WORLD TRADE ORGANIZATION

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Committee on Sanitary and Phytosanitary Measures

PROCEDURE TO MONITOR THE PROCESS OF INTERNATIONAL HARMONIZATION

Draft Thirteenth Annual Report[1]

A. INTRODUCTION

1. At its meeting of 15-16 October 1997, the SPS Committee adopted a provisional procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations, as provided for in Articles 3.5 and 12.4 of the SPS Agreement. The Committee extended the provisional monitoring procedure in 1999, 2001, and 2003, and adopted a revision of the procedure in October 2004.[2] On 28 June 2006, the Committee agreed to extend the provisional procedure indefinitely, and to review its operation as an integral part of the periodic review of the operation and implementation of the Agreement under Article 12.7.[3] This procedure was reviewed as part of the Third Review of the Agreement adopted by the Committee in March 2010.[4] The next such review is to be completed in 2013, and every four years subsequently.

2. The Committee has previously adopted twelve annual reports on the monitoring procedure.[5] These reports summarize several standards-related issues that the Committee has considered and the responses received from the relevant standard-setting organizations.

B. NEW ISSUES

3. Since the adoption of the Twelfth Annual Report in October 2010, no new issue has been raised under this procedure.

C. PREVIOUS ISSUES

4. Since the adoption of the Twelfth Annual Report, there was further discussion on one issue previously raised under this procedure. This issue is with regard to the lack of adoption by the Codex Alimentarius Commission of standards relating to ractopamine.

Concerns on the lack of adoption of Codex standards relating to ractopamine

5. Brazil first raised the issue of the lack of adoption of an MRL for ractopamine by Codex at the meeting of the Committee of 28-29 October 2009. Brazil reported that extensive discussions on this matter had occurred during the previous two Codex sessions and at the 18th session of the Codex

[1] This document has been prepared under the Secretariat's own responsibility and is without prejudice to the position of Members or to their rights or obligations under the WTO.

[2] G/SPS/14, G/SPS/17, G/SPS/25 and G/SPS/11/Rev.1.

[3] G/SPS/40.

[4] G/SPS/53.

[5] These were circulated as G/SPS/13, G/SPS/16, G/SPS/18, G/SPS/21, G/SPS/28, G/SPS/31, G/SPS/37, G/SPS/42, G/SPS/45, G/SPS/49, G/SPS/51 and G/SPS/54.

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Committee on Residues of Veterinary Drugs in Foods. Adoption of the MRLs had been recommended in 2007 by the Committee on Residues of Veterinary Drugs in Foods. At the October 2009 meeting, the European Union, China and Norway stressed that it had been agreed in the Codex that JECFA would evaluate the latest data submitted by China before the Codex Commission session in July 2010.

6. This issue was again raised at the SPS Committee meeting in June 2010, where Canada, Brazil, South Africa and the United States expressed strong support that the eight MRLs for ractopamine be adopted at the July 2010 meeting of the Codex Alimentarius Commission. China and the European Union reiterated their previous concerns that it was too early to prejudge the outcome of that discussion. The representative of Chile indicated that this type of situation made clear the need for a procedure to voice a concern when a Codex standard was held at Step 8 for several years.

7. At the meeting of the Committee of 30-31 March 2011, Brazil noted that the continuing failure of Codex to adopt MRLs for ractopamine raised the issue of the lack of respect of scientific principles by Codex. In 2008, Codex had decided to hold the proposals of MRLs for ractopamine at Step 8, and invited members to send further data to be analysed. To overcome the deadlock on the approval of ractopamine MRLs at the 33rd Session of the Commission in 2010, a "Friends of the Chair" group was established to discuss possible solutions focussing on JECFA risk management. There was no scientific justification for the delays in adoption of the standards.

8. Australia, Argentina, Canada, Chile, Colombia, Costa Rica, Mexico, New Zealand and the United States agreed with Brazil on the need for the immediate adoption of a Codex standard for ractopamine in order to ensure the protection of consumers, the promotion of international trade, food safety, and the maintenance of the role of the Codex Alimentarius as an international reference organization in the area of food safety.

9. The Codex representative stated that the matter of ractopamine MRLs would be examined again at the next Commission, and hopefully members would be able to reach a consensus.

10. The European Union stated that JECFA had provided Codex with a risk assessment however, discussions in Codex focused on risk-management. Norway and Switzerland agreed that while science was indeed a key element, risk managers also had to consider other factors that impacted on consumers' health. The European Union, as part of the "Friends of the Chair", had actively searched for a solution acceptable to all parties and looked forward to making progress in advance of the July 2011 Codex Commission.

D. RESPONSES RECEIVED FROM THE RELEVANT STANDARD-SETTING ORGANIZATIONS

11. No further information has been provided by the relevant standard-setting organizations regarding other issues previously raised.