

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

Comments from Canada and New Zealand on the Communication from Argentina

The following communication, received on 18 March 2011, is being circulated at the request of the Delegations of Canada and New Zealand.

1. This document contains comments from Canada and New Zealand on Argentina's communication entitled *Work of the Committee Emanating from the Third Review – Proposed Priority Issues* (G/SPS/W/252), circulated on 5 October 2010.
2. Canada and New Zealand thank Argentina for identifying proposed priority issues and look forward to further discussing proposals to organize the SPS Committee's work at the upcoming meeting.
3. Canada and New Zealand have provided detailed comments regarding certain specific proposals contained in the text of G/SPS/W/252.

**SPECIFIC COMMENTS ON PROPOSALS CONTAINED IN G/SPS/W/252:**

A. MONITORING THE USE OF INTERNATIONAL STANDARDS (ARTICLES 3.5 AND 12.4)

4. Canada and New Zealand are of the view that Members have underutilized the procedure developed to monitor the use of international standards (G/SPS/11/Rev.1). We support the Committee's recommendations regarding this procedure (G/SPS/53, paragraph 49), particularly that the Committee should continue to monitor the use of international standards at each of its regular meeting, and that Members are encouraged to provide information regarding their experiences, or lack thereof, in the implementation of international standards. However, we do not think that the procedure warrants a revision at this time. Rather, it is our view the Members begin by discussing the reasons why they do not make better use of the existing procedure and the related formal agenda item. If problems with the existing procedure are clearly identified during this discussion, Members could then consider reviewing and revising the procedure.

B. IMPLEMENTATION OF THE AGREEMENT (ARTICLE 13)

5. Canada and New Zealand note that Argentina's proposal regarding Article 13 is similar to a proposal put forward by Mercosur (in G/SPS/W/245) during discussions on the possible recommendations for the Third Review. We recall that during these discussions, some Members noted that developing guidelines for Article 13 could pre-empt the results of the Committee's current

work on private standards. The Committee's recommendations (G/SPS/53, paragraph 98) are as follows:

- Members are encouraged to make use of the Committee's meetings to share, on an ad hoc basis, information regarding their experiences in the implementation of Article 13;
- Specific problems relating to the implementation of Article 13 may be raised as specific trade concerns.

It is our view that the Committee follow its recommendations.

C. IMPLEMENTATION OF THE AGREEMENT – USE OF AD HOC CONSULTATIONS

6. Canada and New Zealand support Argentina concerning the need for a rapid solution to the issue of ad hoc consultations, as per the recommendation made in the Third Review of the Operation and Implementation of the SPS Agreement (G/SPS/53, paragraph 126). We continue to support the development of guidelines for the use of ad hoc consultations that are voluntary, confidential, and flexible. We recall, however, that the ad hoc consultation process is currently available to all Members, even as guidelines are being discussed.

D. CONTROL, INSPECTION AND APPROVAL PROCEDURES (ARTICLE 8 AND ANNEX C)

7. Canada and New Zealand note that Argentina's proposal is similar to that submitted by Mercosur (G/SPS/W/244) during discussions on the possible recommendations for the Third Review, and recall that during discussions on the issue of Article 8 and Annex C, there was no agreement amongst Members with respect to the development of guidelines. The Committee's recommendations (G/SPS/53, para.146) are as follows:

- Members are encouraged to provide information regarding their experiences in the implementation of Article 8 and Annex C;
- The Committee should consider the most effective way of facilitating the implementation of Article 8 and Annex C of the SPS Agreement, with a focus on those problems identified by Members, based on specific suggestions for consideration by the Committee;
- Codex, IPPC and OIE should be invited to continue to provide information on their work in the area to the SPS Committee and should also envisage to further their processes in this regard.

8. Based on these recommendations, Canada and New Zealand would propose that an appropriate path forward would be for Members to provide information regarding their experiences in the implementation of Article 8 and Annex C. Once the Committee has been provided such information, it can consider the most effective way of facilitating the implementation of Article 8 and Annex C, with a focus on those problems identified by Members. It is our view that Members should first focus on sharing experiences in order to arrive at a clear articulation of the problem at issue.

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