

**SPS MEASURES AND INTERNATIONAL STANDARDS, GUIDELINES
AND RECOMMENDATIONS**

Communication from Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, New Zealand, Paraguay, Peru, Philippines and the United States of America

Revision

The following communication, received on 16 March 2012, is being circulated at the request of the following Delegations: Argentina, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, New Zealand, Paraguay, Peru, Philippines and the United States of America.

1. The increase in the number of SPS measures that are not based on international standards, guidelines and recommendations or that have inadequate scientific justification is a point of concern readily raised by many Members in the SPS Committee and other contexts. These measures often unduly restrict trade and appear to be associated with objectives that are not deemed as legitimate under international trade rules.

2. Given these recent concerns and in order to fulfil the objectives of the SPS Agreement, it is useful to reconfirm:

(a) The need for science-based international guidelines, standards and recommendations

3. As clearly enunciated in the SPS Agreement, in order to achieve the objective of harmonization, WTO Members use, as the basis of their measures, the standards, guidelines and recommendations developed by the international standard-setting bodies cited in the WTO SPS Agreement. Scientific principles provide the strongest foundation for establishing and, as appropriate, updating these international standards, guidelines and recommendations.

(b) The need to support and strengthen confidence in SPS international standard-setting bodies

4. Given the importance of international standards, guidelines and recommendations, Members must recognize the role of the international standard-setting bodies identified in the WTO SPS Agreement, in our multilateral rules-based trading system.

5. Objective, transparent and well-established processes and procedures must continue to guide the work of relevant SPS international standard-setting bodies. Collectively investing knowledge, data and resources towards improving international processes in order to establish science-based SPS standards, guidelines and recommendations in a timely way is paramount for the well-functioning of the multilateral trading system.

- (c) **The need for sanitary and phytosanitary measures which result 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**

6. It should be recalled that the WTO SPS Agreement allows Members to establish sanitary and phytosanitary measures which result in a higher level of protection than would be achieved by measures based on relevant international standards, guidelines and recommendations provided that there is a scientific justification to do so. In doing so, however, Members should, in determining the appropriate level of protection, take into account of the objective of minimizing the negative trade effects.

7. Members of the SPS Committee can positively contribute to minimizing the negative effects on trade through their actions not only in the SPS Committee, but also their actions in the relevant SPS international standard-setting bodies, ensuring that standards, guidelines and recommendations are faithful to the spirit and intent of the SPS Agreement.
