

**Committee on Sanitary and Phytosanitary Measures**

**MONITORING THE USE OF INTERNATIONAL STANDARDS**

Background Note<sup>1</sup>

1. At the October 2010 informal meeting of the SPS Committee, Members had agreed to prioritize three issues for consideration under the work of the Committee arising from the Third Review: (i) the 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).
2. On the second prioritized issue, at the March 2011 meeting the Chairman requested that the Secretariat prepare a background document for the Committee's discussion on monitoring the use of international standards that contained relevant information that could be harvested from Specific Trade Concerns (STC), notifications and other documents submitted by Members.
3. The data for this report has been obtained through the SPS Information Management System (SPS IMS) from the information provided by Members.

**Notifications**

4. On 30 May 2008, the Committee adopted revised recommended procedures for transparency (G/SPS/7/Rev.3). The new procedures, among other aspects, encourage the notification of measures conforming to international standards, and were expected to make Members more conscientious about providing information on their use or non-use of international standards in their notifications. The new transparency procedures, including the use of the new notification formats, took effect on December 2008.

*Regular notifications*

5. From January 2009 through March 2011, a total of 1,861 regular notifications were submitted to the WTO. The existence of a relevant international standard was indicated in 40 per cent of these notifications.

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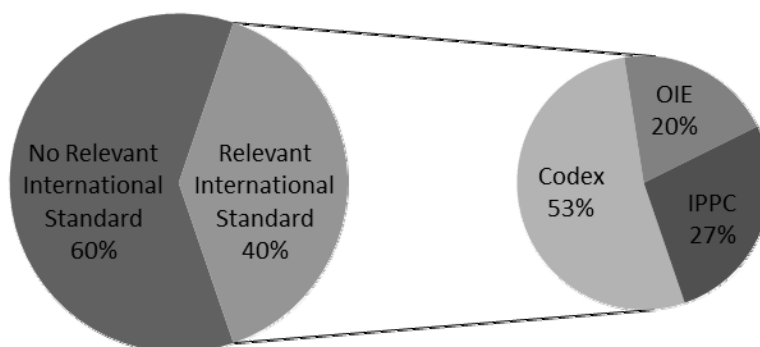
<sup>1</sup> This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

**Regular Notifications (January 2009 - March 2011)**

|   |              | 2009 | 2010 | 3/2011 | Total        |
|---|--------------|------|------|--------|--------------|
| <b>Notifications</b>  |              | 668  | 981  | 212    | <b>1,861</b> |
| <b>Relevant international standard, guideline or recommendation</b> | <b>Codex</b> | 142  | 204  | 42     | <b>388</b>   |
|   | <b>OIE</b>   | 76   | 52   | 20     | <b>148</b>   |
|   | <b>IPPC</b>  | 79   | 79   | 41     | <b>199</b>   |

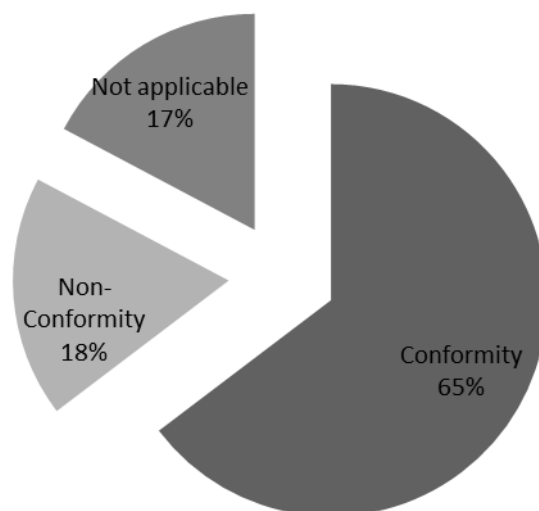
6. Of the notifications that referred to an international standard, more than half (53 per cent) related to a Codex standard or guideline, while 27 and 20 per cent of the notifications related to IPPC and OIE standards, guidelines or recommendations, respectively.

**Relevant International Standard in Regular Notifications**



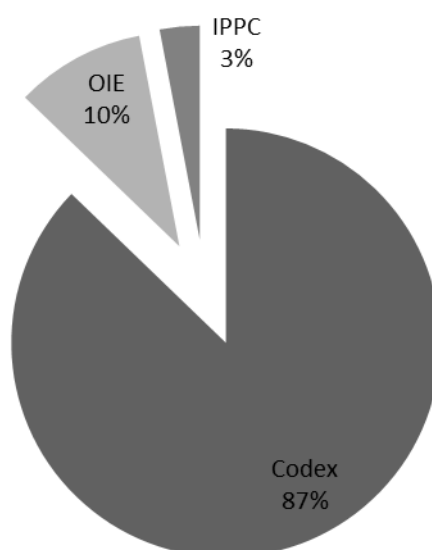
7. Of the 40 per cent of notifications where a relevant international standard was identified, the notifying Member claimed that the measure was in conformity with the relevant standard in 65 per cent of the cases; 17 per cent of the notifications indicated that the relevant international standard was not applicable to the measure being notified and 18 per cent indicated that the notified measure did not conform to the relevant standard.

### Conformity to a Relevant International Standard in Regular Notifications



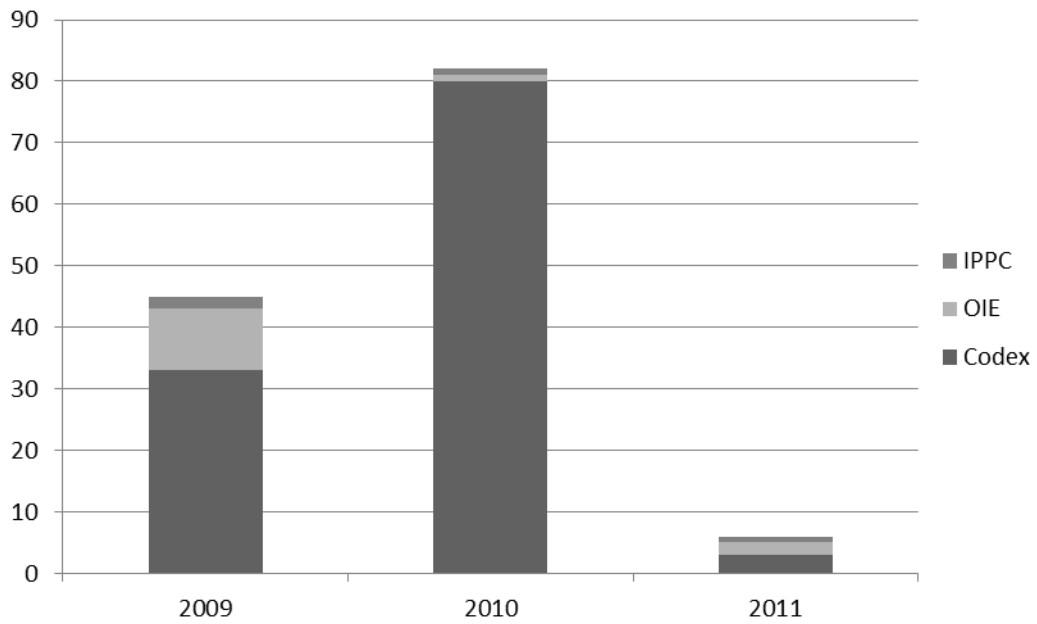
8. For the period under consideration, the majority of notifications indicating non-conformity related to a Codex standard or guideline (87 per cent). The remaining 10 and 3 per cent related to OIE and IPPC standards, guidelines and recommendations, respectively.

### Regular Notifications not Conforming to a Relevant International Standard



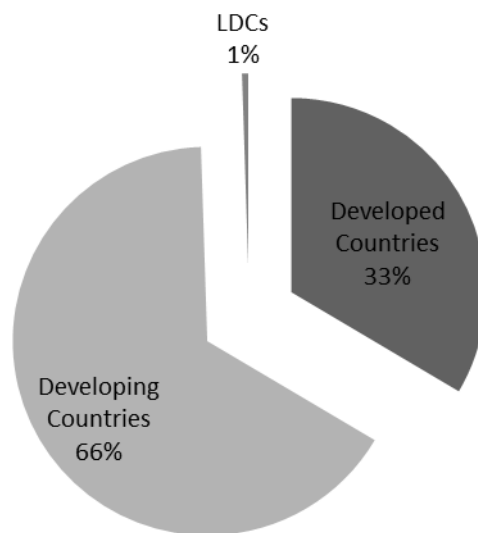
9. Given the limited amount of information available to date, it is not possible to determine any trend regarding the number of measures notified that do not conform with a relevant international standard. The table below shows an increase from 2008 to 2009 in measures notified as not conforming to a relevant standard, however this may be due to an increase in the use of the new notification format.

### Regular Notifications not Conforming to a Relevant International Standard



10. For the period under consideration, 66 per cent of the measures identified as not conforming to a relevant international standard were notified by developing country Members, 33 per cent were notified by developed country Members and 1 per cent by a least-developed country Member.

### Members Submitting Regular Notifications of Measures not Conforming to a Relevant International Standard



*Emergency notifications*

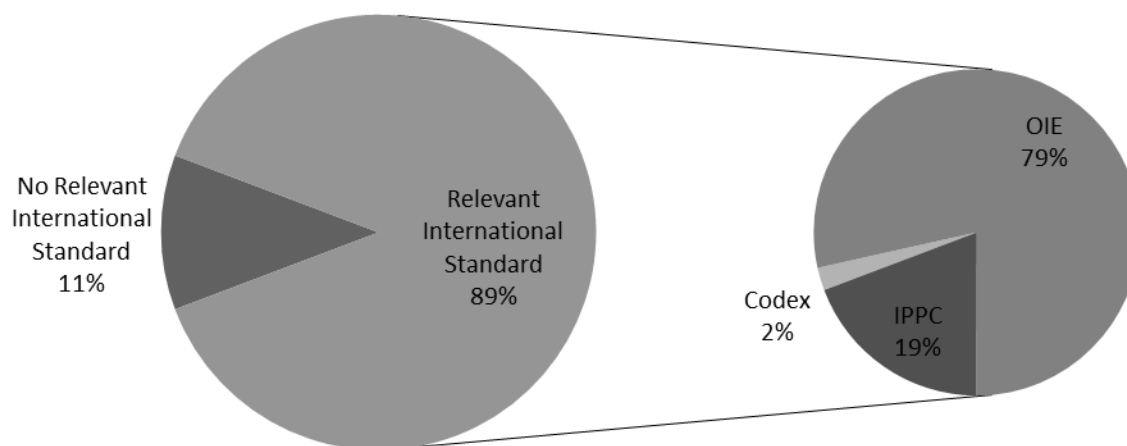
11. From January 2009 through March 2011, a total of 399 emergency notifications were submitted to the WTO. The existence of a relevant international standard was indicated in 89 per cent of these notifications.

**Emergency Notifications (January 2009 - March 2011)**

|   |              | 2009 | 2010 | 3/2011 | Total      |
|---|--------------|------|------|--------|------------|
| <b>Notifications</b>  |              | 76   | 83   | 41     | <b>399</b> |
| <b>Relevant international standard, guideline or recommendation</b> | <b>Codex</b> | 2    | 1    | 1      | <b>19</b>  |
|   | <b>OIE</b>   | 46   | 59   | 34     | <b>258</b> |
|   | <b>IPPC</b>  | 16   | 15   | 3      | <b>56</b>  |

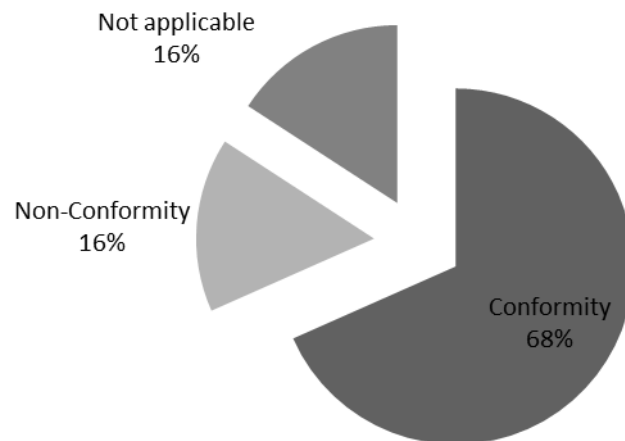
12. Of the emergency notifications identifying a relevant international standard, close to 80 per cent identified an OIE standard or guideline, while 19 and 2 per cent of the notifications related to IPPC and Codex standards, guidelines or recommendations, respectively.

**Relevant International Standards in Emergency Notifications**



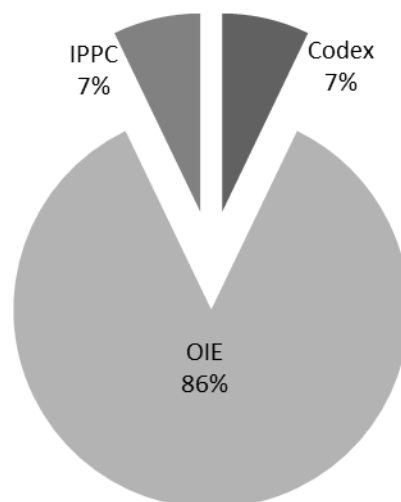
13. Of the 89 per cent of emergency notifications where a relevant international standard was identified, 68 per cent stated that the notified measure was in conformity with the standard, 16 per cent stated that the relevant international standard was not applicable to the measure being notified and 16 per cent indicated that the notified measure did not conform to the relevant standard.

### Conformity to a Relevant International Standard in Emergency Notifications



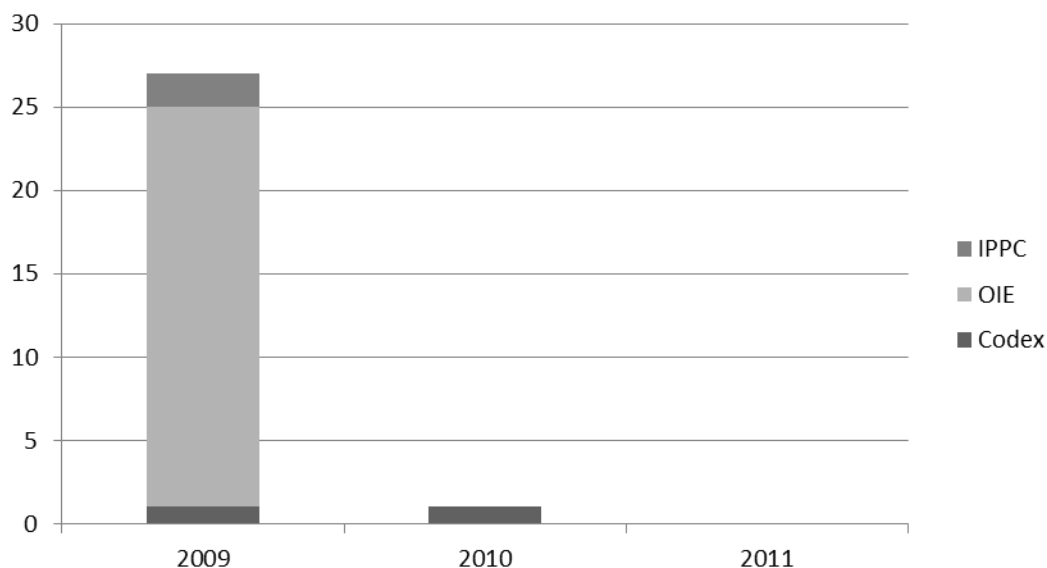
14. For the period under consideration, the majority of emergency notifications indicating non-conformity related to an OIE standard or guideline (86 per cent). The remaining 14 per cent were equally shared between notifications related to Codex and IPPC standards, guidelines or recommendations.

### Emergency Notifications not Conforming to a Relevant International Standard



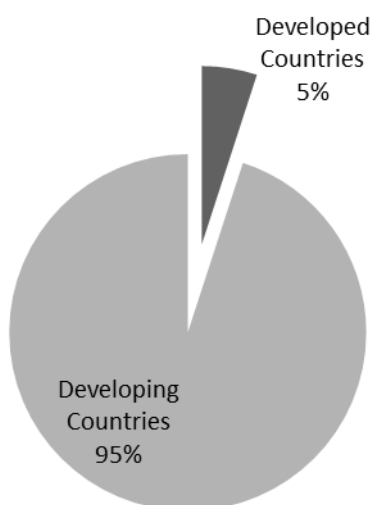
15. The graph below shows that the vast majority of emergency notifications of measures not conforming to a relevant international standard were produced in 2009. In 2011, as of the end of March, no Member had notified an emergency measure to the WTO with the indication that the measure did not conform to a relevant international standard.

**Emergency Notifications not Conforming to a Relevant International Standard**



16. For the period under consideration, 95 per cent of the emergency measures identified as not conforming to a relevant international standard were notified by developing country Members, the remaining 5 per cent were notified by developed country Members. No least-developed country Member notified an emergency measure as not conforming to a relevant international standard.

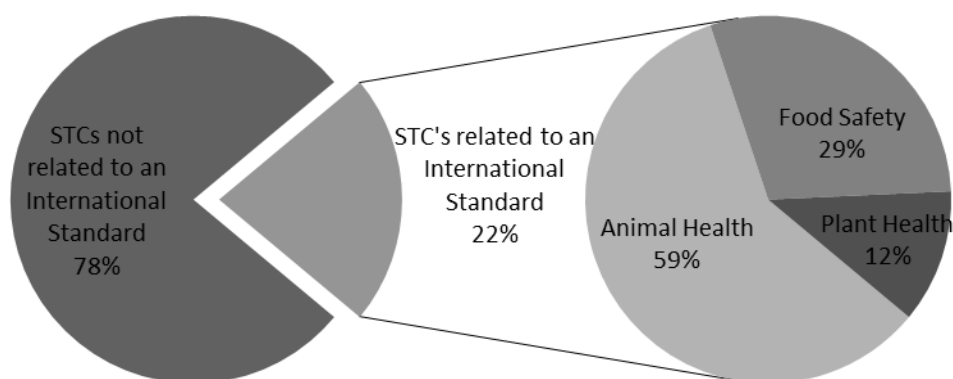
**Members Submitting Emergency Notifications of Measures not Conforming to a Relevant International Standard**



### Specific Trade Concerns (STCs)

17. From January 2006 through December 2010, 77 STCs were raised. The keyword "international standard/harmonization" was assigned to 17 STCs<sup>2</sup>, of which 59 per cent concerned measures covering animal health, 29 per cent concerned measures covering food safety and the remaining 12 per cent concerned measures covering plant health.

#### Trade concerns by Subject



18. Three major characteristics can be drawn from the STCs related to an international standard. In a large majority of the cases (82 per cent), the Member(s) raising the specific trade concern claimed that the measure of concern did not comply with the relevant international standard. Also, in more than half of the STCs (52 per cent), the Member(s) raising the concern maintained that the measure of concern lacked a scientific basis and/or was not based on an appropriate risk assessment. Finally, 23 per cent of the STCs related to delays in, or the failure to, recognize disease- or pest-free areas.

#### Documents submitted by Members

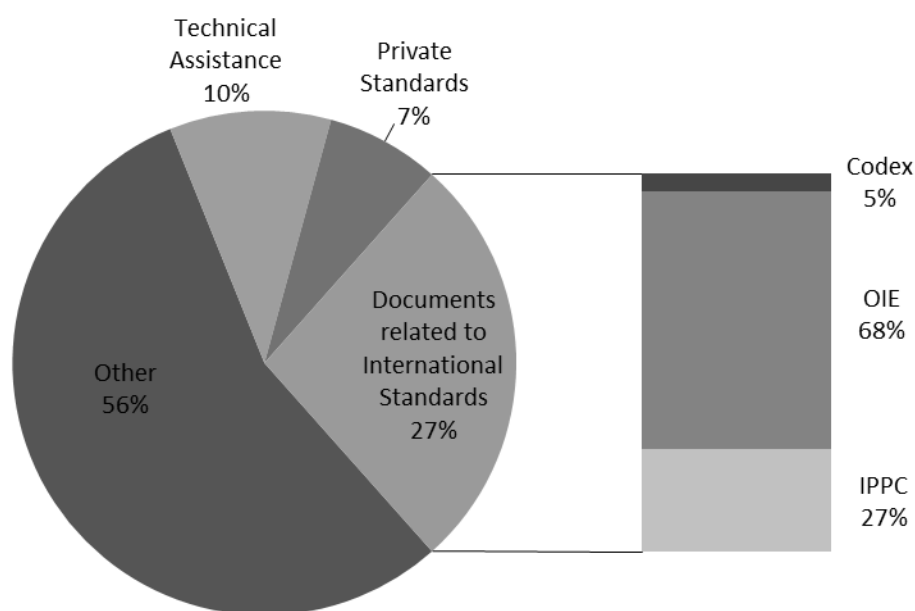
19. From January 2008 through March 2011, 168 documents were submitted by Members to the WTO. The documents submitted concerned matters relevant to the implementation of the Agreement. Out of the total number of documents submitted, 27 per cent related to issues concerning international standards, while 10 per cent related to the provision of technical assistance and 7 per cent related to private standards. The remaining 56 per cent related to other issues (e.g. *ad hoc* consultations, certification systems, phytosanitary import authorizations).

20. Of the 27 per cent of submissions relating to international standards, 68 per cent made reference to OIE, 27 per cent made reference to IPPC and 5 per cent to Codex standards, guidelines or recommendations, respectively.

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<sup>2</sup> The Secretariat assigns to each STC a subject keyword(s) that helps identify the nature of the STC.





21. Members' submissions relating to OIE standards reported, among others, FMD, BSE and avian influenza status, including outbreaks and the implementation and development of eradication and control measures. Various submissions made note of the lack of compliance by other Members with OIE standards.

22. Members' submissions relating to Codex standards reported the standardization and harmonization of their procedures to meet Codex standards, and the inclusion in national legislation of recognition of Codex as the reference body concerning food safety.

23. Members' submissions relating to IPPC reported pest-free status, including outbreaks and the implementation and development of eradication and control measures. The submissions also include the request for a delay in the implementation of a regional standard until it has been recognized by the IPPC.

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