly as it relates to improving the transparency of SPS measures through increased notification among Members. Looking to the future, the SPS Committee will continue to undertake valuable work, and Members remain committed to the continued enhancement of the implementation of the SPS Agreement.
5. We reaffirm the rights and obligations of Members established by the SPS Agreement and call for Members' strengthened adherence to the SPS Agreement to support international trade while ensuring the protection of human, animal and plant life or health.

6. The Membership acknowledges that the global agricultural landscape has evolved since the adoption of the SPS Agreement in 1995. This evolution has brought about a variety of new opportunities and emerging challenges for the international trade in food, animals and plants, including but not limited to:

- expanding global populations, as well as increased movement of agricultural products to address changing population structures and distributions;
- increased pace of innovation in tools and technologies;
- climate change and increasing environmental challenges and associated stresses on food production;
- growing importance of sustainable agricultural practices and production systems, including their contribution to addressing climate change and biodiversity conservation;
- shifting pressures due to the spread of pests, diseases, disease-carrying organisms, or disease-causing organisms, increasing threat of antimicrobial resistance for human and animal health, as well as emerging infectious diseases linked with the human-animal-environment interface, especially zoonoses; and
- continued application of SPS measures that would constitute a disguised restriction on international trade.

7. To that end, the Ministerial Conference instructs the SPS Committee to further enhance the implementation of the SPS Agreement in an effort to better manage issues related to international trade in food, animals and plants by undertaking a work programme, open to all Members and Observers, consisting of new efforts to identify: (1) challenges in the implementation of the SPS Agreement and the mechanisms available to address them; and (2) the impacts of emerging challenges on the application of the SPS Agreement.

8. Through the work programme, the Ministerial Conference envisions that the SPS Committee should explore how the implementation and application of the SPS Agreement can support the following themes, including but not limited to:

- How to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organisation for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures to protect human, animal or plant life or health.
- How to support basing SPS measures on scientific evidence and principles, including where international standards, guidelines, or recommendations do not exist or are not appropriate; and how to promote the use by Members of principles employed by the international standard setting bodies for considering scientific uncertainty in risk analysis.
- How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence which can strengthen Members' ability to protect plant and animal life or health through efforts to limit the spread of pests such as the Mediterranean fruit fly, diseases such as African swine fever, disease-carrying organisms, or disease-causing organisms.
- How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard setting bodies through technical exchanges and assistance in the context of this work programme.
- How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures; and in particular, to increase awareness of and sensitivity to the impacts of SPS measures on the export possibilities of such Members.
- Other topics as identified over the course of the work programme or as a result of emerging sanitary or phytosanitary challenges or risks worldwide.

9. This work programme does not launch the negotiation of new obligations, nor re-open or amend the SPS Agreement.

10. The SPS Committee will address the outcomes of this work programme and report on key findings and actions undertaken as a result of this work to the thirteenth Ministerial Conference with recommendations, as appropriate.
