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## Committee on Sanitary and Phytosanitary Measures

### SUMMARY REPORT OF THE WORKSHOP ON THE RELATIONSHIP BETWEEN THE SPS COMMITTEE AND THE INTERNATIONAL STANDARD-SETTING ORGANIZATIONS, 26 OCTOBER 2009

Note by the Secretariat<sup>1</sup>

#### I. INTRODUCTION

1. The WTO Secretariat organized a workshop on the relationship between the SPS Committee and the three international standard-setting organizations referenced in the SPS Agreement, the FAO/WHO Codex Alimentarius Commission (Codex), the FAO International Plant Protection Convention (IPPC), and the World Organization for Animal Health (OIE) (the "three Sisters"). The workshop was held on 26 October 2009, back-to-back with the October meetings of the SPS Committee. The programme for the workshop is attached (Annex).

2. The workshop was open to all Members, Observer Governments and organizations with observer status in the SPS Committee. The WTO Secretariat, through the Global Trust Fund (GTF), invited fifty officials from least-developed and developing countries to attend the workshop and the subsequent meetings of the SPS Committee.

3. The workshop was held in response to suggestions to clarify the respective roles of the SPS Committee, Codex, IPPC and OIE which had been made in the Second Review of the Operation and Implementation of the SPS Agreement. The workshop also provided an opportunity to review the standard-setting procedures of each of the three Sisters, with a focus on how to enhance the participation of developing countries. Areas for future collaboration between the four bodies were identified, and the need for more effective coordination of positions at the national level was stressed.

4. More specifically, the objectives of the workshop were twofold:

- To examine the procedures and issues faced by Codex, IPPC and OIE in the development, adoption and monitoring of the use of international standards of relevance to the SPS Committee; and
- To discuss concrete actions to improve coordination between the Committee and the three Sisters, in order to increase their effectiveness and avoid the duplication of work.

5. Presentations were made by Mr. Brent Larson of the IPPC Secretariat; Dr. Sarah Kahn of OIE; Mr. Tom Heilandt of the Codex Secretariat; and Ms. Gretchen Stanton of the WTO Secretariat. The workshop also benefited from the participation of Ms. Karen Hulebak, Chair of the Codex Commission, and of Ms. Reinouw Bast-Tjeerde, Chair of the Commission on Phytosanitary Measures (CPM). The presentations from the workshop are available through the SPS gateway of the WTO website ([http://www.wto.org/english/tratop\\_e/spis\\_e/wkshop\\_oct09\\_e/wkshop\\_oct09\\_e.htm](http://www.wto.org/english/tratop_e/spis_e/wkshop_oct09_e/wkshop_oct09_e.htm)).

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<sup>1</sup> 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.

6. At the end of the workshop, eleven recommendations were adopted which seek to improve coordination and collaboration between the SPS Committee, Codex, IPPC and OIE.

## **II. BACKGROUND**

7. One of the issues identified for further consideration by the SPS Committee during the Second Review of the Operation and Implementation of the SPS Agreement was the relationship between the SPS Committee and the three international standard-setting organizations referenced in the SPS Agreement (G/SPS/36, paragraphs 89-91).

8. At the June 2008 meeting of the SPS Committee, Japan submitted a proposal (G/SPS/W/226) for a special workshop to focus on the procedures and issues before the Codex, IPPC, and OIE. New Zealand also proposed some specific issues which could be addressed on the relationship between the Committee and the three Sisters (G/SPS/W/206). The Committee endorsed these proposals, and asked the Secretariat to organize a special workshop on the relationship between the SPS Committee and the three Sisters.

9. A submission by the European Union on the relationship between the SPS Committee and the three Sisters (G/SPS/GEN/970) was also presented and discussed during the workshop.

## **III. PRESENTATIONS**

### **A. WTO SECRETARIAT**

10. Ms. Gretchen Stanton, Secretary of the SPS Committee, provided an overview of some of the key questions to be addressed concerning the relationship between the SPS Committee and the three Sisters.

### **B. FAO INTERNATIONAL PLANT PROTECTION CONVENTION (IPPC)**

11. Mr. Brent Larson of the IPPC Secretariat provided a general overview of IPPC including its mission, scope and organizational structure. Mr. Larson presented the IPPC's standard-setting process and the four stages that it encompasses. To date, 32 International Standards for Phytosanitary Measures (ISPMs) have been adopted, covering 87 topics and subjects. IPPC has ten Regional Plant Protection Organizations (RPPOs) which coordinate the implementation of standards in their regions. Mr. Larson briefed participants on the recent developments in IPPC, including: the implementation of a special process which is applied mostly to standards drafted by technical panels, as opposed to the regular process used for concept standards; the development of regional workshops; and the IPPC's Implementation, Review and Support System (IRSS).

12. Mr. Larson addressed the challenges faced by the IPPC regarding: the procedure for standard setting, the participation of developing countries, and Secretariat staffing and funding. Mr. Larson also spoke about IPPC's relationship with the SPS Committee and with the other two Sisters. He suggested that potential areas of collaboration among the four bodies included: the procedures for standard setting; addressing problems of non-compliance; certification; risk analysis techniques; implementation; capacity building; private standards; languages; and funding. The Chair of the CPM, Ms. Bast-Tjeerde, particularly stressed the importance of collaboration regarding export certifications.

### **C. THE WORLD ORGANIZATION FOR ANIMAL HEALTH (OIE)**

13. Following a general introduction of the OIE and its membership, Dr. Sarah Kahn highlighted the OIE's links with the SPS Committee and with the other two Sisters. She noted that 40 per cent of

the specific trade concerns raised in the SPS Committee over the period 1995-2008 were related to animal health and zoonoses. Dr. Kahn also briefed participants on the OIE's standard-setting work. The OIE has 3 specialist Commissions: the Terrestrial Animal Health Standards Commission; the Aquatic Animal Health Standards Commission; and the Biological Standards Commission. OIE Members are responsible for setting and adopting international standards.

14. Dr. Kahn noted that on request from the SPS Committee, the OIE provides advice on specific issues relating to international trade, most recently relating to: regionalisation; compartmentalization; SPS capacity building; dispute mediation; and influenza H1N1.

15. Dr. Kahn briefed participants on the OIE's collaboration with the other two Sisters and noted the OIE's strong collaboration with Codex, as they both concentrate on measures taken at the farm level, and she stated that there have been ongoing talks about joint standards. On the OIE's collaboration with IPPC, Dr. Kahn stated that the respective Secretariats consulted several times a year on relevant work, for instance on: regionalization; compartmentalization; equivalence; recognition of disease-free status; dispute mediation; approaches towards alien invasive species; and capacity building. Dr. Kahn stated that a framework for the elaboration of joint standards was, potentially, an area for further collaboration, and that the OIE would continue to improve performance in standard-setting, focussing on standards that are most relevant for the facilitation of trade, as well as increasing the participation of developing countries.

16. With regard to the recommendations which resulted from the workshop (see Section V), the OIE noted its support for Recommendations (1), (2), (4), (7) and (10). The OIE also provided specific comments on six of the recommendations. On Recommendation (3), the OIE stated that it saw value in the proposal provided that the joint work was on topics that were clearly relevant to the international standard-setting organizations and to Members. The OIE indicated that the proposal to develop common OIE-Codex standards, currently under consideration by the two standard-setting organizations, could be relevant in this regard. The OIE suggested that Recommendation (5) required clarification, as the proposed action was potentially open to misinterpretation. The OIE stated that formal recognition of equivalence for the purposes of international trade depended on the level of sanitary protection sought by trading partners and that was a sovereign matter for each WTO Member. On Recommendation (6), the OIE noted its support for the proposal which it could readily address by providing information from the OIE Strategic Plan and the annual work plans of the Specialist Commissions. On Recommendation (8), OIE agreed with the proposal but noted that there could be some limitations on what could be done using existing resources. On Recommendation (9), the OIE agreed with the proposal, provided that resources were available to the WTO SPS Secretariat to undertake a meaningful analysis. On Recommendation (11), the OIE noted that its International Trade Department already responded to Members and organizations' enquiries on international trade standards and other trade-related questions. Current resources would not enable a significant expansion of that activity.

#### D. THE CODEX ALIMENTARIUS COMMISSION (CODEX)

17. Mr. Tom Heilandt provided an overview of the Codex, its mandate and its work. Mr. Heilandt stated that Codex offers a global standard-setting forum. The Codex's results encompass: horizontal standards; product standards; guidelines; codes of practice; maximum residue levels for pesticides and veterinary drugs; and regional standards, codes and guidelines.

18. Mr. Heilandt briefed participants on the structure of the Codex and on the role and functioning of the Codex Alimentarius Commission (CAC). He noted that the Executive Committee meets once or twice a year to help in the standards management process. The Codex has horizontal committees, vertical committees and ad hoc intergovernmental task forces, and each Codex committee has a host country.

19. Mr. Heilandt explained the eight steps involved in the Codex standard-setting process, noting that the process could be completed in only five steps in certain situations. The role of science in the work of Codex was paramount and Codex standards and guidelines are based on the principle of sound scientific analysis and evidence. He also briefed participants on the collaboration between Codex and the SPS Committee and the other two Sisters, and on possible areas for further collaboration. The Chair of Codex, Ms Hulebak, noted the need to find the most effective way of working with OIE on joint standards. She also noted the urgency of concerns related to the issue of private standards, and the necessity to focus on conformity with international standards.

#### **IV. DISCUSSIONS**

20. The workshop sought to identify concrete actions to: (1) enhance the coordination between the SPS Committee and Three Sisters, and between the Three Sisters themselves; (2) increase the use and usefulness of international standards; (3) avoid unnecessary duplication of effort; and (4) ensure that the standard-setting process is in line with the implementation of the SPS Agreement, and facilitates trade in agriculture and food products.

21. The presentations by the three Sisters addressed (1) the processes and procedures used in the development and adoption of international standards, guidelines and recommendations of relevance to the SPS Agreement, and (2) possible ways to facilitate the implementation of the SPS Agreement while avoiding duplication of activities.

22. After each of the presentations by the representatives of the three Sisters, there was an opportunity for questions and comments. Participants used that opportunity to acquire a better understanding of how international standards, which are so important in the context of the SPS Agreement, were developed, and also how coordination and effectiveness could be improved between the work of the SPS Committee and that of the three Sisters.

23. The presentations pointed out some variations in the procedures for adopting standards among the Three Sisters. Some participants stressed the need for harmonization of the standard development procedures. However, it was noted that such harmonization could be challenging due to the difference in the three Sisters' procedures and different areas of work. It was recognized that harmonization could be achieved in cross-cutting issues and, while work was being done on this area, further coordination was needed.

24. The afternoon's discussions focussed on identifying concrete actions to enhance coordination between the SPS Committee and the three Sisters, as well as the effective use of international standards. The European Union's submission on the relationship between the SPS Committee and the Three Sisters was also presented and discussed.

25. There were discussions of what mechanisms the SPS Committee could consider to promote the effective use of the international standards in the implementation and administration of the SPS Agreement, while avoiding unnecessary duplication of effort. Some suggestions were also made on how to achieve the most effective collaboration and communication between the SPS Committee and the standard-setting bodies.

26. Participants raised concerns on the role of the SPS Committee and the three Sisters in the implementation of international standards and the monitoring of their usage. Emphasis was given to the role of the SPS Committee as a coordinator with regard to the three standard-setting bodies.

27. The need for coordination at the national level was stressed, as well as the importance of increasing the participation of developing countries in the meetings of the SPS Committee and in those of the three Sisters. The importance of SPS-related capacity building was also highlighted.

## **V. RECOMMENDATIONS**

28. The recommendations arising from the workshop included the following:

- (1) Moving the reports on activities of the three Sisters to earlier in the Committee's agenda;
- (2) Increasing the number of joint capacity building activities which could provide an opportunity to discuss current work, for example, draft standards;
- (3) Joint work by two or all three Sisters on cross-cutting issues such as certification, inspection, approval procedures and/or risk analysis;
- (4) Coordination meetings among the three Sisters and with the WTO Secretariat;
- (5) Consideration of how to ensure equivalence among results of standards on related products;
- (6) Soliciting more information at the strategic planning phase of the three Sisters work;
- (7) The SPS Committee transmitting information relating to trade issues linked to non-use of standards, absence of standards, or inappropriate standards to the relevant Sister organization;
- (8) Requesting the three Sisters to analyze the current specific trade concerns raised in the SPS Committee to see which of these could have been addressed by the use of the existing international standards;
- (9) Better use by the SPS Committee of the information regarding the use of international standards which is available from the SPS notifications;
- (10) Identifying ways to improve coordination at a national level of the relevant representatives of the three Sisters and SPS representatives; and
- (11) The establishment of a "help desk" to answer enquiries and provide information in each of the three Sisters and the WTO Secretariat.

## ANNEX

### WORKSHOP ON THE RELATIONSHIP BETWEEN THE SPS COMMITTEE AND THE CODEX, IPPC AND OIE

26 October 2009

#### PROGRAMME

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|---------------|--|
| 10.00 – 10.15 | Opening remarks by the Chair   |
| 10.15 – 10.30 | General introduction – WTO Secretariat<br>Highlight questions to be addressed: <ul style="list-style-type: none"><li>(a) Relevant role of the SPS Committee <i>vis-à-vis</i> Codex, IPPC, and OIE ("three Sisters")</li><li>(b) Potential areas of duplication and opportunities for collaboration</li><li>(c) SPS Committee's process to invite three Sisters to address concerns</li><li>(d) Evaluation of the actions taken by three Sisters to resolve issues forwarded by the SPS Committee</li><li>(e) Communication and reporting by the three Sisters to their members and governing bodies on relevant issues discussed at the SPS Committee</li><li>(f) Consistency in interpretation of the SPS Agreement across the three Sisters</li><li>(g) Monitoring of work carried out by other relevant international bodies, including status of guidelines of other international standard-setting bodies</li><li>(h) Equivalence, non-use of standards, absence of standards, or inappropriate standards and their prioritization within the Committee</li></ul> |
| 10.30 – 11.00 | FAO International Plant Protection Convention (IPPC) <ul style="list-style-type: none"><li>(a) Background on standard-setting and collaboration with the SPS Committee - how to enhance coordination</li><li>(b) The standard-setting process: role of science; participation of Members, in particular developing countries; decision-making process; duration, etc.</li><li>(c) Monitoring the use of standards: how is it done; where and how to effectively address concerns related to non-implementation; collaboration with the SPS Committee; difficulties with implementation; new developments requiring review of standards, etc.</li><li>(d) Recent/systemic improvements in standard-setting</li></ul>  |

- (e) Emerging/challenging issues: private standards; climate change; regionalization; equivalence; pest/commodity specific standards, etc.
- 11.00 – 11.20 Questions and answers
- 11.20 – 11.50 World Organization for Animal Health (OIE)
  - (a) Background on standard-setting and collaboration with the SPS Committee - how to enhance coordination
  - (b) The standard-setting process: role of science; participation of Members, in particular developing countries; decision-making process; duration, etc.
  - (c) Monitoring the use of standards: how is it done; where and how to effectively address concerns related to non-implementation; collaboration with the SPS Committee; difficulties with implementation; new developments requiring review of standards, etc.
  - (d) Recent/systemic improvements in standard-setting
  - (e) Emerging/challenging issues: private standards; climate change; regionalization; equivalence; commodity based standards, etc.
- 11.50 – 12.10 Questions and answers
- 12.10 – 12.40 FAO/WHO Codex Alimentarius Commission (Codex)
  - (a) Background on standard-setting and collaboration with the SPS Committee - how to enhance coordination
  - (b) The standard-setting process: role of science; participation of Members, in particular developing countries; decision-making process; duration, etc.
  - (c) Monitoring the use of standards: how is it done; where and how to effectively address concerns related to non-implementation; collaboration with the SPS Committee; difficulties with implementation; new developments requiring review of standards, etc.
  - (d) Recent/systemic improvements in standard-setting
  - (e) Emerging/challenging issues: private standards; food safety vs. quality; equivalence, etc.
- 12.40 – 13.00 Questions and answers
- 13.00 – 15.00 Lunch break

- 15.00 – 17.45      Identifying concrete actions to:
- (i) Enhance the coordination between the Committee and three Sisters, and between the three Sisters;
  - (ii) Increase the use and usefulness of international standards;
  - (iii) Avoid unnecessary duplication of effort; and
  - (iv) Ensure that the standard setting process is in line with the implementation of the SPS Agreement, and facilitates trade in agriculture and food products.

Discussions could be grouped under the following headings:

- 15.00 – 15.45      How to effectively encourage the use of international standards, guidelines or recommendations by all Members

- (f) How can the SPS Committee effectively identify relevant issues linked to non-use of standards, absence of standards, or inappropriate standards, and appropriately prioritize these issues?

- 15.45 – 16.45      How to ensure effective collaboration and communication between the SPS Committee and the three Sisters, and among the three Sisters

- (a) Reporting/communication from the three Sisters to the SPS Committee

*Is reporting back to the Committee by the three Sisters: (i) effective; (ii) up to Members expectations; and (iii) a tool for harmonization?*

*Does the Committee have a role in assessing the actions taken by the three Sisters to resolve a specific issue?*

- (b) Communication from the SPS Committee to the three Sisters

*Is the process used by the Committee to invite the three Sisters to address concerns clear and efficient? To what extent can or should the Committee: (i) give guidance towards an outcome; and/or (ii) provide information, guidance or background to the issue?*

*What are the most effective mechanisms for the Committee to communicate to the three Sisters the importance and priority placed on identified issues?*

- (c) Joint action for the prevention/resolution of problems

- 16.45 – 17.45      What is the role of the SPS Committee in broader issues common to more than one (or all) of the three Sisters? Is it to ensure consistency in interpretation of the SPS Agreement across the three Sisters?

- 17.45 – 18.00      Closing remarks by the Chair
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