

Committee on Sanitary and Phytosanitary Measures

A PROCEDURE TO MONITOR THE PROCESS OF
INTERNATIONAL HARMONIZATION

Proposal by the Chairman

Introduction

1. Articles 3.5 and 12.4 of the SPS Agreement requires the Committee to develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines and recommendations. The underlying purpose of this procedure is to identify where there is a major impact on trade resulting from the non-application of international standards, guidelines or recommendations and to determine the reasons for the non-application of the standard concerned. This requires (a) identification of the international standards, guidelines or recommendations of concern; and (b) information from Members on their use or non-use of the identified standards, and the reasons therefor. In the light of Members' reasons for non-application, the SPS Committee might want to make an appropriate recommendation to Members, or to the relevant international standard-setting body to consider reviewing and possibly revising the existing standard, guideline or recommendation.

2. The development of a monitoring procedure has been discussed at every formal meeting of the SPS Committee. Three submissions from Members have suggested possible approaches: G/SPS/W/51 from the European Communities (March 1996), G/SPS/W/76 from the United States (October 1996) and G/SPS/W/81 from the United States (March 1997). During the discussion of these various submissions participants have made it clear that they do not want a burdensome procedure, that duplication of the work undertaken by the relevant standard-setting bodies must be avoided, and that the monitoring procedure should focus on those standards, guidelines or recommendations that have a major impact on trade.

3. On the basis of these concerns, and to avoid further delays, it is proposed that the Committee agree to implement the following monitoring procedure on a provisional basis. The proposal is drawn from the submissions by the Members mentioned above, as well as from the discussion in the Committee on these submissions. The Committee should also agree to review the operation of the provisional monitoring procedure [18] months after its implementation, with a view to deciding at that time whether to continue with the same procedure, amend it or develop another one.

Proposed Monitoring Procedure

4. In the initial stages, the scope of a monitoring system should be limited to the standards, guidelines or recommendations developed by the so-called "three sisters". The Committee should, at a subsequent stage and if the need arises, consider standards, guidelines or recommendations produced by international organizations other than the three specifically cited in the SPS Agreement.

5. The international standards proposed by Members to be monitored (see paragraph 6) should be limited to those which have a major trade impact. The trade impact of an international standard, guideline or recommendation should be determined primarily on the basis of the extent to which Members use the standard (apply it to imports) and the frequency or severity of problems experienced in the trade of the goods covered by the standard.

6. Members should submit, at least [15] days in advance of each regular meeting of the Committee, concrete examples of significant trade problems which they believe are related to the non-application of relevant international standards, guidelines and recommendations. In their submissions, Members should describe the nature of each trade problem and note whether it is the result of:

- (a) the non-use of an appropriate existing international standard, guideline or recommendation; or
- (b) the inappropriateness of an existing international standard, guideline or recommendation, i.e. that it is out-dated, technically flawed, etc.

7. The standards, guidelines or recommendations identified by Members as above will be compiled by the Secretariat. The Secretariat should circulate the submissions it has received to all Members, as much in advance of the Committee's meeting as possible, in order to provide all Members which have an interest in the identified standards, guidelines or recommendations with sufficient opportunity to prepare any responses they deem appropriate, in particular with respect to their use or non-use of the standards and the reasons therefor. Should any Member so request, the Secretariat will not include in its annual report on this monitoring procedure (see paragraph 10) any specific issue raised in these submissions until Members have had the opportunity to provide further comments and to discuss those comments in one additional Committee meeting subsequent to the meeting in which the issue is first raised.

8. The Committee or the Chairperson may invite the relevant standard-setting body to provide information, either in writing or through presentations at the relevant regular meeting of the Committee, on the standard under consideration, including with regard to any changes or on-going revisions.

9. If the information submitted by Members indicates the existence of issues that have a major impact on international trade and are of widespread concern to Members, such issues may be placed on the regular agenda of the Committee meeting, or, as appropriate, the Chairperson may coordinate multilateral consultations aimed at developing proposals for resolving such issues.

10. The Secretariat should prepare an annual report to the Committee on the trade problems identified by Members and their comments regarding the use of the identified international standards, guidelines and recommendations. The Committee will transmit this report to the international organizations responsible for developing the relevant sanitary and phytosanitary standards, guidelines and recommendations. It is expected that Members will take this information into account, through their participation in these international organizations, in establishing those organizations' work priorities.

Absence of an International Standard, Guideline or Recommendation

11. Members may also use the above procedure to identify where there is a major impact on trade resulting from the absence of a relevant international standard, guideline or recommendation. In such cases, the comments of Members and any appropriate suggestions should be reflected in the annual report described above.

Further Action

12. As noted in paragraph 3, in reviewing the operation of this provisional monitoring procedure, the Committee may want at a later stage to consider the need for a more focused monitoring procedure. In particular, the Committee may wish to consider using those standards which have been identified as having a major impact on international trade and are of widespread concern to Members (paragraph 10 refers) as the basis for a pilot project to ascertain how Members are dealing with measures pertaining to the standards of concern.