

Committee on Sanitary and Phytosanitary Measures

CRITERIA FOR OBSERVER STATUS

Note by the Secretariat

1. At the November 2000 meeting, Members agreed that it would be appropriate for the SPS Committee to discuss the criteria for the granting of observer status which the Committee had previously adopted, to see whether any modifications were warranted in light of the intervening experience of the Committee with observers. The Committee agreed to discuss this issue first at an informal meeting, and also at the March 2001 meeting. The list of intergovernmental organizations which currently have observer status in the SPS Committee, or have requested such status, is contained in G/SPS/W/78/Rev.1 (attached to this note).

2. Paragraph 7 of the Working Procedures of the Committee (G/SPS/1) reads as follows:

"Representatives of the FAO/WHO Codex Alimentarius Commission (Codex), the Office international des epizooties (OIE) and the FAO Secretariat for the International Plant Protection Convention (IPPC) will be invited to attend meetings as observers, pending the final decision by the General Council. Representatives of other international intergovernmental organizations may be invited by the Committee to attend meetings as observers in accordance with the guidelines to be adopted by the General Council. Notwithstanding the above, the Committee may, as appropriate, decide to hold restricted sessions with participation of Members only."

3. At its first meeting, in line with the Working Procedures, the Committee granted observer status to the Codex, OIE and IPPC. Observer status was granted to FAO and WHO in June 1995; to ISO and ITC in November 1995; and to UNCTAD in March 1996.

4. Following considerable discussion of the issue, in November 1998 the Secretariat was asked to prepare a background document summarizing concerns raised by some Members regarding the grant of observer status to other intergovernmental organizations and the criteria which had been suggested as most appropriate (G/SPS/W/98, attached to this note). At its meeting in March 1999, the Committee agreed to apply the criteria identified in paragraph 7 of G/SPS/W/98 in deciding on requests for observer status, and also agreed that, as an interim step, such requests would be granted only on an *ad hoc*, meeting-by-meeting basis. Paragraph 7 reads:

"Suggested criteria for considering requests for observer status included the mandate, scope and area of work covered by the organization. Observer status should be granted to organizations which objectively contributed to the functioning and implementation of the SPS Agreement.¹ Another criteria identified was reciprocity." (underline in original)

¹ The position of the European Communities is developed in greater detail in document G/SPS/W/95, "International Observer Organizations", circulated on 23 November 1998.

Following this decision, organizations whose request for observer status were still pending were requested to provide information relevant to the criteria identified in paragraph 7. The information provided is contained in G/SPS/GEN/121 and Add.1 (attached).

5. In November 1999, the Committee agreed to grant observer status, on an *ad hoc* basis, to the ACP Group, EFTA, IICA, OECD, OIRSA and SELA. All of these organizations have been invited to attend all SPS Committee meetings since November 1999, with the decision being renewed at each meeting.

6. Despite extensive discussions, the Committee has not reached agreement on the request from the OIV. Neither has consensus been reached regarding the more recent request from the APCC.

7. The General Council has so far failed to reach consensus with regard to the observer status of international intergovernmental organizations. While some Members support the acceptance of individual organizations on the basis of their own merit, others argue the need to reach agreement on all requests as a package. At its December 2000 meeting, the General Council agreed to revert to this issue in 2001. The relevant paragraphs of the last General Council Meeting (WT/GC/M/61) are attached to this note.

ATTACHMENT

**WORLD TRADE
ORGANIZATION**

G/SPS/W/78/Rev.1

5 April 2000

(00-1377)

Committee on Sanitary and Phytosanitary Measures

INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

Requests for Observer Status in the Committee on Sanitary and Phytosanitary Measures

Revision

This document lists the international intergovernmental organizations which have requested observer status in the Committee on Sanitary and Phytosanitary Measures.¹

I. International Intergovernmental Organizations having observer status on a regular basis

Food and Agriculture Organization (FAO)
FAO International Plant Protection Convention (IPPC)
FAO/WHO Joint Codex Alimentarius Commission (Codex)
International Monetary Fund (IMF)*
International Organization for Standardization (ISO)
International Trade Centre (ITC)
Office international des épizooties (OIE)
United Nations Conference on Trade and Development (UNCTAD)
World Bank*
World Health Organization (WHO)

II. International Intergovernmental Organizations having observer status on an *ad hoc* (meeting-by-meeting) basis

African, Caribbean and Pacific Group of States (ACP Group)
European Free Trade Association (EFTA)

¹Members wishing to consult the communications sent to the Secretariat by the international intergovernmental organizations are invited to contact Ms. Gretchen Stanton (Agriculture and Commodities Division), office 1033.

*Observer status in WTO subsidiary bodies provided through the WTO Agreements with the Fund and the World Bank (WT/L/194 and WT/L/195).

Inter-American Institute for Agricultural Cooperation (IICA)
Organization for Economic Co-operation and Development (OECD)
Regional International Organization for Plant Protection and Animal Health (OIRSA)
Latin American Economic System (SELA)

III. International Intergovernmental Organizations whose request is pending

Asian and Pacific Coconut Community (APCC)
International Vine and Wine Office (OIV)

WORLD TRADE ORGANIZATION

RESTRICTED

G/SPS/W/98

19 February 1999

(99-0661)

Committee on Sanitary and Phytosanitary Measures

CONSIDERATION OF REQUESTS FOR OBSERVER STATUS

Note by the Secretariat

Introduction

1. At present, the following international intergovernmental organizations have regular observer status in the Committee on Sanitary and Phytosanitary Measures ("SPS Committee"): Food and Agriculture Organization (FAO); FAO International Plant Protection Convention (IPPC); FAO/WHO Joint Codex Alimentarius Commission (Codex); International Organization for Standardization (ISO); International Trade Centre (ITC); Office international des épizooties (OIE); United Nations Conference on Trade and Development (UNCTAD); World Health Organization (WHO), the World Bank and the International Monetary Fund (IMF).

2. At the June 1998 meeting of the SPS Committee the Chairman recalled that at its March 1998 meeting the Committee had agreed to hold informal consultations with the aim of identifying criteria in order to assist Members in reaching decisions on pending requests for observer status in the SPS Committee.

3. Subsequent to the June 1998 meeting of the SPS Committee, the Secretariat contacted those international organizations which had requested observer status in the SPS Committee, and requested them to provide more specific information regarding their work in this area. The response of the Organismo Internacional Regional de Sanidad Agropecuaria (OIRSA) was circulated to Members in October 1998; those from the Office international de la vigne et du vin (OIV), the European Free Trade Association (EFTA), the Latin American Economic System (SELA), the European and Mediterranean Plant Protection Organization (EPPO) and the Inter-American Institute for Cooperation on Agriculture (IICA) were circulated before the September 1998 meeting.

4. At the November 1998 meeting of the SPS Committee, an informal discussion was held regarding this matter. At request of the SPS Committee, the following summarizes the issues raised by Members at that meeting.

General Council Guidelines

5. The existing Guidelines on Observer Status for International Intergovernmental Organizations in the WTO were adopted by the General Council on 25 July 1996 (see the "General Council Guidelines", attached to this note).¹ The Secretariat confirmed that while there were requests for

¹ "Observer Status for International Intergovernmental Organizations in the WTO" [footnote omitted], WT/L/161, adopted by the General Council on 25 July 1996.

observer status pending at the General Council level, the General Council Guidelines allowed for individual Committees to move ahead on their own.²

Criteria

6. Some Members maintained that the legal decisions already taken under the General Council were an appropriate basis for developing criteria for dealing with requests for observer status in the SPS Committee. They noted that it was important for the SPS Committee to develop such criteria given the growing list of candidates for observer status and the fact that Members would inevitably be faced with situations where such requests would have to be turned down. Rejections should be based on the objectives of the SPS Agreement and the guidelines already approved by the General Council.

7. Suggested criteria for considering requests for observer status included the mandate, scope and area of work covered by the organization. Observer status should be granted to organizations which objectively contributed to the functioning and implementation of the SPS Agreement.³ Another criteria identified was reciprocity.

8. Some Members were concerned that it must be clear that observers were present only as representatives of their organizations, otherwise there was a danger of some Members being represented both through their delegations and also by the observers. However, it was noted that an inter-governmental organization was naturally made up of governments. Therefore, even though the person attending a meeting represented the institution, the institution itself was made up of governments, who were in most cases also WTO Members.

9. In respect of limitations on the participation of observer organizations and in line with the General Council Guideline 8, several Members suggested that observers could be permitted only at regular meetings of the SPS Committee and further that these observers not be allowed to take the floor unless they were specifically invited to do so by the Chairperson, with agreement from the Members. Furthermore, these Members considered that observers did not have the right to circulate papers or to make proposals and could not participate in the decision-making process.

10. Other Members were concerned about the Committee examining specific criteria for observer status while the same issue was being discussed at a broader, systemic level.

Ad hoc observer status

11. Given the lack of agreement on pending requests for observer status, some Members suggested that, as an interim step, such requests could be granted on an *ad hoc* basis. These observers would be specifically invited, by the Secretariat, to meetings of the SPS Committee either until they were granted regular observer status or until any Member objected to the presence of the *ad hoc* observers at a meeting. One Member suggested that this approach would permit invitation of any particular observer only for selected meetings or even only for the consideration of specific items on the agenda of a particular meeting.

12. Several Members who were not prepared to agree to granting regular observer status as long as there were issues still pending in the General Council on this matter indicated that they could consider the possibility of *ad hoc* observer status. However, this was subject to a clear understanding of how *ad hoc* observers would interact with the Committee. It would be necessary to clarify whether

² General Council Guideline 4: "Requests for observer status shall be considered on a case-by-case basis by each WTO body to which such a request is addressed ...". [emphasis added]

³ The position of the European Communities is developed in greater detail in document G/SPS/W/95, "International Observer Organizations", circulated on 23 November 1998.

the basis for participation of *ad hoc* observers was the same as for the current, regular observers to the SPS Committee. Most important, in their view, was avoiding such a large number of *ad hoc* observers that the orderly working of the Committee was made difficult.

Regional Organizations

13. One Member stressed that regional organizations were particularly important for many developing countries in that they facilitated their member governments' understanding and implementation of WTO Agreements.

14. Several Members argued that the regional plant protection organizations should be considered as a special case. The regional organizations operating within the framework of the IPPC were specifically referred to in the SPS Agreement⁴ and thus fell within the scope of the General Council Guidelines. These Members maintained that although these organizations did not have a global membership, their work within the IPPC umbrella meant that they should be granted observer status. These organizations had to be given special attention considering their particular structure and working procedures, and the need to develop plant protection standards on a regional basis due to the major effect geography and climatic factors had on plants.

15. Other Members noted that the regional plant protection organizations were constituent parts of the IPPC. As such, they could be invited by the IPPC to attend SPS Committee meetings as part of the IPPC's delegation. Since the IPPC itself was a regular observer in the SPS Committee, there was no need for its constituent organizations to be invited separately.

Further consideration by the SPS Committee

16. Some Members suggested that at its next meeting in March 1999, the SPS Committee should reach agreement on how to handle pending and new requests for observer status. Failing this, a full discussion of the subject should be permitted in the formal meeting so that Members' positions were appropriately recorded. The usefulness of Members' submitting positions on the matter in writing was also stressed.

⁴ The preamble of the SPS Agreement (6th indent) states:

"Desiring to further the use of harmonized sanitary and phytosanitary measures between Members, on the basis of international standards, guidelines and recommendations developed by the relevant international organizations, including the Codex Alimentarius Commission, the International Office of Epizootics, and the relevant international and regional organizations operating within the framework of the International Plant Protection Convention, without requiring Members to change their appropriate level of protection of human, animal or plant life or health;" [underlining added]

These organizations are also mentioned in Article 3.4, Article 12.3 and Annex A (para. 3) of the SPS Agreement.

Attachment 1
(WT/L/161, 25 July 1996, Annex 3, pp. 16-17)

OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL
ORGANIZATIONS IN THE WTO¹

1. The purpose of observer status for international intergovernmental organizations (hereinafter referred to as "organizations") in the WTO is to enable these organizations to follow discussions therein on matters of direct interest to them.
2. Requests for observer status shall accordingly be considered from organizations which have competence and a direct interest in trade policy matters, or which, pursuant to paragraph V:1 of the WTO Agreement, have responsibilities related to those of the WTO.
3. Requests for observer status shall be made in writing to the WTO body in which such status is sought, and shall indicate the nature of the work of the organization and the reasons for its interest in being accorded such status. Requests for observer status from organizations shall not, however, be considered for meetings of the Committee on Budget, Finance and Administration or of the Dispute Settlement Body.²
4. Requests for observer status shall be considered on a case-by-case basis by each WTO body to which such a request is addressed, taking into account such factors as the nature of work of the organization concerned, the nature of its membership, the number of WTO Members in the organization, reciprocity with respect to access to proceedings, documents and other aspects of observership, and whether the organization has been associated in the past with the work of the CONTRACTING PARTIES to GATT 1947.
5. In addition to organizations that request, and are granted, observer status, other organizations may attend meetings of the Ministerial Conference, the General Council or subsidiary bodies on the specific invitation of the Ministerial Conference, the General Council or the subsidiary body concerned, as the case may be. Invitations may also be extended, as appropriate and on a case-by-case basis, to specific organizations to follow particular issues within a body in an observer capacity.
6. Organizations with which the WTO has entered into a formal arrangement for cooperation and consultation shall be accorded observer status in such bodies as may be determined by that arrangement.
7. Organizations accorded observer status in a particular WTO body shall not automatically be accorded such status in other WTO bodies.
8. Representatives of organizations accorded observer status may be invited to speak at meetings of the bodies to which they are observers normally after Members of that body have spoken. The right to speak does not include the right to circulate papers or to make proposals, unless an organization is specifically invited to do so, nor to participate in decision-making.
9. Observer organizations shall receive copies of the main WTO documents series and of other documents series relating to the work of the subsidiary bodies which they attend as observers. They may receive such additional documents as may be specified by the terms of any formal arrangements for cooperation between them and the WTO.
10. If for any one-year period after the date of the grant of observer status, there has been no attendance by the observer organization, such status shall cease. In the case of sessions of the Ministerial Conference, this period shall be two years.

¹ These guidelines shall apply also to other organizations referred to by name in the WTO Agreement.

² In the case of the IMF and the World Bank, their requests for attendance as observers to the DSB will be acted upon in accordance with the arrangements to be concluded between the WTO and these two organizations

WORLD TRADE ORGANIZATION

G/SPS/GEN/121
15 June 1999

(99-2412)

Committee on Sanitary and Phytosanitary Measures

APPLICANTS FOR OBSERVER STATUS

Note by the Secretariat

As requested at the meeting of March 1999 the Secretariat has summarized the information provided by the various bodies seeking observer status in the SPS Committee. This summary focuses on the membership, mandate and scope of work of each applicant, identifies potential contributions to the work of the SPS Committee, and reciprocity. Information regarding observer status in other WTO bodies has also been included.

I. OFFICE INTERNATIONAL DE LA VIGNE ET DU VIN (OIV)

1. Membership

Membership is open to all states. Current membership (46):

Algeria	Finland	Morocco	Sweden
Argentina	France	Netherlands	Switzerland
Australia	Georgia	New Zealand	Syria
Austria	Germany	Norway	Tunisia
Belgium	Greece	Peru	Turkey
Bolivia	Hungary	Portugal	Ukraine
Brazil	Israel	Romania	United Kingdom
Bulgaria	Italy	Russia	United States
Chile	Lebanon	Slovak Republic	Uruguay
Cyprus	Luxemburg	Slovenia	ex-Yugoslavia Serbia, Montenegro)
Czech Republic	Mexico	South Africa	
Denmark	Moldavia	Spain	

2. Mandate, Scope and Area of Work

The OIV's work includes:

- setting international standards related to wine and wine products, including those concerning food safety, nutrition, toxicology, pesticide residues and contaminants;
- harmonizing methods of analysis and certification;
- organizing plant protection conferences about diseases which affect wine;
- fighting specific diseases; and
- protecting appellations of origin.

In recent years, there has been special focus on surplus control, maintaining diversity, environmental protection, relations between Europe and America, and on ways of facilitating international trade.

3. Contribution to the Work of the SPS Committee

The OIV has great experience in the areas of consumer and plant protection as it relates to wine. The OIV sets international standards related to wine, and its autonomous competence in this area is recognized by FAO. Codex standards do not cover wine and alcoholic beverages in general. The OIV wishes to be informed about the work of the SPS Committee, and offer the skills of its expert groups if necessary.

The OIV has also requested observer status in the General Council, the Council for TRIPS, and the Committee on Technical Barriers to Trade.

4. Reciprocity

The OIV is offering to grant the SPS Committee Secretariat observer status, which would allow it to participate in the work of the General Assembly, Commissions and Sub-Commissions, and groups of experts dealing with SPS issues.

II. AFRICAN, CARIBBEAN AND PACIFIC GROUP OF STATES (ACP GROUP)

1. Membership

The ACP Group has 71 members, of which 48 are in Africa, 15 in the Caribbean, and 8 in the Pacific.

2. Mandate, Scope and Area of Work

The ACP Group's work includes:

- to coordinate the activities of the ACP States in the application of the Lomé Convention;
- to contribute to the development of greater and closer economic, social and cultural relations among developing countries and to that end, ensure cooperation between the ACP States in the fields of trade, science and technology, industry, transport and communications, education, training and research, information and communication, the environment, demography and human resources; and
- to contribute to the promotion of effective regional, interregional and intra-ACP cooperation among the ACP States and between developing countries in general, and to strengthen the regional organizations to which they belong.

3. Contribution to the Work of the SPS Committee

The ACP Group organized seven regional seminars on the results of the Uruguay Round in Cooperation with the WTO Secretariat and the European Commission in 1996.

Previously, the ACP Group had observer status in the GATT Contracting Parties, and the Council of Representatives. It currently has observer status in the Committees on Balance-of-Payments Restrictions, Trade and Development, Trade and Environment, Market Access, Rules of Origin and Customs Valuation. It has been granted ad hoc observer status in the Committees on Anti-Dumping Practices, Subsidies and Countervailing Measures, Safeguards, and Technical Barriers to Trade, and has furthermore requested observer status in the General Council, the Council for Trade in Goods, the Council for Trade in Services, and the Committees on Agriculture, Import Licensing, and Trade-Related Investment Measures.

4. Reciprocity

The WTO Secretariat has participated in preparatory seminars for ACP Senior Officials prior to the Singapore and Geneva Ministerial Conferences and has access to documents or proceedings of meetings organized by the ACP institutions.

III. EUROPEAN FREE TRADE ASSOCIATION (EFTA)

1. Membership (4):

Iceland, Liechtenstein, Norway, Switzerland

2. Mandate, Scope and Area of Work

EFTA's work includes:

- monitoring and management of free trade relations between the EFTA member States on the basis of the Stockholm Convention, the legal foundation of the Association;
- three of the EFTA States and the European Union have signed the Agreement on a European Economic Area (EEA), which entered into force on 1 January 1994. Through this Agreement the EEA EFTA States participate in the Single Market, with regard to the free movement of goods, capital, services and persons. In addition, this agreement covers non-economic cooperation in areas such as research and development, education, social policy and the environment;
- developing and managing relationships with a large number of non-EU countries; and
- monitoring and managing the relationships between EFTA States, managing and coordinating the EFTA Agreement, as well as developing and managing relations with a considerable number of non-EU countries. All this involves elements which are closely related to the work of the SPS Committee.

EFTA's aim in the sanitary and phytosanitary field is to avoid unnecessary obstacles to trade, and to create transparency and consistency. All the work of the SPS Committee is of relevance to and will create a framework for ongoing important EEA activities. Of special interest to EFTA is the SPS Committee's work on risk assessment and risk management, use of international standards and consistency in the application of the concept of an appropriate level of protection.

3. Contribution to the Work of the SPS Committee

EFTA coordinates SPS issues in the EFTA/EEA region. Observer status is important to ensure harmonization of the interpretation of WTO rules and provisions.

Previously, EFTA had observer status in the GATT Contracting Parties, the Council of Representatives, and the GATT Committee on Trade and Development. Currently it has observer status in the Trade Policy Review Body, the Committees on Balance-of-Payments Restrictions, Regional Trade Agreements, Trade and Development, Trade and Environment, and Rules of Origin. It has ad hoc observer status in the Committee on Technical Barriers to Trade, and has requested observer status in the General Council, the Council for Trade in Goods, the Council for Trade in Services, and the Council for TRIPS.

4. Reciprocity

There has been good cooperation and information exchange between the WTO and EFTA Secretariats. EFTA provides the WTO Secretariat with general information as well as its annual report. All new EFTA Free Trade Agreements are notified to the WTO. All SPS-related EEA rules are made public in the EEA supplement to the Official Journal of the European Communities.

IV. INTER-AMERICAN INSTITUTE FOR COOPERATION ON AGRICULTURE (IICA)

1. Membership (34):

Antigua and Barbuda	Dominican Republic	Paraguay
Argentina	Ecuador	Peru
Bahamas	El Salvador	St. Kitts and Nevis
Barbados	Grenada	St. Lucia
Belize	Guatemala	St. Vincent and the Grenadines
Bolivia	Guyana	Suriname
Brazil	Haiti	Trinidad and Tobago
Canada	Honduras	United States
Chile	Jamaica	Uruguay
Colombia	Mexico	Venezuela
Costa Rica	Nicaragua	
Dominica	Panama	

2. Mandate, Scope and Area of Work

IICA's technical cooperation programme focuses on policies and trade; science, technology and natural resources; agricultural health; and sustainable rural development. In the area of agricultural health and food safety, IICA's long term objectives are to ensure that the countries of the Americas are in the best possible position as regards agricultural health and food safety, so that their animal and plant-based products comply with the strictest health and hygiene standards and can, as a result, compete advantageously on the international market. IICA's core strategy for obtaining this objective is to contribute to the modernization of the organization, infrastructure and operation of national agricultural health systems, and cooperate with them so that they can meet their regional and international commitments.

Critical strategic areas in the field of agricultural health are:

- modernization of national agricultural health systems, fostering the active participation of the private sector;
- practical application and harmonization of sanitary and phytosanitary measures in international trade;
- forewarnings and action on emergency issues; and
- strengthening the inter-American and regional approaches.

3. Contribution to the Work of the SPS Committee

In 1987, the Inter-American Board of Agriculture, IICA's governing body, expanded IICA's mandate to include monitoring the Uruguay Round negotiations, evaluating their implications for the agrifood sector in the region, and assisting member countries in their compliance. Recently, this mandate was renewed to offer technical cooperation services to member countries in preparation for continuing the agricultural reform process in the WTO and future negotiations.

IICA also has requested observer status in the Committee on Agriculture.

4. Reciprocity

The WTO Secretariat has broad access to IICA documents and proceedings, and has participated in several technical meetings and workshops organized by IICA. IICA offers to grant the WTO observer status in its governing Inter-American Board of Agriculture.

V. ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

1. Membership (29):

Australia	France	Japan	Poland
Austria	Germany	Korea	Portugal
Belgium	Greece	Luxembourg	Spain
Canada	Hungary	Mexico	Sweden
Czech Republic	Iceland	Netherlands	Switzerland
Denmark	Ireland	New Zealand	Turkey
Finland	Italy	Norway	United States
			United Kingdom

2. Mandate, Scope and Area of Work

The OECD is an intergovernmental, interdisciplinary organization with expertise in a broad range of economic and trade-related fields. One of its key objectives, as reiterated by OECD Members at their meeting in April 1998, is to provide support for a strong multilateral trading system. This gives the OECD an immediate interest in most of the policy and research activities being undertaken by the WTO (and formerly the GATT). OECD produces analytical work to help governments define their policies and to facilitate the negotiations of international agreements, including the preparations for future multilateral trade negotiations. In a number of key areas OECD serves as a forum aiming at harmonized policies and instruments for their implementation. For instance, in the context of the OECD Council Decisions on the Mutual Acceptance of Data in the Assessment of Chemicals, Principles for Good Laboratory Practices, as well as Test Guidelines, have been developed by the OECD since 1981 and are widely accepted and used by OECD members and non-members. Similarly, the last OECD Agriculture Ministers' meeting endorsed analytical work to identify and analyse existing and new policy approaches to address issues related *inter alia* to food safety and to provide support to the multilateral trading system.

3. Contribution to the Work of the SPS Committee

OECD activities of direct relevance to the objectives of the SPS Agreement include:

- OECD work on *Mutual Acceptance of Data in the Assessment of Chemicals*, including the *Guidelines for the Testing of Chemicals* and the *Principles of Good Laboratory Practices (GLP)*; these are used as standards for testing the safety of products (chemicals, pesticides, pharmaceuticals, etc.). Moreover, the *Procedures for monitoring compliance with GLP* are used for assessing the conformity of testing of products against GLP standards;
- The OECD *Pesticide Programme* aims at harmonizing pesticide review procedures, sharing the work by member countries on pesticide evaluation and finding new approaches to risk reduction;
- OECD work on biotechnology: the trade-related issues which arise in the agro-food sector are addressed in the *Working Group on Harmonisation of Regulatory Oversight in Biotechnology*. Also relevant are activities like the OECD Ad Hoc Experts Meeting on Assessing the Safety of Novel Foods, organized in December 1995 and October 1998. In these meetings WHO and FAO were invited in their capacity as managers of the Codex Alimentarius Commission; and

- OECD work on seed certification: In the framework of the OECD Schemes for the certification of seeds, National Designated Authorities control the health status of seeds before certification.

Previously, the OECD had observer status in the GATT Contracting Parties, the Council of Representatives, and the GATT Committee on Trade and Development. Currently it has observer status in the General Council, the Trade Policy Review Body, the Council for Trade in Goods, the Council for TRIPS, and the Committees on Agriculture, Balance-of-Payments Restrictions, Trade and Development, Trade and Environment, Rules of Origin, Technical Barriers to Trade and Trade-Related Investment Measures. It has ad hoc observer status in the Committees on Anti-Dumping Practices, Subsidies and Countervailing Measures, and Safeguards. It has requested observer status in the Council for Trade in Services and the Committee on Regional Trade Agreements.

4. Reciprocity

Since the OECD was created in 1961, its relations with the GATT have been based on:

- An arrangement between the OECD Secretary-General and the Executive Secretary of the GATT to ensure liaison between the Secretariats of the two organizations; and
- Mutual observership between the two organizations, permitting attendance at most meetings of mutual interest.

The GATT Secretariat was regularly represented by an observer at meetings of the Trade Committee, the Agriculture Committee, the Joint Working Party of those two bodies, the Council at Ministerial level, and other bodies, mostly on an ad hoc basis. Following the adoption by the WTO General Council of its guidelines on observer status of IIGOs this procedure has been formalized. The WTO Secretariat has been granted observer status in OECD bodies in which there is considered to be a synergy of effort and a comparable and reciprocal status has been granted to the OECD Secretariat in most relevant WTO bodies. The extension of the WTO's responsibilities to areas that were not previously included in the strict context of trade has increased the scope of mutual interest between the two organizations and now underpins a broad-based exchange of information and co-operation.

The WTO Secretariat has access to OECD documents classified as "*for official use*" or "*general distribution*" on-line through OLIS.

VI. REGIONAL INTERNATIONAL AGRICULTURAL HEALTH ORGANIZATION (OIRSA)

1. Membership (9)

Belize	El Salvador	Mexico
Costa Rica	Guatemala	Nicaragua
Dominican Republic	Honduras	Panama

2. Mandate, Scope and Area of Work

OIRSA's area of work includes:

- to promote the economic and social development of the region's population through the production of wholesome and high-quality agricultural produce which satisfies the internal and extra-regional demand for food. (Slogan: "Agricultural health for human well-being");
- animal health, plant health, and regional coordination of quarantine procedures; and
- agricultural health projects, as well as technical and administrative management projects.

3. Contribution to the Work of the SPS Committee

- OIRSA helps Members to improve the application of SPS Measures under the terms of GATT 1994 and the SPS Agreement;
- promotes activities aimed at dissemination, promotion and application of the SPS Agreement, including a seminar held in Nicaragua in 1998 with the participation of the Chairman of the SPS Committee and representatives from IPPC and Codex, and another seminar held in Costa Rica; and
- has drawn up regulations on the application of SPS measures in inter-Central American trade.

4. Reciprocity

All documents related to the implementation of the SPS Agreement are available on the OIRSA web site.

VII. LATIN AMERICAN ECONOMIC SYSTEM (SELA)

1. Membership (28):

Argentina	Dominican Republic	Nicaragua
Bahamas	Ecuador	Panama
Barbados	El Salvador	Paraguay
Belize	Grenada	Peru
Bolivia	Guatemala	Suriname
Brazil	Guyana	Trinidad and Tobago
Chile	Haiti	Uruguay
Colombia	Honduras	Venezuela
Costa Rica	Jamaica	
Cuba	Mexico	

2. Mandate, Scope and Area of Work

SELA is a permanent regional body for consultation, coordination, cooperation and joint economic and social promotion. The fundamental purposes of SELA are:

- to promote intra-regional cooperation in order to accelerate the economic and social development of its members;
- to provide a permanent system of consultation and coordination for the adoption of common positions and strategies on economic and social matters in international bodies and forums as well as before third countries and groups of countries;
- specifically, SELA's objectives include stimulating satisfactory levels of production and supply of agricultural products, energy, and other commodities, with emphasis on the specific supply of foodstuffs; and to encourage coordination of national policies for protection and supply with a view to establishing a Latin American policy in this area.

3. Contribution to the Work of the SPS Committee

The SELA Permanent Secretariat provided technical assistance to Latin American and Caribbean missions during the Uruguay Round negotiations and currently keeps close ties with Member State missions to the WTO. In 1998, SELA held a workshop on "Agricultural Trade in the Multilateral Framework: Prospects for Latin America and the Caribbean" with the participation of the WTO Secretariat.

Previously, SELA had observer status in the GATT Contracting Parties, the Council of Representatives, and the GATT Committee on Trade and Development. Currently it has observer status in the Committees for Trade and Development and Trade and Environment. It has requested observer status in the General Council, the Council for Trade in Goods, the Council for Trade in Services, the Council for TRIPS, and the Committees on Agriculture, Regional Trade Agreements, Market Access and Trade-Related Investment Measures.

4. Reciprocity

All SELA information is available on the web page, or through the Liaison Officer in Geneva.

WORLD TRADE ORGANIZATION

G/SPS/GEN/121/Add.1
15 March 2000

(00-1067)

Committee on Sanitary and Phytosanitary Measures

APPLICANTS FOR OBSERVER STATUS

Note by the Secretariat

Addendum

The following additional application for observer status in the SPS Committee was received on 25 October 1999.

I. ASIAN AND PACIFIC COCONUT COMMUNITY (APCC)

1. Membership (13)

Micronesia (Fed. States of)	Malaysia	Solomon Islands	Vietnam
Fiji	Papua New Guinea	Sri Lanka	
India	Philippines	Thailand	
Indonesia	Samoa	Vanuatu	

2. Mandate, Scope and Area of Work

The APCC is mandated to promote, coordinate and harmonize all activities in the coconut industry. Its activities include:

- (a) assisting and encouraging its members to improve quality of coconut products in order to meet increasing demands made by consumers;
- (b) the establishment of quality standards for coconut products acceptable to both producers and consumers and update them as need arises; and
- (c) the elimination of trade restrictions between importers and exporters.

3. Contribution to the Work of the SPS Committee

The APCC accounts for about 90 per cent of world production and exports of coconut products and represents its members in international fora. It has expertise in the areas of coconut production, processing, quality and trade.

4. Reciprocity

The APCC may invite any non-member state or interested international organizations and/or non governmental organizations to participate in a consultative capacity in its consideration of any matter of particular concern to it.

**EXCERPT OF THE MINUTES OF THE GENERAL COUNCIL MEETING
HELD ON 7, 8, 11 AND 15 DECEMBER 2000
(WT/GC/M(61))**

Observer status for international intergovernmental organizations

[155. The Chairman recalled that this was a pending issue on the General Council's agenda. There had been further consultations on observer status for international intergovernmental organizations (IGOs) since the subject was last discussed, but unfortunately no progress had been made. The General Council would therefore have to revert to the matter again in 2001. Given the importance of the issue, he urged Members to reconsider their positions so that a solution could be found as soon as possible in 2001.

156. The representative of the United States said that this was an important issue for her delegation and she thanked the Chairman for the efforts he had made to bring the work forward. The United States had made a proposal aimed at resolving this issue and remained committed to find an agreeable approach to observer status, bearing in mind that opening up the WTO to broader observership was critical to the overall understanding of the work in the WTO.

157. The representative of Egypt thanked the Chairman for his consultations on this issue and encouraged him to continue with these consultations. The position of her country remained unchanged but she hoped that delegations, which had difficulties in joining a holistic solution on this issue would be in a position to do so in the weeks ahead.

158. The representative of Hungary encouraged the Chairman to continue his consultations on this important issue. As time went by, Members were making pledges to strengthen their outreach and increase transparency, while the gap between words and action was widening. He hoped that in the near future a solution would be found to this issue which, if unresolved, could challenge the credibility of the organization.

159. The representative of Pakistan said that his delegation appreciated the efforts undertaken by the Chairman to resolve the issue at hand. Observer status to IGOs had been a pending issue for some time and this was a cause of embarrassment for the WTO. His delegation's position on this matter was well known to the membership and remained the same. The exercise to grant observer status to the outstanding requests was political in nature and therefore called for a political solution. To this end, Members would have to move away from technicalities and consider all 27 pending requests for observer status together as a package. Any process of weeding out organizations was unacceptable to his delegation. Pakistan had a keen interest in granting observer status to all the organizations, especially the Organization of the Islamic Conference and the Islamic Development Bank. He urged Members who had reservations in joining the consensus to reconsider their position and he encouraged the Chairman to carry on with the process of consultations in order to break the deadlock.

160. The representative of the European Communities said that his delegation had tried to find solutions to this issue and that Members should continue trying, as they had come very close to a solution. It was unfortunate that this issue had become a political one in an organization that had a good track record in avoiding politization of some of the difficult questions it had to deal with. The present stalemate of the situation applied to the organizations on the last updated list of outstanding requests for observership. Therefore, Members should agree to consider other requests than the ones currently on the list of pending requests. This would constitute a minimal understanding between Members, while the major issue remained to be solved. His delegation was anxious to find a solution to this matter as soon as possible.

161. The Chairman said that it was difficult for him to believe there would be no problems in granting observer status to organizations other than the ones currently on the list. One of the major difficulties was that there were a number of organizations which had observer status under the GATT Council and which were now blocked from having observer status in the General Council. That was perhaps an indication of what the situation would be like for future requests.

162. The representative of the Czech Republic stressed that Members had to be consistent in dealing with the issue at stake. His delegation had great concern with regard to the lack of progress on the question of observer status for IGOs, as this was one of the elements that should contribute to a better understanding of WTO activities and greater coherence in global policy-making. He urged all Members to intensify their efforts so that appropriate action could be taken on pending requests, taking into account existing rules on the matter.

163. The representative of Venezuela expressed his delegation's concern at the lack of movement in the General Council on this topic and its linkage to the efforts made in the subsidiary bodies. Members had to move forward on this important issue of observer status for IGOs and show more flexibility in granting observer status, thus ensuring that the WTO was seen as a more transparent and truly universal organization. He urged the Chairman to continue consultations to overcome this situation.

164. The representative of Brazil said that the lack of a decision on this point was becoming an embarrassment for the WTO and for the governments of IGOs that had requested observer status. There was a question of consistency and coherence of national positions regarding this subject. His delegation was dedicated to a rapid resolution of this matter and hoped the Chairman could maintain his efforts on this issue.

165. The Chairman said that he appreciated the fact that delegations encouraged further consultations. However, consultations would not lead to any results if positions remained unchanged. There were some problems underlying this question which were entirely unconnected. Some delegations had suggested that it was not a matter of examining organizations individually to see if they qualified under the guidelines but that a holistic or package solution, which incorporated all pending requests, was preferable. Such a position had contributed to stopping the progress on this matter. Consultations were useless unless there was a change of attitude amongst some delegations.

166. The representative of Canada said that his delegation associated itself completely with the representative of Hungary.

167. The representative of Norway said that Members had to accept that there was still no political willingness to reach a final solution and for further consultations to be meaningful, a clear signal to the contrary would be necessary. Her delegation was concerned with the state of the matter given that at present, only seven IGOs had been granted observer status to the General Council while close to 30 requests were still pending, in addition to the unresolved applications to the subsidiary bodies. As stated before in the course of discussions on external transparency, such a situation could only deepen the perception of the WTO as a closed society. Among the applicants were international organizations with a global membership, such as UNDP and the WHO. The WTO was in the process of promoting cooperation with UNDP in the Integrated Framework and was also involved in a joint project on essential drugs with the WHO. In the field of intellectual property rights and TRIPS, there was a pending request for observer status by the Convention on Biological Diversity (CBD), which could give valuable input to ongoing processes as well. Members' continued failure to deal with this situation was likely to further strengthen the impression already prevailing in the private sector that the WTO was unable to take decisions. Consequently, she urged delegations, which had been prevented from moving forward on this question due to conflict with national interests, to endeavor to arrive at less restrictive positions in the new year.

168. The representative of Israel thanked the Chairman for his efforts to progress on this important issue. His delegation attached great importance to the issue of observer status for IGOs and was ready to continue consultations and try to contribute to successfully resolving the matter. It was imperative for Members to ensure that applicant organizations demonstrated that their activities and policies were compatible with the objectives and principles of the Marrakesh Agreement. This was a very important rule that should be followed no matter what solution was adopted.

169. The representative of Tunisia said that his delegation supported the statements made by the representatives of Egypt and Pakistan.

170. The representative of Jamaica said that his delegation also had concerns at the continuation of this unacceptable situation. The ACP secretariat, which was on the list of pending requests, represented the interests of 71 developing countries and also had observer status in the GATT Council. Observership in the General Council would greatly facilitate the work of the ACP secretariat and he hoped that the situation could be resolved in the interests of the WTO membership.

171. The representative of the European Communities, clarifying the statement he had previously made, said that the stalemate prevailing on the question of observer status applied to the current list of pending requests from IGOs, as well as to the International Labour Organization, with which there was also a problem. Aside from these IGOs, Members should be ready to consider any other request for observer status.

172. The representative of Chile said that as stated by the representative of Brazil, the prevailing situation was uncomfortable and embarrassing. The fact that Members were unable to take a decision on a simple issue which did not concern Members rights and obligations raised doubts as to their capacity to handle more complex issues. The WTO rules and regulations provided for other types of decision making and Members should further reflect on this. One approach to consider was the adoption by Members of certain guidelines for the acceptance of observers. Those IGOs meeting the minimum requirements established in the guidelines and agreed upon by consensus would be automatically granted observer status and Members would deal in the General Council with the requests that did not fall within such guidelines. There were several approaches to decision making on this issue and since the present decision-making mechanisms were apparently not functioning, Members should look into other alternatives.

173. The Chairman recalled that in the summer of 1999, Members had tried to adopt more specific supplementary guidelines building on the existing ones but this attempt had failed.

174. The representative of Colombia echoed the concern expressed by many delegations on the question of observer status and the lack of a solution thereon. He endorsed the statements made by the representatives of Hungary and Chile. He also shared the Chairman's view that as long as there was no willingness on the part of Members to solve this issue, no progress could be made and this would be unfortunate for the WTO's image.

175. The General Council took note of the statements and agreed to revert to the matter in 2001.]
