



**Committee on Sanitary and Phytosanitary Measures**

**ANNUAL REPORT ON THE PROCEDURE TO MONITOR THE PROCESS  
OF INTERNATIONAL HARMONIZATION**

NOTE BY THE SECRETARIAT<sup>1</sup>

**1 INTRODUCTION**

1.1. At its meeting of 15-16 October 1997, the SPS Committee adopted a provisional procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations, as provided for in Articles 3.5 and 12.4 of the SPS Agreement. The Committee extended the provisional monitoring procedure in 1999, 2001, and 2003, and revised the procedure in October 2004.<sup>2</sup> In 2006, the Committee agreed to extend the provisional procedure indefinitely, and to review its operation as an integral part of the periodic review of the operation and implementation of the Agreement under Article 12.7.<sup>3</sup> The procedure was reviewed as part of the Third Review of the Agreement<sup>4</sup>, and again in the context of the Fourth<sup>5</sup> and Fifth Review.<sup>6</sup>

1.2. In November 2020, New Zealand submitted a proposal on the procedure to monitor the process of international harmonization ([G/SPS/GEN/1851](#)), followed by subsequent proposals in February 2021 ([G/SPS/GEN/1877](#)) and May 2021 ([G/SPS/GEN/1915](#)). In November 2021, the Committee held a [Thematic Session on Monitoring International Harmonization](#) on the margins of the November 2021 Committee meeting.<sup>7</sup> Subsequently, New Zealand submitted another communication in March 2022 ([G/SPS/GEN/1998](#)). The Committee discussions on these proposals are detailed in [Section 4.1](#) of this document.

1.3. The Committee has previously considered twenty-four annual reports on the monitoring procedure.<sup>8</sup> These reports summarize several standards-related issues that the Committee has considered, and the responses received from the relevant standard-setting organizations. This current report includes the issues that were considered in the June and November 2022, and March 2023 Committee meetings.

**2 NEW ISSUES**

2.1. Since the 2022 Annual Report, two new issues have been raised under this procedure: (i) Update on response to highly pathogenic avian influenza (HPAI): Importance of WOAAH guidelines; and (ii) Update on WOAAH BSE negligible risk status.

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

<sup>2</sup> [G/SPS/14](#), [G/SPS/17](#), [G/SPS/25](#) and [G/SPS/11/Rev.1](#).

<sup>3</sup> [G/SPS/40](#).

<sup>4</sup> [G/SPS/53](#).

<sup>5</sup> [G/SPS/62](#).

<sup>6</sup> [G/SPS/64/Add.1](#).

<sup>7</sup> The Chairperson's report of the Thematic session is contained in Annex B of document [G/SPS/R/104](#).

<sup>8</sup> These were circulated as [G/SPS/13](#), [G/SPS/16](#), [G/SPS/18](#), [G/SPS/21](#), [G/SPS/28](#), [G/SPS/31](#), [G/SPS/37](#), [G/SPS/42](#), [G/SPS/45](#), [G/SPS/49](#), [G/SPS/51](#), [G/SPS/54](#), [G/SPS/56](#), [G/SPS/59](#), [G/SPS/60](#), [G/SPS/GEN/1332](#), [G/SPS/GEN/1411](#), [G/SPS/GEN/1490](#), [G/SPS/GEN/1550](#), [G/SPS/GEN/1617](#), [G/SPS/GEN/1710](#), [G/SPS/GEN/1776](#), [G/SPS/GEN/1909](#) and [G/SPS/GEN/2022](#).

## **2.1 Update on response to highly pathogenic avian influenza (HPAI): Importance of WOHAI guidelines**

2.2. At the [June 2022 Committee meeting](#), noting the challenges associated with the global spread of H5N1 HPAI in farmed birds, [Canada](#) highlighted the importance of working collaboratively and basing trade measures on WOHAI's guidelines. Following detections, the Canadian Food Inspection Agency (CFIA) implemented control measures including establishing appropriate control zones, and reported findings to WOHAI and key trading partners directly and through missions abroad. Up-to-date information was available on the CFIA website. Canada requested its trading partners to limit trade restrictions to the established controlled zones, based on WOHAI guidelines, and remained available to respond to questions from Members on Canada's HPAI situation.

## **2.2 Update on WOHAI BSE negligible risk status**

2.3. At the [June 2022 Committee meeting](#), [Canada](#) thanked Members who had approved Canadian cattle, beef and beef products based on Canada's previous controlled risk status, following its official recognition by WOHAI as having negligible risk for BSE in May 2021. Canada noted that, in May 2022, WOHAI had reaffirmed Canada's status, which demonstrated the appropriateness and effectiveness of its BSE response. Canada requested other Members to lift remaining restrictions, in accordance with the Terrestrial Code.

2.4. At the [November 2022 Committee meeting](#), [Canada](#) reported that several Members had removed the remaining BSE restrictions on Canadian cattle, beef and beef products based on Canada's WOHAI BSE negligible risk status. Canada urged Members who had not yet done so to remove the remaining restrictions on Canadian exports. Canada recalled the importance of basing SPS measures on international standards, as established in Article 3 of the SPS Agreement.

2.5. At the [March 2023 Committee meeting](#), [Canada](#) reported that several Members had removed the remaining BSE restrictions on Canadian cattle, beef, and beef products based on Canada's WOHAI BSE negligible risk status, and several other Members were actively taking steps to remove their remaining BSE related restrictions. Canada urged Members who had not yet done so to remove the remaining restrictions on Canadian exports. Canada recalled the importance of basing SPS measures on international standards, as established in Article 3 of the SPS Agreement.

## **3 PREVIOUS ISSUES**

3.1. Since the 2022 Annual Report, there was further discussion on two issues previously raised under this procedure regarding: (i) ASF restrictions not consistent with the WOHAI international standard; and (ii) HPAI restrictions not consistent with the WOHAI international standard.

### **3.1 ASF restrictions not consistent with the WOHAI international standard**

3.2. At the [June 2022 Committee meeting](#), the [European Union](#) drew the Committee's attention to inconsistencies in the application of WOHAI international standards related to ASF. The European Union considered that many Members did not follow WOHAI Terrestrial Code guidance for identification, treatment, and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting several WTO Members, and considered that it was a shared interest to maintain free and safe trade of pork and its products. Members were invited to work with the European Union on the substitution of country-wide trade bans by science-based, rational and proportionate measures.

3.3. At the [November 2022 Committee meeting](#), the [European Union](#) pointed out inconsistencies in the application of WOHAI international standards related to ASF. The European Union considered that many Members did not follow the WOHAI Terrestrial Code guidance for identification, treatment, and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting several WTO Members, and considered that it was a shared interest to maintain free and safe trade of pork and pork products. Members were invited to address the tasks identified in the MC12 Declaration and implement science-based, rational and proportionate import policies.

3.4. At the [March 2023 Committee meeting](#), the [European Union](#) pointed out inconsistencies in the application of WOAH international standards related to ASF. The European Union considered that many Members did not follow the WOAH Terrestrial Code guidance for identification, treatment, and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in November 2021. The European Union added that ASF was a disease affecting several WTO Members, and that it was a shared interest to maintain free and safe trade of pork and pork products. Members were invited to address the issue of country-wide bans and implement science-based, rational and proportionate import policies.

### **3.2 HPAI restrictions not consistent with the WOAH international standard**

3.5. At the [June 2022 Committee meeting](#), the [European Union](#) regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. The European Union referred to Canada's comments regarding the need to apply and respect international standards on zoning. Country-wide bans after a disease outbreak were not scientifically justified where effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. Noting the revisions regarding avian influenza in the Terrestrial Code adopted at the 88<sup>th</sup> WOAH General Session of May 2021, the European Union asked Members to respect their obligations on regionalization under the SPS Agreement, and to follow WOAH recommendations.

3.6. At the [November 2022 Committee meeting](#), the [European Union](#) regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified if effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. The European Union asked WTO Members to respect their obligations on regionalization under the SPS Agreement, to follow ISSB recommendations and to allow trade from non-affected zones. The European Union was committed to address the tasks identified in the MC12 Declaration, together with other Members, to strengthen science-based, rational and proportionate import policies.

3.7. At the [March 2023 Committee meeting](#), the [European Union](#) regretted that some Members disregarded their obligations under Article 6 and Annex C to the SPS Agreement and implemented country-wide bans after a local AI outbreak. The European Union indicated that these bans were not scientifically justified if effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. The European Union drew attention to the revised WOAH Terrestrial Code on AI, which recommended a reduced waiting period of 28 days instead of three months. The European Union asked Members to respect their obligations on regionalization, follow WOAH recommendations, and allow trade from non-affected zones.

## **4 OTHER ISSUES**

### **4.1 Procedure to Monitor the Process of International Harmonization ([G/SPS/GEN/1851](#), [G/SPS/GEN/1877](#), [G/SPS/GEN/1915](#) and [G/SPS/GEN/1998](#))**

4.1. At the [June 2022 Committee meeting](#), referring to the discussions in the informal Committee meeting, [New Zealand](#) thanked Members and the ISSBs for their inputs. While Members and the ISSBs had acknowledged the importance of the procedure to monitor the process of international harmonization, New Zealand noted that the topic was currently not seen as a priority for Members. New Zealand invited the Secretariat to encourage the ISSBs to provide brief reports under the agenda item on harmonization in future SPS Committee meetings. New Zealand indicated that it did not intend to make further proposals on this matter.

4.2. Noting that the Committee was to address matters of key importance linked to the work plan of the SPS Declaration, [Chile](#) recognized that addressing issues related to the procedure to monitor the process of international harmonization could be complex and counterproductive. Notwithstanding, Chile recalled that the procedure to monitor the process of international harmonization was a commitment established in the Agreement, which it considered could be addressed as part of the work plan of the SPS Declaration, or as part of the Sixth Review of the Operation and Implementation of the SPS Agreement.

4.3. The Chairperson invited the Secretariat to consult with the ISSBs on this matter, and suggested deleting this agenda item for the next informal SPS Committee meeting.

4.4. The Chairperson also drew the Committee's attention to the draft report of the informal meeting held on 23 June 2022. The draft report had been circulated to Members with an opportunity to provide comments by Friday, 1 July 2022.<sup>9</sup>

## **4.2 Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management ([G/SPS/GEN/1951/Rev.1](#))**

4.5. At the [November 2022 Committee meeting](#), the Chairperson drew the Committee's attention to his draft report on the [Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management](#), which had been held on 8 November 2022.<sup>10</sup> The draft report had been circulated to Members with an opportunity to provide comments by Friday, 18 November 2022.

4.6. Chile appreciated the organization of the thematic session and the experience-sharing by Members, the IPPC, FAO and the private sector. The recognition and the implementation of good practices, with access to the available sources of information, was essential for plant health protection, food production and the reduction of the impact of phytosanitary protection on international trade. Chile reiterated its availability to continue cooperation on this topic both in this forum and bilaterally.

## **5 RESPONSES RECEIVED FROM THE RELEVANT STANDARD-SETTING ORGANIZATIONS**

### **5.1 WOA – Observatory project**

5.1. At the [November 2022 Committee meeting](#), WOAH explained that international standards were approved by the General Assembly held in May each year and, after adoption, were incorporated to the respective Codes and Manuals. Acknowledging that the implementation at country level could involve challenges, WOA clarified that the Observatory project was a programme created to have an overview of members' uptake of international standards. Members were invited to read the first annual report on the Observatory project, to be published in December.<sup>11</sup> WOA reiterated that, once the standards had been adopted, it was Members' responsibility to translate them to their national legislation and ensure they were properly implemented.

### **5.2 WOA – Joint side event<sup>12</sup> on monitoring and the Observatory project**

5.2. At the [March 2023 Committee meeting](#), WOAH reiterated its commitment to monitor the uptake of its international standards. WOA reminded Members that the Observatory programme had recently been set up and had produced its first annual report this year, available in English, French, and Spanish.<sup>13</sup> The report provided a global perspective of Members' implementation of standards. WOA noted that the main limitation of the Observatory was the availability of information both in quantity and quality, and encouraged Members to submit good quality information to enable meaningful analysis. WOA indicated its willingness to provide input if and when the Committee decided to revisit the SPS notification forms.

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<sup>9</sup> The Chairperson's report of the discussions on New Zealand's proposal held in the June 2022 informal Committee meeting is contained in Annex C of the summary report, [G/SPS/R/107](#).

<sup>10</sup> The dedicated webpage for the Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management can be accessed here: [https://www.wto.org/english/tratop\\_e/sps\\_e/thematic\\_session\\_nov22\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/thematic_session_nov22_e.htm). The final report is included in Annex A of the summary report of the November 2022 Committee meeting, [G/SPS/R/108](#).

<sup>11</sup> Report subsequently made available via the following link: [Implementation of standards: the Observatory Annual Report](#).

<sup>12</sup> On the margins of the March 2023 Committee meeting, Codex, the IPPC and WOA organized the side event [Monitoring the Implementation of International Standards](#). Additional information available in document [G/SPS/GEN/2100](#).

<sup>13</sup> More information is available in the dedicated webpage: [Observatory - WOA - World Organisation for Animal Health](#).