

Committee on Sanitary and Phytosanitary Measures

**REVIEW OF THE PROVISIONAL PROCEDURE TO MONITOR
THE PROCESS OF INTERNATIONAL HARMONIZATION**

Note by the Secretariat¹

1. At its meeting of 15-16 October 1997, the Committee adopted a provisional procedure to monitor the use of international standards (G/SPS/11). This provisional procedure has been extended twice, by decisions of the Committee in July 1999 (G/SPS/14) and in July 2001 (G/SPS/17). In making the July 2001 decision, the Committee also agreed to review the operation of the provisional procedure by July 2003, with a view to deciding then whether to continue with the same procedure, amend it or develop another one.
2. Since the adoption of the monitoring procedure in October 1997, Members have used the procedure to bring a total of eleven standards-related issues to the attention of the Committee. Nine of these issues were raised in the first full year of operation of the monitoring procedure; no additional issues were identified during the following two years, and one new issue was identified in each of the past two years. The attention of the relevant standard-setting organizations was drawn to the issues raised by Members. In all cases, the standard-setting organizations have addressed these concerns in their respective competent bodies, and have regularly reported on their actions to the SPS Committee. The information provided by the standard-setting organizations has been summarized in each annual report (G/SPS/16, G/SPS/18, G/SPS/21) and the draft fifth annual report (G/SPS/W/133).
3. In contrast to the sparse use of this procedure in recent years, the number of specific trade concerns raised by Members has been growing rapidly. Furthermore, a number of Members have raised concerns regarding their difficulty in effectively participating in the work of the standard-setting organizations and have questioned whether the international standards appropriately address their particular needs. However, Members have failed to make use of the monitoring procedure to bring their concerns regarding specific standards, or the need for standards, to the attention of the SPS Committee and of the relevant standard-setting organizations.
4. Those issues which have been raised have been brought to the attention of the SPS Committee by both developing and developed country Members, and the issues raised have dealt with matters within the competence of all three relevant standard-setting organizations. It would thus appear that the provisional procedure is not difficult to use.
5. It might, nonetheless, be possible to facilitate the use of the provisional procedure if the deadline for identifying issues for consideration were modified. According to the current procedure, a Member wishing to raise any standard-setting issue must give notice at least one month in advance of each Committee meeting. In contrast, the deadline for identifying specific trade concerns or notifications which Members wish to address during a meeting is only 10 days. Although the 30-day

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.

advance notice is desirable in order to permit other Members and the relevant standard-setting organizations to better prepare their comments, it may have the effect of reducing the use of this procedure.

6. Because of this, the Committee may wish to modify the provisional procedure, in particular the time periods specified in paragraphs 6 and 7 of the procedure. The deadline for a Member to submit concrete examples of what they consider to be standards related problems could be reduced to 10 days prior to each regular meeting. This would make impossible the advance circulation of a provisional list of issues and submissions to all Members as foreseen in paragraph 7, but would permit such issues to be specifically identified on the draft agenda circulated 10 days prior to the meeting. Members could then prepare comments regarding their use or non-use of the standards within the same delays in which they prepare their comments regarding specific trade concerns or notifications identified in the proposed agenda.

7. Members may wish to suggest other possible modifications to the provisional procedure, based on their experience and any difficulties they have experienced with the current procedure.

8. The Committee is invited to adopt the attached draft decision to modify the time periods for the identification of issues, to extend the provisional procedure for a further 36 months, and to encourage Members to make greater use of this mechanism for addressing their standards related concerns.

DRAFT

**DECISION TO MODIFY AND EXTEND THE PROVISIONAL PROCEDURE TO
MONITOR THE PROCESS OF INTERNATIONAL HARMONIZATION**

The Committee on Sanitary and Phytosanitary Measures,

Having regard to Articles 3.5 and 12.4 of the SPS Agreement;

Taking into account the provisional procedure to monitor the use of international standards adopted by the Committee at its meeting of 15-16 October 1997 (G/SPS/11); the Committee's decisions of July 1999 and of July 2001 to extend this provisional procedure, and to decide by July 2003 whether to continue with the same procedure, amend it or develop another one (G/SPS/17);

Considering that in reviewing the operation of the provisional procedure, it has noted that the procedure provided an effective mechanism for Members to raise specific standards-related issues;

Considering that certain changes could improve recourse by Members to this procedure;

Considering the discussion at its meeting of 24-25 June 2003;

Decides as follows:

1. In the first sentence of paragraph 6 of the provisional procedure, the words "at least 30 days" are replaced by the words "at least 10 days".
 2. Paragraph 7 of the provisional procedure is replaced by the following:

The Secretariat should include on the proposed agenda of the meeting all of the standards, guidelines or recommendations identified by Members as foreseen in paragraph 6. The Secretariat should circulate the submissions it has received to all Members, as much in advance of the Committee's meeting as possible, and not later than 10 days before the meeting, in order to provide Members with the opportunity to prepare comments on their use or non-use of the standards, guidelines or recommendations and the reasons therefore. Should any Member so request, the Secretariat will not include in its annual report on this monitoring procedure (see paragraph 10) any specific issue raised in these submissions until Members have had the opportunity to provide further comments and to discuss those comments in one additional Committee meeting subsequent to the meeting in which the issue is first raised.
 3. The provisional procedure to monitor the use of international standards, as modified, is extended for a further 36 months.
 4. The Committee will review the operation of the provisional procedure by July 2006, with a view to deciding then whether to continue with the same procedure, amend it or develop another one.
 5. The Committee encourages Members to make use of this procedure to address their concerns regarding specific international standards or the need for such standards.
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