
Committee on Sanitary and Phytosanitary Measures

**SUMMARY REPORT OF THE WORKSHOP ON SPS COORDINATION AT THE
NATIONAL AND REGIONAL LEVELS
17 OCTOBER 2011**

Note by the Secretariat¹

I. SUMMARY

1. The WTO Secretariat organized a workshop on SPS Coordination at the National and Regional Levels on 17 October 2011, back-to-back with the October meetings of the SPS Committee. The programme for the workshop is attached (Annex). The workshop was open to all Members, Observer governments and organizations with observer status in the SPS Committee.

2. The workshop was held in response to a recommendation adopted at the October 2009 workshop on the Relationship between the SPS Committee and the International Standard-setting Organizations (G/SPS/R/57), that the SPS Committee identify ways to improve coordination at a national level of the relevant representatives of the Three Sisters and SPS representatives, and Japan's proposal in this regard (G/SPS/W/251).

3. The objective of the workshop was to bring together officials responsible for participation in and implementation of 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") for an in depth discussion, at a technical level, on best practices in coordination at national and regional levels. The WTO Secretariat, through the Global Trust Fund (GTF), sponsored the participation of fifty officials from least-developed and developing countries to the workshop and the subsequent meetings of the SPS Committee.

4. The workshop included presentations by representatives from Belize and the Philippines concerning national experiences with coordination; and presentations from the Common Southern Market (MERCOSUR) and the Common Market for Eastern and Southern Africa (COMESA) concerning regional experiences with coordination.

5. The Secretariat presented a background document (G/SPS/GEN/1115) that describes and compares the procedures used by the Three Sisters to develop standards. The Three Sisters outlined the strengths and challenges of their respective standard-setting procedures, and changes under consideration. The Secretariat also presented a preliminary analysis of the treatment of SPS matters in Regional Trade Agreements. The results of two studies concerning national and regional coordination in Africa were presented by the Standards and Trade Development Facility (STDF).

6. Four breakout sessions took place during the workshop, two in English, one in French and one in Spanish. Participants discussed their own experiences with ensuring coordination at the

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national level, identified the causes and effects of poor coordination, and discussed solutions to improve coordination and the entities responsible for the implementation of these solutions.

7. The workshop resulted in a number of recommendations, of which two were considered by the SPS Committee at its October meeting.

8. The presentations made at the workshop are available at: http://www.wto.org/english/news_e/news11_e/sps_17oct11_e.htm.

II. BACKGROUND

9. In the Third Review of the Operation and Implementation of the SPS Agreement (G/SPS/53), the Committee agreed, *inter alia*:

- (a) that it should follow-up on the recommendations that resulted from the October 2009 workshop (G/SPS/R/57) with a view to strengthening the relationship between the Committee and the Codex, IPPC and OIE; and
- (b) to encourage Members to provide information on their experiences in coordinating their involvement in the work of Codex, IPPC and OIE at the national level.

10. One of the recommendations (Recommendation 10) that resulted from the October 2009 workshop was that the SPS Committee identify ways to improve coordination at the national level of the relevant representatives of the Three Sisters and SPS representatives. At the October 2010 meeting of the SPS Committee, Japan proposed that a workshop be organized to focus on Recommendation 10 of the October 2009 workshop (G/SPS/W/251).

11. The Secretariat, with the endorsement of the SPS Committee, organized a workshop on SPS coordination, including at the regional level, on 17 October 2011.

III. PRESENTATIONS

A. WTO SECRETARIAT

12. The Secretary of the SPS Committee provided an overview of key aspects that needed to be addressed concerning coordination at the national and regional levels between officials responsible for the work of the Three Sisters and of the WTO SPS Committee. The Secretariat presented a background document that summarized the standard-setting procedures of each of the Three Sisters, compared these procedures, highlighting the substantive differences among them (G/SPS/GEN/1115).

B. COMPARISON OF THE THREE SISTERS STANDARD-SETTING PROCEDURES (IPPC, OIE AND CODEX)

13. The IPPC provided a general overview of the work and standard-setting procedures of the IPPC, highlighting the opportunities for IPPC members to comment on draft standards and the important role of regional plan protection organizations in helping countries provide comments. The IPPC standard-setting procedure was inclusive; of a consultative nature and focused on needs; transparent; open to the best scientific advice and to learning from other international standard-setting bodies; and supported by the interest and participation of its members. At the same time, the procedure was bureaucratic; limited by the availability of resources and not as rapid as expected; and susceptible to lobbying. However the main concern was with the implementation of the IPPC standards by the contracting parties. A focus group meeting in September 2011 had recommended more commenting periods before the meeting of the Commission on Phytosanitary Measures, simpler

procedures for the approval of diagnostic protocols and phytosanitary treatments, improved proposal for new ISPMs, and improvements in the work of the standards committee.

14. The OIE indicated that its standard-setting procedure resulted in two codes: the Terrestrial Animal Health Code and the Aquatic Animal Health Code. The OIE's procedure was transparent and democratic, science-based, rapid and responsive, with extensive member participation and collaboration with other international organizations. One modification of the procedure under consideration would be the identification of which commodities are safe to trade irrespective of the disease status in a given country. There was also a plan to restructure the codes according to pathogens rather than according to disease, which would avoid confusions due to different names attributed to a given disease.

15. The Codex stressed its continuous cooperation with the OIE and IPPC. The Codex standard-setting procedure provided members the opportunity to comment on draft standards at all stages of their development. This, however, sometimes resulted in delays that were not related to the substance of the standard itself but to aspects such as lack of consensus, use of risk assessment by risk managers, or delays due to further requests for advice, endorsement by general committees and standards referred back to the originating committee. The process for starting new work was considered to be rigid, and approval was needed even for limited amendments. With respect to food safety, Codex had a clear and detailed risk analysis process, and one of the strengths of the system was the distinction between risk managers and risk assessors. Among the issues currently under consideration by Codex were how scientific advice was used by risk managers and how to ensure the continuity of the scientific advice to address emerging issues; how to proceed when standards and related texts were held at step 8; how to address concerns relating to the economic impact of proposed standards; and the risk analysis principles applied by the Committee on Pesticide Residues.

16. In discussions following the presentations by the Three Sisters, participants sought clarifications regarding the work being done and how coordination of work took place among them on cross-cutting issues.

17. Japan was of the view that to improve coordination at the national level, it was important to (a) strengthen communication among representatives to the Three Sisters and SPS Committee; (b) share knowledge about the procedures and practices of each of the Three Sisters; and (c) improve transparency and openness in the standard-setting procedures by the Three Sisters, ensuring opportunities for Members to provide inputs.

NATIONAL COORDINATION

A. STDF SCOPING STUDY ON NATIONAL SPS COORDINATION MECHANISMS IN AFRICA

18. The Secretary of the STDF presented the preliminary recommendations of a study on National SPS Coordination Mechanisms in Africa. The objective of the study was to analyze existing national SPS committees and to make practical recommendations to enhance the development, performance and sustainability of SPS committees. These recommendations were to: (1) raise SPS awareness by organizing high-level stakeholder events to define objectives and scopes, and by presenting estimates of economic impacts of potential SPS measures on trade; (2) clarify organizational matters by integrating SPS coordination into the overall national SPS policy and ensure that legislation was appropriate legislation; (3) build on existing mechanisms; (4) follow "good mentoring practices" such as the appointment of a secretary or chair, the establishment of terms of references, and the preparation of an agenda; (5) establish clear and effective communication strategies making use of media and other existing tools; and (6) promote sustainability.

B. SHARING OF NATIONAL EXPERIENCES WITH COORDINATION (PHILIPPINES AND BELIZE)

19. Ms Karen Kristine A. Roscom from the Department of Agriculture in the Philippines shared the country's experience on increasing awareness and advocacy of the SPS Agreement. Ms Roscom described the role of each of the relevant ministries and departments concerning SPS matters and elaborated on the coordination among the relevant ministries for each of the subjects covered by SPS (food safety, animal health and plant health). She highlighted the need for better coordination in terms of standard-setting procedures. One of the challenges for the Philippines was to be more proactive on issues relating to SPS, as currently the national SPS committee met only in response to topics of importance in the international arena.

20. Ms. Delilah A. Cabb from the Belize Agricultural Health Authority shared Belize's experience regarding the establishment of a national SPS committee. The project to establish a national SPS committee resulted from participation in the WTO Advanced SPS Course and from the IICA Initiative of the Americas. Ms. Cabb described the steps taken and the challenges faced when establishing a national SPS committee. Key steps included a legal review to identify provisions that would allow for the establishment of a national SPS committee, and the identification of existing committees that could function as a national SPS committee, or that could provide support with some of the tasks required. Among the lessons learned during the process of establishing the national SPS committee were the need to focus on the outcome rather than the process, making use of existing mechanisms, and the importance of ownership and partnership, particularly with key private and public sector entities.

IV. BREAKOUT SESSIONS

21. Four breakout sessions took place during the workshop, two in English, one in French and one in Spanish. At these breakout sessions participants discussed their own experiences with ensuring coordination at the national level, and identified (i) the effects of poor coordination, (ii) causes of poor coordination, (iii) solutions to improve coordination and (iv) the entity responsible for the implementation of the identified solutions.

22. The effects of poor coordination were identified to include the following:

- Inadequate implementation of the SPS Agreement;
- Duplication of work, resulting in the waste of scarce resources;
- Lack of a national position due to the absence of internal discussion;
- Conflicting/non-coherent positions, which lead to a loss of credibility of competent authorities;
- Poor dissemination of information to stakeholders;
- Application of inconsistent SPS measures;
- Outdated information on National Notification Authorities and Enquiry Points;
- Little participation at the SPS Committee;
- Loss of market access;
- Missing opportunities, including for training and capacity-building assistance; and
- Foregone revenue.

23. Among the identified causes of poor coordination were:

- Existence of too many government agencies;
- Roles and functions not clearly defined among government agencies dealing with SPS issues;
- SPS issues not regarded as high priority;
- Lack of a political agenda;

- Limited participation of external stakeholders;
- Lack of commitment;
- Poor succession planning - lack of continuity;
- Insufficient resources;
- Poor understanding of international obligations;
- Inadequate legal texts;
- Lack of technical knowledge; and
- Lack of communication between technical experts and politicians.

24. The solutions to improve coordination and the entities responsible for the implementation of the identified solutions were presented as the recommendations ensuing from the workshop.

REGIONAL COORDINATION

A. REGIONAL SPS FRAMEWORKS AND STRATEGIES IN AFRICA

25. A scoping study undertaken by STDF regarding African regional SPS protocols was presented. This study flagged concerns about the ability of the Regional Economic Communities (RECs) to assist Members implement the SPS Agreement, as the regional SPS frameworks were inadequate and fragmented, subject to slow decision-making and very limited political awareness. The study recommended that the African Union Community and the RECs: (a) ensure that regional SPS frameworks focussed on the most effective use of resources to enhance members benefits and avoid duplication of work; (b) participate actively in the work of the international standard-setting bodies as well as the SPS Committee and develop the capacity for African countries to participate effectively in these mechanisms; (c) assist in strengthening national SPS coordination bodies; (d) increase awareness of SPS matters at the political and general public level; (e) focus capacity-building efforts on demand-driven activities, identified through SPS capacity evaluations, and involve all relevant stakeholders; and (f) avoid multiplication of transparency requirements and use existing tools developed by the SPS Committee.

B. SPS AND REGIONAL TRADE AGREEMENTS

26. The WTO Secretariat presented a preliminary analysis of the treatment of SPS issues in Regional Trade Agreements (RTAs). The analysis outlined some general trends of the SPS coverage of RTAs, and briefly described the most frequent substantive SPS provisions and institutional structures. Approximately 130 of the 194 RTAs analyzed contained some type of SPS provision, ranging from a general affirmation of the SPS Agreement to a dedicated SPS chapter.

C. SHARING OF REGIONAL EXPERIENCES WITH COORDINATION (MERCOSUR AND COMESA)

27. Ms Roxanna Blassetti from Argentina's Ministry of Agriculture presented MERCOSUR's experience on SPS harmonization. MERCOSUR adopted the WTO SPS Agreement as a regulatory framework for trade between MERCOSUR states (Argentina, Brazil, Paraguay and Uruguay) and with other WTO Members. The harmonization of the national legislations of the MERCOSUR members had been initiated when MERCOSUR was created in 1991, with the objective of eliminating barriers to trade. Harmonization was carried out under the principles of the Three Sisters, using the regional fora of these three organizations. MERCOSUR was developing a mechanism for the coordinated notification of SPS measures to the WTO, and MERCOSUR also coordinated positions in the SPS Committee on issues of high priority (i.e. SPS-related private standards). The regional implementation of certain disciplines, such as regionalization and verification, remained a challenge, as did the lack of coordination among the Three Sisters' contact points at the national levels.

28. Ms Martha Byanyima provided information on the role of the COMESA SPS regional sub-committee. Each of COMESA's 19 member countries had a technical committee on agriculture which encompassed an SPS sub-committee, which coordinated matters at the national, regional and international levels. One of the roles of the sub-committee was to implement decisions taken by the COMESA council and to formulate programmes with the use of technical and scientific institutions. A COMESA council decision directed SPS authorities to address SPS challenges in the Simplified Trading Regime, a simplified procedure which allowed semi-illiterate and localized small traders to benefit from the COMESA free trade area, as complicated SPS measures constituted non-tariff barriers to regional trade. COMESA was implementing several projects to simplify SPS requirements, including the promotion of one-stop border posts, decentralized certification services, and recognition of equivalence among COMESA members through a green pass certification scheme.

V. DISCUSSION

29. Many participants maintained that a national SPS committee, if structured properly, was fundamental for good coordination and the implementation of the SPS Agreement. Existing legal bases and agencies should serve as the building blocks for the establishment of national SPS committees to avoid duplication of work, and waste of scarce resources. The selection of which agency should house the NNA and the EP, and whether these should be the same office, was up each Member, depending on their circumstances.

30. Low financial resources were described by participants as a major factor affecting coordination and the implementation of the SPS Agreement. Technical expertise was also affected by limited resources. One suggestion was to create a network of experts available in national universities, which could assist governments.

VI. RECOMMENDATIONS

31. The workshop resulted in a number of specific recommendations, where the responsibility of implementation remained with the Members themselves. The recommendations include:

- (a) The need to identify someone as specifically responsible for national coordination;
- (b) The establishment of an effective mechanism to share information;
- (c) The establishment of an SPS policy at the national level;
- (d) The creation of an SPS agenda for work at the national level;
- (e) Continual sharing of experiences on coordination;
- (f) Ensuring that all stakeholders understand the importance of SPS issues;
- (g) Involvement of the private sector and academia in the coordination of SPS issues;
- (h) The building of institutions, guaranteeing continuity.

32. The workshop also resulted in recommendations for consideration by the SPS Committee:

- (a) Development of guidelines on national coordination; and/or
- (b) Development of a manual of good practices on coordination.

ANNEX

PROGRAMME FOR THE WORKSHOP ON SPS COORDINATION AT NATIONAL AND REGIONAL LEVELS

Monday, 17 October 2011 (Council Room)

09.00 – 09.15	Opening Remarks - Mr Deny Kurnia, Chair of the SPS Committee
09.15 – 09.30	Session I: Introduction <u>Speakers:</u> Gretchen Stanton, Javier Ocampo, WTO Secretariat <ul style="list-style-type: none">• <i>The importance of coordination at the national and regional levels</i>• <i>Existing reference materials from the WTO and other Organizations (SPS IMS, Step-by-step Manual, Mentoring system, IICA handbooks)</i>• <i>Logistics of the break-out sessions</i>• <i>Three Sisters Standard-setting Procedures (background document)</i>
09.30 – 10.00	Session II: Comparison of the Three Sisters' Standard-setting Procedures <ul style="list-style-type: none">• Benefits and weaknesses of the procedures• Concerns raised regarding the procedures• Changes to the procedures under consideration <u>Speakers:</u> Codex (Selma Doyran), IPPC (Anna Peralta) and OIE (Patrick Bastiensen)
<hr/> NATIONAL COORDINATION <hr/>	
10.00 – 10.20	Session III: STDF Scoping Study on National SPS Coordination Mechanisms in Africa <u>Speaker:</u> STDF Secretariat (Melvin Spreij)
10.20 – 11.20	Session IV: Sharing of National Experiences with Coordination
10.20 – 10.40	Increasing Awareness and Advocacy of the SPS Agreement <u>Speaker:</u> Karen Kristine A. Roscom, Chief Science Research Specialist, Department of Agriculture, Philippines
10.40 – 11.00	<i>The Path to Establish a National SPS Committee</i> <u>Speaker:</u> Delilah A. Cabb, Coordinator, SPS Enquiry Point, Belize Agricultural Health Authority

11.00 – 11.20	Coordination between the SPS National Committee and the National Representatives to the Three Sisters <u>Speaker:</u> Ruth Montes de Oca S., Director, Office of Agricultural Trade Agreements, Ministry of Agriculture, Dominican Republic
11.30 – 13.00	Session V: Breakout Sessions (four groups) <ul style="list-style-type: none">• English• English• French• Spanish <p>Participants will discuss their own experiences with ensuring coordination at the national level, and propose recommendations for "best practices" in light of the topics covered in the morning. Facilitators will organize the discussions based on a list of questions that will be provided to each group. Rapporteurs will be appointed for each group.</p> <p><u>Facilitators:</u> WTO Secretariat</p>
13.00 – 15.00	Lunch break
15.00 – 16.00	Presentation of recommendations from each group by the rapporteurs, followed by general discussion

REGIONAL COORDINATION

16.00 – 16.20	Session VI: Regional SPS Frameworks and Strategies in Africa <u>Speaker:</u> Joao Magalhães, Consultant
16.20 – 16.30	Session VII: SPS and Regional Trade Agreements <u>Speaker:</u> Hanna Vittikala, WTO Secretariat
16.30 – 17.45	Session VIII: Sharing of Regional Experiences in Coordination
16.30 – 16.50	MERCOSUR: Sanitary and Phytosanitary Harmonization <u>Speaker:</u> Dr Roxana Blassetti, Director of Cooperation and Bilateral Negotiations, Ministry of Agriculture, Livestock and Fishery, Argentina
16.50 – 17.10	COMESA: The Role of the SPS Sub-Committee as a Policy Organ in determining Regional Investment Priorities <u>Speaker:</u> Martha Byanyima, CAADP Regional Process Facilitator / SPS Expert, Zambia
17.10 – 17.45	Plenary discussion
17.45 – 18.00	Concluding Remarks <u>Speaker:</u> WTO Secretariat
