

# WORLD TRADE ORGANIZATION

RESTRICTED

**G/SPS/W/45**

6 December 1995

(95-3947)

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## **Committee on Sanitary and Phytosanitary Measures**

### **CONSISTENCY: QUESTIONS FOR CONSIDERATION**

#### **Note by the Chairman**

At the meeting of the Committee on 15-16 November 1995, I agreed to undertake informal consultations regarding the most appropriate manner in which to advance the work of the Committee with regard to the elaboration of guidelines to further the implementation of consistency in terms of Article 5:5 of the Agreement. To focus these consultations, I invite Members to consider the attached questions and provide responses as appropriate.

Delegations wishing to comment on these questions or to submit answers in writing are invited to submit these to the Secretariat, if possible before the end of January 1996. Members who wish to be consulted regarding their government's views on this issue should so indicate to the Secretariat (Mr. E. Wijkström, Office 2071, Tel. 7395729) before 20 December 1995.

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### **Questions for Consideration**

1. How do you understand "consistency" in operational terms for the purpose of the SPS Agreement?
2. When developing guidelines, how should the words "if such distinctions result in discrimination or a disguised restriction of international trade" be taken into account?
3. "The Committee shall take into account all relevant factors". Could you please give examples of such factors?
4. Could you give examples, within the scope of the SPS Agreement, of "human health risks to which people voluntarily expose themselves" in your country?
5. How do you understand the relation between the provisions of paragraph 5 of Article 5 and other provisions in the SPS Agreement, e.g. those in paragraphs 3:1, 3:2, 3:3 and 5:4?
6. What means could there be to assess if a Member has achieved or not achieved (a sufficient degree) of consistency?

The list of questions is not exhaustive. Delegations are welcome to present any other questions or comments relevant to my task.

It is also not necessary to comment on all of the questions listed. Even comments on just some of the questions are welcome.

Any ideas or proposals on how to proceed after this first round of consultations are most welcome.

When preparing my report to the Committee, I shall take into account all comments presented to the greatest extent possible. I will, however, treat the comments confidentially in the sense that I will not indicate which elements in my report emanate from which delegations.