

INTERNATIONAL STANDARD-SETTING BODIES INVOLVEMENT IN THE WTO SPS COMMITTEE IN SPECIFIC TRADE CONCERNS

Proposal by Chile and the United States

The following communication, received on 29 June 2012, is being circulated at the request of the Delegations of Chile and the United States.

1. The World Trade Organization's (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures ("the SPS Agreement") emphasizes to Members a series of important principles such as harmonization, equivalence, risk assessment and regionalization. The Agreement also recognizes the important role of three international standard setting bodies (ISSBs), the Codex Alimentarius Commission, the World Organization for Animal Health and the International Plant Protection Convention.
2. Under the Agreement, Members are encouraged to harmonize their SPS measures whenever possible with the standards, guidelines and recommendations adopted by the ISSBs.
3. Members also have the right under the SPS Agreement to take measures that establish a higher level of protection to protect human, animal and plant health than an international standard, guideline or recommendation, provided that these measures are based on an assessment of the risk and take into account risk assessment techniques developed by the relevant international organizations.
4. The ISSBs, play an important role in helping Members ensure that their measures are science-based, protect health and facilitate trade.
5. Given that there are occasions when discrepancies occur between Members with regards to a specific SPS measure, we encourage all Members to consult with the ISSBs for assistance in the application of international standards, guidelines, and recommendations whenever possible.
6. Our Committee has actively sought assistance from the ISSBs on principles such as regionalization, equivalence, assessment of risk, and harmonization. Their input has also been very helpful to assist Members in meeting the aims of the SPS Agreement and to reconcile differences between and amongst Members.
7. In terms of risk assessment, while no guidelines have been developed by the SPS Committee, there are international standards developed by the three ISSBs in the field of risk analysis in their respective areas of expertise.
8. We encourage all Members to refer to these guidelines in developing their own risk analysis processes for their SPS measures. Further, we encourage Members to actively support the ISSBs and

encourage the ISSBs to add advice and counsel when specific trade concerns arise regarding their own standard guideline or recommendations.

9. We believe that the ISSBs have a strong role to play in helping us to address longstanding trade concerns. For example, when any discrepancies arise between Members, the ISSBs have often offered to help Members address such concerns through their alternative dispute resolution mechanisms as long as all Members understand that the opinion of the international organization in this instance is not binding.

10. To reinforce the ISSB's important role in the resolution of specific trade concerns, the Committee should encourage Members to seek the ISSB's counsel on specific standards, provided that the ISSB concerned is able and agrees to perform the requested study. The ISSB should be asked to provide advice regarding its own standards, guidelines or recommendations.

11. All Members must have the same possibility to request a study by an ISSB of another Member's application of a measure based on international standards.

12. If one Member requests a study by an ISSB of another Member's application of the standards that serve as the basis for the measure, they should notify the other Member in advance of the request to the ISSB. Members are encouraged to work together on these reviews whenever possible.

13. Members are encouraged to notify the Committee of their request prior to commencement of a study by the ISSB.

14. Once the review process has been completed, the ISSBs are encouraged to share guidance related to the request with the Committee provided the Members involved have given their consent and confidential information is protected.
