

SPECIAL AND DIFFERENTIAL TREATMENT

Communication from the United States

The following communication, received on 6 June 2006, is being circulated at the request of the Delegation of the United States.

Introduction and Background

1. Members of the Committee have demonstrated a strong commitment to ensure full implementation of special and differential treatment provisions of the WTO SPS Agreement. All Members of the Committee recognize the importance of these provisions and wish to find their practical value in meeting the special needs of developing, and especially least-developed, country Members. The United States believes that the Committee's challenge is to identify technical assistance initiatives that will afford meaningful economic benefits to developing, especially least developed, exporting countries without weakening every Member's right to take risk-based, non-discriminatory measures to protect human, animal, and plant health. We believe developed countries have a responsibility under the Agreement to take into account the special needs of developing, especially least-developed, country Members to the extent possible. It is also the responsibility of the developing countries to articulate their needs and concerns with other Members' measures. Our mutual goal is to find a more effective way to address both important objectives.

2. As expressed by Egypt in G/SPS/GEN/647, the provision of technical assistance should be based on actual needs of the recipient countries (demand-driven), and should not be limited to certain types of technical assistance but vary according to the recipients specified needs. To make that happen, the Committee, and in particular developed countries, must have a clear understanding of the needs of the less developed country.

3. The WTO Secretariat should be commended for its outstanding efforts to provide extensive technical assistance and provide opportunities for Members to come together at various technical seminars such as the 31 March 2006 workshop in Geneva to facilitate communication between donor and recipient countries.

Review of Papers on Special and Differential Treatment

4. Papers prepared for the March 2006 Workshop on the Implementation of the SPS Agreement provided the Committee with a number of possible projects and activities that should be considered in detail by the Committee. We thank these countries for their submissions and urge the Committee to review these documents in detail. The United States believes that the workshop documents and our discussions during the March workshop will provide the Committee with a way forward. The Committee could use many of the ideas contained in these documents to focus the Committee's work plan in the months ahead.

5. In G/SPS/GEN/649, Egypt suggested that some developing countries may need specific technical assistance in the fields of risk assessment, risk analysis and risk management, as well as effective surveillance and monitoring services. Potential areas for cooperation could include the creation of accredited laboratories to accurately diagnose diseases and pests, identification of toxic residues, and verification of the quality of agricultural chemicals and products.

6. In G/SPS/GEN/667, Chad identified several areas where work could be done on a regional level such as the work underway between the Central African Economic and Monetary Community, Sao Tome and Principe, and the European Communities to identify national SPS implementation priorities. More information about their plans to develop a "quality" system to ensure compliance with international standards and their pesticide initiatives program would allow the Committee to decide whether regional technical assistance programs are viable.

7. In G/SPS/GEN/680, Trinidad and Tobago discussed their efforts to facilitate Argentina's request to export fresh apples, grapes and pears. The paper illustrates how two countries can work together to identify and address specific issues and evaluate effective technical assistance programs. Their paper provides the Committee with a good illustration of how to work together to protect health and facilitate trade given the limited resources of both Members. The Committee may wish to pay close attention to their experience with prioritization of pest risk assessments (PRAs) and timelines. The paper also explained that sometimes given the sheer volume of work involved, "a PRA cannot be completed within the timelines. The time taken to complete a PRA may be determined by the number of commodities and the number of pests to be evaluated for each commodity in an application". We note that the identification of feasible risk mitigation measures can also impact anticipated timelines.

8. In G/SPS/GEN/668, Peru suggested that exporting countries interested in obtaining technical assistance should define "their technical assistance priorities within the context of medium and long term plans and ensure the involvement of local actors in order to maximize the impact of investments." As Peru discussed in its document, perhaps the OIE/IICA Performance, Vision and Strategy instrument could be used as a benchmark for determining technical assistance needs. The United States also supports Peru's recommendation that requests for assistance should be organized and channeled by the authorities within the exporting country responsible for implementation of the SPS Agreement in order to avoid dispersion and duplication of effort. The document also explains that the final step in the special and differential process should be implementation and evaluation of technical assistance.

Future Activities on Special and Differential Treatment

9. During the March workshop, some Members suggested the development of a "good practices guide" for special and differential treatment. We would encourage the Committee to give this idea every consideration. The United States does not support any revisions to the text of the SPS Agreement. However, we do believe a "good practices guide" could provide Members with a clearer understanding of the needs and capabilities of our trading partners and identify a series of possible methods to provide and evaluate effective technical assistance programs. The result will be a more efficient trading system which preserves every Member's right to protect human, animal and plant life and health.

10. Another source for considering proposals for special and differential treatment is G/SPS/33. In this document, the Secretariat has provided a mechanism to ensure the transparency of special and differential treatment activities within the Committee. We believe it would be advantageous to review how many requests the Secretariat has received, how many grants of special and differential treatment have been offered by Members, and what their impact was on the recipients, to determine if this is an effective approach to addressing these important concerns or whether alternative methods should be explored.

11. In 2001, the Secretariat issued a questionnaire (G/SPS/W/113) on technical assistance activities that focused on ascertaining developing country Members' technical assistance requirements. It was intended to offer developing countries the possibility to present their specific needs in the SPS area in a way which would help to better ensure the provision of targeted and efficient technical assistance. At the March informal meetings, some Members questioned the propriety/utility of some of the questions in the questionnaire. The Chair noted that the SPS Committee questionnaire had not been vetted through the process used by the Technical Barriers to Trade (TBT) Committee. Given that only 36 Members have responded to the questionnaire, the Committee should consider the benefits of having a thorough discussion of the questionnaire so that this mechanism can be best used to enhance the efficiency and effectiveness of technical assistance.
