

Committee on Sanitary and Phytosanitary Measures

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

Note by the Secretariat¹

1. At its meeting of 15-16 October 1997, the Committee adopted a provisional procedure to monitor the use of international standards (G/SPS/11). This provisional procedure has been extended three times, by decisions of the Committee in July 1999 (G/SPS/14), July 2001 (G/SPS/17) and June 2003 (G/SPS/25), and was revised by the Committee in October 2004 (G/SPS/11/Rev.1). In making the June 2003 decision, the Committee also agreed to review the operation of the provisional procedure by July 2006, with a view to deciding then whether to continue with the same procedure, amend it or develop another one.

2. Since the adoption of the monitoring procedure in October 1997, Members have used the procedure to bring a total of sixteen standards-related issues to the attention of the Committee (Table 1). The attention of the relevant standard-setting organizations was drawn to the issues raised by Members. In all cases, the standard-setting organizations have promptly addressed these concerns in their respective competent bodies, and have regularly reported on their actions to the SPS Committee. The information provided by the standard-setting organizations has been summarized in each annual report.

Table 1 - New Issues Raised Each Year

Year (ending July)	Number of Issues Raised	Issues	Annual Report
1999	9	-- Requirement for control of Infectious Bursal Virus (IBDV) in cooked chicken meat; -- Definition of "quarantine pest"; -- Chlortetracycline (CTC) residues in pork and pork products; -- Bacilli and other organisms in canned/bottled products, including jams; -- Frequency of controls to be carried out on bulls in collection centres (brucellosis, tuberculosis, leukosis, IBR); -- Benzoic acid as a preservative in sauces; -- Certification requirements for origin of animals; -- Certification regarding the absence of certain pathogens in raw meat products; -- Certification requirements for diseases for which national control measures may not exist (meat products).	G/SPS/13

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

Year (ending July)	Number of Issues Raised	Issues	Annual Report
2000	0		G/SPS/16
2001	0		G/SPS/18
2002	1	-- OIE standard on African horse sickness	G/SPS/21
2003	2	-- Low pathogenic strains of avian influenza -- Products with no acceptable daily intake levels (ADIs) or Maximum Residue Levels (MRLs)	G/SPS/28 and Corr.1
2004	0		G/SPS/31
2005	2	-- Regionalization (pest- and disease-free areas) -- Implementation of ISPM 15 on wood packaging material-	G/SPS/37
2006*	2	-- MRLs for sulphur dioxide in cinnamon -- OIE standard on avian influenza	G/SPS/W/196

* Preliminary, based on draft report prepared for meeting of June 2006.

3. In October 2004, the Committee noted the sparse use of this mechanism and decided to revise the procedure. The revision permitted Members to identify specific issues to be considered under this agenda item up to ten (10) days in advance of a regular meeting of the SPS Committee, as opposed to the thirty (30) days initially established by the procedure. This brought the identification of specific monitoring concerns into line with the identification of issues proposed for consideration under other items of the Committee's agenda. The result has been a somewhat more active use of this procedure in the past two years.

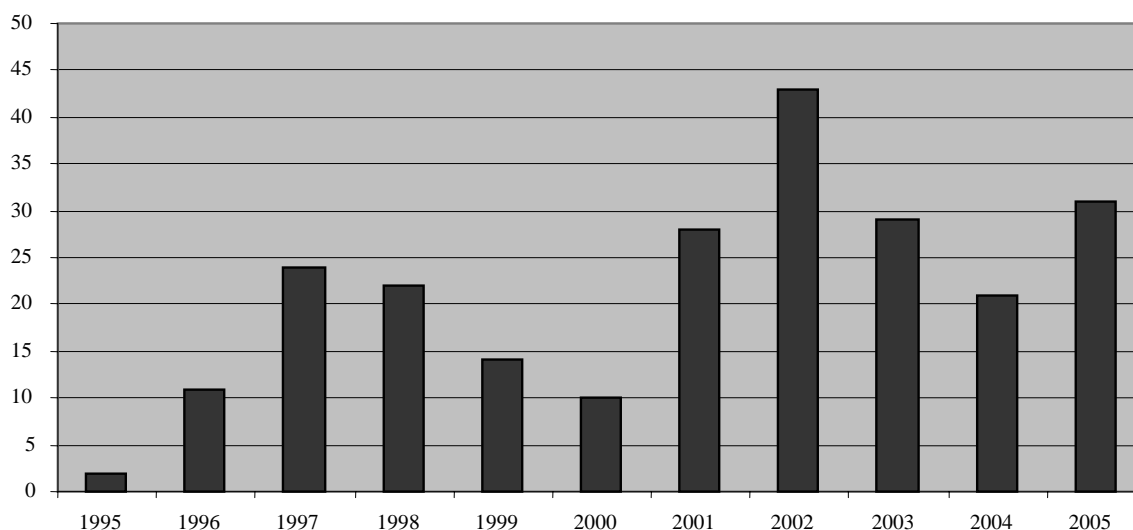
4. Nonetheless, the use of the monitoring procedure remains very limited in comparison with the number of specific trade concerns raised by Members (Figure 1). Yet a number of these specific concerns actually involve either existing international standards, or the lack of relevant international standards. On the other hand, issues raised under the monitoring procedure, such as regionalization (recognition of pest- or disease-free areas) may be discussed under other agenda items. The impression is thus that Members are making little use of the monitoring procedure to bring their concerns regarding specific standards, or the need for standards, to the attention of the SPS Committee and of the relevant standard-setting organizations.

5. It is worth noting, however, that those issues which have been raised under this procedure have been brought to the attention of the SPS Committee by both developing and developed country Members, and the issues raised have dealt with matters within the competence of all three relevant standard-setting organizations. It would thus appear that the provisional procedure is not difficult to use, especially since its revision in October 2004.

6. In reviewing the operation of this procedure, Members may wish to consider what changes might improve their use of this procedure. One issue to consider is whether it would be helpful for the Committee to clarify which issues should be raised under this agenda item and which under other agenda items. The example provided by Sri Lanka with respect to its difficulties exporting cinnamon may be useful. Sri Lanka raised as a "Specific Trade Concern" the problems it was facing due to restrictions imposed specifically by the European Communities. At the same time, it raised under the

"Monitoring" agenda item the more general need for Codex to develop an international standard which established MRLs for sulphur dioxide in cinnamon.

Figure 1 - Number of Specific Trade Concerns Raised Each Year



7. Another example relates to concerns about the recognition of regionalization (pest- or disease-free status). These concerns have been raised under the agenda item on monitoring and also under the specific agenda item on regionalization. The Committee may wish to clarify that when a Member provides information regarding its achievement of a pest- or disease-free status, it report under the specific agenda item on regionalization. However, when a Member wishes to raise concerns regarding the failure to respect the guidelines on recognizing pest- or disease-freedom established by the IPPC or the OIE, then it should raise that concern under the agenda item on monitoring the use of international standards.

8. The examples above would not require any change in the provisional procedure for the monitoring of the use of international standards, but clarifications given by the Committee regarding the organization of issues raised at meetings.

9. However, Members may wish to suggest possible modifications to the provisional procedure, based on their experience and any difficulties they have experienced with the current procedure.

10. In the absence of any specific proposals for modifying the provisional procedure, it is suggested that the Committee agree to encourage Members to make greater use of this mechanism for addressing their standards-related concerns, and extend the provisional procedure on an indefinite basis, with a review of the procedure every four years as an integral part of the regular review of the operation and implementation of the SPS Agreement in the context of Article 12.7. The next review would thus be undertaken in 2009, and every four years thereafter. A draft decision to this effect is attached for consideration by the Committee.

DRAFT

**DECISION TO MODIFY AND EXTEND THE PROVISIONAL PROCEDURE TO
MONITOR THE PROCESS OF INTERNATIONAL HARMONIZATION**

The Committee on Sanitary and Phytosanitary Measures,

Having regard to Articles 3.5 and 12.4 of the SPS Agreement;

Taking into account the provisional procedure to monitor the use of international standards adopted by the Committee at its meeting of 15-16 October 1997 and as subsequently revised on 27-28 October 2004 (G/SPS/11/Rev.1); the Committee's decisions of July 1999, July 2001 and of June 2003 to extend this provisional procedure, and to decide by July 2006 whether to continue with the same procedure, amend it or develop another one (G/SPS/25);

Considering that in reviewing the operation of the provisional procedure, it has noted that the procedure provided an effective mechanism for Members to raise specific standards-related issues;

Considering that at the Fourth Session of the Ministerial Conference, Ministers instructed the Committee to review the operation and implementation of the Agreement, as provided for in Article 12.7 of the Agreement, at least once every four years;

Considering that this procedure to monitor the use of international standards is related to the operation and implementation of the Agreement;

Decides as follows:

1. The provisional procedure to monitor the use of international standards, as modified, is extended indefinitely.
2. The Committee will review the operation of the provisional procedure as an integral part of its periodic Review of the Operation and Implementation of the Agreement under Article 12.7, with a view to deciding whether to continue with the same procedure, amend it or develop another one. The next such Review is to be completed in 2009, and every four years subsequently.
3. The Committee encourages Members to make use of this procedure to address their concerns regarding specific international standards or the need for such standards.
