

Committee on Sanitary and Phytosanitary Measures

**WORKSHOP ON THE IMPLEMENTATION OF THE SPS AGREEMENT
HELD ON 31 MARCH 2006**

Note by the Secretariat¹

I. BACKGROUND AND PURPOSE

1. At the meeting of the SPS Committee held in June 2005, in the context of the Committee's discussions of special and differential treatment, the Chairman proposed that a workshop on the implementation of the SPS Agreement would be useful. The Secretariat organized a Workshop on the Implementation of the SPS Agreement on 31 March 2006. Mr Gregg Young (United States) chaired the workshop.

2. The purpose of the workshop was to assist WTO Members to identify practical ways in which they could more effectively make use of their rights under the SPS Agreement and fulfil their obligations. Following an introduction on the tools available for the implementation of the SPS Agreement, the workshop focussed in particular on:

- (i) how to manage notifications to ensure that producers and exporters are informed of SPS requirements of their trading partners;
- (ii) how to coordinate SPS-related activities at the national level, including the effective involvement of stakeholders; and
- (iii) how to effectively identify needs and request technical assistance.

The programme for the workshop is contained in Annex 1 to this report. The presentations made at the workshop are available from the WTO website at:
http://www.wto.org/english/tratop_e/sps_e/wkshop_march06_e/wkshop_march06_e.htm.

3. The Global Trust Fund made it possible to sponsor the participation in the workshop of close to 40 officials from least-developed and developing countries. Participants were asked to provide information on their experiences with the implementation of the SPS Agreement, and to respond to a number of questions related to the issues address in the Workshop. 37 Members provided information in writing; a list of documents circulated is contained in Annex 2 to this report.

4. This report summarizes both the main points raised at the Workshop as well as in the written responses provided by the participants. Section II covers tools for implementation; section III deals with transparency and national coordination; section IV covers technical assistance and section V contains a few conclusions.

¹ 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.

II. TOOLS FOR IMPLEMENTATION

5. The Secretariat (Ms Gretchen H. Stanton) gave an overview of existing tools to improve implementation of the SPS Agreement at the national level. Ms Stanton described mechanisms that Members could use to receive SPS-related documents and information on SPS measures, to detect and resolve trade problems and to identify needs and request technical assistance. She stressed that a number of instruments and practical approaches were available for Members to use, reminding Members that the Secretariat also could help delegates identify solutions.

A. SPS IMPLEMENTATION

6. Members identified the following prerequisites for effective implementation of the Agreement: updated legislation; an appropriate institutional framework, including clearly defined responsibilities and coordination mechanisms; participation in the SPS Committee; participation in international standard-setting bodies; identifying SPS contact points in all relevant government departments and ensuring cooperation among them; cooperation between capital-based officials and local missions; bilateral discussions with trading partners; technical and scientific capacity, including physical infrastructure and knowledge; human and financial resources; and private sector participation. Some participants indicated that political commitment and attention from the media and from senior public and private sector representatives were key to ensure participation and commitment.

7. Most Members providing information reported that there had been no formal national planning on how to implement the SPS Agreement. A few countries reported that a national SPS policy had been (or was being) established or that the relevant legislation had been updated. Some Members in Latin America indicated that they had an institutional strengthening plan, often with IICA support. In many Members, each agency involved in SPS implementation formulated its own policy and planned independently; in some cases a national committee served as a forum for coordination and exchange. A few Members indicated that regional bodies were becoming involved in coordination with respect to SPS issues.

8. One Member reported that it had taken several steps to implement the SPS Agreement and apply SPS measures. These steps included upgrading of existing rules and regulations, formulation of new regulations where necessary, up-grading of existing laboratory facilities, formation of a laboratory accreditation board, formation of a high supervisory audit and verification team, and development of methodology of traceability of agriculture and aquaculture products. Next, steps would be taken to implement the risk assessment requirement. One national advisory committee and five working groups were working on implementation of the SPS Agreement; each ministry responsible for SPS issues was involved. In addition, each Ministry had an individual strategy for specific issues related to implementation of the SPS Agreement. This Member indicated that there had been remarkable changes in the application of SPS measures, and that especially food safety and hygiene had improved, benefiting both domestic and international consumers.

B. PARTICIPATION IN MEETINGS

9. A few representatives of African Members indicated that their countries had never before been represented in the SPS Committee; others had participated sporadically. They appreciated especially that being sponsored for participation in the workshop had enabled them to attend the preceding meeting of the SPS Committee. In contrast, many representatives of Latin American countries reported that they had been able to participate in the meetings of the SPS Committee quite

regularly thanks to funding received through the SPS of the Americas Initiative organized by IICA.² These Members had found that continuity in participation in meetings contributed to capacity building. They stressed the value of having both capital-based officials and Geneva-based representatives attend the meetings, which facilitated coordination and information exchange.

10. Members benefiting from the SPS of the Americas Initiative tended to have mechanisms in place that enabled them to receive SPS-related information and documents in a timely manner, while many other Members which were not able to participate in SPS Committee meetings on a regular basis rarely received the relevant information, or received it only in an ad hoc manner through technical assistance workshops and other events. Few Members indicated that although they seldom participated in SPS Committee meetings, they received documents and information from the Secretariat (either electronically or as paper copies), from the WTO website or from their permanent missions to the WTO.

III. TRANSPARENCY AND NATIONAL COORDINATION

11. One session of the workshop focused on effective strategies for handling SPS notifications at the national level. The Enquiry Points of China and Mexico gave presentations on their experiences and explained the systems they had put in place for stakeholder consultation and involvement. Both had put in place databases and relied extensively on electronic communications to manage information flows.

12. A third presentation covered the experiences of a project on model arrangements for SPS stakeholder involvement at the national level; this project was financed by the Standards and Trade Development Facility (STDF). In particular, the project was assisting Sri Lanka and Paraguay in setting up an internet reference portal and creating a web-based network for information management. This presentation provided input to the break-out sessions, where participants discussed problems and strategies of coordination between different agencies and stakeholders at the national level.

A. IDENTIFYING STAKEHOLDERS

13. Several Members indicated that their regulatory agencies worked with private sector and civil society associations which permitted them to reach individual stakeholders effectively. One participant noted that some sectors in her country were better organized than others, making it difficult to ensure that all interested actors were involved.

14. Some Members published relevant information on websites, leaving it up to the initiative of potential stakeholders to find the information they required. Several Members noted that simply providing the information was not sufficient; one first had to create awareness among potential stakeholders to capture their interest and attention and provide training to enable them to participate in commenting on notifications. A number of Members recommended holding information meetings for interested stakeholders and recording their contact details in a database, possibly also including information on products or subjects of interest. In some Members, field-level ministry officials interacted regularly with stakeholders and could help identify them.

B. EXCHANGING INFORMATION

15. In response to a question regarding how exporters currently found out about SPS requirements in their export markets, several Members replied that exporters either found out directly from their customers or from the media. Sometimes, an importing Members' diplomatic service

² More information about this initiative can be found, *inter alia*, in documents G/SPS/GEN/427 and 497.

provided information on planned changes in SPS measures, allowing the exporting Member's regulatory agencies to inform exporters who might be affected. Many (especially least-developed) Members reported that they did not have a mechanism in place to systematically screen and analyze other Members' SPS notifications to identify those that might have an impact on exporting enterprises. A few developing country Members reported that they did screen notifications and informed exporters either directly, or through websites or newsletters created for this purpose. The Secretariat noted that an information management system was currently being developed that would make it easier for Members to search and process the information provided in notifications.

16. Members considered that, depending on the size of the country and on the number of exporters, a more or less formalized system for disseminating information about changes in SPS regulations by trading partners was required. Many Members emphasized the usefulness of electronic communications, especially of websites and of e-mail newsletters, for disseminating information to stakeholders, including those located outside the capital. A number of Members indicated that although a WTO reference centre was available, its resources were not sufficient to cover all WTO-related work areas. In addition to providing information electronically, a number of Members indicated that they held periodic meetings with stakeholders, either separately or in conjunction with meetings of a national SPS Committee, to discuss particular notifications or other subjects of interest. A few Members thought that it would be desirable to establish a national SPS committee involving all relevant stakeholders to facilitate information exchange.

17. Several Members stressed that to be able to alert stakeholders to upcoming regulatory changes in their export markets, their enquiry points needed strengthening, including internet access and trained staff. In this context, a couple of Members raised difficulties many Members faced when notified regulations were not available in a WTO language, making it difficult to assess their content. One speaker proposed establishing a website where different Members' enquiry points could exchange information, for example on where to find translations of documents. Another participant indicated that it would be useful if more Members provided information on the existence of informal translations of draft regulations through supplements to notifications.

18. One cross-cutting concern raised was related to the sustainability of efforts to liaise with stakeholders and exchange information. Even where initial efforts succeeded in setting up a mechanism such as a website, database or a committee, a high level of commitment was required from all stakeholders to maintain information up-to-date, regularly participate in meetings and provide comments and inputs.

C. NATIONAL COORDINATION MECHANISMS

19. During the three break-out sessions participants had the opportunity to discuss coordination in some detail. One group, addressing SPS coordination mechanisms at the national level, identified two possibilities: one option was to create a national Committee including different ministries, departments and sectors involved in SPS implementation; in this case the chairmanship might be disputed among several ministries and/or departments. A second option was to reinforce an existing committee that already brought together most of the relevant actors (for example a national Codex, OIE or IPPC committee), thus limiting the proliferation of non-operational committees observed in some countries.

20. Another group discussed identification of needs and interaction with domestic stakeholders. After identifying constraints related to screening notifications and handling comments, coordination among public agencies, reaching rural stakeholders, lack of engagement of stakeholders and limited resources, the group identified solutions to these constraints.

21. The third group exchanged experiences and formulated recommendations regarding coordination strategies, including with Geneva-based missions and the international standard-setting organizations. The group's conclusions were related to institutional strengthening, reinforcing human and financial resources of the agencies involved, promoting private sector participation, and establishing medium- and long-term policies.

22. The presentations made by the rapporteurs of the three groups have been included in Annex 3 to this report.

23. Of the Members that provided information on their implementation of the SPS Agreement, most did not have a formal national SPS coordinating committee. Among the few Members that had established formal national SPS committees, experiences were mixed. A number of Members reported that a sub-body of their national WTO committee was in charge of SPS matters (among other subjects), but very few of these sub-bodies seemed to be successfully coordinating implementation of the SPS Agreement. In some cases, funding difficulties or inadequately defined structures and functions led to poor functioning of the committees.

24. A few Members indicated that they had established informal working groups or committees, usually at the technical level, that consisted of the various institutions dealing with implementation of the SPS Agreement. The functions of these informal working groups included screening of notifications, coordination of national positions, support for the Member's representatives to the SPS Committee, information exchange and liaison with the private sector. Some of these informal groups or committees functioned quite well; a couple of Members were in the process of formalizing their role. Several Latin American Members reported receiving assistance from IICA in setting up their national coordination mechanisms.

IV. TECHNICAL ASSISTANCE AND CAPACITY BUILDING

25. The workshop session on technical assistance addressed three main themes: identifying technical assistance needs; making effective technical assistance requests; and best practices for SPS technical assistance. Two speakers presented experiences from a beneficiary's point of view, describing experiences from Panama and Tanzania, while one speaker (from the Swedish International Development Agency) gave a donor's perspective.

A. IDENTIFYING TECHNICAL ASSISTANCE NEEDS

26. Depending on their level of development and progress made with implementation of the SPS Agreement, Members' views on how to identify technical assistance needs varied. Some Members, especially least-developed ones, indicated that they needed assistance to identify their needs, for example through a diagnostic evaluation of the existing national SPS system. In this regard, a number of Members mentioned the diagnostic tools developed by the international standard-setting organizations, and in particular the Performance, Vision and Strategy (PVS) tool developed by IICA and by the OIE. Some Members had successfully applied these tools, often with the help of international, regional or bilateral donor agencies.

27. Other Members, usually somewhat more advanced in their implementation of the SPS Agreement, were of the view that national governments should identify and prioritize their own technical assistance needs. Some Members recommended discussing technical assistance needs in national SPS committees; a few were of the view that in addition, the private sector should be consulted. One Member emphasized that a country should first establish medium- and long-term plans for SPS implementation and then define technical assistance needs in that context.

B. MAKING EFFECTIVE TECHNICAL ASSISTANCE REQUESTS

28. Once technical assistance needs have been identified, Members have different options to request the required assistance. Some Members indicated that the different national agencies involved in the SPS area each prioritized their needs and requested technical assistance independently. Other Members had established national committees or other bodies to coordinate and prioritize technical and financial assistance requests. One Member emphasized the usefulness of establishing contacts and dialogue with different donor agencies and holding consultations to discuss technical assistance needs. A number of Members indicated that they had requested technical assistance in the SPS Committee; some Members preferred approaching donors directly; others indicated that they had to date never requested SPS-related technical assistance. Several speakers noted that the Standards and Trade Development Facility was very useful not only because it funded capacity-building projects in the SPS area, but especially because it was able to support the development of project ideas through its project preparation grants.

C. BEST PRACTICES FOR SPS TECHNICAL ASSISTANCE

29. Virtually all Members providing information in writing addressed the need for coordination to avoid duplication in technical assistance activities of different donors. Many Members thought that coordinating technical assistance was the task of the recipient country; some had established one agency or ministry as a clearing house for assistance. Several Members noted that a roundtable including different national agencies and donors, possibly chaired by a lead donor, could serve as a coordination mechanism. Other Members proposed that the WTO or one of the multilateral donor agencies should receive technical assistance requests and channel them to the appropriate providers of technical assistance. One Member suggested that donors should clearly publish their technical assistance offers and terms of reference for access to the funds. Another Member proposed that a database be established to register projects carried out by multilateral, regional and bilateral donors.

30. Members debated whether technical assistance should be entirely demand-driven. While some thought that it was up to recipients to establish priorities and request what was needed, some developing countries thought they could benefit from donor's experiences in identifying needs and formulating requests. One donor Member indicated that its technical assistance programme was demand-driven, but that very few developing countries requested SPS-related technical assistance when identifying priority areas for cooperation. Finding the right balance between a demand-driven approach and donor guidance was a challenge. Many participants agreed that technical assistance had to be tailored to the specific circumstances of each country. One Member emphasized that technical assistance given in a context of good governance was more likely to be effective and sustainable.

31. A number of Members stressed that cooperation had to go beyond technical assistance to include investments in infrastructure and equipment, including laboratories. A couple of Members made a distinction between two different types of assistance. One type of assistance was needed to resolve specific short-term difficulties, e.g. to enable a country to comply with a trading partner's new or changed SPS requirements to maintain market access. The second type of assistance was intended to overcome structural weaknesses, enabling a country to implement the SPS Agreement effectively in the medium and long term. Sometimes a specific trade problem led to the discovery of structural problems that needed to be addressed to allow trade to resume. In some participants' view, the second type of technical assistance had to be part of medium- and long-term plans drawn up in collaboration with various SPS-related actors in a country.

32. A couple of Members addressed the issue of sustainability. While the SPS of the Americas Initiative had allowed many Latin American and Caribbean Members to participate regularly in the SPS Committee, they would have to find alternative funding sources to ensure continued participation once the Initiative ended. Another Member highlighted the need for continuous training and capacity

building given the high turnover of qualified staff. A third Member highlighted the difficulty of obtaining specialized, targeted training that went beyond general introductions. Several Latin American and Caribbean Members mentioned that they had exchanged technical assistance within the region, which could help to improve sustainability. A couple of participants stressed the importance of involving local experts in technical assistance activities where possible; human resources in developing countries should not be underestimated. One Member was of the view that over time, a country would move from receiving technical assistance to engaging in technical cooperation and finally to providing technical assistance to other countries.

V. CONCLUSION

33. The workshop on implementation of the SPS Agreement provided an opportunity for Members to exchange experiences with transparency, internal coordination and technical assistance. Several participants indicated that they appreciated these kinds of Geneva-based activities since they provided many developing and least-developed Members with the opportunity to participate in SPS Committee meetings. This not only helped improve their understanding of the SPS Agreement and its implementation, but also contributed to expanding the variety of views represented in the Committee and thus enriched the debates.

ANNEX 1

WORKSHOP ON THE IMPLEMENTATION OF THE SPS AGREEMENT

Programme

A. Opening statement - *Mr Gregg Young, Chair of SPS Committee*

- **Objectives of the Workshop**

B. Overview - Rights and Obligations - *Ms Gretchen H. Stanton, Secretary, SPS Committee*

- **Using existing tools to improve implementation of the SPS Agreement at the national level – (Practical Approaches)**

C. Transparency

- **Effective strategies for handling SPS notifications at the national level**

Good Regulatory Practice and the Notification Obligations – national experience and lessons learned in Mexico

Strategies for handling notifications at national level – the experience of China

Difficulties faced by developing country Members and possible strategies to overcome these constraints – preliminary results from one STDF project

Open discussion

D. Break-out Sessions on Co-ordination (group discussions in English, French and Spanish, no interpretation available)

- **Identifying and interacting with domestic stakeholders**
- **Useful strategies for coordination, including with Geneva-based missions and the International Standard-Setting Organizations (Codex, OIE and IPPC)**

E. Technical assistance and capacity building

- **Identifying technical assistance needs**
- **Making effective technical assistance requests**
- **Best practices for SPS technical assistance**

Using Capacity Evaluation tools as a mechanism to identify needs and prioritize requests for assistance – the experience of Panama

Technical Assistance related to food safety- Tanzania's experience in the fisheries sector

Matching the supply of technical assistance with recipient needs and ensuring best practices – a donor's experience

Open discussion

F. Plenary Discussion on Coordination / Report from Break-out Sessions

G. Concluding Remarks

H. End of Session

ANNEX 2

Members' contributions to the Workshop on Implementation of the SPS Agreement – 31 March 2006	
1. Bangladesh	G/SPS/GEN/676
2. Benin	G/SPS/GEN/670
3. Burkina Faso	G/SPS/GEN/662
4. Burundi	G/SPS/GEN/674
5. Cameroon	G/SPS/GEN/671
6. Central African Rep. – Technical assistance	G/SPS/GEN/644
7. Chad	G/SPS/GEN/667
8. Colombia	G/SPS/GEN/652
9. Congo	G/SPS/GEN/659
10. Costa Rica	G/SPS/GEN/679
11. Cuba	G/SPS/GEN/655
12. Dominican Republic	G/SPS/GEN/691
13. Egypt	G/SPS/GEN/647
14. Egypt – Responses Dr. Soliman	G/SPS/GEN/649
15. Egypt – Experience of the Egyptian Plant Quarantine	G/SPS/GEN/651
16. Guatemala	G/SPS/GEN/682
17. Haiti	G/SPS/GEN/677
18. Honduras	G/SPS/GEN/683
19. Jamaica	G/SPS/GEN/645
20. Kenya	G/SPS/GEN/660
21. Madagascar	G/SPS/GEN/672
22. Mauritania	G/SPS/GEN/684
23. Mauritius	G/SPS/GEN/657
24. Mongolia	G/SPS/GEN/675
25. Nepal	G/SPS/GEN/656
26. Niger	G/SPS/GEN/678
27. Nigeria	G/SPS/GEN/686
28. Pakistan	G/SPS/GEN/661
29. Paraguay	G/SPS/GEN/692
30. Peru	G/SPS/GEN/668
31. South Africa	G/SPS/GEN/690
32. Tanzania – Technical assistance related to fishery sector	G/SPS/GEN/687
33. The Gambia	G/SPS/GEN/664
34. Togo	G/SPS/GEN/665
35. Trinidad and Tobago	G/SPS/GEN/680
36. Uganda	G/SPS/GEN/673
37. Zimbabwe	G/SPS/GEN/663

ANNEX 3

Francophone Group

Topic 1: SPS coordination mechanisms at national level

World Trade Organization
Committee on Sanitary and Phytosanitary Measures

Institutional and legal level

Two tendencies:

- Create a SPS Committee including the different sectors/departments/ministries involved in the area of SPS measures; problem of chairmanship
- Reinforce, for SPS coordination purposes, a committee that already exists (e.g. Codex, OIE, IPPC) and that includes most of the sectors involved; this limits the proliferation of non-operational committees

World Trade Organization
Committee on Sanitary and Phytosanitary Measures

Human resource capacity-building

- Training workshops for members of the national SPS Committee
- Meetings to promote awareness among stakeholders – private sector, producers, processing firms, economic operators
- Information management

World Trade Organization
Committee on Sanitary and Phytosanitary Measures

Material and equipment

- Internet
- Information technology tools
- Computers etc

World Trade Organization
Committee on Sanitary and Phytosanitary Measures

Coordination and collaboration at regional level

- CAEMC
- WAEMU
- ECOWAS
- IICA

Identifying needs and interacting with domestic stakeholders

Group 2

Constraints

- Handling comments
 - Comment period relatively short
 - Completing translations on time
 - Collecting comments from stakeholders
- Capacity-building
 - Need for specialized training
- Coordination of public agencies
 - Overlapping roles
 - Vertical organization

Constraints (2)

- Reaching rural stakeholders
- Lack of engagement of stakeholders (particularly private sector)
 - Strategies for involvement
- Limited resources (both human and financial)
- Screening notifications
 - Time, volume, incomplete information, translations

Solutions

- Identifying stakeholders
 - Ideal self-select
 - Solicit smaller producer associations
 - Other governmental bodies, especially sub-national
- Screen notifications – do not pass on everything to everyone
- Comments balance private and public interest
- Educate stakeholders
 - Aligning interests between public and private sector?
 - Analysis of why particular notification is relevant
- Awareness of international rules and mechanisms

Solutions (2)

- Technological tools
 - Websites
 - Email alerts
 - Databases
 - (not always appropriate)
- Clear and effective national coordination mechanism
 - Establishment of SPS sub-committee
- Coordination among enquiry points

Coordination Strategies in Geneva and the International Organizations

Group 3

Participants

- | | |
|-----------------------|------------------------|
| 1. Argentina | 10. Guatemala |
| 2. Paraguay | 11. Uruguay |
| 3. Peru | 12. Angola |
| 4. Chile | 13. Cuba |
| 5. Brazil | 14. Panama |
| 6. Dominican Republic | 15. European Community |
| 7. Colombia | 16. El Salvador |
| 8. Costa Rica | 17. Honduras |
| 9. Mexico | |

1. Main constraints/challenges

- A complex and highly specialized area involving many sectors, actors and levels
 - Growing complexity and importance
 - Rudimentary national and/or regional liaison mechanisms
- Limited human resources at capital and in Geneva for addressing SPS Agreement implementation needs in an exclusive and consistent manner
 - Frequent changes of personnel make it difficult to capitalize on experience

Main constraints/challenges

- The wide range of languages in which SPS regulations and other measures are drafted
- The high cost of translation and the time required to translate texts
- Political authorities have limited knowledge and command of SPS matters
 - At some point, they will make important decisions
- The private sector reacts to emergencies/difficulties before anticipating them

2. Experiences and recommendations

- National SPS coordination committees (formal or informal):
 - Require the leadership of a competent authority
 - Participation of the various SPS-related public agencies
 - Participation of delegates in the OIE, CODEX and IPPC
 - Participation of private sector representatives
 - With work plans and agendas, with medium- and long term vision / international organization and SPS Committee agendas

Experiences and recommendations

- Make SPS matters one of the country's priorities
 - Political level
 - Private level
- Impact and cost-benefit studies of SPS measures
- Exchange of experiences
- etc.

Experiences and recommendations

- Ensure fluent communication with Geneva-based missions by using all available means:
 - One person must be appointed to deal with these matters on a constant, and at least part time, basis
 - Monitoring and responsibility must fall to the capital-based coordination team

Experiences and recommendations

- Members with no permanent mission:
 - Register with the WTO information distribution system so as to receive notifications and other documents directly
 - Use regional integration or technical mechanisms (e.g. CARICOM)
 - Use missions or embassies in Brussels, Rome, Paris, etc.
 - Collaboration of cooperation agencies
 - Use missions of other countries in the region

Experiences and recommendations

- Information technology tools for information management
 - Database system containing information on notifications, countries, products and users (users classified according to areas of interest)
 - Appoint personnel needed to establish direct contact with other countries of interest

Experiences and recommendations

- Continuity of participation both in the Committee and in international organizations
 - provides comparative and competitive advantages at different levels of negotiation
- Join regional groups in order to develop common positions and obtain support from the SPS Committee and international organizations

Conclusions

- Strengthen the institutional framework in order to improve multisectoral coordination and coordination with the Geneva-based mission
 - It is advisable to establish a Committee secretariat to act as a stable leadership and coordination mechanism
- Reinforce the human resources (training) and financial resources of the agencies involved

Conclusions

- Promote and strengthen the formal participation of the private sector by finding qualified representatives
- Establish medium- and long-term policies which tie in with national policies