



13 February 2020

(20-1177)

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Committee on Sanitary and Phytosanitary Measures

Original: English

STRENGTHENING THE CONSULTATIVE FUNCTION OF THE SPS COMMITTEE

SUBMISSION FROM BRAZIL

Revision

The following communication, received on 13 February 2020, is being circulated at the request of the Delegation of Brazil.

The proposed draft Working Procedures encompass a list of topics that resulted from informal discussions held at the sidelines of the SPS Committee and that was reviewed according to Members' suggestions received in the period from November 2019 to January 2020.

This proposal seeks to improve the consultation process among Members, without any changes to their rights and obligations under WTO rules, 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.

DRAFT WORKING PROCEDURES TO STRENGTHEN THE CONSULTATIVE FUNCTION OF THE SPS COMMITTEE

The Committee on Sanitary and Phytosanitary Measures ("the Committee"),

Having regard to paragraph 1 of Article 12 of the Agreement on the Application of Sanitary and Phytosanitary Measures ("the Agreement");

Recalling that Members may bring to the attention of the Committee trade concerns on any sanitary or phytosanitary issue, including sanitary and phytosanitary measures proposed, adopted or implemented by another Member, aiming at addressing and resolving the issue through discussions among the Members;

Desiring to strengthen the consultative function of the Committee by further facilitating consultations among Members on specific sanitary or phytosanitary issues;

Recognizing that it is desirable to promote a high level of transparency and understanding about the sanitary or phytosanitary issues brought by the Members before the Committee, while preserving the oral nature of the discussions held on the regular sessions of the Committee;

Seeking to improve the regular work of the Committee and to complement its Working Procedures, in ways that do not add to the Members' substantive obligations, in order to enhance transparency and Members' ability to take part in the discussions of specific sanitary and phytosanitary issues brought before the Committee:

Decides as follows:

1. When requesting the inclusion of a trade concern in the agenda of the Committee's regular meeting, Members should provide a substantive description of the concern. Members should consider including in the description, when appropriate, clear identification of: the proposed, adopted or implemented sanitary or phytosanitary measure(s) or issue(s) at stake; the product(s) affected by the measure(s); the relevant provision(s) of the Agreement; and short references of any previous treatment or discussion of the same or a similar trade concern in another WTO body. When appropriate, Members should consider including in the substantive description of the concern, questions for the Member maintaining the proposed, adopted or implemented sanitary or phytosanitary measure(s) or issue(s) at stake.
2. The request to include a trade concern in the agenda and its substantive description 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 and, when available, their respective substantive descriptions.
4. Without prejudice to any oral interventions that take place during the meeting, Members raising and responding to the trade concerns should submit their statements regarding the raised concern through the online system established for that purpose, no later than 20 calendar days after the meeting. Members responding to raised concerns should endeavor to fully address the substance of the concerns. When the Member raising the concern has posed questions, if the responding Member does not fully address them at the meeting, there shall be a separate section in the online system to allow for the submission of additional and more comprehensive responses.
5. All written trade concerns and their corresponding statements and replies submitted to the online system shall be made publicly available, unless the Member raising or responding to the concern requests otherwise. 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 remote participation (through live streaming).
8. The Secretariat shall circulate the draft of the summary report of a regular meeting of the Committee within 20 calendar days after the meeting, for Members to present their comments. The final summary report, which takes into account Members' comments, 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. Members are encouraged to publish comments on notified proposed measures and the replies thereto through an online system established for that purpose. The decision to publish comments and replies thereto shall lie with the Member submitting the comment or the reply.
10. 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. Notifying Members are encouraged to submit a supplement notification to inform about the availability of an official translation. The database shall permit unidentified/anonymous submissions of unofficial translations if submitted by registered delegates.

11. 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.
