

Committee on Sanitary and Phytosanitary Measures

**TECHNICAL ASSISTANCE AND CAPACITY BUILDING IN
THE CONTEXT OF THE SPS COMMITTEE**

Note by the Secretariat¹

1. At the 19-21 March 2002 meeting of the SPS Committee, one Member suggested that the information already available before the Committee on technical assistance needs should be compiled into an information document. It was also suggested that the SPS Committee make a submission to the Committee on Trade and Development (CTD), proposing ways to most effectively use the increased technical assistance funds to expand activities in the SPS area. This document addresses the request for a compilation of available information.

2. For the preparation of this note, the Secretariat drew on information provided by Members, documents previously issued by the Secretariat and information provided by the Codex Alimentarius Commission (Codex), the Office international des Epizooties (OIE) and the International Plant Protection Convention (IPPC). Annex 1 contains a complete list of SPS-related technical assistance documents circulated by the Secretariat since the entry into force of the Agreement. Summaries of some of these documents can be found in Annex 2.

General background

3. Starting from its first meeting in March 1995, technical assistance activities have been a standing item on the agenda of each regular meeting of the SPS Committee. Under this agenda item, Members are invited to identify any specific technical assistance needs which they may have, and/or to report on any SPS-related capacity building activities in which they are involved. The Secretariat also reports on those technical assistance activities in which it has participated, whether organized by the WTO or by some other body. Furthermore, the observer organizations, which include various standard-setting organizations, the World Bank, UNCTAD, ITC and others, are also invited to report on their SPS-related technical assistance activities.²

4. In July 1999 the Secretariat circulated a questionnaire to all Members gathering information on technical assistance that Members have requested, received or provided in respect of the implementation of the SPS Agreement (G/SPS/W/101). While several Members responded in a detailed manner, only a limited number of developing country Members replied and technical assistance needs were often poorly identified.³ Zambia, Jordan⁴ and Gabon have made specific technical assistance requests during SPS Committee meetings (G/SPS/GEN/174, 199 and 208, and 257, respectively) and it appears that several Members have responded positively to these requests.

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.

² Document G/SPS/W/78/Rev.1, refers.

³ The replies received were circulated in documents G/SPS/GEN/124, G/SPS/GEN/143/Rev. 1 and three addenda, and G/SPS/GEN/181.

⁴ See Annex 2.

5. In October 2001, the Secretariat circulated a second questionnaire regarding the technical assistance needs of Members (G/SPS/W/113). Responses to this questionnaire are circulated as addendum to document G/SPS/GEN/295. To date, 17 Members have submitted their responses. Members are invited to consult these responses and consider the possibility of providing technical assistance to requesting countries.

6. Over the years, the Secretariat has also prepared various documents regarding technical assistance, including, in June 1997, an information document drawn from the Secretariat's experiences from various technical assistance activities (G/SPS/GEN/17), and, at the request of the SPS Committee, a typology of SPS-related technical assistance needs (G/SPS/GEN/206)⁴. Members and observer organizations have also submitted a number of documents relating to capacity-building in the SPS area.

7. In conjunction with its regular meeting of July 2001, the SPS Committee held an informal meeting on technical assistance. The Chairman's report of this meeting is contained in G/SPS/GEN/267.⁴ As agreed by the Committee, another informal meeting on technical assistance was held on 18 March 2002. The responses to the recent questionnaire on technical assistance were discussed, and it was noted that among the most pressing needs, apart from information requirements, was the development of laws and regulatory frameworks and institution building. Needs for hard infrastructure including laboratories etc., although pressing, did not normally represent the most serious obstacle to an appropriate implementation of the Agreement. Several Members and organizations addressed the question of how to respond to the needs identified in the questionnaires and provided concrete examples of ongoing activities. It was noted that technical and scientific expertise and funding are available in different organizations, and that efforts to improve inter-agency coordination should be continued.

8. In this regard, the October 2000 request from the General Council that the Director-General coordinate further with other international organizations served to give a higher profile to a long-standing cooperation. There were subsequently two high-level meetings on this matter, and several technical-level discussions (WT/GC/42, 45, 46/Rev.1, and 54). One result was the joint statement issued in Doha by the Directors-General of the FAO, OIE, WHO, WTO and the President of the World Bank on technical assistance issued in Doha (WT/MIN(01)/ST/97). Another technical-level meeting was held on January 2002. Discussions are now focusing on a FAO concept paper for inter-agency collaboration and on the creation of a World Bank standards and trade development facility to operate in conjunction with FAO (including Codex and the IPPC), OIE and WHO. The WTO has been requested to participate as the executive agency of the envisaged Facility. The objective of the Facility is to provide technical assistance and enhance developing countries' capacity to implement the Agreement.

9. The Secretariat has developed a number of tools to assist Members with the understanding and implementation of the Agreement. In particular, a booklet discussing the text of the SPS Agreement was published under the WTO Agreements Series (Volume No.4). The Secretariat has also issued a handbook on the application of the transparency provisions of the Agreement, and a revised version will soon be published. Finally a CD-ROM explaining and discussing in detail the provisions of the Agreement, and dealing in particular with implementation, transparency, special and differential treatment and dispute settlement issues, has just been produced by the Secretariat.

Annex 1

List of technical assistance-related documents circulated by the Secretariat

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| G/SPS/12 | 11 March 99 | Review of the operation and implementation of the Agreement on the application of the sanitary and phytosanitary measures – Report of the Committee |
| G/SPS/19 | 26 October 01 (adopted on 24 Oct.) | Decision on the implementation of Article 4 of the SPS Agreement (Equivalence) |
| G/SPS/W/11 | 9 May 95 | CODEX/IPPC – FAO activities to assist developing countries in connection with the Uruguay Round: Food quality and safety assistance, international plant protection assistance, general technical assistance |
| G/SPS/W/37 | 15 November 95 | WHO – Selected World Health Organization activities relevant to the implementation of the WTO Agreement on the application of sanitary and phytosanitary measures |
| G/SPS/W/101 | 23 July 99 | Questionnaire on technical assistance (Secretariat) |
| G/SPS/W/113 | 15 October 01 | Questionnaire on technical assistance (Secretariat) |
| G/SPS/GEN/17 | 24 June 97 | Experiences from technical assistance and cooperation in developing countries (Secretariat) |
| G/SPS/GEN/23 | 8 July 97 | Pakistan – Technical Cooperation |
| G/SPS/GEN/39 | 10 October 97 | Codex – FAO technical assistance programme: Food quality and safety |
| G/SPS/GEN/69 | 18 March 98 | European Communities – Technical assistance – List of experts |
| G/SPS/GEN/78 | 9 June 98 | United States – Technical cooperation and assistance |
| G/SPS/GEN/85 | 23 July 98 | India – Special and differential treatment and technical Assistance |
| G/SPS/GEN/143 and Addenda | 8 November 99 | Summary of the replies to the questionnaire on technical assistance (Secretariat) |
| G/SPS/GEN/157 | 17 December 99 | Guatemala – Development and adaptation of sanitary and phytosanitary systems in developing countries for the purpose of complying with commitments under the SPS Agreement |
| G/SPS/GEN/174 | 19 April 00 | Zambia – Request for technical assistance |
| G/SPS/GEN/181 | 15 June 00 | United States – Technical assistance to developing countries provided by the United States |
| G/SPS/GEN/199 | 27 July 00 | Jordan – Technical assistance |
| G/SPS/GEN/206 | 18 October 00 | Technical assistance typology (Secretariat) |
| G/SPS/GEN/208 | 1 November 00 | Jordan – Request for technical assistance |
| G/SPS/GEN/213 | 7 November 00 | IICA – Technical cooperation: The state of the different agrifood sanitary systems in the Americas |
| G/SPS/GEN/214 | 8 November 00 | IICA – Technical cooperation – An overview |
| G/SPS/GEN/235 | 9 March 01 | IICA – Actions aimed at implementing the Agreement on Sanitary and Phytosanitary Measures |

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| G/SPS/GEN/244 | 27 April 01 | European Communities – Technical assistance to developing countries |
| G/SPS/GEN/255 | 25 June 01 | IICA – Innovation in technical assistance |
| G/SPS/GEN/257 | 2 July 01 | Communication from Gabon – Technical assistance |
| G/SPS/GEN/263 | 6 July 01 | IICA – Actions aimed at implementing the Agreement on Sanitary and Phytosanitary Measures |
| G/SPS/GEN/267 | 16 July 01 | Discussion on technical assistance and cooperation – Informal meeting of the SPS Committee of 9 July 2001 – Report by the Chairman |
| G/SPS/GEN/281 | 5 October 01 | OIRSA – Actions oriented to implementation of the SPS Agreement – January-September 2001 |
| G/SPS/GEN/286 | 26 October 01 | IICA – Actions aimed at implementing the WTO SPS Agreement |
| G/SPS/GEN/287 | 29 October 01 | Chile – Technical assistance |
| G/SPS/GEN/288 | 29 October 01 | ITC – Joint project between the Commonwealth Secretariat and ITC on case studies to determine technical assistance needs in the area of technical regulations, sanitary and phytosanitary measures |
| G/SPS/GEN/295 and Addenda | 6 February 02 | Technical assistance – Responses to the questionnaire (Secretariat) |
| G/SPS/GEN/307 | 13 March 02 | OIRSA – Measures to strengthen implementation of the SPS Agreement in member countries of the OIRSA |
| G/SPS/GEN/310 | 14 March 02 | IICA – Actions aimed at implementing the SPS Agreement |
| WT/GC/42 | 11 December 00 | Actions to increase the participation of developing country Members in the work of relevant international standard-setting organizations – Report by the Director-General |
| WT/GC/45 | 7 March 01 | Actions to increase the participation of developing country Members in the work of relevant sanitary and phytosanitary international standard-setting organizations – Second report by the Director-General |
| WT/GC/46 | 11 July 01 | Actions to increase the participation of developing country Members in the work of relevant sanitary and phytosanitary international standard-setting organizations – Information from Financial Institutions – Report by the Director-General |
| WT/GC/46/Rev.1 | 16 July 01 | Idem – Revision |
| WT/GC/54 | 7 November 01 | Actions to increase the participation of developing country Members in the work of relevant sanitary and phytosanitary international standard-setting organizations – Third report by the Director-General |
| WT/MIN(01)/ST/97 (4 th Ministerial Conference, Doha, November 2001) | 11 November 01 | Participation of developing countries in the development and application of international standards, guidelines and recommendations on food safety, animal and plant health – Joint Statement circulated by the Directors-General of the FAO, OIE, WHO, WTO and the President of the World Bank |

Annex 2

Summaries of some SPS-related technical assistance documents

1. The purpose of this Annex is to draw Members' attention to some of the more informative documents on SPS-related technical assistance issued since the entry into force of the WTO. The annex is not intended to be an exhaustive summary of all the technical assistance-related documents. In particular, the Secretariat did not attempt to summarize documents on technical assistance activities held by Members, Observer Organizations or the Secretariat. Likewise, documents containing Members' replies to technical assistance questionnaires are not included in the summary.

Experiences from Technical Assistance and Cooperation in Developing Countries - Note by the Secretariat (G/SPS/GEN/17)

2. This document, which refers to a number of technical assistance activities undertaken by the Secretariat, although issued in June 1997, remains relevant. The document enumerates a series of needs and concerns identified by developing countries, including the continued need for expanding the knowledge and understanding of the Agreement, and the need for better coordination and exchange of information on a national level within and among food safety, animal health and plant health sectors and officials who attend SPS Committee meetings, Codex sessions and those directly responsible for the implementation of food safety regulations in their country.

3. The document notes that there is a growing need for more technical assistance with regard to the establishment of national regulatory frameworks, including the development of legislation. In this regard technical assistance is provided by the relevant international standard-setting organizations and some Members. Along with international harmonization and the implementation of international standards, risk analysis is identified as another area where significant assistance is required.

4. Additionally, demand for field-related, specific technical assistance (training of personnel in the areas of veterinary and quarantine services, the creation of reference laboratories, development of appropriate testing procedures, etc) is growing fast. The document calls for the expansion of technical assistance programmes provided by Members and the relevant international organizations. It also stresses the need for improved coordination among the relevant international organizations in their approach to technical assistance and emphasizes the need for active participation of the appropriate officials and experts from developing countries in the relevant international organizations. The important role of regional organizations is also addressed.

Technical Assistance Typology - Note by the Secretariat (G/SPS/GEN/206)

5. The document classifies technical assistance by way of four broad categories: information; training; "soft" infrastructure development; and "hard" infrastructure development. With regard to information, it notes that the key objective of this type of technical assistance is to enhance the awareness and understanding of Members' rights and obligations under the SPS Agreement at the technical as well as policy level. The document notes that food safety issues are increasingly subject to public and media scrutiny and that technical assistance activities must take this evolution into consideration. Training is an area of shared competence between Codex, OIE, IPPC and the WTO

Secretariat, as well as Members, which involves more detailed explanations and discussions of particular provisions of the Agreement.

6. Noting that the implementation of the Agreement by developing countries requires appropriate technical and scientific capacity of these countries to meet their obligations under the SPS Agreement, the document identifies two distinct although complementary aspects of infrastructure development: (i) "soft" infrastructure and (ii) "hard" infrastructure. "Soft" infrastructure development deals mostly with training activities and includes the formation of technical and scientific personnel. Technical assistance dealing with the development of *national regulatory frameworks* is also critical and the harmonization of national regulations and international standards, guidelines and recommendations is important. Proper implementation of the SPS Agreement also depends on adequate field equipment and infrastructure. This "hard" infrastructure includes laboratories, testing equipment, veterinary services, etc., but also other aspects such as the establishment of disease-free regions. Technical assistance is required in all of these areas.

7. The document does not attempt to establish an exclusive typology for technical assistance and refers to alternative approaches, including a "stable to table" chain approach covering the needs at the production level, the processing level, the marketing level, and the regulatory level. It also addresses the possibility of classifying technical assistance taking into account three broad parameters: (i) the regulatory framework; (ii) the institutional framework; and (iii) the technical framework. Noting that in practice, much of the technical assistance in the SPS area addresses specific needs in the food safety, animal health and/or plant protection, the document suggests that another possible alternative is to classify technical assistance accordingly. Such an approach is illustrated by a list of activities provided by Codex, OIE and IPPC.

Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures - Report of the Committee (G/SPS/12)

8. In its discussion of issues concerning the operation and/or implementation of the Agreement, the Committee focussed, *inter alia*, on technical assistance. In this regard, the Committee stressed the need for enhanced technical assistance and cooperation, in particular with regard to human resource development, national capacity building and the transfer of technology and information, including "hands-on" assistance. It recognized that Members had provided technical assistance to developing country Members, including when substantial investments were required. It also noted that the Secretariat and several international organizations had also provided considerable technical assistance to developing country Members in the areas of their competence.

9. However, the Committee emphasized that there was still a need for further assistance which, due to the expertise required, could best be provided by the relevant international standard-setting organizations. It agreed to bring this matter to their attention, keeping in mind that this could have a significant impact on the resources of these bodies and/or Members' resources. The Committee reiterated the need for Members and the relevant international organizations to continue to provide information on their technical cooperation and assistance programmes on a regular basis.

Development and Adaptation of Sanitary and Phytosanitary Systems in Developing Countries for the Purpose of Complying with Commitments under the Agreement on the Application of

Sanitary and Phytosanitary Measures - Statement by Guatemala at the Meeting of 10-11 November 1999 (G/SPS/GEN/157)

10. In this document, Guatemala notes that the need to comply with the SPS Agreement commitments has incited many countries to reform their sanitary and phytosanitary systems. For Guatemala, this process involved structural modification of public authorities, the development and implementation of new administrative structures, the enactment of new legislation and the development of abilities, new skills and a new attitude in institutions and enterprises. The document summarises these changes.

11. Guatemala concludes that for developing countries, compliance with commitments under the Agreement is not necessarily hindered by lack of financial resources, equipment or sophisticated infrastructures, but by factors such as the lack of understanding of the Agreement; the absence of an operational framework for the authorities responsible for administering the Agreement; and a limited participation in competent bodies and in the SPS Committee.

**Technical Assistance - Submission by Jordan (G/SPS/GEN/199)
Request for Technical Assistance – Submission by Jordan (G/SPS/GEN/208)**

12. Both documents identify the areas requiring technical assistance, namely veterinary quarantine capacities and plant laboratory capacities (G/SPS/GEN/199) and instruments for analytical measuring and processing (G/SPS/GEN/208). Document G/SPS/GEN/199 includes detailed description of project proposals. The project proposals include elaborated background and justification information explaining the reasons for the services/instruments shortages and limitations; clearly stated project objectives; expected outputs; a description of the main technical assistance activities; ways and means for project implementation; the identification of an executing agency, local partner organizations and target groups; and a cost/benefit analysis, including an estimate of contributions by Jordan and the aid-providing country.

Technical Cooperation: The State of The different Agrifood Sanitary Systems in the Americas - Submission by the Inter-American Institute for Cooperation on Agriculture (IICA) (G/SPS/GEN/213)

13. Based on an analysis of several studies conducted in the American continent, the document analyses the phytosanitary and food safety systems (SPFSS) in 33 countries in the region. The document stresses that technical cooperation must be implemented in such a way as to incorporate elements of diagnosis, articulation and balance. It argues that the effectiveness of technical cooperation is not determined only by the amount of financial resources invested or by longer periods of time for the implementation of specific rules. It considers that public/private coordination is a key factor in the proper application of the SPS Agreement and, therefore, constitutes a major challenge for those countries that lack efficient mechanisms for communication and intersectoral participation. The institutional area is identified as the greatest weakness in all countries in the region and the one which should be given special attention.

Technical Cooperation: An Overview - Submission by the Inter-American Institute for Cooperation on Agriculture (IICA) (G/SPS/GEN/214)

14. In this document, IICA, noting the failure of traditional approaches to technical assistance, underlines the need for the development of new strategies in order to maximize the use of resources. It argues that efforts to strengthen the bases of the phytosanitary and food safety systems (SPFSS) will depend on the priorities of each country, but that public-private sector coordination is a must in any modernization process. Priority should be given to strengthening: (i) the institutional framework; (ii) the regulatory framework; and (iii) the technological framework.

15. IICA stresses that technical cooperation is a tool that can help countries modernize their SPFSS and upgrade their capacity to effectively implement the SPS Agreement, but that a change in technical cooperation methodology is necessary to incorporate inter-sectoral articulation, including private sector participation in the stages of diagnosis, identification, prioritization and evaluation of technical cooperation. Additionally, a comprehensive modernization model has to address animal health, plant protection and food safety, as well as the institutional, regulatory and technological frameworks.

16. Member's attention is also draw to IICA's submission G/SPS/GEN/255 which provides four practical examples of the utilization of IICA's proposed new approach to deal with technical cooperation in the SPS area.

Discussion on Technical Assistance and Cooperation: Informal Meeting of the SPS Committee of 9 July 2001 - Report by the Chairman (G/SPS/GEN/267)

17. In this report the Chairman noted that some delegations suggested a series of steps starting with a diagnosis of the national situation to identify existing capacities, problems with internal coordination, and cooperation with the private sector. The best forms of technical assistance to deal with these problems would subsequently be identified. Other delegations stressed that the best way forward was to design a total approach to technical assistance that covers its institutional, technical and economic aspects. The report enumerates a series of specific ideas to complement these approaches. Nonetheless, in order to develop a framework for technical assistance and deepen the discussions, active participation and contribution from the developing countries themselves were essential. This would also ensure that the system was demand driven.

18. All Members, but in particular the developing countries, were encouraged to submit further written ideas in order to develop this issue and the Secretariat was invited to reformulate and refine the questionnaire on technical assistance to help structure the information being sought from Members. (A new questionnaire was subsequently issued as G/SPS/W/113.)

Technical Assistance - Communication from Chile (G/SPS/GEN/287)

19. In this document, Chile addresses many of the shortages and weaknesses affecting developing countries' implementation of the SPS Agreement. The document highlights a number of general and specific issues to be addressed in technical cooperation activities. In particular, in order to avoid duplication of efforts, allow the maximization of resources and the establishment of priorities, technical assistance and cooperation programmes for implementation of the Agreement need to be

coordinated. With regard to specific suggestions, the document identifies and elaborates on the needs for: the strengthening of sanitary programmes and services; the improvement of the capacity to prove sanitary conditions; assistance on the determination of the appropriate level of protection; adapting legislation; furthering awareness of the Agreement; the elaboration of risk analysis; and improved transparency procedures.

20. Chile suggests that in order to be optimized, technical cooperation should begin with a country diagnosis in order to define the country's own needs and capacities, and once the needs have been defined, to identify priorities on a thematic basis. Addressing several other factors to be taken into account, it is noted that technical cooperation should include and implement follow-up programmes.
