

**PROCEDURE TO MONITOR THE USE OF
INTERNATIONAL STANDARDS**

Proposal by Argentina

The following communication, received on 20 December 2010, is being circulated at the request of the delegation of Argentina.

I. INTRODUCTION

1. The SPS Agreement requires Members to adopt international standards and harmonize their domestic legislation with the provisions issued by the relevant international organizations.¹ It also provides for the SPS Committee to develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations and to coordinate efforts in this regard with the relevant international organizations.²

2. Accordingly, in 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. The Committee extended the provisional monitoring procedure in 1999, 2001, and 2003, and adopted a revision of the procedure in October 2004. On 28 June 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. The procedure was subsequently reviewed as part of the Third Review of the Agreement adopted by the Committee in March 2010. Among other things, it was recommended that the procedure be revised so as to correspond more closely to the provisions of Article 12.4.

3. Monitoring of the use of international standards is a standing item on the agenda of regular Committee meetings, with 12 annual reports on the matter having been submitted to date. However, an analysis of these reports clearly shows that the procedure for monitoring international harmonization has been under-used by SPS Committee Members. In the last four years, for example, only one or two issues have been raised each year.

4. Argentina understands that this under-utilization is due, at least in part, to Members choosing to raise their trade concerns (even those prompted by the absence of an international standard or a Member's departure from such standards) under the agenda item "Specific trade concerns" and not under the agenda item "Monitoring of the use of international standards".

¹ Paragraph 6 of the preamble and Article 3.

² Articles 3.5 and 12.4.

5. While each Member is entitled to raise its concerns under the agenda item it considers appropriate, we believe it is important to preserve and make the best use of each of the tools that the SPS Agreement has given the Committee to monitor the implementation of the Agreement and its disciplines.

II. PROPOSAL

6. In light of the above, and on the understanding that more structured information is needed to ensure full implementation of the commitment to monitor international harmonization, Argentina proposes the following:

- The list of standards, guidelines and recommendations included in the annual report prepared by the Secretariat pursuant to paragraph 10 of the Monitoring Procedure³ should also include all issues raised by Members under the agenda item "Specific trade concerns". This would apply exclusively in cases where the issue concerns: (i) the departure of an official standard from international reference standards or (ii) the absence of international standards.
- Annual reports should be "cumulative" in a similar way to the yearly summary of specific trade concerns⁴ prepared by the WTO Secretariat. We feel that this type of report would give us a more comprehensive and complete picture of the situation regarding implementation of the international harmonization process.

7. We also believe that, on the basis of the above-mentioned list, the Committee should include in the annual report recommendations aimed at strengthening the principle of international harmonization.

³ Document G/SPS/11/Rev.1

⁴ These issues may be drawn from the various versions of document G/SPS/GEN/204 published by the Secretariat on a yearly basis.