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# Activity report of the EU WTO Sanitary and Phytosanitary Notification Authority & Enquiry Point

2023 Edition



European  
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## **2023 ACTIVITY REPORT OF THE EU WTO SANITARY AND PHYTOSANITARY NOTIFICATION AUTHORITY AND ENQUIRY POINT**

While the European Union (EU) and its Member States (MSs) are members of the World Trade Organisation (WTO) on their own right and as such have their own SPS Enquiry Points, the EU authority responsible for implementing the notification requirements of the SPS Agreement is centralised in DG SANTE Unit A4.

This report provides an overview of the general developments of WTO notifications from 1995 to 2023, followed by a closer look at last year, both on WTO level and with particular focus on the EU.

2023 was again a busy year in WTO SPS notifications, with 1993 notifications submitted by WTO members. It is interesting to note that while the total number of notifications decreased by an 8.24% 2023 compared with 2022, the number of EU notifications increased by a 19%, which lifted us from the 5<sup>th</sup> to the 4<sup>th</sup> place and shows the EU remains amongst the champions of transparency.

Most of the notifications issued by the EU in 2023 concerned feed additives, followed by pesticides. Food safety remains by far the area generating most SPS notifications, followed by animal health and, to a lesser extent, plant protection, the protection of the Member's territory from other damage from pests and the protection of humans from animal diseases or plant pests. In contrast, emergency notifications only referred to plant health protection.

EU notifications continued to attract great interest from trade partners with the United States, China, Australia, Brazil and Japan as the most active actors to comment on the EU legislation, either in writing (48 comments received last year) or in the form of Specific Trade Concerns raised at the SPS committee.

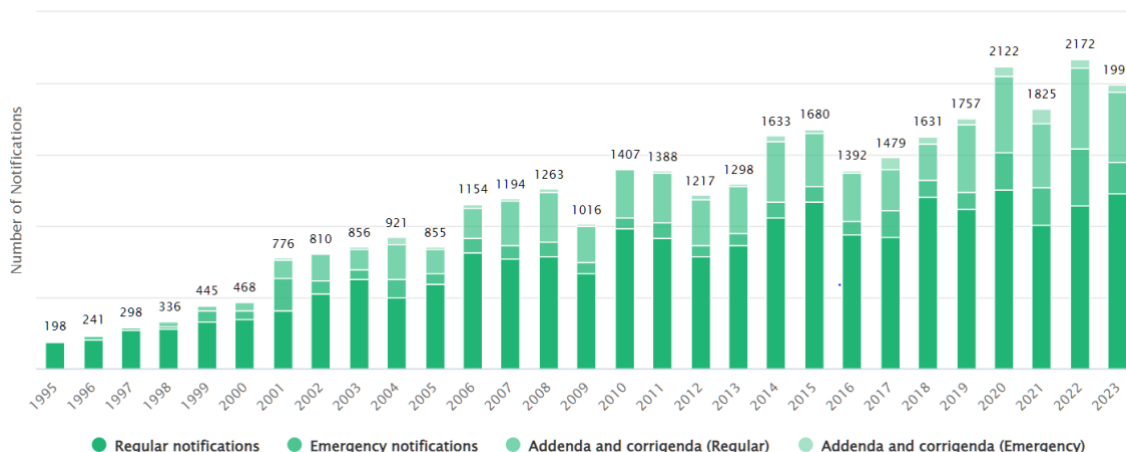
The EU also played an active role in monitoring and responding to notifications from other WTO Members. Last year the EU sent comments on 32 notifications, with main focus on measures notified by Brazil and China.

### **GENERAL DEVELOPMENTS OF WTO SPS NOTIFICATIONS FROM 1995 TO 2023**

Under the SPS Agreement, WTO Members have the obligation to notify, at an early stage, any proposed SPS regulation that may have a significant effect on trade of other Members and are not based on relevant international standards.

The following table illustrates the general rising trend in the number of SPS notifications over the years.

Number of SPS notifications per year



The EU transparency practices and procedures are well advanced compared to many other WTO Members. This is well-reflected in the volume of EU notifications, the well-organised interaction amongst EU players (Commission, EU Delegations, Member States (MSs) and stakeholders), and the intensive regulatory dialogue between the EU and other WTO Members.

Since 1995, the EU has submitted a total of 1827 SPS notifications (5.35% of the total) 1045 of which were regular ones. In comparison with other WTO Members this places the EU in the 4th position. Ahead of the EU, one finds the US at number 1, followed by Brazil and Canada.

Despite the high level of implementation of the SPS transparency obligations by WTO Members, missing, late and incomplete notifications continue to be a concern and WTO Members keep on reflecting on ways to improve the quality of the SPS regulatory dialogue. Recurring problems like the availability of translations of notified documents in one of the WTO official languages will be discussed at the SPS Committee Thematic Workshop on Transparency on 18-19 March 2024. In the context of the upcoming 6<sup>th</sup> Review of the Operation and Implementation of the SPS Agreement, the Commission will explore ways to improve these aspects and further cooperate with other WTO trade partners.

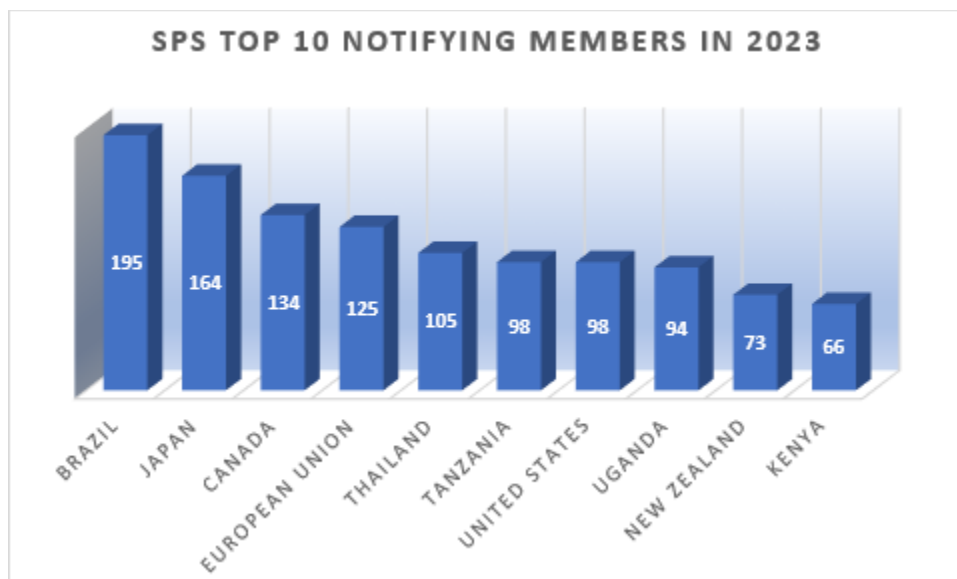
To be able to handle the growing number of notifications and to fulfil the EU transparency obligations, DG SANTE relies on its own SPS database. It provides for an efficient, fast and targeted distribution of the information on WTO notifications to the Commission services, MSs and EU associations of stakeholders.

The ePing platform (<https://epingalert.org/>) a joint initiative of the UN, WTO and ITC, is another online tool enabling private and public stakeholders to receive email alerts and follow notifications on products or markets of interest and also find information on trade concerns discussed in the WTO SPS committees.

## WTO SPS NOTIFICATIONS IN 2023

Last year, 1993 SPS notifications (including regular, emergency, revisions and addenda) were submitted to the WTO.

The EU submitted 125 notifications, which lifted us from the 5th to the 4th place and accounted for 4.8% of the total number of SPS notifications. Brazil ranked in first position, due to the notification of pesticides MRLs (each active substance being notified in a separate notification), followed by Japan and Canada.



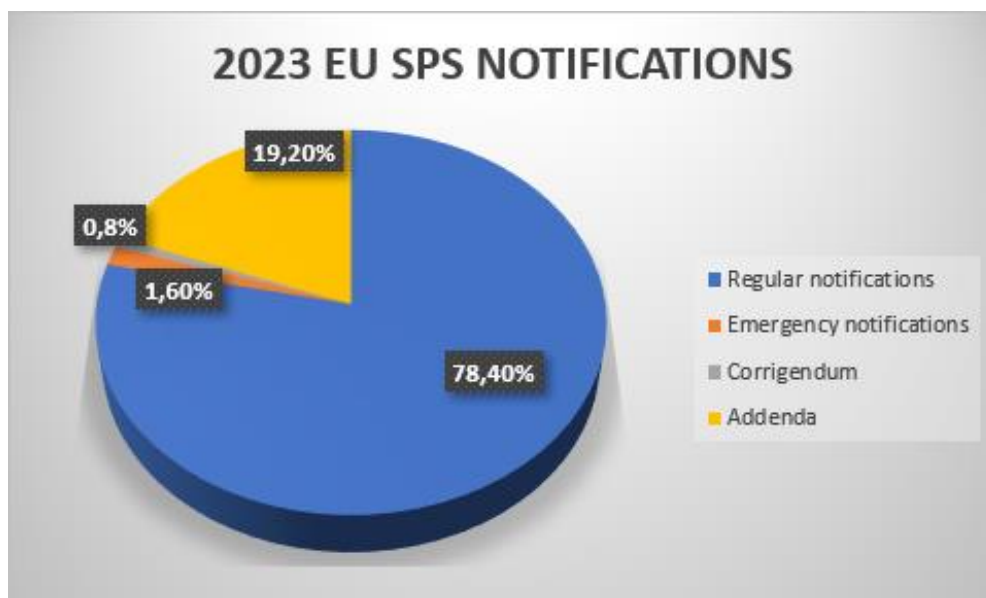
Many Members follow the recommendation to notify SPS measures even when they are based on a relevant international standard, as this substantially increases transparency among trade partners. In this context, of the 1993 regular notifications (excluding addenda) submitted in 2023, 38% indicated that at least one international standard, guideline or recommendation was applicable to the notified measure.

The share of notifications from developing and least-developed country Members accounted for 64% of the total number and is stable compared with 2022. Last year, Bangladesh and Vanuatu published their first SPS notification and interestingly, Tanzania, Uganda and Kenya were among the top 10 notifiers.

Ukraine's efforts to fulfil its SPS WTO obligations should be appreciated as the country published 39 notifications despite the war in 2023.

## EU SPS NOTIFICATIONS IN 2023

When looking at the break-down according to the type of notifications, the data show that out of the 125 EU notifications in 2023, 98 were regular notifications, 2 were emergency notifications<sup>1</sup>, 1 was a corrigendum and 24 were addenda.



The EU SPS Notification Authority notifies the EU SPS legislation and on rare occasions, MS's legislation (in 99% of the cases, the SPS legislations are harmonised at the EU level). Last year, DG SANTE notified one Danish law<sup>2</sup> and two French decrees<sup>3</sup>.

A close collaboration with the TBT Enquiry point in DG GROW is necessary as in certain areas, the EU legislation is notified both under the SPS and the TBT Agreements.

The EU follows the WTO recommendation to provide other Members 60 days to comment on the regular notifications. According to the WTO recommended procedures, no comment period needs to be provided for trade facilitating and emergency measures which are notified for information after adoption.

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<sup>1</sup> The two emergency notifications concerned:

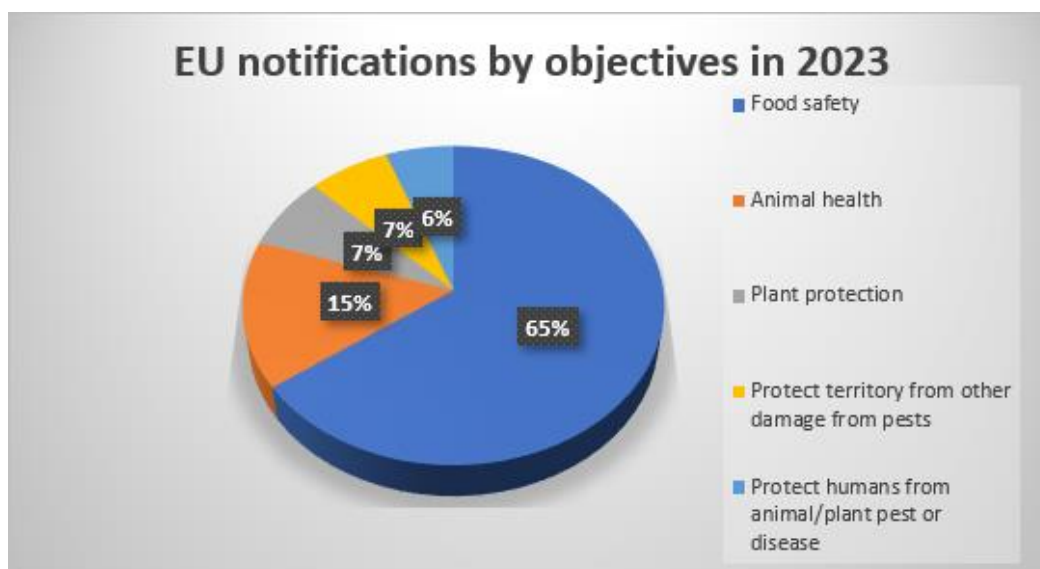
- Commission Implementing Regulation (EU) 2023/1134 of 8 June 2023 on measures to prevent the introduction into, establishment and spread within the Union territory of *Spodoptera frugiperda* (Smith) (G/SPS/N/EU/643).
- Commission Implementing Regulation (EU) 2023/1032 of 25 May 2023 establishing measures to prevent the introduction into and the spread within the Union territory of Tomato brown rugose fruit virus (ToBRFV) (G/SPS/N/EU/644).

<sup>2</sup> The Danish law concerned the lifting of the temporary ban on keeping mink in Denmark.

<sup>3</sup> The two French Decrees concerned:

- Order of 21 February 2022 suspending the entry and importation into France, and the placing on the market in France, of meat and meat products from animals from non-EU countries that have been treated with antimicrobial medicinal products to promote growth or increase yield (G/SPS/N/FRA/18/Add.1).
- Order of 16 March 2023 suspending the entry and importation into France, and the placing on the market in France, of fresh cherries for consumption from countries where the use of plant protection products containing the active substance phosmet is authorized for the treatment of cherry trees) (G/SPS/N/FRA/19).

Most of the notifications issued by the EU in 2023 concerned feed additives, followed by pesticides. The pie chart below shows the share of the objectives of the EU notifications. Food safety remains by far the area generating most SPS notifications, followed by animal health and, to a lesser extent, plant protection, the protection of the Member's territory from other damage from pests and the protection of humans from animal diseases or plant pests. Notifications can contain more than one objective.



In 2023, the Committee discussed the highest number of Specific Trade Concerns in its history. These are mainly related to new legislation which can cause trade disruption. The EU was the most active Member raising STCs towards third countries but also the Member that received the most complaints, notably on the EU review of legislation on veterinary medicinal products and on the EU policy on pesticides MRLs in general, setting MRLs on environmental grounds (neonicotinoids) and endocrine disruptors.

### EU DIALOGUE WITH WTO MEMBERS

Many of our trading partners closely follow the changes in the EU SPS legislative framework. Last year, the EU received 48 comments on its SPS notifications, which represents a 17.24% decrease compared to 2022. The most active actors to comment were the United States, immediately followed by China, then Australia, Brazil and Japan.

The draft Commission Delegated Regulation as regards the application of the prohibition of use of certain antimicrobial medicinal products in animals or products of animal origin exported from third countries into the Union triggered the highest number of written comments, with queries from 6 WTO Members.

The Commission attaches great importance to replying to all the comments received. These are carefully analysed, brought to the attention of MS and whenever justified, they are taken on board. And if this is not the case, justification is always provided as to why this was not possible. Eventually, DG SANTE provides a comprehensive written reply to every single set of comments received. Following Russia's invasion of Ukraine, it was decided that the EU does not comment or reply to comments coming from Russia and the Eurasian Economic Union.

## **EU REACTIONS TO NOTIFICATIONS OF OTHER WTO MEMBERS**

The EU also plays an active role in monitoring and responding to notifications from other WTO Members. Last year, the EU sent comments on 32 notifications and 10 WTO Members replied to the comments they had received. EU comments are mostly triggered by the EU industry, MSs, and the EU delegations together with the Commission. Those measures to which the EU reacted most often stemmed from Brazil and China.

All EU notifications from 2023, third countries comments, EU comments on notifications from third countries, as well as EU replies to the comments from third countries to EU notifications can be found in the EU SPS notifications database: <https://circabc.europa.eu> (SPS-NOTE-X). All historical data can also be found there dating back to 2008.

## **NEXT STEPS**

The number of SPS notifications and the regulatory dialogue with other WTO Members are likely to intensify even further in the future and the EU will continue playing an active role in the context of the 6<sup>th</sup> review of the Operation and Implementation of the SPS Agreement.



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ISBN 978-92-68-11650-0