

**WORK OF THE COMMITTEE EMANATING FROM THE THIRD REVIEW –
PROPOSED PRIORITY ISSUES**

Communication from Argentina

The following communication, received on 1 October 2010, is being circulated at the request of the Delegation of Argentina.

1. In the context of the Third Review of the Operation and Implementation of the SPS Agreement¹, the Committee identified a series of recommendations involving specific action to be taken on each of the issues addressed. In addition, at the Committee's 48th regular meeting, the Chairperson invited Members to submit proposals on organizing the Committee's work, identifying those recommendations on which there was already agreement and for which there was a particular interest in commencing work. In response to this proposal, it is Argentina's view that priority should be given to the following issues²:

Monitoring the use of international standards (Articles 3.5 and 12.4)

2. Bearing in mind the direct relationship between this issue and market access and with a view to complying with paragraph 49 of the report on the Third Review of the Operation and Implementation of the SPS Agreement, Argentina considers that the Committee should start work as soon as possible on revision of the procedure to monitor the use of international standards (G/SPS/11/Rev.1) so that it corresponds more closely to the provisions in Article 12.4 of the SPS Agreement.

Implementation of the Agreement (Article 13)

3. In order to comply with paragraph 98 of the report on the Third Review of the Operation and Implementation of the SPS Agreement, Argentina considers that the Committee should start work on developing guidelines to promote the implementation of Article 13.

4. As pointed out by Mercosur in document G/SPS/W/245, as some Members have difficulties in fully understanding and applying this Article, it is important for the Committee to undertake the task of elaborating guidelines to implement the Article so that its provisions become effectively applicable.

¹ Document G/SPS/53.

² The order in which the issues are listed corresponds to the order in document G/SPS/53 and does not imply any particular preference.

Implementation of the Agreement – Use of ad hoc consultations

5. Argentina considers that, in order to comply with paragraph 126 of the report on the Third Review of the Operation and Implementation of the SPS Agreement, it is necessary to reach a rapid solution to this issue, outstanding from the Second Review. This would enable ad hoc consultations to take place in order to resolve specific trade concerns.

Control, inspection and approval procedures (Article 8 and Annex C)

6. As some Members have indicated³, certain of the provisions in Annex C are ambiguous or imprecise. The absence of guidelines to clarify or explain these provisions has meant that the different criteria followed when implementing Annex C have led to unjustified restrictions on international trade. Consequently, in order to comply with the recommendations set out in paragraph 146 of the report on the Third Review of the Operation and Implementation of the SPS Agreement, Argentina deems it essential for the Committee to study solutions that will facilitate the application of Article 8 and Annex C of the SPS Agreement.

7. Specifically and in accordance with Mercosur's comments in document G/SPS/W/244, it is proposed that the SPS Committee draft and adopt a decision laying down guidelines on criteria for implementing Article 8 and Annex C, in particular with regard to:

- The expression "undue delay" in paragraph 1(a) of Annex C;
- the words "reasonable and necessary" in paragraph 1(e) of Annex C;
- the procedure referred to in paragraph 1(i) of Annex C;
- the expression "necessary assistance" in paragraph 2 of Annex C;
- the expression "reasonable inspection" in paragraph 3 of Annex C.

8. This would ensure consistency in the criteria followed by Members when implementing control, inspection and approval procedures in relation to food safety, animal and plant health.

³ See the communications from China (G/SPS/W/234), India (G/SPS/W/236) and Mercosur (G/SPS/W/244).