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Committee on Sanitary and Phytosanitary Measures

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STRENGTHENING THE DELIBERATIVE FUNCTION OF THE SPS COMMITTEE

SUBMISSION FROM BRAZIL

The following communication, received on 20 September 2019, is being circulated at the request of the Delegation of Brazil.

The list of topics presented here is the result of four informal discussions held at the sidelines of the SPS Committee this year. The issues included are the ones where there seems to be convergence. If Members agree, they could be the basis of a decision to strengthen the deliberative function of the Committee without any changes to Members' rights and obligations under WTO rules.

The decision seeks to improve the consultation process among Members, so that we can make better use of the Committee's meetings. Being able to discuss issues effectively and efficiently will facilitate consultations among Members, increasing the likelihood of resolving concerns within the Committee, which should be one of our main goals.

Possible issues:

1. When requesting the inclusion of a trade concern in the agenda of the Committee's regular meeting, Members shall provide a substantive description of the concern. Such description shall, when appropriate, clearly identify the proposed, adopted or implemented sanitary or phytosanitary measure(s) or issue(s) at stake; the product(s) affected by the measure(s); the provision(s) of the Agreement that is (are) supposedly being violated through the adoption of the measure(s); and any previous treatment or discussion of the same or a similar trade concern in another WTO body.

[Elaboration of a template in light of the Secretariat's project "e-agenda"]

2. The request to include a trade concern in the agenda shall be submitted through an online system established for that purpose, no later than 22 calendar days before the meeting in which the concern is intended to be discussed.

3. The Secretariat shall circulate, in advance of the Committee's regular meeting, a notice convening the meeting in the form of an annotated agenda that contains the compilation of all trade concerns submitted to be discussed in that meeting.

4. Without prejudice to any oral statement delivered at the meeting, the responding Member shall submit its written reply to the raised concern through the online system established for that purpose, no later than 20 calendar days after the meeting. For greater certainty, the responding Member could either submit the statement delivered at the meeting or a more comprehensive response. In any case, in its reply, the responding Member shall endeavor to address fully the substance of the concerns.

5. All written trade concerns and replies submitted to the online system shall be made publicly available. The Secretariat shall establish and manage a searchable online database on trade concerns, in which all written trade concerns and replies shall be recorded.

6. At the beginning of each regular session, the Secretariat shall remind Members about the existence of the Catalogue of Instruments Available to WTO Members to Manage SPS Issues ([G/SPS/63](#)), as well as about the possibility to request Chairperson's assistance pursuant to paragraph 6 of the Working Procedures of the Committee ([G/SPS/1](#)) and to resort to the procedures set forth in document "Procedure to Encourage and Facilitate the Resolution of Specific Sanitary or Phytosanitary Issues among Members in Accordance with Article 12.2" ([G/SPS/61](#)).

7. When organizing thematic sessions and workshops, the Secretariat shall provide the means for the remote participation (through live streaming) [of previously registered attendees].

8. The summary report of a regular meeting of the Committee should be circulated within 30 calendar days after the meeting and not later than 40 calendar days before the next regularly scheduled meeting of the Committee.

9. The Secretariat shall adjust the online notification database [SPS-IMS or ePing] in order to facilitate the submission and publication of translations of notified SPS measures, provided that such translations are prepared or authorized by the notifying Member.

10. Nothing in this Decision shall be construed as affecting the rights and obligations of Members contained in the Agreement on the Application of Sanitary and Phytosanitary Measures.
