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Committee on Sanitary and Phytosanitary Measures

PROPOSED RULES OF PROCEDURE FOR MEETINGS OF THE COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES

Note by the Secretariat

At its meeting on 26-27 June 1995, the Committee on Sanitary and Phytosanitary Measures decided that pending finalization of the Rules of Procedure by the Council on Trade in Goods, the Committee would continue to operate on the basis of its Working Procedures (G/SPS/1). The Rules of Procedure of the Council for Trade in Goods (WT/L/79) were adopted by the General Council on 31 July 1995. The following draft Rules of Procedure are proposed for adoption by the Committee on Sanitary and Phytosanitary Measures. They shall subsequently be forwarded for approval to the Council for Trade in Goods in accordance with paragraph 6 of Article IV of the WTO Agreement.

These draft Rules of Procedure take as their basis the Working Procedures already agreed by the Committee. Where there are no specific provisions in the Working Procedures, it is proposed to apply the Rules of Procedure for meetings of the General Council, except where these would not be appropriate.

To facilitate consideration by the Committee, annexed is a consolidated presentation of the resulting Rules of Procedure, using the structure and headings of the General Council's Working Procedures. Those rules which have previously been adopted by the Committee are identified as "SPS/1", followed by the relevant paragraph number of document G/SPS/1. Those rules which are identical to the ones of the General Council are referenced as "GC"; where modifications to a General Council rule are proposed, as previously indicated in non-paper #361 or as a result of the discussion of this non-paper, this is indicated by "n-p #361".

**PROPOSED RULES OF PROCEDURE FOR MEETINGS OF
THE COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES**

The Rules of Procedure for meetings of the General Council (WT/L/28) shall apply *mutatis mutandis* for meetings of the Committee on Sanitary and Phytosanitary Measures except as otherwise provided in the Working Procedures (G/SPS/1) as established or as subsequently amended by the Committee on Sanitary and Phytosanitary Measures and except as provided below:

- (i) Rule 5 of Chapter II (Agenda) is not applicable.

- (ii) Rule 6 of Chapter II (Agenda) shall be modified to read as follows:

The first item of business at each meeting shall be the consideration and approval of the agenda. Representatives or the Chairperson may suggest amendments to the proposed agenda, or additions to the agenda under "Other Business". Representatives shall provide the Chairperson or the Secretariat, and the other Members directly concerned, whenever possible, advance notice of items intended to be raised under "Other Business".

- (iii) Rules 12, 13 and 14 of Chapter V (Officers) shall be modified to read as follows:

Rule 12

The Committee on Sanitary and Phytosanitary Measures shall elect a Chairperson¹ [and may elect a Vice-Chairperson] from among the representatives of Members. The election shall take place at the first meeting of the year and shall take effect at the end of the meeting. The Chairperson [and Vice-Chairperson] shall hold office until the end of the first meeting of the following year.

Rule 13

If the Chairperson is absent from any meeting or part thereof, [the Vice-Chairperson shall perform the functions of the Chairperson. If no Vice-Chairperson was elected or if the Vice-Chairperson is not present,] the Committee on Sanitary and Phytosanitary Measures shall appoint an interim Chairperson for that meeting or that part of the meeting.

Rule 14

If the Chairperson can no longer perform the functions of the office, the Committee on Sanitary and Phytosanitary Measures shall [designate the Vice-Chairperson referred to in Rule 12 or, if no Vice-Chairperson was elected, it shall] appoint an interim Chairperson to perform those functions pending the election of a new Chairperson.

¹The Committee on Sanitary and Phytosanitary Measures shall apply the relevant guidelines contained in the "Guidelines for Appointment of Officers to WTO Bodies" (WT/L/31 dated 7 February 1995).

- (iv) Rule 16 of Chapter VI (Conduct of Business) is not applicable.
- (v) Rule 24 of Chapter VI (Conduct of Business) shall be modified to read as follows:
- In order to expedite the conduct of business, the Chairperson may invite representatives that wish to express their support for a given proposal to show their hands; thus, only representatives with dissenting views or wishing to make explicit points or proposals would actually be invited to make a statement. This procedure shall only be applied in order to avoid undue repetition of points already made, and will not preclude any representative who so wishes from taking the floor.
- (vi) Rule 33 of Chapter VII (Decision-Making) shall be modified to read as follows:
- In accordance with Article 12:1 of the Agreement on the Application of Sanitary and Phytosanitary Measures, the Committee shall reach its decisions by consensus.
- (vii) Rule 34 of Chapter VII (Decision-Making) is not applicable.
- (viii) Rule 36 of Chapter IX (Records) shall be replaced by the following:
- Records of the Committee on Sanitary and Phytosanitary Measures meetings shall take the form of a summary report to be prepared by the Secretariat. Any delegation may, at its request, verify those portions of the draft report containing their statements prior to the issuance of the Secretariat summary report. Delegations that wish to avail themselves of this verification procedure should so indicate to the Secretariat within 7 days of the close of the meeting concerned.

ANNEX

**Consolidated Presentation of the Proposed Rules of Procedures
for the Committee on Sanitary and Phytosanitary Measures**

Chapter I — Meetings

Rule 1

The Committee shall meet to carry out the functions necessary to implement the provisions of the Agreement, or such other tasks which it may be required to deal with. (SPS/1, para. 1)

Rule 2

The Committee shall hold at least two meetings per year. Each meeting shall provisionally schedule the dates and agenda for the next meeting. Additional meetings of the Committee may be scheduled as appropriate. (SPS/1, para. 4)

Rule 2bis

At the request of a Member, or at his/her own initiative, and where the matter involved is one of significant importance or urgency, the Chairperson may, unless it is considered that resort to other procedures would be more appropriate, convene a special meeting of the Committee. (SPS/1, para. 5)

Chapter II — Agenda

Rule 3

Notice of meetings of the Committee and a draft agenda shall be issued at least 10 days prior to the date of the meeting. In the event that the tenth day falls on a weekend or a holiday, the notice shall be issued no later than the preceding WTO working day. (n-p #361) It shall be open to any Member to request, in writing to the Secretariat, the inclusion of items under the proposed agenda up to, but not including, the day on which the notice convening the meeting is to be issued. (SPS/1, para. 2)

Rule 4

Matters relating to notifications, including notifications considered at previous meetings, can be raised or reverted to in the course of any meeting. A Member which proposes to raise any matter relating to a particular notification in the course of a meeting shall give notice of its intention to the notifying Member concerned and the Secretariat, together with an outline of its concerns, as far as possible in advance of the meeting. (SPS/1, para. 3)

Rule 5¹

not applicable (n-p #361)

¹A proposed agenda shall be circulated by the Secretariat one or two days before the meeting.

Rule 6

The first item of business at each meeting shall be the consideration and approval of the agenda. Representatives or the Chairperson may suggest amendments to the proposed agenda, or additions to the agenda under "Other Business". Representatives shall provide the Chairperson or the Secretariat, and the other Members directly concerned, whenever possible, advance notice of items intended to be raised under "Other Business". (n-p #361)

Rule 7

The Committee may amend the agenda or give priority to certain items at any time in the course of the meeting. (GC)

Chapter III — Representation

Rule 8

Each Member shall be represented by an accredited representative. (GC)

Rule 9

Each representative may be accompanied by such alternates and advisers as the representative may require. (GC)

Chapter IV — Observers

Rule 10

Representatives of States or separate customs territories may attend the meetings as observers on the invitation of the Committee in accordance with paragraphs 9 to 11 of the guidelines in Annex 2 to the Rules of Procedure for Meetings of the General Council (WT/L/28). (GC)

Rule 11

Representatives of the FAO/WHO Codex Alimentarius Commission (Codex), the Office international des epizooties (OIE) and the FAO Secretariat for the International Plant Protection Convention (IPPC) will be invited to attend meetings as observers, pending the final decision by the General Council. Representatives of other international intergovernmental organizations may be invited by the Committee to attend meetings as observers in accordance with the guidelines to be adopted by the General Council. Notwithstanding the above, the Committee may, as appropriate, decide to hold restricted sessions with participation of Members only. (SPS/1, para. 7)

Chapter V — Officers

Rule 12

The Committee on Sanitary and Phytosanitary Measures shall elect a Chairperson². The election shall take place at the first meeting of the year and shall take effect at the end of the meeting. The Chairperson shall hold office until the end of the first meeting of the following year. (n-p #361)

Rule 13

If the Chairperson is absent from any meeting or part thereof, the Committee on Sanitary and Phytosanitary Measures shall appoint an interim Chairperson for that meeting or that part of the meeting. (n-p #361)

Rule 14

If the Chairperson can no longer perform the functions of the office, the Committee on Sanitary and Phytosanitary Measures shall appoint an interim Chairperson to perform those functions pending the election of a new Chairperson. (n-p #361)

Rule 15

The Chairperson shall normally participate in the proceedings as such and not as the representative of a Member. The Chairperson may, however, at any time request permission to act in either capacity. (GC)

Chapter VI — Conduct of business

Rule 16³

not applicable (n-p #361)

Rule 17

In addition to exercising the powers conferred elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting, shall direct the discussion, accord the right to speak, submit questions for decision, announce decisions, rule on points of order and, subject to these rules, have complete control of the proceedings. The Chairperson may also call a speaker to order if the remarks of the speaker are not relevant. (GC)

²The Committee on Sanitary and Phytosanitary Measures shall apply the relevant guidelines contained in the "Guidelines for Appointment of Officers to WTO Bodies" (WT/L/31 dated 7 February 1995).

³A simple majority of the Members shall constitute a quorum.

Rule 18

During the discussion of any matter, a representative may raise a point of order. In this case the Chairperson shall immediately state the ruling. If the ruling is challenged, the Chairperson shall immediately submit it for decision and it shall stand unless overruled. (GC)

Rule 19

During the discussion of any matter, a representative may move the adjournment of the debate. Any such motion shall have priority. In addition to the proponent of the motion, one representative may be allowed to speak in favour of, and two representatives against, the motion, after which the motion shall be submitted for decision immediately. (GC)

Rule 20

A representative may at any time move the closure of the debate. In addition to the proponent of the motion, not more than one representative may be granted permission to speak in favour of the motion and not more than two representatives may be granted permission to speak against the motion, after which the motion shall be submitted for decision immediately. (GC)

Rule 21

During the course of the debate, the Chairperson may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Chairperson may, however, accord the right of reply to any representative if a speech delivered after the list has been declared closed makes this desirable. (GC)

Rule 22

The Chairperson, with the consent of the meeting, may limit the time allowed to each speaker. (GC)

Rule 23

Representatives shall endeavour, to the extent that a situation permits, to keep their oral statements brief. Representatives wishing to develop their position on a particular matter in fuller detail may circulate a written statement for distribution to Members, the summary of which, at the representative's request, may be reflected in the records of the Committee. (GC)

Rule 24

In order to expedite the conduct of business, the Chairperson may invite representatives that wish to express their support for a given proposal to show their hands; thus, only representatives with dissenting views or wishing to make explicit points or proposals would actually be invited to make a statement. This procedure shall only be applied in order to avoid undue repetition of points already made, and will not preclude any representative who so wishes from taking the floor. (n-p #361)

Rule 25

Representatives should avoid unduly long debates under "Other Business". Discussions on substantive issues under "Other Business" shall be avoided, and the Committee shall limit itself to taking note of the announcement by the sponsoring delegation, as well as any reactions to such an announcement by other delegations directly concerned. (GC)

Rule 26

While the Committee is not expected to take action in respect of an item introduced as "Other Business", nothing shall prevent the Committee, if it so decides, to take action in respect of any such item at a particular meeting, or in respect of any item for which documentation was not circulated at least ten calendar days in advance. (GC)

Rule 27

Representatives should make every effort to avoid the repetition of a full debate at each meeting on any issue that has already been fully debated in the past and on which there appears to have been no change in Members' positions already on record. (GC)

Rule 28

Proposals and amendments to proposals shall normally be introduced in writing and circulated to all representatives not later than twelve hours before the commencement of the meeting at which they are to be discussed. (GC)

Rule 29

If two or more proposals are moved relating to the same question, the meeting shall first decide on the most far-reaching proposal and then on the next most far-reaching proposal and so on. (GC)

Rule 30

When an amendment is moved to a proposal, the amendment shall be submitted for decision first and, if it is adopted, the amended proposal shall then be submitted for decision. (GC)

Rule 31

When two or more amendments are moved to a proposal, the meeting shall decide first on the amendment farthest removed in substance from the original proposal, then, if necessary, on the amendment next farthest removed, and so on until all the amendments have been submitted for decision. (GC)

Rule 32

Parts of a proposal may be decided on separately if a representative requests that the proposal be divided. (GC)

Chapter VII — Decision-Making

Rule 33

In accordance with Article 12:1 of the Agreement on the Application of Sanitary and Phytosanitary Measures, the Committee shall reach its decisions by consensus. (n-p #361)

Rule 34⁴

not applicable (n-p #361)

Chapter VIII — Languages

Rule 35

English, French and Spanish shall be the working languages.(GC)

Chapter IX — Records

Rule 36

Records of the Committee on Sanitary and Phytosanitary Measures meetings shall take the form of a summary report to be prepared by the Secretariat. Any delegation may, at its request, verify those portions of the draft report containing their statements prior to the issuance of the Secretariat summary report. Delegations that wish to avail themselves of this verification procedure should so indicate to the Secretariat within 7 days of the close of the meeting concerned. (n-p #361)

Chapter X — Publicity of meetings

Rule 37

The meetings of the Committee shall ordinarily be held in private. It may be decided that a particular meeting or meetings should be held in public. (GC)

Rule 38

(GC) After a private meeting has been held, the Chairperson may issue a communiqué to the Press.

⁴When, in accordance with the WTO Agreement, decisions are required to be taken by vote, such votes shall be taken by ballot. Ballot papers shall be distributed to representatives of Members present at the meeting and a ballot box placed in the conference room. However, the representative of any Member may request, or the Chairperson may suggest, that a vote be taken by the raising of cards or by roll call. In addition, where in accordance with the WTO Agreement a vote by a qualified majority of all Members is required to be taken, the General Council may decide, upon request from a Member or the suggestion of the Chairperson, that the vote be taken by airmail ballots or ballots transmitted by telegraph or telefacsimile in accordance with the procedures described in Annex 1 to these Rules.

Chapter XI — Revision

Rule 39

The Committee may decide at any time to revise these rules or any part of them. (GC)

Chapter XX -- Other Matters

Rule 40

With respect to any matter which has been raised under the Agreement, the Chairperson may, at the request of the Members directly concerned, assist them in dealing with the matter in question. The Chairperson shall normally report to the Committee on the general outcome with respect to the matter in question. (SPS/1, para.6)