

INTERNATIONAL OBSERVER ORGANIZATIONS

Submission by the European Communities
at the meeting of 11-12 November 1998

1. The nature of the relationship between the SPS Committee and international organizations has been the subject of lengthy and delicate discussions since the entry into force of the Agreement. Annex A of the Agreement expressly designates the Codex Alimentarius Commission as the reference organization for food safety, the OIE as the reference organization for animal health and zoonoses and the IPPC for plant health. In addition, Paragraph 3(d) of the Annex states that for matters not covered by the above organizations, reference should be made to appropriate texts promulgated by other relevant organizations open for membership to all WTO Members.
2. The Council for Trade in Goods approved on 11 June 1997 the Rules of Procedure for Meetings of the Committee on Sanitary and Phytosanitary Measures. As a result, as regards Observer Organizations, Chapter IV, Rule 11, and Annex III of document WT/L/161¹ apply. Article V, paragraph 1 of the WTO Agreement indicates that the General Council "shall make appropriate arrangements for effective co-operation with other international organizations that have responsibilities related to those of the WTO."
3. Apart from the above-mentioned procedural provisions, there are no legal and binding rules concerning the granting of observer status to international organizations in the SPS Committee. Since the adoption of document WT/L/161 and G/L/170, the number of organizations requesting observership has substantially increased.
4. Discussion apparently is at a stalemate, but it is essential to move forward and to examine how certain elements already provided by the WTO Agreement, the Rules of Procedure and by the SPS Agreement itself can be applied, taking into account the opinion already expressed by the SPS Committee in previous meetings.
5. It would be desirable to develop certain criteria related to the scope of the international organizations concerned as well as their responsibilities under the founding treaty. Observer status should be granted to international organizations that objectively contribute to the functioning and implementation of the SPS Agreement and that develop international standards, guidelines and recommendations which are relevant for trade. The relevant guidelines already indicate that the purpose of the exercise is to allow relevant organizations to follow the work of Committees of direct interest to them.
6. The first elements to consider are the mandate, the scope and the area covered by the relevant international organization. A direct interest in trade policy matters and responsibilities related to those of the WTO, as suggested by Guideline 2 of document WT/L/161, given that the SPS

¹ On the 25 July 1996, the General Council approved document WT/L/161 on "Rules of Procedure for the sessions of the ministerial conference and meetings of the General Council". Chapter IV- Observers – Rule 11, indicates that representatives of international organizations may attend the meetings as observers on the invitation of the Ministerial Conference in accordance with the guidelines annexed to the Rules.

Agreement "*applies to sanitary and phytosanitary measures which may, directly or indirectly, affect international trade*", might as well serve as a term of reference. As a consequence, the SPS Committee should focus primarily on the organizations that develop action relevant to the work of the Committee itself. In doing so, the Committee should also try to avoid inconsistency with decisions previously taken by Members in other WTO bodies.

7. However, we have to bear in mind that observer status does not necessarily mean that the work or guidance of the relevant organizations might serve as a reference for the work of the SPS Committee. In the terms of the relevant rules of procedure, these organizations can be invited to actively participate in the work of the Committee, but at the same time they do not have the right to circulate papers or to make proposals and do not participate in the decision-making process.

8. Guideline 4 of document WT/L/161 contains other elements that should be considered prior to granting observership to a given organization. It refers especially to the work of international organizations, the number of WTO Members in the organization and the reciprocity with respect to access to proceedings and documents and whether the organization has been associated with the work of the contracting parties to GATT 1947. As regards the latter and in respect of the SPS Committee, most of the organizations previously involved in the GATT framework were already granted observership, therefore this element can be considered to be covered at least partially. With reference to other factors, the Committee agreed already that "reciprocity" should be considered as essential, as well as the "mandate", in terms of organizations with a global coverage as opposed to organizations with regional coverage.

9. In addition, the Committee may grant observer status to other international organizations on an ad hoc basis for specific meetings or for specific items on the agenda of a particular meeting.

10. Regional plant protection organizations within the framework of the IPPC, which are as such mentioned both in the preamble, in Article 3:4 and in Annex A, paragraph 3(c), should be granted observer status. Though not providing for a global coverage, the possibility to work within the IPPC umbrella should be the qualifying element. These organizations should be given special attention, in consideration of their peculiar structure and working procedures and the necessity to set specific standards on a regional basis, due to the major effect that geographic and climatic factors might have on plants.
