
Committee on Sanitary and Phytosanitary Measures

**PROCEDURE TO MONITOR THE PROCESS
OF INTERNATIONAL HARMONIZATION**

Fourteenth Annual Report¹

Adopted by the Committee on 11 July 2012

A. INTRODUCTION

1. At its meeting of 15-16 October 1997, the SPS Committee adopted a provisional procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations, as provided for in Articles 3.5 and 12.4 of the SPS Agreement. The Committee extended the provisional monitoring procedure in 1999, 2001, and 2003, and adopted a revision of the procedure in October 2004.² On 28 June 2006, the Committee agreed to extend the provisional procedure indefinitely, and to review its operation as an integral part of the periodic review of the operation and implementation of the Agreement under Article 12.7.³ This procedure was reviewed as part of the Third Review of the Agreement adopted by the Committee in March 2010.⁴ The Committee is to undertake a review at least once every four years.

2. The Committee has previously adopted thirteen annual reports on the monitoring procedure.⁵ These reports summarize several standards-related issues that the Committee has considered and the responses received from the relevant standard-setting organizations.

B. NEW ISSUES

3. Since the adoption of the Thirteenth Annual Report in July 2011, no new issue has been raised under this procedure. In March 2012, a number of Members raised a horizontal concern regarding the number of SPS measures that were not based on international standards, guidelines and recommendations.

1. SPS Measures and International Standards, Guidelines and Recommendations: Joint Communication from Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, New Zealand, Paraguay, Peru, Philippines and the United States

4. At the March 2012 meeting of the Committee, Brazil introduced a joint submission on SPS Measures and International Standards, Guidelines and Recommendations on behalf of the co-sponsors (G/SPS/GEN/1143/Rev.2). The document raised concerns with the increase in the number of SPS

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

² G/SPS/14, G/SPS/17, G/SPS/25 and G/SPS/11/Rev.1.

³ G/SPS/40.

⁴ G/SPS/53.

⁵ These were circulated as G/SPS/13, G/SPS/16, G/SPS/18, G/SPS/21, G/SPS/28, G/SPS/31, G/SPS/37, G/SPS/42, G/SPS/45, G/SPS/49, G/SPS/51, G/SPS/54 and G/SPS/56.

measures that were not based on international standards, guidelines and recommendations or that had inadequate scientific justification. These measures often unduly restricted trade and appeared to be associated with objectives not deemed as legitimate under international trade rules. Given these concerns and in order to fulfil the objectives of the SPS Agreement, the submission aimed at reaffirming: (i) the need for science-based international guidelines, standards and recommendations; (ii) the need to support and strengthen confidence in SPS international standard-setting bodies; and (iii) the need for sanitary and phytosanitary measures which resulted 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.

5. Argentina, Australia, Canada, Chile, Colombia, Costa Rica, the European Union, Mexico, Paraguay, the Philippines, New Zealand, South Africa and the United States all supported the communication and in particular the importance of elaborating standards based on science. Argentina emphasized that this issue particularly affected developing countries and small producers. Chile recalled its proposal to improve the manner in which the Committee monitored the process of international harmonization referred to in Article 3.5. The Philippines stressed the importance of complying with the principles of the SPS Agreement to limit loss of consumer confidence and of suppliers' credibility following an outbreak. The United States referred to other factors such as consumer preferences, which should not be taken into consideration in the elaboration of international standards. The European Union drew attention to its strong support of the three standard-setting bodies and of the importance it attached, as the world's largest importer and exporter of agricultural products and foods, to food safety.

6. India requested clarification on the issue of consumer preferences and referred to Article 13 of the SPS Agreement and the need for Members' to ensure that non-governmental entities also complied with the Agreement.

2. Importance of Scientific Advice Bodies – Communication from Brazil

7. At the July 2012 meeting of the Committee, Brazil briefly introduced a submission regarding the increase in demand for scientific advice to support food control systems (G/SPS/GEN/1165). The Joint FAO/WHO Expert Committee on Food Activities (JECFA), the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) and the Joint FAO/WHO Expert Meeting on Microbiological Risk Assessment (JEMRA), make available international scientific advice, including risk assessments, which form the basis for international standards and also for some national regulations. Brazil's submission encouraged WTO Members to ensure that adequate resources were available for these bodies to carry out their functions.

8. Argentina, Belize, Canada, Chile, the European Union, and the United States all supported the communication and in particular the crucial role of the scientific advice bodies. Belize emphasized the limited scientific capability of developing countries. The European Union and Chile stressed the importance of ensuring adequate funding for these scientific advice bodies. The Codex representative explained that their funding came from FAO and WHO, and consisted of a mix of extra-budgetary funds and funds from the regular budgets of these organizations. The issue of funding for the scientific advice bodies had been discussed at the recent meeting of the Codex Alimentarius Commission.

C. PREVIOUS ISSUES

9. Since the adoption of the Thirteenth Annual Report, there has been no discussion of issues previously raised under this procedure.

D. RESPONSES RECEIVED FROM THE RELEVANT STANDARD-SETTING ORGANIZATIONS

10. At the October 2011 meeting of the Committee, the IPPC noted that, thanks to generous support from the European Union, it had put in place an Implementation Review and Support System (IRSS), which would follow a three-year cycle. The IRSS addresses the use and implementation of standards. A questionnaire would be sent to Members to collect information on the implementation of the IPPC and ISPMs. In addition, the implementation of ISPM No. 6 Guidelines for Surveillance was being assessed, and a preliminary report would be available in March 2012. The IPPC was also developing a Help Desk facility, whereby Members could contact the IPPC for assistance with the use and implementation of international standards, and which would contain, *inter alia*, databases, rosters of experts, lists of donors, and criteria for funding.

11. Chile thanked the IPPC for their assistance in helping Members to make the best use of international standards, and urged Members to correctly complete SPS notification forms rather than indicate that no relevant standards existed.

12. At the March 2012 meeting of the Committee, the IPPC again reported on the IRSS (G/SPS/GEN/1153). A global series of IRSS workshops had been conducted to review implementation and the resulting recommendations were being considered. The IRSS had led to the activation of the dispute settlement mechanism, and was expected to bridge all activities under the IPPC framework.

13. At the July 2012 meeting of the Committee, the IPPC again provided an update on the IRSS, contained in document G/SPS/GEN/1169.
