

Committee on Sanitary and Phytosanitary Measures

**PROCEDURE TO MONITOR THE PROCESS
OF INTERNATIONAL HARMONIZATION**

Draft Annual report

Note by the Secretariat

1. At its meeting of 15-16 October 1997, as required by Articles 3.5 and 12.4 of the SPS Agreement, the SPS Committee adopted a provisional procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations.¹ According to paragraph 10 of the provisional procedure, "the Secretariat should prepare an annual report to the Committee on the list of standards, guidelines or recommendations established under paragraph 8 [of the preliminary procedure], the major trade impacts identified by Members and their comments regarding the use or non use of the identified international standards, guidelines or recommendations and of those cases identified where there was no international standard, guideline or recommendation, and any conclusions drawn by the Committee. The Committee will transmit this report to the international organizations responsible for developing the relevant sanitary and phytosanitary standards, guidelines or 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."

2. Although Members have not formally agreed on a format for the submission of issues under the provisional monitoring procedure, there was broad support for the approach and format presented by the United States in its first submission.² Other Members have subsequently used the same approach and format.

3. To date, the following issues have been provided by Members for the Committee's consideration:

- (i) Chlortetracycline (CTC) residues in pork and pork products (submission by the United States)²;
- (ii) *Bacilli* and other organisms in canned/bottled products, including jams (submission by the United States)²;
- (iii) Certification requirements for origin of animals (submission by Canada)³;
- (iv) Certification regarding the absence of certain pathogens in raw meat products (submission by Canada)³;

¹ G/SPS/11.

² G/SPS/W/87 and Corr.1.

³ G/SPS/W/89

- (v) Certification requirements for diseases for which national control measures may not exist (meat products) (submission by Canada)³; and
- (vi) Benzoic acid as a preservative in sauces (submission by the Philippines).⁴

(i) Chlortetracycline (CTC) residues in pork and pork products

4. In its submission, the United States indicated that Codex was developing international standards, maximum residue levels (MRLs), which would apply to three tetracyclines, including CTC. However, the standard would not be reconsidered at step 8 of the Codex approval process before the end of June 1999. Trade in pork and pork products was significantly affected by the non-existence of such a standard, and there was also potential for trade in cattle, sheep, chicken, turkey and duck products to be significantly affected.

5. The European Communities noted that within the Codex framework, the European Communities was in favour of setting MRLs for CTC as a veterinary medicine, but opposed to determining MRLs for the use of CTCs as a feed additive. In the EC's view, the monitoring suggestion put forward by the United States, although identifying some important issues, was flawed because Codex MRLs were not needed for substances that were prohibited for use as growth promoters.⁵

(ii) Bacilli and other organisms in canned/bottled products, including jams

6. The United States submitted that existing Codex standards for jam indicated that products should be "free from micro-organisms in amounts which may represent a hazard to health" and presupposed that zero tolerances were not necessary to eliminate health hazards. In a document regarding "Principles for the Establishment and Application of Microbiological Criteria for Foods", Codex stated that "the mere finding, with a presence-absence test, of certain organisms known to cause foodborne illness ... does not necessarily indicate a threat to public health".⁶ However, certain countries had rejected jam imports containing bacteria (*Bacillus Cereus*) irrespective of whether the level or stage (e.g. spore) of bacteria detected posed a hazard to health. Other canned and bottled products had been denied entry into markets for similar reasons. The United States considered that this was inconsistent with the Codex standard and appeared to be an unnecessary trade restriction.

(iii) Certification requirements for origin of animals

7. Canada submitted that the non-existence of international standards with regard to "certification requirements for origin of animals" significantly affected trade of meat products. Many meat processors imported animals, processed the meat and exported the products to another country. Some countries required that imported meat products be derived only from animals raised in the exporting country, i.e., no products derived from non-domestic animals might be imported. Other countries required that the country of origin of the animal from which the meat products were derived be identified. This requirement was maintained even when the importing country was also importing meat products directly from the source country of the animals. In Canada's view, this requirement presented a difficulty for processors in the exporting country who must segregate shipments in order to meet such requirement. Canada suggested that OIE could be asked to establish criteria and conditions for determining country of origin requirements.

⁴ G/SPS/W/91

⁵ G/SPS/R/11, paragraph 63.

⁶ CAC/GL21-1997

(iv) Certification regarding the absence of certain pathogens in raw meat products

8. Canada indicated that restrictions were imposed on trade of meat products because certain countries required that the meat be free of certain pathogens, e.g. salmonella. Canada suggested that Codex could be asked to determine if developing standards for pathogens in raw meat was feasible or appropriate. If so, and such standards were developed, a country choosing to implement more stringent requirements would have to justify them in accordance with the provisions of the SPS Agreement.

9. The European Communities noted that the question of pathogens in raw meat had been addressed by Codex in 1997 and was again on the agenda of a Codex meeting to be held on 26-30 October 1998. Furthermore, FAO and WHO were apparently considering the creation of a joint expert committee to deal with microbiological risks. The European Communities suggested that it would be more appropriate to examine the concept of level of protection from microbiological risks rather than the development of standards.⁷

(v) Certification requirements for diseases for which national control measures may not exist (meat products)

10. Canada submitted that restrictions were imposed on trade of meat products because of the presence of certain animal diseases which were unlikely to be transmitted through meat. OIE established standards for safeguards appropriate for trade in animals (or products of such animals) affected by diseases identified in OIE's List A and List B. Only diseases of importance (e.g. OIE List A) should be required to be identified/specified on export certificates. Canada proposed that OIE be asked to develop more specific guidelines for the animal health certification of meat products, i.e. diseases of concern and appropriate safeguards such as country freedom, farm-free, farm-free-plus-certain-radius, etc. Guidelines could also be developed for countries that wanted to require more stringent certification, e.g. with respect to surveillance program or disease transmission data from meat products.

(vi) Benzoic acid as a preservative in sauces

11. The Philippines indicated that benzoic acid is an anti-microbial preservative used in sauces with a shelf-life of 6-12 months, and therefore necessary in products marketed for export. The FAO/WHO Joint Expert Committee on Food Additives (JECFA) had determined the Acceptable Daily Intake (ADI) of benzoic acid at 5 mg/kg body weight. Some countries restricted its use on the ground that high levels of consumption of foods containing the additive could result in a health risk. There were no internationally agreed methodologies for assessing risk due to dietary exposure to food additives and the lack of an international standard negatively affected international trade because it allowed countries to discriminate in the use of the additive. The Philippines noted that the use of benzoic acid in sauces was included in the draft Codex General Standard for Food Additives (GSFA) and stressed that it was important that the GSFA be finalized soon by Codex. The lack of an international standard not only affected international trade in sauces, but also had the potential to hamper trade in other processed food products where preservatives were used.

⁷ G/SPS/R/12, paragraph 56.