

Committee on Sanitary and Phytosanitary Measures

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

Decision of the Committee

Revision

At its meeting of 27-28 October 2004, the Committee adopted modifications to the provisional procedure to monitor the use of international standards, which had initially been adopted by the Committee in October 1997.

Introduction

1. Articles 3.5 and 12.4 of the SPS Agreement require the Committee to develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations. With the aim of encouraging Members to use international standards, guidelines and recommendations, the underlying purpose of this procedure is to identify where there is a major impact on trade resulting from the non-use of those international standards, guidelines or recommendations and to determine the reasons for the non-use of the standard, guideline or recommendation concerned. Moreover, it should also help to identify, for the benefit of the relevant international organizations, where a standard, guideline or recommendation was needed or was not appropriate for its purpose and use. This requires (a) identification of the international standards, guidelines or recommendations of concern or an identification of the cases where an international standard, guideline or recommendation was required; and (b) information from Members on their use or non-use of the identified standards, guidelines or recommendations, and the reasons therefore. In the light of Members' reasons for non-use, the SPS Committee might want to invite the relevant international standard-setting body to consider reviewing the existing standard, guideline or recommendation.

2. The development of a monitoring procedure was discussed at every formal meeting of the SPS Committee from 1995 to October 1997. Three submissions from Members suggested possible approaches: G/SPS/W/51 from the European Communities (March 1996), G/SPS/W/76 from the United States (October 1996) and G/SPS/W/81 from the United States (March 1997). During the discussion of these various submissions participants made it clear that they did not want a burdensome procedure, that duplication of the work undertaken by the relevant standard-setting bodies must be avoided, and that the monitoring procedure should focus on those standards, guidelines or recommendations that have a major impact on trade. On the basis of these concerns, and to avoid further delays, in July 1997 the Chairperson proposed a provisional procedure (G/SPS/W/82) and requested comments on this (reflected in G/SPS/W/82/Rev.1 and G/SPS/W/85).

3. At its meeting of 15-16 October 1997, the Committee agreed to implement the following monitoring procedure on a provisional basis. The proposal is drawn from the submissions by the Members mentioned above, as well as from the discussion in the Committee on these submissions. The Committee also agreed to review the operation of the provisional monitoring procedure 18 months after its implementation, with a view to deciding at that time whether to continue with the same procedure, amend it or develop another one.¹

Monitoring Procedure

4. In the initial stages, the scope of the monitoring system will be limited to the standards, guidelines or recommendations developed by the international organizations specifically cited in the SPS Agreement.² The Committee may, at a subsequent stage and if the need arises, consider standards, guidelines or recommendations produced by other relevant international organizations.

5. The international standards, guidelines or recommendations proposed by a Member to be monitored (see paragraph 6), on the basis of the lists available to the Committee³, should be limited to those which have a major trade impact. The trade impact of an international standard, guideline or recommendation should be determined primarily on the basis of the extent to which Members use the standard (apply it to imports) and the frequency or severity of problems experienced in the trade of the goods covered by the standard.

6. Members should submit, at least ten days in advance of each regular meeting of the Committee, concrete examples of what they consider to be problems with a significant trade impact which they believe are related to the use or non-use of relevant international standards, guidelines or recommendations.⁴ In their submissions, Members should describe the nature of each of these trade problems and note whether it is the result of:

- (a) the non-use of an appropriate existing international standard, guideline or recommendation; or
- (b) the non-existence or inappropriateness of an existing international standard, guideline or recommendation, i.e. that it is out-dated, technically flawed, etc.

7. The standards, guidelines or recommendations identified by Members as above will be identified on the proposed agenda for the Committee meeting. The Secretariat should circulate the submissions it has received to all Members, as much in advance of the Committee's meeting as possible, in order to provide Members with the opportunity to prepare comments on their use or non-use of the standards, guidelines or recommendations and the reasons therefore. Should any Member so request, the Secretariat will not include in its annual report on this monitoring procedure (see paragraph 10) any specific issue raised in these submissions until Members have had the opportunity to provide further comments and to discuss those comments in one additional Committee meeting subsequent to the meeting in which the issue is first raised.

8. Based on the information provided by Members, and in the light of discussion in the Committee, a list of standards, guidelines or recommendations which have a major impact on international trade shall be established by the Committee. This list shall be reviewed at each meeting

¹ Through Decisions of the Committee in July 1999 (G/SPS/14), July 2001 (G/SPS/17) and July 2003 (G/SPS/25), the Committee has extended the provisional procedure until July 2006.

² Codex, OIE and IPPC

³ G/SPS/GEN/512 (OIE), G/SPS/GEN/513 (IPPC) and G/SPS/GEN/514 (Codex).

⁴ Although no format has been adopted by the Committee, the format proposed in G/SPS/W/87 received considerable support from Members and has been widely used.

of the Committee. Members should provide information, for each of the standards, guidelines or recommendations identified, of any relevant trade impact, and on their use or non-use of the standard, guideline or recommendation and the reasons therefore.⁵ The Committee may invite the relevant international standard-setting body to consider reviewing the existing standard, guideline or recommendation.

9. The Committee may invite the relevant standard-setting body to provide information, either in writing or through presentations at the relevant regular meeting of the Committee, on any standard, guideline or recommendation under consideration, including with regard to any changes or on-going revisions.

10. The Secretariat should prepare an annual report to the Committee on the list of standards, guidelines or recommendations established under paragraph 8, the major trade impacts identified by Members and their comments regarding the use or non use of the identified international standards, guidelines or recommendations and of those cases identified where there was no international standard, guideline or recommendation, and any conclusions drawn by the Committee. The Committee will transmit this report to the international organizations responsible for developing the relevant sanitary and phytosanitary standards, guidelines or recommendations. It is expected that Members will take this information into account, through their participation in these international organizations, in establishing those organizations' work priorities.

Further Action

11. Following the review noted in paragraph 3 of the operation of this provisional monitoring procedure, the Committee may want at a later stage to consider the need for a more focused monitoring procedure. In particular, the Committee may wish to consider developing standard formats for the supply of information under paragraphs 6-8⁶, and using those standards, guidelines or recommendations which have been identified as having a major impact on international trade and are of widespread concern to Members (paragraph 8 refers) as the basis for a pilot project to obtain additional information as to how Members are dealing with the standards, guidelines or recommendations of concern.

⁵ See G/SPS/W/100.

⁶ See footnote 4.