



**FIFTH REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT:  
RECOMMENDATION FOR AN ELECTRONIC WORKING GROUP ON APPROVAL PROCEDURES**

SUBMISSION BY CANADA

The following communication, received on 29 November 2019, is being circulated at the request of the Delegation of Canada.

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**1 APPROVAL PROCEDURES AND FACILITATING INTERNATIONAL TRADE**

1.1. Members use control, inspection and approval procedures to meet their appropriate level of sanitary or phytosanitary protection. In particular, approval procedures are often established as a pre-requisite to the importation of a product or a category of a product and therefore play an important role in facilitating international trade. In some areas, Annex C is precise in its language as appropriate, while also providing a reasonable amount of flexibility so that its provisions apply to a wide range of regulatory approaches practised by Members. However, this may create the possibility of challenges and uncertainty in the implementation of the obligations of the SPS Agreement as they apply to approval procedures.

1.2. During the November 2019 thematic session on approval procedures, Members were able to explore a number of concepts relating to approval procedures, including pre-market approval procedures and their effect on trade. Perspectives from Members, international standard-setting bodies, and the private-sector were presented, which highlighted costs and challenges, such as asynchronous approvals and duplication of efforts; best practices, such as transparency of approval procedure requirements, trust between parties, and use of international standards; and possible opportunities for cooperation amongst these players. It was highlighted that approximately one quarter of all specific trade concerns raised at the SPS Committee were characterised in some way as relating to approval procedures, which emphasizes the importance of Members' ensuring any approval procedures implemented are in accordance with the SPS Agreement.

1.3. These discussions elucidated the need to further consider the Committee's role in enhancing the implementation of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of sanitary or phytosanitary protection.

**2 NEXT STEPS**

2.1. Canada proposes that the Committee continues its work on approval procedures through the establishment of an electronic working group open to the participation of all Members and Observers.

2.2. The electronic working group would continue to examine the topic of approval procedures, including pre-market product approvals, and further consider the Committee's role. In particular, the electronic working group will explore (1) the key challenges of approval procedures that impact international trade and consider challenges that the Committee should seek to address. Additionally, the electronic working group will examine the (2) principles of approval procedures that facilitate international trade while meeting the importing Member's appropriate level of sanitary or phytosanitary protection and consider the Committee's role in highlighting these principles. As well, the electronic working group will consider (3) the available tools and best practices to enhance the implementation of the obligations of the SPS Agreement as they apply to approval procedures.

Finally, through the electronic working group, (4) consideration will be given to possible future work of the Committee on approval procedures.

2.3. The electronic working group will report on its work during the SPS Committee meetings to keep the Committee informed of its deliberations.

2.4. While working primarily electronically, the working group may meet, as appropriate, as a physical working group on the margins of the SPS Committee meetings, such as at the informal SPS Committee meeting.

2.5. Canada proposes that the electronic working group on approval procedures commences its work following the March 2020 SPS Committee meeting.

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