

Committee on Sanitary and Phytosanitary Measures

**SUMMARY REPORT OF THE WORKSHOP ON
THE INTERNATIONAL STANDARD-SETTING ORGANIZATIONS:
PROCESS AND PARTICIPATION**

13 March 2001

Note by the Secretariat

1. The WTO Secretariat organized a workshop on "International Standard-Setting Organizations: Process and Participation" on 13 March 2001, in conjunction with the 20th meeting of the Committee on Sanitary and Phytosanitary Measures. Mr. S.I.M. Nayyar (Pakistan) chaired the meeting. The programme for the workshop is attached (Annex).

BACKGROUND AND PURPOSE

2. The Chairman recalled that the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) encourages Members to base their national requirements on internationally developed standards, guidelines and recommendations¹, and there is considerable reliance throughout the SPS Agreement on these standard-setting organizations, in areas such as risk assessment or recognition of pest-free areas. However, a number of developing country Members had noted that they were not able to effectively participate in the work of the standard-setting bodies, and in particular in the development of international standards. These Members were concerned that the standards may not necessarily reflect their needs and interests. The Secretariat had organized this workshop in response to such concerns and invited representatives of the Office international des Epizooties (OIE), the FAO/WHO Codex Alimentarius Commission and the FAO International Plant Protection Convention (IPPC), to describe the processes and procedures used in the development and adoption of international standards, guidelines and recommendations of relevance to the SPS Agreement.

3. The presentations focussed in particular on the degree of involvement of developing countries in their standard-setting processes. The presentations were made by Mr. R. Griffin, Coordinator of the IPPC Secretariat; Dr. B. Vallat, Director-General of the OIE, Dr. A. Thiermann, President of the OIE International Animal Health Code Commission, and Dr. T. Chillaud, Chief of the OIE Information and International Trade Department; and Dr. A. Randell, Senior Officer of the Codex Secretariat.

FAO INTERNATIONAL PLANT PROTECTION CONVENTION (IPPC)

4. Mr. Griffin presented a statistical summary of developing country participation in IPPC standard setting (G/SPS/GEN/227). The IPPC has a short history of standard setting with processes

¹Article 3.3.

evolving quickly in the last few years due to the formation of the Interim Commission on Phytosanitary Measures (ICPM). IPPC procedures were developed with emphasis on participation and transparency. The IPPC has a total of 113 contracting parties.² Developing country representatives comprised, on average, about half of the participants in working groups, committees, and consultations associated with standard setting. However, the numbers did not reflect the quality of participation or the degree to which developing countries benefited from participation in standard setting. The ICPM and FAO were exploring ways to increase both the quantity and quality of participation by developing countries and specific proposals would be considered by the ICPM at its Third Session in April 2001.

5. Mr. Griffin pointed out that the Interim Standards Committee (ISC) was critical in the IPPC standard-setting process. The ISC reviews and approves draft standards before they are distributed to countries for comments, then reviews comments and amends draft standards as necessary before the standards are submitted to the ICPM for adoption. Most of the fourteen ISC members are nominated by regional plant protection organizations. All of the ISC experts are confirmed by FAO and their participation in the Committee is funded by the secretariat except where their governments voluntarily waive funding. Eight ISC members are from developing countries.

6. The FAO and the ICPM have policies and procedures regarding the provision of resources for the participation of individuals in different types of meetings. Participants in expert working groups are phytosanitary experts nominated by countries or regional plant protection organizations and accepted by FAO for their individual expertise. As a general rule, the IPPC secretariat attempts to ensure that experts are nominated and selected from different geographic regions. Funding for the travel and subsistence of participants in expert working group meetings is provided by the IPPC secretariat through the regular programme budget of FAO.

7. Participants in ICPM business meetings and consultations are nominated by governments. Although funding for the travel and subsistence of participants for such meetings is normally the responsibility of national administrations, it has been the practice of the IPPC secretariat to ensure that funds are available for developing country participants before organizing such meetings. Recently, the ICPM adopted a recommendation for developed countries to voluntarily provide resources for the participation of their experts in meetings related to standard setting. The savings resulting from these voluntary contributions has helped the secretariat to expand and accelerate standard setting in the past year and has increased the possibilities for funding additional experts from developing countries.

8. Although the Expert Working Groups of the IPPC meet in closed sessions, all relevant information as well as the reports from these sessions are available for consultation by any interested parties. IPPC contracting parties may also make oral representations to the expert groups. IPPC Expert Working Groups do, at times, seek outside expertise to aid their deliberations. The nature of this intervention varies, but often takes the form of economic experts aiding in the process of risk analysis. Similarly, expertise from industry and academia might be called upon. In such instances, the IPPC makes use of the FAO data-base of outside experts.

9. The ICPM has always attempted to adopt standards by unanimous decision, although if that is not possible a vote of a two-thirds majority is required. The stress on consensus reflects the IPPC's desire to create universally acceptable standards based on a decision-making process which pays due respect to transparency and inclusiveness and not just expediency. In order to allow for as comprehensive a response as possible to draft proposals, the IPPC recommends that its contracting parties consult domestically at an inter-ministerial level in preparing their response to the proposed standards. At the regional level, the IPPC has organized technical consultations to assist with the understanding and implementation of new standards.

² List of contracting parties contained in G/SPS/GEN/49/Rev.2.

10. Mr. Griffin briefly described the scope and content of the ten standards developed to date by the IPPC. He indicated that some of the standards now being developed dealt with more specific concerns, for example, the recent discussions on a standard for wood packing. In respect of equivalence, Mr. Griffin pointed out that although the concept of equivalence was well recognized and used in the plant protection sector, IPPC contracting parties had not requested the development of guidelines and procedures regarding equivalence. In April 2001, the ICPM would complete the establishment of a comprehensive non-binding dispute settlement mechanism.

THE OFFICE INTERNATIONAL DES EPIZOOTIES (OIE)

11. Dr. Vallat presented the organization and function of the OIE or World organization for animal health. The OIE currently has 157 member countries and its primary objective is to assist governments of member countries in preventing the transfer of animal pathogens which are detrimental to animal production/health and public health from one country to another.³ This is achieved through the development of international standards, the most renowned of which is the International Animal Health Code covering mammals, bees and birds.

12. The OIE headquarters are in Paris, but it maintains a network of Regional Commissions throughout the world. OIE member countries choose their own level of financial contribution to the organization from the six financial brackets covering the cost of membership, the lowest fee being US\$10,000. Although individual member countries, forming part of the International Committee, are requested to pay for their respective travel costs for participation in the committee, per diems are paid to delegates of member countries by the OIE, and the OIE does help the least-developed countries to find financial support to cover the cost of the air ticket of their delegate, thus ensuring balanced representation at the International Committee level.

13. Dr. Thiermann explained how standards are developed in response to demands made by developed and developing member countries. The OIE does not carry out technical and scientific studies, but develops draft standards from scientific material published in internationally recognized scientific journals and which has been submitted to a peer committee for review. An international expert on the specific subject will then draft a standard on the basis of such studies which is, in turn, studied and commented upon by an ad hoc group. Members of these ad hoc groups are selected by the Director-General, having consulted with the reference laboratories who provide the names of experts who may be willing to participate. These experts work on a voluntary basis, as the OIE can only cover their travel and per diem expenses. An attempt is made to ensure that experts are selected from the largest possible number of geographic areas.

14. The draft standard is then reviewed by one of the OIE's Specialist Commissions for consideration, before being submitted for adoption by the International Committee at its annual session. Members of OIE Specialist Commissions are elected by the International Committee every three years, and, as far as possible, a balanced representation of the five OIE regions is assured within these commissions. Dr. Vallat pointed out that all decisions on standards are taken on the basis of consensus among members at the International Committee. The average length of time required to develop a standard in the OIE is three years, however some standards can be "fast-tracked" and developed within one year if the International Committee is in agreement. A revision of a standard could be completed in a similar time frame.

15. Dr. Thiermann pointed out that one of the main difficulties developing countries were facing was a lack of resources and infrastructure to either certify freedom from, or control of, OIE List A diseases through regionalization and the provision of the necessary assurances on surveillance and

³ Members of the OIE are listed in G/SPS/GEN/49/Rev.2.

monitoring. Nevertheless, some of the best known standards and guidelines, such as those concerning foot and mouth disease and the brucellosis control programme, were developed in response to requests from developing countries.

16. Dr. Chillaud explained that developing countries could increase their effectiveness by ensuring better coordination between the relevant ministries at the national level, most notably the ministries of agriculture, health and trade. Often there also existed often a lack of dialogue between veterinary administrations and veterinary research institutions in developing countries at a regional and national levels.

17. The OIE engages in capacity-building workshops and seminars at the regional and international level, with funding by international and regional organizations as well as donor countries. The OIE permanent Regional Representations played an important role in providing training and organizing workshops and seminars at a regional level. One of the main objectives of such meetings was to assist developing countries improve the organization and functioning of their veterinary services. Dr. Chillaud encouraged developing countries to take advantage of the 120 collaborating centres and reference laboratories of the OIE which are available to provide information to Members in understanding and applying international standards. Developed country Members were encouraged to increase the level of information they exchange on research with developing countries. The OIE was discussing an agreement with the World Bank for financial assistance to improve animal health and veterinary scientific research in developing country members.

18. In response to questions on the problems experienced by the South African Development Coordination Conference (SADC) countries concerning exports of ratite (ostrich) meat, Dr. Thiermann noted that the countries of the region were facing difficulties in finding the necessary resources to carry out an adequate risk analysis to satisfy importing countries certification requirements. A lot of work had already been done at the regional level to identify the technical aspects of this problem, which demonstrated how OIE resources could be best utilized by tackling problems at a regional level.

19. Dr. Vallat pointed out that the OIE and FAO had detailed agreements in place to develop synergies in disseminating sanitary information, but that care was taken to ensure that no over-lapping of functions occurred. With regard to the FAO-organized Trans-Boundary Animal Disease Surveillance Programme, the OIE was involved in the more scientific aspects of the programme.

20. The OIE, in cooperation with the WHO and FAO, was organizing a major conference on Bovine Spongiform Encephalopathy (BSE) to take place in Paris from 11-14 June 2001. The conference would focus on the risks to human health as a result of the disease and the implications for trade. The OIE recommendations regarding BSE, as adopted by the International Committee of the OIE, were summarized in G/SPS/GEN/230.

THE CODEX ALIMENTARIUS COMMISSION (CODEX)

21. Dr. Randell indicated that the Codex Alimentarius Commission (Codex) is open to all members of FAO and WHO and currently has 165 members.⁴ The Codex develops standards through consultative mechanisms with member governments that allows participation by both direct attendance at meetings (plenary sessions of the Commission and sessions of subsidiary bodies) and by correspondence. Developing countries participate directly in the standards-setting activities of the Commission mainly in the plenary Commission sessions (where standards are formally adopted). Participation of developing countries in the committees responsible for drafting proposed standards

⁴ Members of the Codex are listed in G/SPS/GEN/49/Rev.2.

has been increasing in recent years, but are still below the level of participation in the Commission, or the level that would be considered as being representative of the Commission. However attendance at meetings is not an accurate gauge of developing countries participation in standard setting, as effective participation can also take the form of quality written submissions. Detailed information on developing country participation is presented in G/SPS/GEN/236 and Corr.1.

22. Codex meetings are held all over the world, but holding a meeting in a developing country does not necessarily result in increased attendance on the part of developing countries except for those countries in the region. Based on the statistical information provided in G/SPS/GEN/236, it appeared that meetings held outside of their traditional place of assembly actually led to a drop in participation numbers. The best attended meetings are those of the Codex Commission, which are held alternatively at the FAO headquarters in Rome and in Geneva.

23. The Codex procedure for developing standards is an eight-step process, with draft texts developed by Codex Committees and task forces submitted to member governments and international organizations for written comments at steps three and six. Written comments may also be submitted on standards proposed for final adoption at step eight of the process. The time-frame for comments on proposed standards varies depending on the stage of the decision-making process; in general, it is six months at stages three and six. Codex standards are normally adopted by consensus. The Codex does, however, allow standards to be adopted through simple majority voting, a process which has been used on few occasions.

24. The Codex is currently examining the possibility of setting up a trust fund to assist developing country participants with the costs incurred in attending Codex meetings. However, the lack of effective infrastructure at the national level for the evaluation of the draft standards and the formulation of positions in consultation with all interested parties, including industry and non-governmental organizations (NGOs), is also a problem. A critical element for improving this situation is the maintenance of a well coordinated Codex office at the national level.

25. Under the technical cooperation programme of the FAO, any member country can request the Director-General to provide support for projects which it deems to be of national importance and urgency. Over thirty developing countries have already been assisted under this programme to structure or restructure their national Codex contact points, allowing for enhanced participation in the Codex programme. If increased funds are made available by donor countries, this would help facilitate the participation of developing countries. The Codex regional coordinating committees are also an important mechanism for developing countries to successfully push for the development of standards for products of specific economic importance for their regions.

26. The Codex Alimentarius Commission is developing a strategic medium-term plan which will guide its activities from the period 2003 to 2007, and which should increase expediency in the decision-making process. One of the proposals within this plan is to gradually eliminate some of the commodity-specific committees and replace them with strategically designed task forces with a limited life span. Presently, there are three such task forces in operation. There would also be increased use of electronic communications. The critical factor for the maintenance of a smoothly running decision-making process remains the ability of member countries to arrive at consensus on specific issues.

27. With regard to the application of equivalence for sanitary measures in relation to food, draft guidelines are now at stage eight of the Codex decision-making procedure. A number of developing countries had requested more time to consider the guidelines before endorsement. The matter should be decided upon at the next session of the Codex Alimentarius Commission, which will be held in Geneva, 2 to 7 July 2001. At that time, Codex members will decide whether to adopt the standard or to grant more time for further consideration of the guideline. If members decide to grant more time, the guideline cannot be considered for adoption for another two years.

ANNEX

INTERNATIONAL STANDARD-SETTING ORGANIZATIONS:
PROCESS AND PARTICIPATION

Programme

9:30 a.m. Opening remarks
Mr. S.I.M. Nayyar, Chairman, SPS Committee

9:45 a.m. FAO International Plant Protection Convention (IPPC)
Mr. Robert Griffin, IPPC Secretariat

Background and history of standard setting in the IPPC
Current procedures for standard setting
Summary of developing country participation
Discussion on strengths and weaknesses
Questions and answers

10:45 a.m. Office international des Epizooties (OIE)
*Dr. Bernard Vallat, Director-General, Dr. Thierry Chillaud, Chief, Information
Department*

Background and history of standard setting in OIE
Current procedures for standard setting
Participation of developing countries and capacity-building
The OIE strategic plan
Questions and answers

11:45 a.m. FAO/WHO Codex Alimentarius Commission (Codex)
Dr. Alan Randell, Senior Officer, Food Policy and Nutrition Division, FAO

Background and history of standard setting in Codex
Current procedures for standard setting
Participation of developing countries in Codex
Questions and answers

12:45 p.m. Closing remarks
Mr. S.I.M. Nayyar, Chairman, SPS Committee
