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Committee on Sanitary and Phytosanitary Measures

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## **FIFTH REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**

### **THEMATIC SESSION ON APPROVAL PROCEDURES**

#### *Submission from Canada*

The following communication, received on 28 February 2019, is being circulated at the request of the Delegation of Canada.

## **1 INTRODUCTION**

1.1. In March 2010, through the adoption of the Third Review of the Operation and Implementation of the SPS Agreement ([G/SPS/53](#)), the Committee agreed that it should consider the most effective way of facilitating the implementation of Article 8 and Annex C of the Sanitary and Phytosanitary (SPS) Agreement, with a focus on those problems identified by Members.

1.2. Building upon the July 2018 SPS Committee Workshop on Control, Inspection and Approval Procedures (Annex C), Canada believes that all Members would benefit from a thematic session, which examines Article 8 and Annex C of the SPS Agreement as they relate to approval procedures.

1.3. Canada recognizes the role approval procedures play in facilitating trade as, in many cases, approval is a pre-requisite to the importation of a product or category of products.

1.4. Canada would like to propose for consideration by the Committee a thematic session on approval procedures under the Fifth Review of the Operation and Implementation of the Agreement on the Application of SPS Measures.

1.5. An exploration of concepts within Article 8 and Annex C, as they relate to approval procedures in the context of the current trading environment, would be an opportunity to discuss issues concerning the implementation of the SPS Agreement. This could include the notion of undue delay, transparency in information requirements and procedures, the impact of the volume of applications on approval procedures, use of international standards, and procedures for complaint reviews.

1.6. Recognizing that there is ongoing work in other fora that may be relevant to the links between approval procedures and trade, representatives from other organizations could be invited to discuss their developments in this area.

## **2 PROPOSAL**

2.1. Canada proposes continuing the discussion of the July 2018 Workshop on Control, Inspection and Approval Procedures with a particular focus on approval procedures.

2.2. Timely, transparent, and predictable approval procedures make an important contribution to facilitating trade. Also, to Canada's knowledge, no workshop or thematic session has been held specifically on the topic of approval procedures at the SPS Committee. As such, Canada believes it is timely to further explore this area.

2.3. Canada proposes that a thematic session on approval procedures be held in November 2019 as part of the Fifth Review of the Operation and Implementation of the Agreement on the Application of SPS Measures. As part of a thematic session on approval procedures, Members, International Standard Setting Bodies (ISSBs) and other organizations that have valuable perspectives in this area could be invited to share experiences, best practices, developments as well as relevant standards, guidelines and recommendations of ongoing or potential work relevant to approval procedures.

2.4. As part of the thematic session on approval procedures, Members would have an opportunity to consider the implementation of Article 8 and Annex C as it relates to approval procedures by examining:

- a. Obligations of Article 8 and Annex C as they relate to approval procedures (e.g. undue delay, transparency, information requirements);
- b. Relevant jurisprudence;
- c. Relevant ISSBs work regarding approval procedures; and
- d. Experiences, best practices, and challenges faced by Members.

2.5. Canada submits these topics as an illustrative list of the potential items for discussion. Canada would welcome other topics of interest relating to approval procedures as identified by other Members, for examination by the Committee as part of the proposed thematic session.

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