ENHANCING THE PARTICIPATION OF AFRICAN COUNTRIES IN THE WTO SPS COMMITTEE

A Handbook for Guidance of Participation of African Countries
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TABLE OF CONTENTS

| FOREWORD                                      | vi     |
| ACKNOWLEDGEMENTS                              | viii   |
| ABBREVIATIONS                                 | IX     |
| INTRODUCTION                                  | 1      |
| OVERVIEW OF THE WTO                           | 5      |
| 1. Membership, objectives and functions       | 5      |
| 2. Legal texts                                | 6      |
| 3. Institutional structure                    | 7      |
| 4. Decision-making                            | 10     |
| 5. Main principles                            | 10     |
| 6. The secretariat                            | 12     |
| 7. Why is the WTO important for my country?   | 13     |

HOW ARE SPS ISSUES ADDRESSED AT THE WTO? 15

1. The SPS Agreement                            15
2. Functions of the SPS Committee               16
3. Rules of Procedure                           18
4. Meetings                                     18
5. Meeting Notice and Proposed Agenda           19
6. Provisional Agenda and Final Agenda          22
7. Participants                                 23
8. Accreditation                                25
9. Chairperson                                  26
10. Good Offices of the Chair                   27
11. Decision-Making                             27
12. Interpretation or Amendment of the SPS Agreement 28
13. Languages                                   28
14. Meeting Records                             29
15. SPS Documentation                           30
16. What is Typically Discussed Under each Agenda Item? 34

NATIONAL PREPARATIONS FOR MEETINGS OF
THE SPS COMMITTEE 43

1. Institutional set up and Coordination 43
2. Who Should Attend the SPS Committee Meetings? 46
3. Suggestions for Starting the Preparatory Work 49
4. What is a Country Position? 52
5. Do I Need to Submit Information Before the Meeting? 56
6. What Materials Should I take with Me? 57
7. Should I Make Appointments in Advance? 58
8. Should I Form Coalitions? 59
9. How is the Country Position Presented at the Meetings? 61
10. Should I communicate with the capital? When and why? 65
11. How to ensure sustainability 65

HOW TO ENHANCE PARTICIPATION THROUGH ALLIANCES 69
1. Alliances at The WTO 69
2. The Role of Recs From Africa in The SPS Committee 71

ANNEX I 77

ANNEX II 81

ANNEX III 83

ANNEX IV 89

ANNEX V 91

ANNEX VI 92
This handbook was initiated under the PANSPO project of AU-IBAR and is intended primarily for officials of African countries and regional economic communities (RECs), who follow and participate in meetings of the World Trade Organization’s (WTO) Committee on Sanitary and Phytosanitary Measures (the SPS Committee). On the one hand, it provides comprehensive information on the functions, main areas of work, procedures and practical arrangements of the SPS Committee. On the other hand, it includes suggestions on national and regional arrangements for preparation as well as participation in the meetings of the SPS Committee.

The objective of this Handbook is to contribute to the effective participation of African countries in the multilateral forum of the SPS Committee. The ultimate goal is to assist African countries improve market access for their products which are subject to SPS requirements while at the same time protecting their territories against SPS risks based on most up-to-date scientific and regulatory information.

The Handbook is meant to be a quick-reference guide, which is easy to carry and browse through. It does not contain detailed information either on the WTO or the provisions of the SPS Agreement. There are a number of specific publications; available in hard copy as well as electronically through the WTO website, which complement this Handbook and which should be at the fingertips of SPS officials.

These include the following:
- WTO Agreements Series: Sanitary and Phytosanitary Measures
- Committee on Sanitary and Phytosanitary Measures: Major Decisions and Documents
- Procedural Step-by-Step Manual for SPS National Notification Authorities and SPS National Enquiry Points
- The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations
- WTO Agreement Series: Agreement Establishing the WTO

It is trusted that the Handbook will assist African Member Countries to become better informed Delegates and help them to participate fully and with better understanding of the SPS requirements.

Finally, I would like to sincerely thank Mrs. Serra Ayral, consultant for AU-IBAR and author of this handbook, for her work.

Pr. Ahmed El-Sawalhy
Director of AU-IBAR
ACKNOWLEDGEMENTS

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Enhancing the Participation of African Countries in the WTO SPS Committee

**ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ACP Group</td>
<td>African, Caribbean and Pacific Group of States (ACP Group)</td>
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<tr>
<td>AITIC</td>
<td>Agency for International Trade Information and Cooperation</td>
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<td>AMU</td>
<td>Arab Maghreb Union</td>
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<td>AU</td>
<td>African Union</td>
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<tr>
<td>AU-IBAR</td>
<td>African Union Inter-African Bureau for Animal Resources</td>
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<td>AU-IAPSC</td>
<td>African Union Inter-African Phytosanitary Council</td>
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<tr>
<td>AUC</td>
<td>African Union Commission</td>
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<tr>
<td>CAC</td>
<td>Codex Alimentarius Commission</td>
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<tr>
<td>CBD</td>
<td>Convention on Biological Diversity</td>
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<tr>
<td>CEN SAD</td>
<td>Community of Sahel Saharan States</td>
</tr>
<tr>
<td>COMESA</td>
<td>Common Market for Eastern and Southern Africa</td>
</tr>
<tr>
<td>Codex</td>
<td>FAO/WHO Joint Codex Alimentarius Commission</td>
</tr>
<tr>
<td>CTD</td>
<td>Committee on Trade and Development</td>
</tr>
<tr>
<td>DDAGTF</td>
<td>Doha Development Agenda Global Trust Fund</td>
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<tr>
<td>DG</td>
<td>Director General</td>
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<tr>
<td>DREA</td>
<td>Department of Rural Economy and Agriculture</td>
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<td>DSU</td>
<td>Dispute Settlement Understanding</td>
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<tr>
<td>EAC</td>
<td>East African Community</td>
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<tr>
<td>ECCAS</td>
<td>Economic Community of Central African States</td>
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<tr>
<td>ECOWAS</td>
<td>Economic Community for West African States</td>
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<tr>
<td>EFTA</td>
<td>European Free Trade Association</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>FAO</td>
<td>United Nations Food and Agriculture Organization</td>
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<tr>
<td>FMD</td>
<td>Foot and Mouth Disease</td>
</tr>
<tr>
<td>FSCBRC</td>
<td>Food Safety Capacity Building Residue Control</td>
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<tr>
<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
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<tr>
<td>GATS</td>
<td>General Agreement on Trade in Services</td>
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<tr>
<td>GSO</td>
<td>Golf Cooperation Council Standardization Organization</td>
</tr>
<tr>
<td>HS</td>
<td>Harmonized Commodity Description and Coding System</td>
</tr>
<tr>
<td>IICA</td>
<td>Inter-American Institute for Cooperation on Agriculture</td>
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<tr>
<td>IGAD</td>
<td>Intergovernmental Authority on Development</td>
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<tr>
<td>IPPC</td>
<td>International Plant Protection Convention</td>
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<td>ISSB</td>
<td>International Standard-Setting Body</td>
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<tr>
<td>ITC</td>
<td>International Trade Center</td>
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<tr>
<td>LDC</td>
<td>Least-developed country</td>
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<tr>
<td>MERCOSUR</td>
<td>Common Market of the Southern Cone</td>
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<td>MFN</td>
<td>Most-favoured nation</td>
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<td>MTS</td>
<td>Multilateral Trading System</td>
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<td>NEP</td>
<td>National Enquiry Point</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<td>-----------------------------------------------------------------------------</td>
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<tr>
<td>NNA</td>
<td>National Notification Authority</td>
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<tr>
<td>OECD</td>
<td>Organization for Economic Co-operation and Development</td>
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<tr>
<td>OIE</td>
<td>World Organization for Animal Health</td>
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<tr>
<td>OIRSA</td>
<td>Regional International Organization for Plant Protection and Animal Health</td>
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<tr>
<td>PANSPSO</td>
<td>Participation of African Nations in Sanitary and Phytosanitary Standard-Setting Organizations</td>
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<tr>
<td>PPG</td>
<td>Project Preparation Grant</td>
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<tr>
<td>RAMs</td>
<td>Recently Acceded Members</td>
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<tr>
<td>REC</td>
<td>Regional Economic Community</td>
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<tr>
<td>SADC</td>
<td>Southern African Development Community</td>
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<tr>
<td>SELA</td>
<td>Latin American Economic System</td>
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<td>SPS</td>
<td>Sanitary and Phytosanitary</td>
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<td>SPS Agreement</td>
<td>Agreement on the Application of Sanitary and Phytosanitary Measures</td>
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<tr>
<td>SPS IMS</td>
<td>SPS Information Management System</td>
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<tr>
<td>STC</td>
<td>Specific Trade Concern</td>
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<tr>
<td>STDF</td>
<td>Standards and Trade Development Facility</td>
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<tr>
<td>TBT</td>
<td>Technical Barriers to Trade</td>
</tr>
<tr>
<td>TPR</td>
<td>Trade Policy Review</td>
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<tr>
<td>TRIPS</td>
<td>Trade-related aspects of intellectual property rights</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
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<tr>
<td>WAEMU</td>
<td>West African Economic and Monetary Union</td>
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<tr>
<td>WHO</td>
<td>World Health Organization</td>
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<tr>
<td>WTO</td>
<td>World Trade Organization</td>
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INTRODUCTION

This handbook is intended primarily for officials of African countries and regional economic communities (RECs), who follow and participate in meetings of the World Trade Organization’s (WTO) Committee on Sanitary and Phytosanitary Measures (the SPS Committee). On the one hand, it provides comprehensive information on the functions, main areas of work, procedures and practical arrangements of the SPS Committee. On the other hand, it includes suggestions on national and regional arrangements for preparation as well as participation in the meetings of the SPS Committee. Where possible, it includes examples to illustrate the main points presented.

Both the physical and substantive participation of African countries in the SPS Committee has been limited so far although the issues covered by the Committee are of significant relevance to most African countries. Financial and human resource limitations, lack of national awareness, difficulties of coordination are some of the challenges hindering more active participation.

The objective of this Handbook is to contribute to the effective participation of African countries in the multilateral forum of the SPS Committee. The ultimate goal is to assist African countries improve market access for their products which are subject to SPS requirements while at the same time protecting their territories against SPS risks based on most up-to-date scientific and regulatory information.

There are 54 countries on the African continent with diverse needs and priorities as well as economic, political, and institutional structures. Therefore, this handbook is not meant to be a one-size-fits-all blueprint but a practical tool for those countries that wish to become more active and effective participants in the SPS Committee.

Needless to say, the document can also serve as a reference for officials of countries and relevant organizations beyond Africa. Indeed, this handbook takes as basis a handbook prepared by Inter-American Institute For Cooperation on Agriculture (IICA)\textsuperscript{1}, but includes updates and additions as well as an Africa-specific focus.

The Handbook is meant to be a quick-reference guide, which is easy to carry and browse through. It does not contain detailed information either on

\textsuperscript{1}Handbook of Good Practices for Participation in Meetings of the WTO Committee on Sanitary and Phytosanitary Measures, prepared by Juan Maximilano Moreno for IICA, 2010.
the WTO or the provisions of the SPS Agreement. There are a number of specific publications; available in hard copy as well as electronically through the WTO website, which complement this Handbook and which should be at the fingertips of SPS officials. These include the following:

- WTO Agreements Series: Sanitary and Phytosanitary Measures
- Committee on Sanitary and Phytosanitary Measures: Major Decisions and Documents
- Procedural Step-by-Step Manual for SPS National Notification Authorities and SPS National Enquiry Points
- The Legal Texts: The Results of the Uruguay Round of Multilateral Trade Negotiations
- WTO Agreement Series: Agreement Establishing the WTO

In addition, the WTO offers SPS-specific technical assistance and training programmes, including e-learning courses, national seminars, regional workshops as well as thematic workshops and advanced courses in Geneva\(^2\). These activities focus primarily on the provisions of the SPS Agreement, implementation matters and the latest discussions taking place in the SPS Committee. The overall objective of the SPS technical assistance activities is to enhance the knowledge and expertise of government officials from WTO developing country Members and Observers, so they can better understand and implement the SPS Agreement, benefit from its provisions, and strengthen their capacity to engage in the work of the SPS Committee.

Between 1994 and 2012, the WTO Secretariat has delivered training on the SPS Agreement to a total of 10,522 participants. More than 2500, or about a quarter, have come from Africa\(^3\). The challenge is often to translate knowledge gained into effective action.

Moreover, two publications of the Standards and Trade Development Facility (STDF) will be of particular interest to African officials regarding national and regional SPS Coordination mechanisms and will be introduced further in Chapters D and E of the Handbook:

\(^2\)See WTO Secretariat document entitled “WTO SPS Technical Activities in 2013” (G/SPS/GEN/997/Rev.3) to get more information about the activities on offer. In addition to these SPS-specific technical assistance activities, the WTO offers training courses where the SPS Agreement is taught, such as Introduction Courses for Least-Developed Countries, Short Trade Policy Courses, Regional Trade Policy Courses and Advanced Trade Policy Courses.

\(^3\)For further details, see WTO Secretariat document entitled „SPS Technical Assistance and Training Activities 1 September 1994 to 31 December 2012“(G/SPS/GEN/521/Rev. 8).
• Regional SPS Frameworks and Strategies in Africa (July 2010)
• National SPS Coordination Mechanisms: An African Perspective (January 2012)
OVERVIEW OF THE WTO

1. Membership, Objectives and Functions

The WTO is an international intergovernmental organization, through which its Member governments have established agreements and procedures that regulate trade at the multilateral level. The WTO was established in 1995 and as of October 2013 has 159 Members, which account for 97 per cent of international trade. There are 24 countries, which are in the process of accession to the WTO. The rules and disciplines agreed upon within the WTO are regarded as the Multilateral Trading System (MTS). The WTO is based in Geneva, Switzerland and does not have any regional offices or representation. The official languages of the WTO are English, French, and Spanish.

42 of 54 African countries are already Members of the WTO. This means that a quarter of the WTO Membership is from the African continent, potentially a huge voice in its deliberations. In addition, 9 African countries are in the process of accession and are therefore Observers at the WTO. These countries are Algeria, Comoros, Equatorial Guinea, Ethiopia, Liberia, Libya, Sudan, Seychelles and Sao Tome and Principe. Three countries, namely Eritrea, Somalia and South Sudan currently do not have a formal status at the WTO although they are eligible to benefit from the WTO’s technical assistance and training activities as LDCs.

The General Agreement on Tariffs and Trade (GATT), which was signed by 23 countries in 1947, was the WTO’s predecessor. It had a weaker provisional institutional basis but provided a system of rights and obligations for trade in goods as well as a forum for trade negotiations. The Uruguay Round of trade negotiations, which lasted from 1986 until 1994, brought about significant changes. It expanded the coverage of the multilateral rules to include services and intellectual property while also introducing new agreements related to trade in goods. It also established a permanent institutional structure as well as strengthened rules governing the settlement of disputes.

Article 2 of the Marrakesh Agreement establishing the WTO stipulates that it: “shall provide the common institutional framework for the conduct of trade relations among its Members in matters related to the agreements and associated legal instruments.”

The WTO aims to provide for a transparent, predictable, rules-based, and non-discriminatory international framework with the ultimate objectives of:
• Raising standards of living
• Achieving full employment
• Increasing real incomes
• Boosting the production of goods and services, while seeking to make optimal use of available resources

To meet these objectives, WTO Members have established the following functions for the organization:

• Administer the trade agreements negotiated within the framework of the WTO
• Serve as a forum for trade negotiations
• Resolve trade disputes
• Review national trade policies
• Provide technical assistance and training
• Cooperate with other relevant international organizations

Thus, one of the principal functions Members have assigned to the WTO is to administer the trade agreements negotiated within its framework. What are these agreements and what do they contain? Essentially, these agreements are contracts signed by the governments of WTO Members, binding them to keep their trade policies within agreed limits.

2 Legal Texts
Most of the WTO agreements are the result of the 1986–94 Uruguay Round negotiations, signed at the Marrakesh ministerial meeting in April 1994. There are about 60 agreements and decisions totalling 550 pages. Negotiations since then have produced additional legal texts such as the Information Technology Agreement, services and accession protocols. All WTO legal texts can be accessed through the WTO website at the following link: http://www.wto.org/english/docs_e/legal_e/legal_e.htm.

The short Marrakesh Agreement Establishing the World Trade Organization establishes key guidelines for its operations, structure, decision-making system etc. Attached to it is a much lengthier set of four annexes. Annex I contains most of the detailed rules and is divided into three sections. Annex IA contains the revised General Agreement on Tariffs and Trade (GATT 1994), other agreements governing trade in goods and a protocol which ties in individual countries’ specific commitments on goods. The specific agreements governing trade in goods are in the following areas: Agriculture (AoA), Application of
Enhancing the Participation of African Countries in the WTO SPS Committee

Sanitary and Phytosanitary Measures (SPS Agreement), Textiles and Clothing (ATC), Technical Barriers to Trade (TBT), Trade-related Investment Measures (TRIMs), Anti-dumping, Subsidies and Countervailing Measures, Safeguards, Customs Valuation, Pre-shipment Inspection, Rules of Origin and Import Licensing Requirements.

Annex 1B contains the General Agreement on Trade in Services (GATS) and its Annexes while Annex 1C contains the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS). Annex 2 contains the Dispute Settlement Understanding (DSU), Annex 3 the Trade Policy Review Mechanism (TPR) and Annex 4 the Plurilateral Trade Agreements on Trade in Civil Aircraft and on Government Procurement.

3 Institutional Structure

Various bodies that meet regularly oversee the administration and implementation of these Agreements. All WTO members may participate in almost all bodies, except Appellate Body and Dispute Settlement panels and plurilateral committees. Box 1 shows the institutional structure of the organization.

The Ministerial Conference is the highest-ranking organ of the institution, which can make decisions on all matters under any of the multilateral trade agreements. It is the organ responsible for launching the rounds of trade negotiations – such as the Doha Round – and for interpreting the scope or meaning of the trade agreements. All Members have equal representation in the Ministerial Conference, which meets at least once every two years.

Ministerial Conferences can be hosted in Geneva, Switzerland or in other Member countries. Since the establishment of the WTO, Ministerial Conferences have been held in Singapore (1996), Geneva (1998, 2009, 2011), Seattle (1999), Doha (2001), Cancún (2003) and Hong Kong (2005). The 2013 Ministerial Conference will be held in Bali, Indonesia. All bodies below the level of the Ministerial Conference meet in Geneva, Switzerland only.
The level immediately below the Ministerial Conference is the General Council, which is open to participation by all Members. Ambassadors and heads of delegation usually represent their countries at the General Council level although sometimes officials are also sent from capitals. It meets several times a year and reports to and acts on behalf of the Ministerial Conference on all WTO affairs. The General Council also meets as the Dispute Settlement Body (corresponding to Annex 2) and the Trade Policy Review Body (corresponding to Annex 3).
The third level comprises the Council for Trade in Goods (Annex 1A), the Council for Trade in Services (Annex 1B) and the Council on Trade-related Aspects of Intellectual Property Rights (Annex 1C), all of which report to the General Council. As their names indicate, they are responsible for the workings of the WTO Agreements in their respective areas. The Councils for Trade in Goods and in Services have subsidiary bodies.

The WTO has a number of specialized committees, working groups and working parties, which may focus on a specific agreement (such as the Committee on Agriculture), on a horizontal topic (such as the Committee on Development), or on a specific mandate (working parties on accessions). The SPS Committee is one of the specialized Committees and reports to the Council for Trade in Goods, which in turn reports to the General Council.

The Doha Development Round, which was launched in 2001 and continues as of the drafting of this Handbook, has also necessitated the creation of a range of bodies focusing specifically on negotiations. Some of these bodies are extensions of existing ones but focusing on the Doha negotiations, for example the Special Session of the Committee on Agriculture. Others, such as the Negotiating Group on Trade Facilitation, were created to address new areas of negotiations. There is no mandate under the Doha Development Round for negotiations on the text of the SPS Agreement. Therefore there is no Special Session of the SPS Committee. However, the Special Session of the Committee on Development is considering proposals related to the implementation of special and differential treatment provisions across all WTO Agreements, including those in the SPS Agreement.

Although this handbook focuses on the SPS Committee, it is important to keep in mind that most of the procedures are very similar, if not identical, to those applicable under other bodies. Therefore, familiarity with the workings of the SPS Committee should assist officials follow work in other WTO bodies as well. Most products that are traded internationally are subject to a wide range of requirements, regulated by various WTO Agreements. An agricultural export product might typically be subject to a range of trade measures covered not only by the SPS Agreement but also the Agriculture, Import Licensing, TBT, TRIPS Agreements as well as GATT 1994. This requires that representatives defending their countries’ trade interests need to have a certain level of familiarity with other WTO agreements/bodies and liaise with their colleagues, who may be specialists in parallel fields.
4 Decision-Making

Members take decisions through their participation in the organs that make up the institutional architecture of the WTO. Decisions are normally made by consensus. Consensus is specifically defined in Article IX of the Agreement Establishing the WTO. It states: “the body concerned shall be deemed to have decided by consensus on a matter submitted to its consideration, if no Member, present at the meeting when the decision is taken, formally objects to the proposed decision.”

It is important to understand that the WTO is a Member-driven international intergovernmental organization. Members bring it to life and arrive at decisions by participating in its organs. It is a common simplification to say “the WTO made us do so” or “the WTO prohibits us from taking such a measure”, as all obligations are agreed by consensus by all Members and not externally imposed and applied under coercion. In the WTO, authority is not delegated to a board of directors or the organization’s chief executive officer. It is the Members, which agree to certain obligations and establish multilateral mechanisms to ensure compliance with them.

5 Main Principles

None of the agreements comprising the body of rules of the WTO expressly states that a given rule or discipline is a ”principle” of the multilateral trading system. Rather, a general consensus exists that the following rules can be regarded as principles of the multilateral trading system.

Most-favoured nation (MFN) treatment

Under the WTO agreements, countries cannot normally discriminate among their different trading partners. If a special favour is granted to one country (for example, reducing the tariff rate applicable to one of its products), this advantage must be extended automatically and unconditionally to all other WTO Members. This principle is known as the most-favoured nation treatment (MFN) principle and is a specific application of the notion of non-discrimination.

Most-favoured nation treatment has been recognized as one of the most important principles of the WTO and is referred to in every Agreement negotiated (e.g. Article 1 of the GATT, Article 2 of the GATS, Art. 4 of TRIPS) although it may be handled slightly differently in the different Agreements.

Some exceptions to this principle are allowed, provided certain requirements are met. For example, (i) a group of Members may establish a free trade area
or a customs union granting each other preferential treatment that does not extend to the rest of the membership (covered under GATT Article 24), (ii) Members may give developing countries special access to their markets (covered under the Enabling Clause), (iii) a Member may impose SPS-related restrictions on imports from a country, but not from others, if such restrictions can be justified under the SPS Agreement.

**National treatment**
Imported and locally-produced goods should be treated equally in terms of taxes and other domestic rules, at least after the goods have entered the market. This principle of “national treatment” is also set out in the three main WTO Agreements (Article 3 of GATT 1994, Article 17 of GATS and Article 3 of TRIPS, Article 2.3 of the SPS Agreement), although once again, the principle is handled slightly differently in each of these.

National treatment only applies once the products, service or item of intellectual property has entered the market. Therefore, charging customs duties on an import is not a violation of national treatment even if locally-products are not charged an equivalent tax.

**Freer trade**
Lowering trade barriers is one of the most efficient means of encouraging international trade and growth. The barriers concerned can include customs duties (or tariffs) and measures such as import bans or quotas that restrict quantities selectively. Since GATT’s creation, there have been eight rounds of trade negotiations. As a result of the negotiations, by the mid-1990s industrialized countries’ tariff rates on industrial goods had fallen steadily to less than 4 per cent. By the 1980s, the negotiations had also expanded to cover non-tariff barriers on goods and new areas such as services and intellectual property culminating in the current set of legal texts of the WTO. A ninth round, under the Doha Development Agenda, is currently underway.

Still, it is important to underline that the system does allow governments to impose trade restricting measures under specific circumstances, for example to protect human health, the environment or national security.

The opening of markets can be beneficial but it also requires adjustment. The WTO Agreements allow countries to introduce changes gradually, by means of “progressive liberalization.” Developing countries are usually given longer transition or phase-in periods to fulfil their obligations.
Predictability

The multilateral trading system is an attempt by governments to make the business environment stable and predictable. The negotiations under which Members reduce their tariffs would be of no use if these reductions were not bound as an international commitment. The commitment not to again raise a tariff lowered within the framework of a negotiation can be as important as lowering a tariff, because the promise gives businesses a clearer view of their future opportunities. With stability and predictability, investment is encouraged, jobs are created and consumers can enjoy the benefits of competition: choice and lower prices.

In the WTO, when countries agree to open markets for goods and services, they “bind” their commitments. For goods, these bindings amount to ceilings on tariff rates that, with very few exceptions, cannot be increased. A Member can change its bindings but only after negotiating with its trading partners, which could mean compensating them for loss of trade (Article XXVIII of GATT 94). Sometimes, countries impose tariff rates that are lower than the bound rates. These are called “applied” rates.

The system tries to improve predictability and stability in other ways as well. One is to discourage the use of quotas and other measures used to set limits on quantities of imports (the administration of quotas can lead to more red tape and accusations of unfair conduct). Another is to make countries’ trade rules as clear and transparent as possible. Many WTO agreements, including the SPS Agreement, require governments to disclose their policies and practices publicly within the country and/or by notifying the WTO. The regular surveillance of national trade policies through the Trade Policy Review Mechanism provides another means of encouraging transparency both domestically and at the multilateral level.

6 The Secretariat

The WTO Secretariat’s main duties are to supply technical and professional support for the various councils and committees, to provide technical assistance for developing countries, to monitor and analyse developments in world trade, to provide information to the public and the media and to organize the ministerial conferences. The Secretariat also provides some forms of legal assistance in the dispute settlement process and advises governments wishing to become Members of the WTO.
A Director-General (DG), appointed by Members, heads the WTO Secretariat. On 31 August 2013, Pascal Lamy from France handed over the leadership of the organization to Roberto Azevêdo from Brazil. The responsibilities of the DG and staff of the Secretariat are exclusively international in character. In the discharge of their duties, they may not seek or accept instructions from any government or other authority external to the WTO. They must refrain from any action that might adversely affect their position as international officials. The Members of the WTO may not seek to influence them in the discharge of their duties.

As per the 2013 WTO Annual Report, the WTO Secretariat has 639 regular staff from 77 WTO members. 37 employees are from African countries. The professional staff is composed mostly of economists, lawyers and others with a specialization in international trade policy. There is also a substantial number of personnel working in support services, including informatics, finance, human resources and language services.

7 Why is the WTO Important For My Country?
The WTO is important to countries for several reasons. First, the WTO is the only international organization with the authority to deal with international trade issues; it brings together 159 Members that account for more than 97 per cent of trade at the global level. If a country wishes to tap the benefits of international trade, it must be a part of the WTO. The rules adopted by the organization are essentially “contracts” that link trading partners, strengthening predictability and transparency in their trade relations. If a country does not belong to the WTO, it is not covered by the rights and obligations negotiated within it and will not be able to take advantage of the trade-liberalizing commitments agreed to within its framework.

Second, the WTO has efficient and effective mechanisms Members can use to address trade problems. Apart from the formal and binding dispute settlement mechanism, there are also other avenues, such as through the work of Committees or good offices of the Chair/Director-General for resolving trade conflicts. Thus, the WTO not only provides rights but also provides mechanisms for preserving them if they have been infringed.

Third, the WTO is a negotiation forum that brings together countries that represent almost the entire global trade, thereby providing enormous potential for access to information and networking. Every meeting of any of the WTO’s institutional organs offers unparalleled opportunities to establish
contacts, strengthen ties, collect up-to-date information and present queries/observations to trading partners.

Fourth, there is continuous work in the WTO to develop new or modified rules and procedures. This process continues regardless of whether any individual country is participating or not. By not participating, a country misses the opportunity to have a say in negotiations and to have an impact on the outcomes.

Fifth, bilateral or regional deals are no substitute for what the WTO can offer. It may sometimes seem easier to reach agreement among a smaller number of players, especially if they are neighbours or countries with strong trade ties. In addition, these arrangements can serve as building blocks towards a more integrated global economy. However, regional deals cannot substitute for what the WTO has to offer. They have their limitations in terms of their coverage, complexity of rules of origin requirements, and ability to ease trade barriers along the whole value chain. In preferential agreements, smaller economies often need to bow to conditions imposed by the larger, stronger trading partners whereas they can build larger alliances in the multilateral forum of the WTO. Many countries are trying to negotiate, implement and monitor a multitude of regional deals, which stretches their resources, deviates their attention from the multilateral forum of the WTO and creates a complex and inefficient web of arrangements. It takes time and effort to put into practice, with workable procedures, a trade text that is agreed upon on paper. Over decades, the GATT and now the WTO have been evolving based on the needs of their membership. The WTO will continue to evolve and serve as an efficient and effective forum for trade relations.

In short, it is vitally important for countries to not only be Members of the WTO but also participate actively in it.

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4 There are a large number of regional trade agreements (RTAs), which have been concluded or are being negotiated. As of January 2013, some 546 notifications of RTAs (counting goods, services and accessions separately) had been received by the GATT/WTO. Of these, 354 are still in force.
HOW ARE SPS ISSUES ADDRESSED AT THE WTO?

I  The SPS Agreement

The SPS Agreement was one of the outcomes of the Uruguay Round of Negotiations. On the one hand, a number of countries were facing difficulties in their export markets due to SPS requirements, which were not being addressed effectively by the existing provisions of the GATT at the time. On the other hand, negotiators were working on drafting an Agreement on Agriculture to introduce disciplines on agricultural products, which had been largely outside the scope of the GATT. However, there was a concern that any gains towards a more liberal regime for agricultural products could be circumvented by SPS requirements, which could be used as disguised protectionist measures.

The SPS Agreement, which entered into force in 1995, aims to strike a balance between recognizing the right of WTO Members to take SPS measures to protect human, animal or plant life or health while avoiding unnecessary barriers and disguised restrictions to international trade. With a view to achieving this balance, the SPS Agreement requires that SPS measures be based on science and be applied only to the extent necessary to achieve SPS objectives. In applying SPS measures, governments must not discriminate between WTO Members where the same or similar conditions prevail, including between their own territory and that of other Members.

The SPS Agreement strongly encourages the use of international standards developed by three International Standard Setting Bodies (ISSBs), namely the Codex Alimentarius Commission (Codex), the World Organization for Animal Health (OIE) and the International Plant Protection Convention (IPPC). SPS measures, which conform to the international standards of these entities, are presumed to be consistent with the provisions of the SPS Agreement. Members may adopt more stringent measures but only if they have a scientific justification or are aiming to meet a higher level of protection based on a risk assessment, which is in line with the relevant requirements of the SPS Agreement.

The SPS Agreement supports the recognition of equivalence of SPS measures and requires that SPS measures are adapted to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence. It also includes a number of requirements regarding the publication and notification of SPS measures and establishment of National Enquiry Points (NEP) and National Notification Authorities (NNA) to promote transparency. Other provisions deal with control, inspection, and approval procedures, technical assistance
and special and differential treatment. SPS disputes under the Agreement are governed by the WTO dispute settlement procedures.

The definition of a sanitary or phytosanitary measure is provided for in Annex A of the SPS Agreement. At times, there is some confusion about what is covered by the SPS Agreement, by the TBT Agreement or by another provision among the WTO Agreements. In such cases, the best course of action is to verify against the specific definition in the SPS Agreement. An SPS measure is any measure applied:

<table>
<thead>
<tr>
<th>To protect</th>
<th>From</th>
</tr>
</thead>
<tbody>
<tr>
<td>animal or plant life or health</td>
<td>risks arising from the entry, establishment or spread of pests, diseases, disease-carrying or disease-causing organisms</td>
</tr>
<tr>
<td>human or animal life or health</td>
<td>risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feedstuffs</td>
</tr>
<tr>
<td>human life or health</td>
<td>risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pest</td>
</tr>
<tr>
<td>a country</td>
<td>other damage from entry, establishment or spread of pests</td>
</tr>
</tbody>
</table>

The SPS Agreement establishes a Committee on Sanitary and Phytosanitary Measures (SPS Committee) to provide a regular forum for consultations and facilitate the implementation of the provisions of the SPS Agreement. This Chapter explains the procedures and practices of the SPS Committee, accompanied by specific examples and recommendations. It also introduces specific tools, such as on-line systems, that can assist Members with their participation.

2 Functions of the SPS Committee
The SPS Agreement has assigned the SPS Committee the following functions:
- Providing a regular forum for consultations, carrying out the functions necessary to implement the provisions of the Agreement and the furtherance of its objectives, in particular with respect to harmonization (Article 12.1 of the SPS Agreement);
- Monitoring the process of international harmonization and the use of international standards, guidelines or recommendations and coordinating
efforts in this regard with the relevant international organizations (Article 3.5 and Article 12.4; see G/SPS/11/Rev.1 and G/SPS/40 for the monitoring procedure);

• Encouraging and facilitating ad hoc consultations and negotiations among WTO Members on specific SPS issues (Article 12.2);

• Promoting increased coordination and integration between international and national systems and approaches for approving the use of food additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs (Article 12.2);

• Developing guidelines to further the practical implementation of Article 5.5 (Consistency), which describes the obligation for Members to avoid arbitrary or unjustifiable distinctions in the levels they consider to be appropriate in different situations (of risk), if such distinctions result in discrimination or a disguised restriction on international trade (the guidelines were adopted in July 2000 and are contained in document G/SPS/15);

• Granting, to developing country Members, specified, time-limited exceptions in whole or in part from obligations under this Agreement, upon request, taking into account their financial, trade and development needs (Article 10.3);

• Securing the best available scientific and technical advice for the administration of the Agreement and ensuring that unnecessary duplication of effort is avoided, through close contact with relevant international organizations, especially with the Codex, IPPC and the OIE. (Article 12.3 and Article 12.5);

• Inviting, on the basis of an initiative from a WTO Member, the relevant international organization (and/or subsidiary bodies) to examine specific matters referred to it in connection with particular SPS standards, guidelines or recommendations (Article 12.6);

• Reviewing the operation and implementation of the SPS Agreement and where appropriate, submitting proposals to amend its text to the Council for Trade in Goods (Article 12.7 and WT/MIN(01)/17, see G/SPS/12, G/SPS/36 and G/SPS/53)

It is important to underline that the SPS Committee does not develop any SPS-related international standards. It provides a framework of rights and obligations that a Member must comply with while developing and enforcing SPS measures at the national level, preferably based on international standards developed by the Codex, IPPC, and OIE.
3 **Rules of Procedure**

The general rules of procedures of the WTO stem from two documents:
- The Agreement Establishing the WTO
- Rules of Procedure for Sessions of the Ministerial Conference and Meetings of the General Council (WT/L/161)

However, two other documents apply specifically to the meetings of the SPS Committee:
- Rules of Procedure for Meetings of the Committee on SPS Measures (G/L/170): This document clarifies that the Rules of Procedure for meetings of the General Council apply to the SPS Committee except as otherwise provided in the Working Procedures of the Committee (G/SPS/1) and as indicated in this document.
- Working Procedures of the Committee (G/SPS/1)

4 **Meetings**

According to its rules of procedure, the SPS Committee should meet at least twice a year. In practice, the SPS Committee usually meets three times a year in regular session, usually in March, June/July and October. Prior to each regular meeting, informal meetings are usually held at the request of Members, to discuss in more depth specific items under consideration. For example, in recent years, informal meetings have been held to discuss equivalence, regionalization, special and differential treatment, the review of the operation of the SPS Agreement, the enhancement of procedures for ad hoc consultations and private standards. Informal meetings usually involve the same delegates, meeting in the same meeting room as the “regular” meeting, but they focus on one issue. There is no detailed record or summary report of informal meetings, so they allow delegates to discuss an issue more freely. Usually, the Chairperson of the Committee reads out a summary of the informal meeting during the regular meeting, but in general without mentioning specific positions taken by individual Members.

In addition, the WTO and the STDF Secretariat regularly organize thematic workshops, which are usually held immediately before the SPS Committee meetings. Recent workshops have covered issues such as transparency, invasive alien species, and the relationship between the SPS Committee and the ISSBs. Overall, meetings of the SPS Committee last three to four working days, with approximately one to two days devoted to informal meetings/workshops and two days to the regular meeting.

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5 The three procedural documents are contained in the Secretariat compilation entitled „Major Decisions and Documents“.
Occasionally, informal “information sessions” are held on the margins of SPS Committee meetings, to facilitate the exchange of information and views with organizations that do not have observer status in the SPS Committee. Such sessions have addressed, for example, matters relating to invasive alien species, the work of the Convention on Biological Diversity (CBD), or SPS-related private standards.

At the request of a Member, or at his/her own initiative, and where the matter involved is one of significant importance or urgency, the Chairperson may also convene a special meeting of the SPS Committee. This happens rarely. For example, the Chair of the Committee once called an informal meeting of the SPS Committee in between its usual sessions to specifically discuss special and differential treatment issues, which are also handled in parallel at the Committee on Trade and Development.

There is no dedicated and systematic funding to support the participation of Members’ delegates in the meetings. However, whenever a workshop is held back to back with an SPS Committee, the WTO Secretariat, with the financial assistance of the Doha Development Agenda Global Trust Fund (DDAGTF), sponsors the participation of approximately 50 government officials from developing country Members and Observers both in the workshop as well as the subsequent SPS Committee meeting, based on certain selection criteria.

To the extent possible, meetings of the SPS Committee, which are always held in Geneva, are scheduled to take place back to back with the meetings of the ISSBs. The annual sessions of the Codex Alimentarius (CAC), which alternate between Rome and Geneva, are usually held the week subsequent to the June meetings of the SPS Committee. Sometimes the annual sessions of the Commission on Phytosanitary Measures also fall in the same period as the March/April meeting of the SPS Committee.

5 Meeting Notice and Proposed Agenda

Once a year, usually at the June/July meeting, the SPS Committee adopts the tentative meeting dates for the following year. At the end of each meeting of the SPS Committee, the Secretariat announces the tentative dates for the next round of meetings, together with a proposed draft agenda and any relevant deadlines, for example for commenting on specific draft documents or proposing items for the agenda.
The meeting notice – sent via a document called airgram - is usually circulated to Members approximately one month ahead of the meeting. It is a restricted document, which is available to Members only. Therefore, it can normally only be accessed through the WTO Members’ website. This airgram contains the dates for the next regular meeting as well as for any informal sessions or workshops, which usually precede the regular meetings. It also includes the proposed agenda, which is normally agreed upon at the previous meeting. In addition, it serves as a reminder of the deadlines for submitting items for the next SPS Committee meeting, which include the following:

- Including an item in the proposed agenda
- Making proposals under the mechanism for monitoring the use of international standards
- Raising any other issue related to the implementation of the SPS Agreement, including specific trade concerns and consideration of any specific notification

As per the Committee’s procedures, a draft agenda shall be issued at least 10 calendar days prior to the date of the meeting. Members may request, in writing to the Secretariat, the inclusion of items under the proposed agenda up to, but not including, the day on which the airgram convening the meeting is to be issued. These deadlines are very strict and not extendable. If a Member wishes to raise a specific trade concern, it should also inform the other Member (or Members) concerned of its intention to raise such a concern, at the same time as the Secretariat. This is to enable the Member whose measure is going to be discussed to prepare a response.

For example, Annex I contains the reminder airgram (WT/AIR/4136), which was circulated on 27 May 2013 for the SPS Committee meetings scheduled to start on 27 June. It announces that the items for consideration by the SPS Committee need to be submitted by 13 June as the notice convening the meeting is to be issued on 14 June. It also reminds Members to submit any written documents for consideration by 17 June. These deadlines have been set to ensure that Members have sufficient time to prepare for the agenda items and consider any documents submitted by other Members.

As mentioned above, requests for inclusion of items in the agenda should be made in writing to the WTO Secretariat. The Secretariat staff responsible for the work of the SPS Committee is working in the Agriculture and Commodities Division of the WTO. Requests are normally channeled, through the Member’s mission to the WTO, to the Secretary of the SPS Committee, Gretchen Stanton.
Enhancing the Participation of African Countries in the WTO SPS Committee

(gretchen.stanton@wto.org). For example, Member X wishes to report on the implementation of a new food control and inspection system under the agenda item on Information on Relevant Activities, or Member Y wishes to raise a specific trade concern against Member Z’s restrictions on beef imports.

The reminder airgram also contains some additional information on the availability of the good offices of the Chair, on how to access relevant documentation, on the issues/documents that are to be discussed during the informal meetings (if any), and on whether Observers may also attend the full range of meetings.

Several items on the agenda of the SPS Committee provide Members an opportunity to report to other Members on their activities, experiences, programs, achievements, new measures and any significant SPS events deemed relevant. For example, Members can provide information on their experiences with equivalence, pest- or disease free-areas, or technical assistance and cooperation, which are covered under specific agenda items. More horizontal issues are usually dealt with at the beginning of the meeting under Information on Relevant Activities. Sharing information with other Members under any of the agenda items is very important as it contributes to transparency. Transparency is one of the pillars that sustains the multilateral trading system, building trust and ensuring predictability, which are of key importance in international trade. Lack of transparency is eventually costly, since it is difficult to reverse the mistrust it generates. It is therefore very advisable to share information with other WTO Members through the SPS Committee meetings in addition to complying with the transparency requirements and procedures contained in Article 7 of the SPS Agreement.

A significant portion of each meeting is devoted to the discussion of specific trade concerns. In addition, the agenda may include more institutional matters such as election of a new chairperson. Chapter C.16 includes further information on what is typically covered under each agenda item.

It is important to keep in mind that the staff of the WTO Secretariat is available to assist WTO Members as appropriate. Such assistance can be in the form of a training workshop but it can also involve a delegate contacting a Secretariat member for more information on a specific topic or procedures in place. For example, if a Member is not sure about which agenda item is most appropriate to raise a certain issue, it can contact the Secretariat, in this case the SPS section in the Agriculture and Commodities Division, to seek information and
clarifications. A list of staff members working on SPS issues as of October 2013 is provided in Annex II.

6 Provisional Agenda and Final Agenda
The day after the deadline for including items on the proposed agenda, the WTO Secretariat distributes another airgram, this time with the provisional agenda, now containing all the items Members have asked to raise at the next meeting of the SPS Committee. The airgram is available from the Members’ website. A non-restricted version of the agenda is also available from the SPS gateway on the WTO website, as well as all non-restricted documents for the meeting. The vast majority of documents are not restricted. The SPS gateway can be accessed at: www.wto.org/sps.

Following on from the sample reminder airgram (WT/AIR/4136) in Annex I, Annex III shows the provisional agenda (WT/AIR/4148) that was distributed on 14 June 2013. This time around, many of the main agenda items have sub-items, reflecting Members’ inputs to the agenda. For example, the European Union (EU) introduced an item under “Information on Relevant Activities” to provide an update on the labeling fraud case related to horse meat found in beef sold in some European countries; Argentina introduced an item under “Specific Trade Concerns” to raise a concern regarding the EU’s renewal of GMO approvals; Australia introduced an item under “Pest- and Disease-Free Areas” to report on its freedom from Highly Pathogenic Avian Influenza. In addition, where applicable, references are provided to documents relevant under specific items.

The provisional agenda becomes final at the beginning of each SPS Committee meeting; in fact, the first item of business of each Committee meeting is the review and adoption of the provisional agenda. Sometimes, a Member, which had requested to include a specific trade concern in the agenda, will withdraw the item, indicating progress in bilateral consultations, usually held just before the beginning of meetings in Geneva.

Delegates may propose amendments or additions to the provisional agenda under “Other Business”. For example, if a Member wishes to raise an issue, which it had not submitted to the Secretariat within the specified deadline, it can request to have it included under Other Business at the start of the Committee meeting, when the Chairperson places the provisional agenda for consideration by Members. In that case, however, any other Member concerned, for example by a specific trade concern, will not be expected to provide a response. Whenever possible, delegates should give advance notice to the
Chairperson or the WTO Secretariat, and to any Members directly concerned, of any item they wish to include under “Other Business”.

7 Participants
The participants in meetings of the SPS Committee include:

- WTO Member and Observer governments
  Governments may appoint any person they deem qualified to represent them at the meetings of the Committee. Most delegates to the SPS Committee meetings actually come from capitals, typically from Ministries of Agriculture/Fisheries, Health, Environment, Trade or Foreign Affairs or from Standards Bureaus, depending on the way SPS issues are organized at the national level. Some Members are also represented by their delegates who are with their government’s missions to the WTO (and UN organizations) in Geneva. All Members have at least one seat reserved for their delegates who attend the meetings of the SPS Committee. If more than two delegates will be attending, it is advisable to notify the WTO Secretariat in advance to ensure proper seating arrangements.

- Observer organizations
  A number of international intergovernmental organizations have been accorded observer status at the SPS Committee so that they can follow discussions on issues of direct interest to them and contribute to the deliberations of the Committee as appropriate. These organizations are:

  International Organizations having observer status on a regular basis

  » The Food and Agriculture Organization (FAO)
  » FAO International Plant Protection Convention (IPPC)
  » FAO/WHO Joint Codex Alimentarius Commission
  » International Monetary Fund
  » International Organization for Standardization (ISO)
  » International Trade Center (ITC)
  » World Organization for Animal Health (OIE)
  » United Nations Conference on Trade and Development (UNCTAD)
  » World Bank
  » World Health Organization (WHO)

  International Organizations having observer status on an ad hoc (meeting-by-meeting) basis
As provided for in the Rules of Procedure of the General Council, the purpose of observer status for international organizations in the WTO is to enable these organizations to follow discussions therein on matters of direct interest to them. Observer status should accordingly be considered for organizations with competence and a direct interest in trade policy matters, on a case-by-case basis, taking into account the nature of the work of the organization, its membership and the number of WTO Members in the organization, and whether it provides reciprocity of access to proceedings, documents, etc.

The SPS Committee has requested that observer organizations provide information on any of their activities related to the work of the SPS Committee. They are encouraged to submit written reports on their relevant activities in advance of the Committee meetings and to highlight the most important aspects of these reports at the meeting. Observer organizations have also been encouraged to speak on any item of the agenda that is relevant to their work. Observer organizations have, on occasions, been specifically requested by the Chairperson to provide information with regard to a specific issue before the Committee.

Observer status requests from a number of organizations have been pending for quite some time in the SPS Committee as well as in other WTO bodies due

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*see WTO Secretariat document entitled “Observers in the SPS Committee – Their Role and Outstanding Requests” (G/SPS/GEN/1157) for further elaboration on the issue of Observers.*
to certain disagreements among Members. Initially, requests from the African Union and seven Regional Economic Communities (RECs) in Africa were also added to the list of pending requests. It was in the context of the EU-funded PANSPSO project, which promotes the active participation of African countries and RECs in the work of the international standard-setting bodies and the SPS Committee, that these requests had been initiated. Following further deliberations in the SPS Committee, the African Union as well as the seven RECs from Africa were granted ad hoc Observer status in the SPS Committee between 2010 and 2013. Their potential role in enhancing the participation of African countries in the SPS Committee is discussed further in Chapter E.

According to the rules of procedure applicable to observer inter-governmental organizations, if there has been no attendance by an observer for any one-year period after the date of the grant of the observer status, the observer status could be withdrawn. As per a 2012 decision of the SPS Committee, the Secretariat has been asked to keep records of which observers attend Committee meetings. Should any observer organization not attend any of the meetings for a one-year period, the Secretariat will be contacting them to seek confirmation that they are no longer interested.

Until recently, the practice had been that the participation of ad hoc observers was considered and approved at each meeting of the SPS Committee for the next one. In October 2012, the Committee agreed that the ad hoc observers would be invited for all three meetings of the subsequent year, unless a Member explicitly objects to the participation of a specific observer at a specific meeting.

The Committee may, as appropriate, decide to hold restricted sessions with the participation of Members only.

The meetings of the SPS Committee are not open to the public. However, special information sessions are sometimes held back to back with SPS Committee meetings with the participation of non-governmental organizations, private sector representatives and academia.

8 Accreditation
Each Member is to be represented by an accredited representative. Each representative may be accompanied by alternates and advisers as may be required.
The missions in Geneva normally handle accreditation, for which the relevant information needs to be submitted well in advance to the WTO Secretariat. In other words, delegates from capital who will be attending the meeting must send their information to the mission, which will then proceed to process the accreditation. Before being admitted to the WTO, the organization’s security officers will check that the accreditation is in order and will ask delegates to show their passport before allowing them to enter the building. The WTO Security officers will keep the passport and give the delegates a credential (badge) that must be presented at all times. The passport will be returned to the delegate when they return the badge, every day or at the end of the meeting. If delegates decide to leave their passports at the WTO for the duration of the meeting, they are advised to carry with them a photocopy of the passport and handle the badge with care as it must returned in order to retrieve the passport.

9 Chairperson

According to the rules of procedures of the SPS Committee (G/L/170), the Committee elects a Chairperson from among the representatives of Members. The election normally takes places at the first meeting of each year and takes effect at the end of the meeting. However, to ensure a good geographical distribution of appointments across bodies at the WTO, informal consultations are held to reach consensus on slates of chairpersons in three groups: those directly involving the General Council (including, the bodies reporting to the Trade Negotiations Committee); those reporting to the Council for Trade in Goods; and those reporting to the Council for Trade in Services. When the consultations are complete, the consensus slate is “noted” in the General Council, Council for Trade in Goods or Council for Trade in Services, and then each subsidiary council, committee or working party formally confirms the selection by electing its own chairperson by acclamation. The Chairperson normally holds office until the end of the first meeting of the following year.

If the Chairperson is absent from a meeting, the Committee appoints an interim Chair for that meeting and if the Chairperson can no longer perform the functions of the office, the Committee appoints an interim Chairperson pending the election of a new Chairperson.

The Chairperson normally does not participate in the proceedings as the representative of a Member. However, he or she may at any time request permission to do so.
The Chairperson declares the opening and closing of each meeting, directs the discussion, accords the right to speak, submits questions for decisions, announces decisions, rules on points of order and has complete control over the proceedings. The Secretariat assists the Chairperson before, during and following SPS Committee meetings.

Ms. Maria Albarece from the Philippines took on the role of Chairperson at the beginning of 2012 and was re-elected in 2013 for one more term. Since the establishment of the SPS Committee in 1995, its Chairpersons have come from the following countries: Argentina, Brazil, Canada, Finland, Indonesia, Mexico, Netherlands, Pakistan, the Philippines, South Africa, Uruguay and the United States.

10 Good Offices of the Chair

With respect to any matter raised under the Agreement, the Chairperson may, at the request of the Members directly concerned, assist them in dealing with the matter in question. The Chairperson will report to the Committee on the general outcome of these efforts. This option has been used a few times in the early years of the SPS Committee. For several years, the SPS Committee has been discussing the development of a procedure that would provide more clarity and predictability when requesting the Chairperson’s Good Offices to help Members resolve SPS-related differences. Consultations on this issue are ongoing at the time of preparation of this Handbook.

11 Decision-Making

The WTO continues the practice of decision-making by consensus followed under the GATT. In accordance with Article 12.1 of the SPS Agreement, the Committee reaches its decisions by consensus (see Chapter B.4 for the definition of consensus). In light of this definition, reaching consensus can at times be very difficult and time-consuming. At the same time, once the SPS Committee reaches a decision by consensus, it carries significant weight.

Decisions taken by the SPS Committee, such as the guidelines it has developed on the implementation of a number of provisions of the SPS Agreement, are not binding in the same way that provisions of the SPS Agreement are. Still, as these documents have been drafted, negotiated, redrafted, usually over a number of years, until their adoption by consensus, they play a significant role in trade relations. They are also referenced in dispute settlement cases. For example, the Committee’s Decision on Equivalence was referenced in the following SPS dispute settlement case: United States – Certain Measures Affecting Imports of
Poultry from China (DS392). Where such a decision is considered in a dispute, the dispute settlement panel /appellate body will judge compliance with the SPS Agreement, not with the decision itself; but such a decision may help the panel/appellate body in its determination as to whether a particular measure is in conformity with the SPS Agreement.

In addition, according to Article 10.3 of the SPS Agreement, the SPS Committee may, upon request, grant developing countries specified, time-limited exceptions in whole or in part from obligations under the SPS Agreement. So far, no developing country has submitted a specific request to benefit from this provision, which is also one of the special and differential treatment provisions under discussion in the Committee on Trade and Development.

12 Interpretation or Amendment of the SPS Agreement
The Ministerial Conference and the General Council have exclusive authority to adopt interpretations of the Agreement Establishing the WTO and of the Multilateral Trade Agreements (Article 9 of the Agreement Establishing the WTO). In the case of a Multilateral Trade Agreement, they exercise their authority on the basis of a recommendation from the Council overseeing the operation of that Agreement.

Proposals to amend the provisions of an agreement may come from a Member or the Goods, Services or TRIPS Councils but need to be submitted to the Ministerial Conference for a decision (Article 10 of the Agreement Establishing the WTO).

In this context, the SPS Committee may not adopt an amendment or interpretation of a provision of the SPS Agreement. However, the SPS Committee is mandated to review the operation of the Agreement every four years. Where appropriate, the Committee may submit to the Council for Trade in Goods proposals to amend the text of the Agreement in light of the experience gained in its implementation. Detailed procedures regarding an amendment to a WTO Agreement are found in Article X of the Agreement Establishing the WTO. So far, the SPS Committee has not found it necessary to amend the text of the SPS Agreement.

13 Languages
The working languages of the WTO are English, French, and Spanish. Any document submitted in one of the three languages is translated automatically into the two other languages by the WTO Secretariat. Simultaneous interpretation
is provided in all regular and informal meetings of the SPS Committee. (Smaller working groups formed to tackle a specific issue might exceptionally operate in one or two languages only depending on their participants).

Still, it is strongly recommended that participants to the SPS Committee have a strong command of the English language since informal contacts and parallel meetings frequently take place in English. In addition, whenever the Committee is working on a draft decision, the base document, on which redrafting or amendments are introduced, is always English.

**14 Meeting Records**

The WTO Secretariat prepares summary reports of the meetings of the SPS Committee. The reports are initially circulated as restricted documents but they are derestricted and publicly available after 45 days. They all start with the following document symbol: G/SPS/R/…. For example, the summary of the fifty-sixth session of the SPS Committee held in March 2013 has the following symbol: G/SPS/R/70 (and not 56 because the summary reports of workshops held back to back with meetings of the SPS Committee are also featuring in this series).

Delegations may ask to verify those portions of the report containing their statements prior to its issuance. However they need to let the Secretariat know within 10 days following the meeting that they would like to check the proposed summary of their interventions.

If there is an error in the circulated summary report, a Member can also request that a Corrigendum to the report be circulated.

The summary is usually distributed about four weeks after the meeting, first in English and then in French and Spanish, once the translations have been finalized. In preparing the summary, it helps the Secretariat to receive written copies of the oral interventions of Members.

Pending the issuance of the formal summary, delegations can benefit immensely from the unofficial and less technical news items, which are posted on the WTO website’s SPS gateway shortly after the conclusion of each SPS Committee meeting. These brief summaries are very useful for getting a good overview of the main issues discussed and also provide some background information and explanations.
The SPS gateway can be accessed by clicking on “sanitary and phytosanitary measures” under “trade topics” on the home page of the WTO website www.wto.org or through the following link: http://www.wto.org/sps.

15 SPS Documentation

Document status
WTO documents may be publicly available or restricted, which is indicated on the top right corner of the header. Most documents circulated through the SPS Committee are unrestricted and immediately available publicly. Usually, the only restricted SPS documents are the airgrams and summary reports of meetings prepared by the WTO Secretariat. In addition, some working papers on topics under negotiation can also be restricted.

A document circulated as “restricted” can only be accessed through the WTO Members’ website with a special password, which is shared with the Permanent Mission of each Member to the WTO. But they also become “derestricted” and public 45 days after distribution.

Document symbol
All WTO documents are identified using a code called a “symbol”. The objective of the symbol is to facilitate orderly organization of documents and ease of tracking. All SPS Committee documents start with the symbol G/SPS. G stands for “Goods”. As mentioned earlier, the SPS Agreement is one of the Multilateral Agreements on Trade in Goods contained in Annex 1A of the Agreement Establishing the WTO and the SPS Committee reports to the Council for Trade in Goods. Similarly, symbols for documents circulated through the TBT or Agriculture Committees also start with G. The WTO identifies the bodies that administer the WTO Agreements by their English acronym. In the case of the SPS Committee, the acronym is “SPS”.

Box 2 provides a listing of the different types of symbols that SPS documents can have. Familiarity with these symbols can facilitate the task of identifying SPS documents of interest among the thousands that have been circulated so far.

Starting in 2011, the Secretariat stopped issuing updated lists of National Notification Authorities and Enquiry Points, which had the symbols G/SPS/NNA and G/SPS/ENQ. The most up-to-date information is available from the SPS Information Management System (SPS IMS: http://spsims.wto.org). Click on “predefined reports” for “Enquiry Points” or “Notification Authorities”.
Box 2: SPS document symbols

**G/SPS/**: Decisions adopted by the SPS Committee and some special reports, such as on the Review of the Agreement, are identified by a number only (e.g. G/SPS/1 contains the “working procedures” of the Committee). The Committee has adopted decisions on a wide range of issues such as transparency, equivalence, pest- or disease free areas, consistency, special and differential treatment and SPS-related private standards. The main decisions of the Committee are available in the compilation “Major Decisions and Documents” referred to in the Introduction section.

**G/SPS/R**: The summary reports of regular meetings as well as workshops are included under this symbol. They are numbered in chronological order. These documents are restricted for 45 days following distribution, after which they become public.

**G/SPS/GEN**: These refer to general documents, including information submitted by Members or reports prepared by the Secretariat. For example, it might be a document submitted by a Member wishing to inform the Committee that it has eradicated a certain disease from its territory. The Secretariat’s inputs such as background documents, announcements of workshops or technical assistance activities, or annual reports on specific topics are also circulated as GEN documents.

**G/SPS/W**: These are working papers, negotiation proposals submitted by Members or compiled by the Secretariat in the context of a specific decision or report the Committee is considering. For example, a series of W documents (e.g. G/SPS/W171, G/SPS/W/218) were circulated until a final decision on pest- or disease free areas (regionalization) was adopted as G/SPS/48.

**G/SPS/N**: This symbol identifies Members’ notifications to the SPS Committee, pursuant to Article 7 of the SPS Agreement relating to transparency. The two or three letters after the N identify the notifying Member (EU=European Union, ZAF= South Africa, MOZ=Mozambique). The number after the country code identifies the specific notification (G/SPS/N/MOZ/1, G/SPS/N/MOZ/2, etc…).

**G/SPS/INF**: These documents list the names and contact information of official delegates, who have attended the meetings of the SPS Committee.

There can also be addenda, corrections, revisions to the document types listed above::

A **corrigendum** (suffix Corr.) corrects a specific error in a circulated document, for example a date or an intervention by a delegate contained in a paragraph. For example, G/SPS/R/70/Corr.1 would indicate a correction to a summary report circulated as G/SPS/R/70.

An **addendum** (suffix Add.) provides additional information or an update to what has originally been circulated in a document. For example, an addendum to an SPS notification might extend the comment period provided or inform of the adoption of a proposed SPS measure.

A **revision** (suffix. Rev) replaces fully a document circulated earlier. For example, the SPS Committee had adopted guidelines on transparency as reflected in G/SPS/7. Over time, these guidelines were revised based on Members’ and the Secretariat’s experiences and comments. Currently, the applicable guidelines on transparency can be found in G/SPS/7/Rev.3.
How to access SPS documents

There are a variety of options for accessing documents. Some require the user to go and seek the information while others provide the user with regular alerts and updates.

- **Documents Online**
  All documents related to a specific meeting can be accessed from the WTO Members’ website as follows: WTO Members’ website – Forthcoming meetings – Documents for Meetings.

  Unrestricted documents for an upcoming SPS Committee meeting are also available from the public SPS gateway page: http://www.wto.org/sps.

  It is important to note that paper copies of documents that have been distributed prior to a meeting are not provided to delegates at the meetings. Therefore, delegates are asked to bring their own copies to the meeting. All WTO meeting halls have free wi-fi access. Therefore, delegates can also access the relevant documents electronically. In addition, a document desk is available to help delegates who need a particular document for a meeting.

- **SPS Information Management System (SPS IMS)**
  When preparing for an upcoming meeting, it is practical to use the general WTO Documents Online system to access the documents pertaining to that meeting. Documents Online can also be used to search for specific SPS documents using the document symbol, date of distribution or free text search. At the same time, the WTO Secretariat has developed a specialized information system for accessing all SPS-related information: the SPS Information Management System (spsims.wto.org).

  The SPS IMS is a free, publicly available, internet-based tool that contains the most up-to-date SPS documents and information available to the WTO Secretariat. Its interface is available in English, French and Spanish. The system provides access to SPS notifications, specific trade concerns raised in the SPS Committee, SPS-related documents circulated at the WTO and contact information on SPS Enquiry Points and Notification Authorities. It allows users to search and report on WTO-SPS information according to their specific needs and search criteria.

  It is a very practical tool for tracking notifications of interest to a country or region. For example, considering that around 100 SPS notifications are
circulated per month by the Secretariat, the SPS IMS can assist in filtering these notifications according to product codes or objectives of measures or keywords and reacting timely to notifications from trading partners. It can also be a very useful tool for tracking developments at the SPS Committee and researching specific trade concerns or documents on specific topics from earlier meetings in preparation for upcoming meetings. The up-to-date Enquiry Point and Notification Authority information allows Members to direct queries and communications to the relevant officials of trading partners. The WTO also uses the same Enquiry Point/Notification Authority contact information to announce upcoming events and workshops. Therefore, it is very important for Members to inform the Secretariat of any changes to the contact information.

- **Email distribution lists**

Interested delegates can also subscribe to any one of three e-mail lists to receive information and documentation from the Secretariat.

There are two self-subscribing email distribution lists. The first one is for receiving all unrestricted documents including SPS notifications. The second is for receiving all unrestricted documents other than SPS notifications. (It is important to keep in mind that the Secretariat circulates more than 1000 notifications per year). Email alerts including the recently circulated documents are usually sent out twice a week. Annex IV provides detailed information on how to subscribe to these two alternative email distribution lists.

Delegates participating actively in SPS meetings can also ask to be included on the SPS delegates contact list, via a request to Gretchen Stanton (gretchen.stanton@wto.org) or Marion Doleans (marion.doleans@wto.org). This delegate-only list is used for transmission of restricted documents, communications from the Chair, faxes, room documents and other non-public documentation. It is important to keep the Secretariat informed of any changes to these email addresses.

- **WTO news alerts**

Officials interested in receiving regular updates on main developments at the WTO more generally can also sign up for the WTO webmaster news alerts at the following link: http://icd.wto.org/member/register.aspx. They can also follow the WTO on Twitter and/or Facebook.
What is Typically Discussed Under each Agenda Item?

Below are some brief remarks and background information on the main agenda items of the SPS Committee meetings:

• Adoption of the agenda
  As mentioned in Chapter C.6, the first agenda item is always the adoption of the provisional agenda of the meeting, with possible amendments.

• Information on Relevant Activities
  Information from Members: This agenda item provides an opportunity for Members to inform the Committee of significant SPS-related developments in their countries. Sometimes it may relate to institutional issues, such as the restructuring of agencies responsible for SPS matters. Other times, it is an opportunity for Members to provide updates on an emergency situation in their country and indicate what measures they are taking to mitigate any risks arising from it. For example, following the nuclear plant accident that occurred in Japan in 2012, Japan provided information to other Members through the Committee regarding the measures it had taken to contain the risks from nuclear contamination. Members may also share with the Committee their positive experiences regarding market access. For example, in July 2012, Botswana provided information on the successful re-entry of its beef to the EU market (see Annex V).

  Information from the relevant SPS standard-setting bodies: Codex, IPPC and OIE provide updates on their work of relevance to the SPS Committee under this agenda item. Their contributions are important as they form the technical and scientific basis for the trade-related SPS discussions taking place in the SPS Committee.

• Specific Trade Concerns (STCs):
  Under this agenda item, Members raise specific trade concerns they have regarding the SPS measures of other Members. Sub-item (a) is for Members to raise new issues while sub-item (b) is for issues, which have already been raised in earlier meetings. It is indeed very common for an STC to be raised during a number of meetings. Sub-item (c) is for the consideration of specific SPS notifications, which have been circulated. It is important that Members track SPS notifications of other Members using the SPS IMS. This will assist them in reacting timely to incoming notifications, compile and send any comments to the notifying Member and also raise any particular concerns in the SPS Committee. Sub-item (d) provides an opportunity for Members to inform the
Committee of the resolution of any of the issues raised earlier.

Sometimes, more than one Member will raise the same concern or one Member will raise a concern against the measures of a group of other Members. When a Member raises a concern, it is not uncommon for other Members to “support” the concern. Each specific trade concern is assigned a number for easier tracking. The Secretariat prepares an annual report regarding the STCs raised in the SPS Committee (G/SPS/GEN/204, see latest revision). Altogether, 344 specific trade concerns were raised in the 18 years between 1995 and the end of 2012. Of these, 40 per cent related primarily to animal health issues, 30 per cent to food safety issues, 24 per cent to plant health issues and another 6 per cent to other issues such as administrative requirements, translation, etc.

Figure 1 shows the number of specific trade concerns raised by developed, developing or least developed countries since 1995. It indicates that developing countries have been active users of the SPS Committee for this purpose and have raised more concerns than developed countries since 2008. However, Members from the Africa region have used this mechanism of the Committee in very few instances.

It is important to highlight that developing countries are very active in raising trade concerns, sometimes in coalitions and sometimes on their own. Between 1995 and 2012, 189 concerns were raised by developing countries and five by least-developed countries (LDCs).

![Figure 1: Specific trade concerns raised in the SPS Committee since 1995](image-url)
For example, in October 2005 Sri Lanka, an LDC, raised a specific trade concern regarding its exports of cinnamon to the EU both under the agenda item on specific trade concerns and the item on monitoring the use of international standards. Sri Lanka had encountered problems with a number of consignments of “ceylon cinnamon” exported to the European Communities on the grounds that consignments contained sulphur dioxide. In Sri Lanka, sulphur dioxide was being used for fumigation by the cinnamon industry to obtain a better colour and to protect the end-product from possible fungi and insects. At the time, there was no Codex standard regarding residues of sulphur dioxide in cinnamon although some preliminary work had already been undertaken and countries were adopting their own regulations. As the relevant EU Directive, which set tolerable limits for sulphur dioxide in various foodstuffs, did not include cinnamon, exports from Sri Lanka were facing difficulties. In light of Sri Lanka’s intervention, the Chair of the SPS Committee wrote a letter to the Chairman of the Codex Alimentarius Commissions to draw his attention to the matter and expedite the adoption of a standard for sulphur dioxide in herbs and spices, including cinnamon. In the meantime, Sri Lanka also made an intervention at Codex and had bilateral consultations with the EU to resolve the matter. In July 2006, a relevant Codex standard was adopted and in October 2006 Sri Lanka reported that a solution had been reached with the EU through consultations. The submission that Sri Lanka made to complement its intervention can be found in G/SPS/GEN/597. Further details on the discussions held in the SPS Committee can be accessed through the SPS IMS (go to “search-specific trade concerns” and enter the STC number 231).

Another example, illustrating the role of alliances, is a concern raised by both Colombia and Papua New Guinea regarding a German notification on the maximum tolerance level for Ochratoxin A in coffee, which led to the eventual adoption of an EU-wide standard. This concern was supported by Bolivia, Brazil, Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, India, Mexico and Venezuela. Further information can be found in documents G/SPS/N/DEU/9 and Add.1, G/SPS/GEN/434, and G/SPS/GEN/470. Further details on the discussions held in the SPS Committee can be accessed through the SPS IMS (go to “search-specific trade concerns” and enter the STC number 176).

- Operation of Transparency Provisions (Article 7 and Annex B)

The SPS Committee has adopted recommended procedures for implementing the transparency obligations of the SPS Agreement, containing timelines, notification formats, etc. Over time these provisions have been revised in light
of the experience gained, available technology as well as specific proposals from Members. The latest version of the recommended procedures, which entered into force in 2008, can be found in document G/SPS/7/Rev.3. It may well be that at some stage the SPS Committee agrees to further revise these procedures and the relevant discussions would take place under this agenda item.

The Secretariat usually reminds Members how to best access information on SPS notifications, other documents and Enquiry Points/Notification Authorities under this agenda item. Delegations are encouraged to take advantage of the SPS IMS to track SPS notifications and use the online SPS Notification Submission System (SPS NSS) to submit their countries’ notifications. The WTO Secretariat also organizes workshops on transparency back to back with SPS Committee meetings every few years to provide a forum for discussions as well as training, including on the SPS IMS and SPS NSS.

Once a year, usually in October, the Secretariat circulates an annual report on the implementation of the transparency provisions and procedures7. As of 15 September 2013, Members had submitted a total of 10,643 regular notifications, 1,489 emergency notifications and 3,670 addenda and corrigenda to regular and emergency notifications. For the year from 15 September through 15 September 2013, the total number of notifications had reached 1,267. Figure 2 shows the total number of notifications submitted per year since 2000. Given the high and increasing volume of notifications, it is important to be able to use the SPS IMS to filter and track notifications of interest.

As can be seen in Figure 3, the number and share of notifications from developing countries has been increasing steadily, reaching around 60 per cent of all notifications submitted in the last years. However, as Figure 4 illustrates, the notifications from the African continent are still very few and constitute only 1.6% of the notifications submitted.

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7 See the latest Revision of G/SPS/GEN/804.
Figure 2: Total number of SPS Notifications submitted per year

Figure 3: Share of total notifications submitted by developing country Members
A good reference document is the Committee’s report to the General Council on Proposals for Special and Differential Treatment (G/SPS/35). The Special Session of the Committee on Trade and Development (CTD) has also been considering specific proposals regarding special and differential treatment provisions in the SPS Agreement in light of its horizontal mandate to review all special and differential treatment provisions in the WTO Agreements with a view to making them more precise, effective, and operational. Therefore, it is important to coordinate with your country’s delegate to the CTD.

**Equivalence (Article 4)**
The Committee has adopted a Decision on the implementation of Article 4 (G/SPS/Rev.2), with references to the work of Codex, IPPC and OIE in this area. It was a group of Latin American countries, which spearheaded the discussions on this topic, leading to the eventual adoption of the Decision. Members are encouraged to regularly provide the Committee information on their experience regarding the implementation of Article 4. In particular, Members are encouraged to inform the Committee of the successful conclusion of any bilateral equivalence agreement or arrangement, using the notification format contained in the recommended transparency procedures (G/SPS/7/Rev.3). Relevant observer organizations, in particular, Codex, IPPC, and OIE are also invited to provide updates on their work in this field.

**Pest- and disease-free areas (Article 6)**
The Committee has adopted Guidelines to Further the Practical Implementation of Article 6 (G/SPS/48), with references to the work of IPPC and OIE in this area.
The Decision suggests typical administrative steps in the recognition process as well as some general considerations. It was a coalition of Latin American countries and the EU which were the original proponents of adopting guidelines on this topic while a number of other countries were not in favour of the SPS Committee developing guidelines on a technical topic dealt with intensively at IPPC and OIE. Ultimately, New Zealand took on the mediator role to work towards a consensus text.

Many Members provide information regarding their pest- or disease status under this agenda item. For example, a Member will announce that the OIE has recognized that its whole territory is free of FMD without vaccination and will call on trading partners not to impose FMD-related restrictions\(^8\).

As per the Committee’s Decision, Members are also encouraged to inform the Committee when a request for recognition of pest- or disease-free or area of low pest prevalence and/or a determination on whether to recognize it are made. In addition, the relevant international organizations are invited to provide updates on their work on regionalization. The Secretariat prepares an annual report on regionalization. The last one was circulated as G/SPS/GEN/1245 in June 2013.

- **Technical Assistance and Cooperation**
  Under this agenda item, the WTO Secretariat, the STDF Secretariat, Members as well as Observers provide information regarding technical assistance offered or received. A Member interested in receiving a particular type of technical assistance can make a request to other Members under this agenda item. The Secretariat also announces upcoming technical assistance activities under this agenda item.

- **Review of the Operation and Implementation of the SPS Agreement (Article 12.7):**
  The SPS Committee is mandated to review the operation of the Agreement at least once every four years. Where appropriate, the Committee may also submit proposals to the Council for Trade in Goods to amend the text of the Agreement in light of the experience gained in its implementation. As of July 2013, the SPS Committee had undertaken three Reviews. The report of the Third Review of the Agreement, G/SPS/53 adopted in 2010, includes useful information on the work of the Committee as well as a range of recommendations.

\(^8\)see Annex III – Argentina’s intervention under agenda item 8(b).
At the same time, as of October 2013, the Committee was still working on an issue arising from the Second Review: the Use of Ad hoc Consultations, involving the development of procedures that would provide more clarity and predictability when requesting the Chairperson’s good offices to help Members resolve SPS-related differences. An e-working group was established to continue work in between Committee meetings and to try to reach compromise on outstanding issues, where diverging views prevailed.

The Fourth Review of the Agreement is scheduled to start in 2014. It will provide an opportunity for Members to raise any issues of particular concern/interest to them. In order to facilitate substantive discussion in the Committee, Members are usually invited to submit written proposals within a timeline agreed upon by the Committee.

- **Monitoring the Use of International Standards:**
  Articles 3.5 and 12.4 of the SPS Agreement require the Committee to develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines, or recommendations. The SPS Committee has accordingly adopted a procedure, with the relevant documentation in G/SPS/40 and G/SPS/11/Rev.1. The purpose of the procedure is to identify where there is a major impact on trade resulting from the non-use of international standards and to determine the reasons for non-use. Moreover, it should also help to identify where an international standard is needed. (The specific trade concern raised by Sri Lanka and mentioned above under specific trade concerns was an example for this situation.) The WTO Secretariat prepares an annual report on monitoring, which is also transmitted to the international standard setting bodies.

- **Concerns with private SPS-related standards**
  The SPS Committee has been discussing the issue of SPS-related private standards since June 2005, when Saint Vincent and the Grenadines raised a specific trade concern regarding EurepGAP (now called GLOBALGAP) requirements for bananas destined for sale in the United Kingdom. Since then, private standards have been discussed regularly at SPS Committee meetings. Based on recommendations from an ad hoc working group (G/SPS/W/256), the SPS Committee adopted five actions regarding SPS-related private standards in March 2011. These are contained in document G/SPS/55. The Committee’s main focus since then has been on the first of these actions: developing a working definition of SPS-related private standards.
• **Observers:**
Under this agenda item, Observer organizations are invited to provide information on their activities of interest to the SPS Committee. Accordingly, the eight regional organizations from Africa, which have recently become ad hoc observers, are encouraged to take the floor under this agenda item. Outstanding requests for observer status are also considered under this agenda item. (See Chapter C.7 for further information on Observer status).

• **Other Business:**
This agenda item provides Members an opportunity to raise an issue, which was not included in the provisional agenda for the meeting but which was added at the beginning of the meeting under “Adoption of the Agenda”. These interventions need to be brief.

• **Date and agenda of next meeting:**
Under this agenda item, the Secretariat flags the dates for the next meeting and the Committee agrees to a tentative agenda for that meeting. In addition, the Chair reminds delegations of deadlines applicable for submitting comments on specific texts, making proposals, submitting items for consideration at the next meeting, etc.
NATIONAL PREPARATIONS FOR MEETINGS OF THE SPS COMMITTEE

I Institutional set up and Coordination

A wide range of actors with different capabilities are involved in SPS questions at the national level, tackling the administrative, technical, economic, political, trade and enforcement angles of food safety, animal and plant health. A key challenge is to ensure the necessary information exchange and coordination among the various actors and identify priority areas for action. Without effective internal coordination and institutional commitment, participation in regional or international fora will not bear much fruit.

Well-informed, committed and dynamic individuals can make the difference in terms of raising awareness, mobilizing stakeholders and achieving favourable results. Still, it is evident that sustainable institutional frameworks/arrangements will serve countries best in the long run. The institutionalization of internal arrangements allows, among other things: (i) to bring predictability to the decision-making process, (ii) to maximize outcomes and effectiveness of available human, financial and physical resources in a sustainable way over time, and (iii) to ensure broad-based and transparent debate among all competent stakeholders. Still, such institutional arrangements should be flexible and pragmatic enough to address evolving needs and priorities.

In this context, a well-functioning and inclusive national SPS committee is key because it ensures on-going consultation between the private and the public sector on the one hand, and among the various national public stakeholders on the other hand, for example those responsible for animal health, plant health, food safety, customs, etc. The participation of private sector representatives in the national process is crucial because they are ultimately the ones who bear the cost of trade barriers.

It is important to ensure that one of the core tasks of a national SPS committee is to collectively prepare for the country’s participation in the SPS Committee. Otherwise, there is a risk that “participation” in international fora ends up as an activity isolated from other domestic mechanisms. The domestic and the international angles need to continuously inform each other.

Setting up a formal SPS Committee can sometimes be a lengthy process due to bureaucratic delays, legal uncertainties, budgetary questions or other reasons. Coordination can and should begin even in the absence of a formal committee.
In fact, informal or ad hoc mechanisms can be quite effective, especially in tackling specific issues.

Recognizing the importance of national coordination, a number of initiatives have focused on assisting countries in this regard. In Latin America, IICA has developed a comprehensive programme to assist countries in the region improve their national as well as regional coordination. The programme has also made a significant difference in terms of Latin America’s effective participation in the SPS Committee. Chapter E provides further information on this IICA initiative.

In the Africa region, a number of RECs have focused on improving national coordination as part of their work programme, for example, the EU-funded SADC Food Safety Capacity Building on Residue Control Project (FSCB), which was concluded in 2011. The PAN-SPSO project, also funded by the EU and implemented by the African Union Inter-African Bureau for Animal Resources (AU-IBAR) has carried out activities to sensitize SPS management authorities in Africa on the importance of SPS coordination and provided support for the establishment and operation of national SPS Committees. Before the launch of the PAN-SPSO project, seven countries had established a national SPS Committee. With the support of AU-IBAR, as of March 2013, thirty-three had been established. However, the challenge seems to be to make sure that these committees are operational, effective and sustainable and do not exist on paper only.

The STDF study entitled “National SPS Coordination Mechanisms: An African Perspective” takes a closer look at the situation in Africa, through surveys, interviews and desk research and makes practical recommendations to enhance the development, performance and sustainability of national SPS Committees. As a good national base is the starting point for achieving effective participation in the SPS Committee, it is worth noting some of the main points emanating from the study.

Out of the 17 countries, which had responded to the survey, only one rated its national SPS Committee as performing satisfactorily. Some of the problems identified were unclear organizational mandates, out-dated legislation, limited

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9See African Union submission to the WTO the SPS Committee entitled Information on SPS Activities of the African Union (G/SPS/GEN/1234) dated 15 March 2013.

SPS awareness at all levels, inadequate resources, lack of trust/transparency, and difficulties in involving the private sector, academia and consumer organizations. It was also noted that there was a high diversity in objectives, functions, scope, members, legal status, frequency of meetings, communication methods, funding, etc. While recognizing that there is no “one-size fits all” solution, the study makes six general recommendations:

• **Raise SPS awareness**
  ◊ Organize a high-level SPS stakeholder event (in collaboration with WTO, REC, other development partners, etc.) to define objectives and scope
  ◊ Show economic impact of potential measures on trade and wider economy

• **Clarify organizational mandate**
  ◊ Integrate SPS coordination in SPS policy and review/update legislation
  ◊ Formalize SPS committees (where necessary and appropriate)
  ◊ Do not put coordination on hold while setting up institutional/legal basis

• **Build on or around existing mechanisms**
  ◊ SPS Enquiry Point or Notification Authority
  ◊ Working groups, task forces on food safety, animal/plant health, specific sectors or commodities
  ◊ National Codex Committee, National Plant Protection Organization
  ◊ Private sector associations

• **Follow good meeting practices**
  ◊ Appoint Secretariat/Chair
  ◊ Establish terms of reference
  ◊ Prepare agenda, circulate documents before and after meetings, allow time for comments, prepare minutes, etc.

• **Establish clear and effective communication strategy**
  ◊ Use media and other existing tools (including STDF and SPS IMS)
  ◊ Consider creation of web-based SPS information network/portal connecting wide variety of stakeholders (NNA, NEP, Codex/IPPC/OIE contact points, private sector associations)
  ◊ Consider broadening scope to all standards affecting trade in agricultural products (including TBT, private standards)
• Promote sustainability  
  ◊ Ownership and commitment  
  ◊ Formalization of SPS committee  
  ◊ Practical and workable design and structure  
  ◊ Resources (government budget vs. external funds)  
  ◊ Training / capacity building  

It is worth underlining that the SPS Agreement does not prescribe a particular institutional structure for managing SPS issues at the national level. Nor does it include an obligation to establish national SPS Committees. Still, Members are obligated to designate two entities towards the fulfilment of their transparency obligations. The two entities are the National Enquiry Point, which is responsible for responding to SPS queries from other Members and the National Notification Authority, which is responsible for implementing the SPS notification obligations. The same entity could assume both responsibilities. Indeed, most Members (including all developed countries) active in notifying and in Committee discussions have a single entity fulfilling both functions, as this arrangement seems to facilitate national coordination. It is often a Ministry handling more directly the technical aspects of SPS, but sometimes it is also the Ministry of Foreign Trade or Foreign Affairs.

Needless to say, it is impossible for an individual or one unit in a Ministry to have expertise or competence in all aspects ranging from food safety to animal or plant health, from laboratory techniques to negotiation techniques. But what is important is to have one or more committed persons responsible and accountable for information flow and coordination, with good networking, communication, and writing skills. Indeed, it can sometimes be helpful to have a neutral generalist to ensure the collaboration of all stakeholders and to avoid that one topic dominates meetings and initiatives at the expense of others. Such persons could well assume the role not only of Enquiry Point/Notification Authority but also of coordinator/Secretary of a national SPS Committee, which, among others, is tracking incoming SPS notifications from other Members as well as developments at the WTO SPS Committee and other fora.

2 Who Should Attend the SPS Committee Meetings?  
The officials who will be attending the WTO SPS Committee should be regular participants in the work of the national SPS Committee, if one exits. Resources permitting, it would be good to have at least two delegates attending the SPS Committee meetings to be able to cover the range of issues discussed and ensure continuity when one delegate is no longer available to participate in the meetings.
To decide who should attend the meeting and assume responsibility for defending the national position, the type and nature of the meeting must be assessed. As mentioned earlier, the purpose of the SPS Committee is to oversee the implementation and administration of the SPS Agreement. The purpose of that Agreement, in turn, is to strike a reasonable balance between the Members’ right to adopt SPS measures they consider pertinent and the need to prevent unnecessary barriers to international trade through measures inconsistent with the obligations assumed under the Agreement. Therefore, although the Agreement deals with sanitary and phytosanitary measures, the measures per se are not evaluated; instead they are assessed in terms of their effect on international trade. Taking this into account, the following are some suggestions for the profile of the national delegate(s) that should attend the meetings of the SPS Committee.

Negotiators/diplomats: First and foremost, the WTO, through its various bodies, is a forum for negotiation. The Members meet to negotiate topics or specific measures in order to help shape fairer, more balanced and equitable conditions in international trade. It is therefore important that Members’ delegations comprise international trade negotiators.

The permanent missions in Geneva will normally include individuals who have experience with the multilateral trade negotiations setting. In fact, it is highly recommended that the mission official covering the SPS Committee participate regularly and actively in its meetings. This person will probably not be the country’s most senior authority in the area of SPS; in fact, it is more than likely that the specialist traveling from the capital has more know-how and expertise on SPS. Be that as it may, the missions’ diplomats are familiar with the dynamics of overall WTO negotiations, schedules and deadlines, as well as its formalities and negotiating strategies, all of which are extremely valuable for performing effectively at the meeting. In addition they will have a better network in Geneva. They will know their peers from other delegations, the WTO Secretariat staff and probably the Chairperson of the Committee. This is not to suggest that negotiators or international trade experts from the capitals are unnecessary, rather, their work should be actively complemented by the diplomats in Geneva. If only the Geneva delegates can attend a particular SPS Committee meeting, it is essential that they receive detailed information, including background information, speaking notes and other instructions. Otherwise the generalists from the missions will usually not feel comfortable enough to participate actively in a highly technical body such as the SPS Committee.
SPS specialists from capital: The SPS Committee does not discuss reductions in import duties or subsidies but rather disciplines related to SPS measures. Therefore, it is essential that a country’s delegation also include SPS specialists from the capital since the mission staff in Geneva usually cannot play that role due to different professional background and broader areas of responsibility. Still, the SPS Committee is not a forum for technical and scientific deliberations, which take place in the specialist bodies of the ISSBs, but rather a forum for discussing and negotiating the implementation of SPS principles and ensuring that national measures do not constitute unjustifiable restrictions to international trade.

If SPS experts or negotiators from the capital cannot attend, the national position stemming from in-country discussions should be sent to the Members’ mission in Geneva so that the diplomats there can present it at the meeting of the SPS Committee. As mentioned earlier, although many of the WTO Members have representation in Geneva, the officials stationed there don’t always have the know-how or time to participate effectively in the SPS Committee meetings. On any given day, there are a number of meetings going on at the WTO and a delegate from a small mission needs to assess which meeting(s) to attend and sometimes run back and forth between meeting rooms. Still, it is critically important for at least one of the officials at the mission to follow the discussions of the Committee as closely as possible, so that they will have some background for the instructions they receive. In addition, it is suggested that the capital and Geneva work very closely together on the preparatory work for the meeting. If the mission only receives its instructions one or two days prior to the meeting, its capacity to assimilate and analyse them will be limited and it will not have time to communicate with the capital about any doubts or concerns that may arise. Thus, if delegates from the capital cannot attend, the latter should communicate as early as possible with mission officials to coordinate the presentation of the national position in the best possible way.

Another recommendation is to exchange information with other Members that have advocated similar positions in the past. If a delegate cannot attend, consideration can be given to contacting delegates of other countries that are considered allies in a given subject area, in order to inform them of new developments and pass on any information that may be helpful to move the concern forward in a positive manner. The Secretariats of Observer RECs could also coordinate the positions of their Members and make contributions to the discussion. Sometimes, one delegate can speak on behalf of several Members, or even on behalf of an entire regional group. A Member unable
to attend a particular meeting can also submit a document to be circulated in advance of the meeting. The Secretariat or the Chairperson can draw the Committee’s attention to such documents to make sure that they are not overlooked.

Still, the most important recommendation is to make every effort possible to collect the necessary funds and take the steps necessary to ensure the participation of capital-based experts in the meetings of the SPS Committee.

3 Suggestions for Starting the Preparatory Work
For those who are going to participate for the first time in a meeting of the SPS Committee, it is interesting to note that by July 2013, it had met 57 times. It can be a challenge to “catch up” with the procedural and substantive history of the SPS Committee. Following are some suggestions that may be useful for organizing the preparatory work for a meeting of the SPS Committee.

• **Become familiar with the background information**
Delegates who will be participating in the meetings of the SPS Committee must first and foremost be familiar with the WTO and the SPS Agreement as well as the SPS Committee’s rules of procedure, practices and main decisions. The introductory section of this Handbook provides a list of the key documents that delegates should have at their fingertips as well as information on the WTO’s technical assistance and training activities. In addition, the SPS Information Management System (SPS IMS) allows users to access SPS information according to their specific needs thanks to its comprehensive search mechanism. Moreover, Chapters B and C of this Handbook include a general overview of the WTO and the SPS Agreement as well as detailed information about the SPS Committee’s procedures, practices, and some of its discussions.

Delegates can also find valuable information on the SPS Agreement on the WTO webpage. The site contains, among other things (i) news on SPS Committee meetings (ii) news on workshops and meetings, (iii) the text of the SPS Agreement and various explanatory texts on the Agreement, (iv) links to training materials, (v) links to Documents Online, SPS IMS and the SPS NSS, and (vi) external links to the websites of relevant organizations.

• **Review the meeting-specific documents**
The WTO Secretariat prepares a summary report of each meeting that covers the discussions, delegates’ interventions, and any decisions adopted. Delegates who will be attending a meeting should carefully study the reports of the
previous one or two meetings as these often provide the background for the discussions at forthcoming meetings.

In addition, it is important to review carefully the reminder airgram as well as the subsequent airgram with the draft agenda. These will not only specify the topics that will be considered at the next meeting of the SPS Committee but also the main documents. They may also contain important logistical information.

As the meeting date approaches, it is important to retrieve the documents that are being circulated for the upcoming SPS Committee through the WTO’s Documents Online system (see Chapter C.15). Some submissions do arrive after the deadline set by the Secretariat, so it is good to check regularly for incoming documents. The number of documents reviewed at any given SPS Committee meeting is usually not very high compared to that of other international bodies, which might meet less frequently.

When organizing the preparatory work, it is important to differentiate between information documents and documents containing negotiation proposals. WTO Members, the Secretariat, and observer international organizations often provide information on SPS-related activities to the SPS Committee under different agenda items. These documents are informational in nature and Members may comment on or ask questions about them during the meeting but they do not involve negotiations. Such information documents are usually presented under the agenda items “Information on Relevant Activities,” “Information from Observer Organizations,” “Operation of Transparency Provisions”, Technical Assistance and Cooperation,” and “Matters of Interest Arising from the Work of Observer Organizations”.

Other documents (“negotiation” documents) are presented by the WTO Secretariat or by Members and give rise to specific negotiations, either within the Committee or in smaller groups. For example, the Committee is currently working on developing procedures that would provide more clarity and predictability when requesting the Chairperson’s good offices to help Members resolve SPS-related differences. The text under negotiation has already been revised in light of Members’ written and oral comments.

Sometimes Members also provide written communications to accompany a specific trade concern they are raising or responding to.
Enhancing the Participation of African Countries in the WTO SPS Committee

- **Contact national delegates**
  First time delegates should contact other national specialists who have participated in previous meetings as they will be valuable sources of information, experiences, observations and other types of references. If your country has a National SPS Committee or other coordination structure, it will be easier to establish contact.

  It is also important to check with your country’s mission in Geneva to find out if they have been involved in recent SPS Committee meetings. All WTO Members from Africa except for two (Gambia and Malawi) have a permanent mission in Geneva. Some of the missions are small and cover not only the WTO but also other international organizations based in Geneva (e.g. ITC, UN, UNCTAD, WHO). Still, they might occasionally be participating in meetings of the SPS Committee. It is important to ensure two-way information flow to make the best of the permanent mission’s presence in Geneva.

- **Use the WTO Secretariat**
  The WTO Secretariat is always available to respond to queries regarding upcoming meetings or topics under discussion. All individuals in the SPS section of the Agriculture and Commodities Division speak English, French, and Spanish, the three languages of the WTO. A list of WTO staff working on SPS matters is provided for in Annex II.

- **Contact SPS peers in other countries and RECs**
  It is useful to build a network with SPS peers in other countries and exchange information, ideas, plans of action. Most African countries are members of at least one, in many cases, multiple RECs. As will be discussed further in Chapter E, RECs could also play a role in information exchange and defining national or regional positions.

- **Define the country position**
  All preparatory work undertaken prior to a meeting should have the purpose of defining the country position, which is what the delegate will present at the Committee meeting. All of this takes time and effort and cannot be achieved overnight or in a few weeks. It is important for delegates to prioritize this commitment in their work agendas, taking into account that it may take about a month to become familiar with the information and prepare adequately for a Committee meeting (see section D.4).
Bring together the relevant stakeholders

If a country has a national SPS Committee, participation in the SPS Committee could be one of the items on its agenda and it could schedule its meetings in alignment with the meetings of the SPS Committee to allow enough time for preparations and for follow up. This would require at least three meetings per year. Depending on the national arrangements, a meeting could be called by the Chair/coordinator of the national SPS Committee or by the delegate who will be attending the meetings. Discussions should aim to articulate positions among the different stakeholders with competence in SPS, with a view to defining the country position, which is the position that the national delegate will communicate at the meeting of the SPS Committee. The following representatives should ideally be present at the meeting:

Public sector: Depending on the national SPS structures, officials from the following Ministries could be invited: Agriculture, Customs, Environment, Finance, Fisheries, Foreign Affairs, Health, Justice and Trade as well as the Bureau of Standards. It is important that the WTO SPS Enquiry Point/Notification Authority and the contact points for Codex, IPPC and OIE are among the representatives.

Private sector: The sectors that play a major role in foreign trade, which tend to be grouped into chambers or associations should also be consulted. If possible, find out in advance if any of them are experiencing restrictions on their exports; if so, they should be especially involved in the entire process.

Academia/research institutes/non-governmental organizations: Academics or research institutes could provide useful inputs regarding technical or economic questions. Consumer groups or environmental initiatives can also bring their perspectives to the discussions.

What is a Country Position?

When delegates attend an international meeting such as a meeting of the SPS Committee, they must be aware that they will be issuing statements not as individuals or on behalf of the ministry for which they work; rather they will be speaking on behalf of the country that has accredited them for that purpose; this transcends the delegates’ personal or professional opinion, or the opinion of the agency they work for. While the national position is being articulated, it is extremely valuable to hear all possible opinions. However, once it has been defined, only the country position may be officially communicated (in writing or verbally) at the meetings of the SPS Committee.
This issue is of utmost importance, which is why prior to each meeting of the SPS Committee, in-country meetings and consultations should be held with all relevant stakeholders so as to ensure that what is communicated at the SPS Committee meeting truly reflects the national position. If the country has a National SPS Committee, it would be the ideal forum for discussing and formulating the country position. If no such body exists, it will be necessary to call meetings with all stakeholders with competence in the matter in order to define the national position.

In the preparatory work for the meeting, it is important to define which topics are of “strategic” importance to the country. Although all topics are important, there are always some that have higher priority than others. Thus, delegations should prioritize the items on the agenda, not to disregard less relevant subjects, but rather to marshal their resources for the most important items. The National SPS Committee is the ideal arena for assessing and defining priorities.

Depending on the agenda of a meeting, a country position might be crucial during negotiations on a draft text for eventual decision by the Committee. For example, when the Committee was working on Guidelines to further the practical implementation of Article 6 (regionalization), Members were divided on a number of key points, such as whether to include timelines in the guidelines or not. Proponents and opponents put forth their arguments and reasoning. In that context, it was very crucial for countries or an alliance of countries to come forward with their positions.

Another agenda item where a country position is important is specific trade concerns. General information on this agenda item was provided in Chapter C.16. At the national level, it is often the producers/exporters in the private sector that will bring to the attention of public officials an SPS-related trade problem. This is why it is important to have them integrated into the national SPS coordination mechanism. If your country is facing an SPS-related trade problem, it is best to first check whether other Members have already raised similar concerns and also review the legal and scientific arguments they have made. The SPS IMS contains detailed information on all STCs raised and allows users to search for them according to a variety of criteria, including Members involved, HS codes, free text, etc. It is also useful to browse the latest STC report of the Secretariat (the latest revision of G/SPS/GEN/204, which is generated using the data in the SPS IMS).
If a collective decision is made to raise a specific trade concern, it is important to identify to the extent possible the following:

- Country(ies) maintaining the measure
- Measure that is affecting trade negatively/unfairly
- Product(s) at issue
- Trade implications of the measures
- If applicable, indication of how your exports do not pose a risk, meet international standards etc.
- If applicable, reference to relevant international standards
- Legal provisions of the SPS Agreement which are potentially being violated (without necessarily going into details)
- Proposed solution to the problem

Raising an STC in the SPS Committee raises the profile of the trade problem and puts pressure on the Member maintaining the measure to respond to the concern. At the same time, it does not require significant resources as a full-fledged dispute settlement case at the WTO would. Therefore, it is a pragmatic tool for addressing trade concerns. But it requires good collaboration and coordination between the private sector, SPS specialists working in relevant Ministries, and international trade officials based in the capital and/or at the permanent mission in Geneva. A good international network including peers in other countries and the Secretariats of the WTO, the ISSBs and relevant regional organizations is also crucial. If your country is interested in raising a specific trade concern, it is can be helpful to seek support from other countries, possibly RECs in your region. It is also helpful to prepare both a (more detailed) written statement for distribution in advance of the meeting and a (shorter) oral statement to be made at the meeting. The countries involved are also likely to hold a meeting on the margins of the SPS Committee, which normally needs to be organized in advance.

It is also possible that another Member raises a concern against an SPS measure of your country. In this case, you will be notified at the latest about 11 days before the meeting so that the SPS officials concerned can prepare a response and possibly organize consultation on the margins of the SPS Committee.

In drafting the national position, it is likely that various interests will arise, either within the public sector, within the private sector, or between them. The private sector is there to defend its business interests and thus its main focus will be on securing revenue and maximizing profits. The core objective of national sanitary and phytosanitary services will be to ensure food safety and protect
animal and plant health. It is the negotiators’ job to build bridges between different positions and strike a balance between trade, earnings and protection. This is the only way to arrive at a sustainable and reasonable national position. This underscores the critical importance of efficient and effective mechanisms for defining the national position, and highlights the clear advantages of having a National SPS Committee with internal rules on decision-making procedures and mechanisms. Although the country position will not always satisfy all stakeholders, it is the position that the delegates attending the meeting will communicate, regardless of their personal or professional convictions, or those of the official institution at which they work.

It is also important to be aware that many of the issues reviewed or negotiated within the SPS Committee are also addressed by the competent ISSBs recognized by the SPS Agreement, i.e. Codex, IPPC and OIE (sometimes also referred to as the “sisters”). For example, the implementation of the concept of equivalence has been discussed in all four bodies and the SPS Committee has referred to the work of the three sisters in its formal Decision on Equivalence. Therefore, having a clearly defined country position enables a country to be consistent in its international negotiations, regardless of the forum or area. It is not uncommon to see unarticulated and even contradictory country positions in different fora, which obviously diminishes the credibility of each position. This can be attributed to an absence of organized discussion and a consequent lack of definition in the country position.

One option is for delegates attending the meetings of the SPS Committee to be given “instructions”, that is, a detailed description of the national position authorized by: (i) the competent authority in the matter, or (ii) the National SPS Committee. Who the person or entity that authorizes these instructions will depend on how each country is organized. It is suggested that these instructions be duly sent to the country’s mission in Geneva, if it has one. For one, it prevents confusion when delegations are made up of more than one person, since otherwise different viewpoints could emerge in the midst of a meeting and generate unnecessary conflicts. Having instructions also gives delegates confidence that the position they are defending at the meeting is the duly authorized position; this will prevent complaints after the meeting about their performance.

Still, a certain margin of flexibility is required in international negotiations, especially when they involve about 160 countries such as in the WTO. It is extremely unlikely that a Member will be able to attain all its objectives on all
agenda items as originally intended. Positions are constantly being conciliated and proposals accepted, which, although not completely in line with the initial position, are “something the Member can live with”. The negotiations on the guidelines for the practical implementation of Article 6 of the SPS Agreement on regionalization provide a good example of this. The initial expectation of many Latin American countries were not fully satisfied in this matter because other Members strongly resisted the idea of establishing timeframes for concluding the procedure to recognize regionalization. Even so, after a detailed assessment of the “best possible proposal” they decided that, while not perfect, it satisfied valid claims and it was better to approve it in that form before moving forward with deliberations in the SPS Committee that were unlikely to achieve better results.

Following are some suggestions on how to participate proactively in the negotiations:

- Analyse in detail the topic, its implications and the options for negotiations
- Identify potential allies, that is, Members who may be able to be convinced to become more strongly involved or committed in the negotiations
- Identify potential rivals, try to understand the underlying reasons for their positions, and consider different options that may be offered for overcoming differences
- Check with the Secretariat, which has the “institutional memory” how similar issues have been resolved in the past
- Submit written communications
- Participate actively before, during and after the meetings of the SPS Committee
- Communicate clear messages

5  Do I Need to Submit Information Before the Meeting?
In some cases, information must be sent beforehand while in others it advisable to do so.

Required: If a Member wishes to introduce an item under a specific agenda item, this needs to be done in writing within the deadline announced by the Secretariat. For example, a Member may wish to provide some general information on its new Food Safety Authority or another may wish to report on technical assistance activities they have provided or received. Yet another Member may wish to raise a specific trade concern against the SPS measure of another Member. In this case, both the Secretariat and the Member maintaining the measures need to be informed in advance.
Requests for accreditation of delegates from the capital must also be sent in advance to the mission. The mission should also be informed in advance of the instructions handed down by the competent national organ for SPS.

Recommended: It is advisable to complement substantive interventions in the Committee with written submissions, which should ideally be submitted within the deadline set by the Secretariat so that other Members have time to review them.

6 What Materials Should I take with Me?

- As the WTO no longer provides paper copies of documents circulated prior the meeting, it is advisable to download the relevant documents from Documents Online in advance. The WTO offers free wireless internet service so delegates, who bring a laptop or other electronic device can also access the documents while on-site. Still, for advance preparations and ease of reference, it is useful to have the ones already available downloaded in advance. In addition, it may be useful to take along hard copies of some of the documents, which are under negotiation or which are of particular interest to your country. If necessary, there are also a number of computers reserved for delegates’ use at the WTO building.
- The Secretariat’s compilation of Major Decisions and Documents, which include the Committee’s working procedures, the text of the SPS Agreement and the major decisions and reports of the SPS Committee.
- Any instructions from the capital; notes from preparatory national SPS Committee meeting.
- Copies of any written submissions your country has already made and of any oral statement you plan to make.
- Background and other information needed for any possible informal bilateral meetings held parallel to the SPS Committee meeting.
- Delegates should also carry relevant logistical information to facilitate their stay in Geneva, including:
  ◊ Contact information of the country’s mission in Geneva
  ◊ Contact information for representatives of other countries you are planning to meet
  ◊ Telephone number and address of the hotel where the delegate will be staying
  ◊ Address of the WTO (rue de Lausanne 154, CH-1211, Geneva 21)
  ◊ Means of transportation from the hotel to the WTO
- Delegates are reminded to always carry their passports when they plan to enter WTO facilities; it is a requirement for entering the building.
7 Should I Make Appointments in Advance?

Meetings of the SPS Committee afford a unique opportunity to meet with delegates with competence in SPS from other countries. Most delegates attending the meetings of the Committee schedule several informal bilateral or plurilateral meetings with delegates from other countries who will also be in Geneva, in order to become better acquainted with people in the field of SPS. Direct bilateral discussions of this nature provide a useful opportunity for strengthening channels of communication, dealing with trade barriers, or clarifying a variety of trade-related situations.

In this regard, it is highly recommended that before each meeting, delegates make a list of SPS-related problems affecting their relations with other countries (i.e. a country’s lack of response to a request for risk assessment, delays in performing audits or inspection missions, a country’s implementation of a measure inconsistent with the provisions of the SPS Agreement, etc.) and/or any other information they wish to share with specific Members. This information will be useful for setting up informal meetings.

These meetings should be scheduled in advance. Delegates planning to attend a meeting are advised to send a communication to their mission in Geneva, approximately two weeks in advance, indicating:

• The need for their accreditation to be able to enter the WTO premises
• The countries with which they would like to schedule informal meetings (unless they have direct contact with relevant officials)
• The topics they intend to address during the meeting (be as precise and detailed as possible so that the other Members can prepare their responses).

The missions in Geneva have experience in organizing this type of informal meeting and will handle the logistics with the mission of the country invited to the meeting. These meetings usually take place only when delegates from capitals are present, which means that it is likely that a country will decline a meeting unless delegates from their capitals will be attending. It is also likely that a country that agrees to an informal meeting will also want to address a topic of its own interest, so it is important to be prepared to hear their concerns. In other words, not only does one need to prepare properly for the “offense” but also for the “defense”.

Informal bilateral meetings are usually held in meeting rooms available at the WTO or in one of the cafeterias, depending on availability. Interpretation services are not provided at these meetings and English is usually the language.
of communication, unless the delegates share another language.

Delegates may also request meetings with the WTO Secretariat (especially if they plan to request technical assistance for holding a regional or national seminar), or with the international organizations attending the meetings. Depending on the situation, request for such meetings could be channelled through the mission in Geneva.

To assist delegates with their orientation in and around the WTO building, Annex VI includes a small map indicating the location of hotels, restaurants, health services, etc. in the vicinity.

8    Should I Form Coalitions?

Every country needs to define its national position vis-à-vis the items on the agenda of the SPS Committee, which the country’s delegate will communicate during the course of the meeting. It is important to underscore that every country is absolutely sovereign to define its national position and negotiating strategy for reaching its objectives. In other words, every country decides what it wants from the negotiations and what path it will follow to get there. Still, it is important to recall that the WTO has 159 Members and that decisions are adopted by consensus. Therefore, creating a “critical mass” of like-minded opinions is vital to achieve desired outcomes. Members are constantly forming coalitions and organizing their presentations accordingly.

Below are some suggestions for creating strategic alliances or coalitions:

• **Strategic allies:** Identify strategic allies, that is, Member whose profiles suggest that they have or may have common concerns or interests. For example, it is common for Latin American countries that are net exporters of food and agricultural products to build coalitions.

  Although the main beneficiaries of these arrangements are countries with similar circumstances, it is advisable to include in the alliance countries that have held neutral positions in the discussions up that point or have not participated at all. The engagement and participation of these countries is often an important factor that will tip the balance in one’s favour, isolating Members that defend opposing interests.

• **Reaching out to those with diverging views:** It is important to engage not only with like-minded countries, but also those who have opposing
views in order to better understand their concerns and identify possible areas for compromise. Since decisions are by consensus, even if 90% of Members agree on one proposal, it will only be adopted if they manage to convince the remaining 10%.

- **Clear message:** Try to raise the awareness of possible strategic allies by sending a clear message on the importance of the topic and its importance to the interests of that country.

- **Interlocutors:** Once potential strategic allies have been identified, determine which delegates will be the valid spokespersons for those countries. Representatives who attend the SPS Committee meetings are obviously the main target for such contacts, but it is also a good idea to exchange information with the country's mission at the WTO and other officials from capital.

- **Leadership:** While all Members have equal representation at all meetings, one Member in the coalition needs to exercise firm leadership in order to give direction to the process, articulate positions, and convene coordination meetings.

- **Flexibilities:** Negotiators sometimes define consensus as a “situation that bothers everyone equally”. This means that, despite the validity of a proposal or skill of a country’s negotiators, it is very unlikely that a Member’s point of view will prevail on all items on the agenda. Concessions are constantly being made and flexibilities are offered on items, that, while still relatively important, do not represent the true and most important outcome being pursued. Therefore, coalitions must identify the most important elements that unite them as well as the elements they would be willing to amend or change in order to take into account the concerns or needs of the other Members at the negotiating table.

In this context, it is important to define which agenda items the coalition is willing to be flexible on and which items the other group of countries will not budge on; this clarity will be helpful for creating bridges or connections between the two. It is also the only way to move forward positively to reach consensus on the topics under negotiation.
9 How is the Country Position Presented at the Meetings?
The SPS Committee provides two ways to present the country position: (i) by submitting a written communication to the WTO Secretariat or (ii) when the delegate makes an oral communication during the meeting of the SPS Committee. It is customary, however, to use both methods, as will be seen below. Following are some specific features of these presentations.

» Written communication
When a member has very complex technical information or a large amount of data to report, or wishes to propose specific text or concepts to be included in a document under negotiation, it is highly recommended that this information be presented in written form. Despite the high level expertise of the WTO’s simultaneous interpreters, it is practically impossible to produce a one hundred percent accurate interpretation and any lack of clarity of inaccuracy can have significant implications. Thus, written communication will ensure that the message received by the rest of the Members is complete and accurate.

Written communications should be submitted to the WTO Secretariat through the country’s mission in Geneva. The WTO does not have strict formal requirements for written communications. There are no limits on the length of documents, nor specific rules to be observed by Members, with the exception of:

• Language: All communication must be presented in at least one of the three official languages of the WTO, namely English, French or Spanish. Documents are usually submitted in one of those languages and then translated by the Secretariat into the other two. A few Members with more than one official language, for example Canada, sometimes submit communications in English and French.

• Deadlines: If a Member wishes its document to appear on the proposed agenda to be adopted by the SPS Committee, it must submit the communication before the deadline indicated by the Secretariat in advance of each meeting. This allows time for other Members to become familiar with the document and also for the translations into the other two languages to be completed in time. Nonetheless, Members sometimes submit their communications to the Secretariat after the deadline. In these cases, the document will not be identified on the proposed agenda and will only be available in the original language.
In general, Members are likely to submit one of two kinds of documents. General documents (GEN) and negotiating documents (W). Members use GEN documents to communicate specific events or developments in their countries or to complement a specific trade concern they are raising or defending. On the other hand, W documents relate directly to a specific negotiation and usually contain a proposal for work or language for a particular text. The following are some useful suggestions for preparing documents:

- Be brief, clear and accurate. Long documents tend to try the patience of Members and may not get reviewed with the attention they deserve.
- Be aware that these documents are not academic papers; their purpose is to share information or introduce negotiating proposals.
- Review earlier documents on a particular issue, use them as a model or guide, reference them through footnotes. The SPS IMS is a practical tool for searching for past documents according to a variety of criteria, including keywords, submitting Members, dates, etc.
- Try to avoid using phrases or wording that will be difficult to translate into the other official languages. Avoid abbreviations. If you use them, make sure you explain what they stand for.
- Meet with stakeholders to exchange ideas before starting to write.
- Check with the WTO Secretariat if you need any clarifications on substance or procedure.
- Plan your work time. Internal discussions often take longer than anticipated.
- Exchange ideas with Members that have more experience in preparing documents and with those more experienced in the topic to be addressed.

Oral communications

National positions are presented during the meetings of the Committee by means of oral communications. A Member who wishes to do so must request the Chairperson of the SPS Committee for the floor. This is done by placing the country nameplate vertically on the delegates’ table. Members wait their turn until the Chairperson calls on them.

As a matter of courtesy, it is customary to thank the Chairperson for giving the floor. Although it is every Member’s right to speak at the meetings of the SPS Committee, once the microphone has been turned on, the first thing one usually says is “Thank you, Mr/Madam Chairperson.” This is not only a polite formality but also a chance to check whether the microphone works properly.

To put it simply, there might be three types of oral communication or intervention:
Enhancing the Participation of African Countries in the WTO SPS Committee

• An oral communication prepared in advance to reinforce a written communication
• An oral communication prepared in advance (without accompanying written communication) to share information or raise a specific trade concern under relevant agenda item
• An oral communication that has not formally been prepared in advance but is deemed necessary in light of discussions or queries from other Members

It is suggested that written communications be reinforced by an oral communication. These should be brief (about two minutes) and be limited to highlighting the most important points. When making this type of oral communication, indicate that a document exists that contains all relevant information and provide its document symbol. When making an oral communication, it is important to speak calmly and clearly to facilitate the work of the interpreters.

It is useful to share a copy of any oral statements you have prepared in writing with the WTO Secretariat at the beginning of the meeting. This not only helps the interpreters reflect your intervention correctly during the meeting but also the SPS Section when they are preparing the summary report of the meeting.

Members make oral statements to express their positions on the topics under negotiation. They often must also improvise in response to questions or other Members’ statements, which they may wish to support or object to. It is therefore important to pay close attention to what other Members say and be clear on the country’s national position so as to be able to speak with ease.

Usually, the Members speak once or at the maximum twice to communicate their position on a given item on the agenda. Therefore, choosing when to speak is important, as is ensuring that the statement is sufficiently complete to cover all the points the delegate wishes to make. This is another reason why it is important to prepare the presentation in advance.

If a Member plans to present a specific negotiation proposal and wants to hear reactions from other Members, it is a good idea to ask to speak as soon as the Chairperson opens the floor for discussion. This will improve the likelihood of receiving feedback on the proposal from other Members; it will also position the document as the center of the Committee’s deliberations.
In this case, after listening carefully to the other delegations and the discussion has come to an end, the delegate may request the floor again to make any clarifications necessary or to provide further information. The second intervention should be as brief as possible and can include thanking speakers for their comments and responding specifically to questions or objections raised. If many responses are received, it is common practice to thank the speakers and to offer to respond to their observations in writing before the next meeting of the Committee.

However, if a Member is not interested in having its proposal or statement become the center of deliberations, it is best to wait until other Members have spoken. This affords an opportunity for getting to know how other Members think, supporting or rejecting earlier statements, and bringing one’s presentation in line with the discussions.

The matter of when to speak is also important for coalitions. It is recommended that not all Members of a coalition express their support for a given motion one after the other. Although this will show strong support for the motion, later interventions questioning the motion will weaken earlier presentations and reduce the capacity to react to observations or objections. In this situation, it would be preferable to informally identify the two strongest or best-prepared countries in the subject area, one of them to “open” the discussion and the other to “close” it. Any other supporters can limit their interventions to brief indications of support, possibly highlighting one or two points.

Regardless of how much preparatory work has been done prior to a meeting, how well organized a country is, and the level of a delegation’s expertise and preparedness, one factor can never be avoided: UNCERTAINTY. Even though prior contacts are maintained with some delegations, it is still impossible to accurately and precisely anticipate what the rest of the delegations will have to say on the agenda item. Therefore, it is likely that during the course of the meeting, a variety of statements, presentations, proposals, observations and other elements will emerge that are either unexpected or about which the delegates were unaware until that moment. This is the factor of uncertainty, which can be minimized but never completely eliminated.

Uncertainty requires that negotiating delegates have:
• Sufficient expertise in the subject area to be able to improvise, even if only to provide an initial response or reaction;
• Good reflexes and good timing, so as to be able to react quickly with the
right word at the right time in order to surmount an obstacle presented or to address a criticism received; international negotiators tend to be experienced in this regard; and

- Instructions that are sufficiently flexible to allow negotiators some room of manoeuvre during the course of the meeting.

It is important to understand that the timeframes of the SPS Committee are not short; topics are analysed through extensive and in-depth deliberations so if it is impossible to respond effectively to an unexpected element presented by another Member, a delegate can thank the speaker for their comments and request more time to analyse the concern in detail in the capital. This option is useful for gaining time and minimizing the effect of the surprise factor.

10 **Should I communicate with the capital? When and why?**

Delegates should have a specific contact in their capital, whom they can reach easily (by phone, Skype, email, etc.). The WTO has public telephones (prepaid cards required), free wi-fi access and some computer stations in the building which can facilitate communications. Below are some situations that may require contact with the capital (depending on the profile of the delegation):

- If a decision is about to be adopted that runs against the interests of the Member, in order to determine whether the delegate should halt the decision-making process. (Remember that it is enough for one Member to object to a proposed decision for consensus to fail. This interpretation of consensus may be rather different from versions applied in ISSBs).
- If new concerns or considerations are raised that the delegate considers to be somewhat urgent and should be reviewed by specialists in the capital (i.e. to change the national position on an issue).
- If, at the outset of the meeting, a Member expressed that it wanted to include a statement against your country under “Other Business”.
- If another Member requests an informal meeting with your delegation.
- If the coalition created is not yielding the expected results because other countries are not fulfilling their commitments.

In short, delegates attending the meeting must be prepared to decide when and why to contact the capital. In any event, when in doubt, it is best to make the contact.

11 **How to ensure sustainability**

Although the work performed before and during the meetings of the SPS Committee is very important, the true challenge comes after the meeting,
when it is necessary to sustain the momentum of the process. Very often one sees countries take on activities with great energy and conviction only to see the enthusiasm dwindle after a while, with the issues being set aside either due to other priorities or emergencies. Topics reviewed by the SPS Committee take a long time to mature. Proposals or projects do not get approved during the course of a single meeting. Reaching agreement on a decision may take several years. Therefore, long-term and sustainable policies are indispensable for obtaining the desired results.

As mentioned earlier, the creation of an institutional framework – National SPS Committee – with internal procedures and the establishment of annual work programs contribute to making the process sustainable over time and foster predictability in the execution of state policies.

Delegates who attend the meetings of the SPS Committee should be aware that while they have been asked to participate in these meetings in recognition of their professional achievements, their participation also represents a commitment on their part. Therefore, it is essential that on their return, delegates:

• Share their mission report, which should be as detailed as possible, with other member of the National SPS Committee. In addition to containing objective information on the meeting, it is recommended that delegates include personal appraisals and opinions. To ensure that the information is as fresh as possible, it is recommended that the report be submitted no later than 10 days after the end of the meeting. If delegates take longer to present their reports, they risk losing valuable information and experiences, and shorten the amount of time they have to prepare for the next meeting.

• Present the mission report to political authorities in order to raise or strengthen their awareness of the issues, highlight the importance of the topics discussed, and underscore the importance of active participation by delegates from the capital in the meetings in Geneva. Sensitizing and raising the awareness of authorities are vital for ensuring the sustainability of the initiative.

• Convene a meeting of the National SPS Committee no later than two weeks after distributing the mission report. At this meeting, delegates will be able to provide participants with further information on the meeting and answer their questions. The delegate or the person responsible for coordinating the meeting should initiate the preparatory work for the next meeting by distributing tasks and responsibilities, and establishing deadlines.

• Promote/facilitate interdisciplinary work among negotiators, international
trade experts, and sanitary specialists. Create fluid and dynamic channels of communication among all stakeholders with competence in SPS.

- Continue contacts by email, phone or through a web-based forum and hold additional meetings if necessary.
- Try to ensure regular budget allocation to cover costs of participation in meetings of the Committee. It is also useful to watch out for opportunities where the WTO Secretariat funds the participation of delegates from developing countries and LDCs for specific events.
- Honour commitments, internationally and domestically.

In Committee meetings, Members often assume a specific commitment, e.g. to submit a proposal on a topic under negotiation or to prepare a response to a specific proposal raised under Specific Trade Concerns. Members often make these commitments voluntarily, but the Committee Chairperson or other Members sometimes request a Member to draw up a proposal or a document. By honouring commitments, the country strengthens its credibility and contributes to the continuity of the work of the Committee. It creates a poor impression for a country to agree to present a document or response and then not do it. Therefore, it is essential to organize in-country tasks within the National SPS Committee or relevant national agency or body.

An agenda item, proposal or document under review rarely requires the participation of just one person. Normally several agencies and people are involved in addressing the matter and contributing to what in the future will be the national position. This requires a strong commitment from the relevant technical bodies, political authorities and business leaders. The commitment requires agreeing to include as part of their work the analysis and study of the documents or other tasks assigned to the National SPS Committee. In some countries, these tasks are viewed as “extra work” that is optional, depending on the amount of time and/or willingness of experts. This should not be an option; commitment to an assigned task must take priority over all other things. This is the only way to ensure predictability and sustainability and the certainty that the national position truly reflects a broad discussion in which ALL relevant stakeholders express their opinions.

The Committee works with its own particular rhythm. As mentioned earlier, it meets regularly three times a year. The documents distributed between the meetings are mainly the SPS notifications. Specific proposals and other documents for review and discussion at the next meeting usually begin arriving between two to three weeks before each meeting of the Committee.
This may give rise to the mistaken idea that national experts involved with the SPS Committee take up this work just a few days before each meeting and then return to their other work once the meeting has come to an end. Although this may occur in some countries, it is worth noting that countries whose history, traditions, commitment and capacity make them leaders or opinion-shapers in the Committee are the ones that work very hard in between meetings. The end of a meeting should be seen as the beginning of preparatory works for the next meeting. Analysing and defining the national position is a long complex task and if the topic is addressed only shortly before the next Committee meeting, this is likely to weaken the performance of the delegates attending the meeting.

Therefore it is important that the National Notification Authority or the Enquiry Point keep the members of the National SPS Committee abreast of relevant documents and notifications circulated by the WTO Secretariat and respond promptly to queries from other Member, with the assistance of other SPS collaborators if necessary.
I **Alliances at The WTO**

The WTO has 159 Members. This includes the European Union, which is a Member on its own right, as well as individual EU member States. In most WTO bodies, including the SPS Committee, it is the European Union, which speaks on behalf of its 28 member states. Therefore, you will never hear a delegate of France or Germany or any other EU member take the floor in an SPS Committee meeting. Needless to say, the European Union has developed elaborate coordination and regulatory mechanisms over decades before its members have signed on to this arrangement.

No other regional body has membership status in the WTO and WTO Members are free to align themselves to various groupings or alliances depending on their specific trade interests. Alliances are particularly prominent in bodies, which tackle aspects of the Doha Development Agenda negotiations. They are meant to help bring further visibility to an issue, strengthen the voice of its proponents, and facilitate a resolution favourable to the alliance. These alliances can be based on a variety of factors, such as geography, level of development, or main export interests. For example, the Cairns Group is a coalition of 33 agricultural exporting nations lobbying for agricultural trade liberalization. This group includes developed countries such as Australia, Canada, New Zealand as well as developing countries from all continents, including South Africa. G-10 is a coalition of countries lobbying for agriculture to be treated as diverse and special because of non-trade concerns. This group includes Switzerland and Japan as well as Mauritius. The African Group is a coordination body for all African Members of the WTO. MERCOSUR (Common Market of the Southern Cone) brings together five Latin American countries. Recently Acceded Members (RAMs) are those, which have joined the WTO after 1995, seeking lesser commitments in the negotiations because of the liberalization they have undertaken as part of their membership agreements. Cotton-4 brings together 4 West African countries, namely Benin, Burkina Faso, Chad, Mali, seeking cuts in cotton subsidies and tariffs. There is the LDC group, which includes a number of African countries and also separately a group of small, vulnerable economies. There may well be new groups and alliances forming in light of new topics or circumstances.

It is not unusual to see two Members join the same alliance in one WTO body and be in opposing alliances in another body. Even within the same WTO body, including the SPS Committee, alliances shift depending on the issue at stake.
The main point is that there are no clear-cut groupings, such as developed vs. developing or North vs. South, rather shifting alliances depending on the issue at stake. This complex and dynamic process requires a good grasp of the issues, regular presence and follow up in Geneva and on-going communication and networking with other Members.

Since there are no negotiations on the text of the SPS Agreement, the alliances are fluid and shift depending on the specific topics that are being discussed in the SPS Committee. Under the agenda item on specific trade concerns, it is not uncommon for two Members to support each other in raising a concern against a third Member but then complain about each other’s measure right after that. Alliances also vary when discussing more horizontal themes. When Latin American countries proposed the development of guidelines for the implementation of the concept of regionalization, the European Union was in alliance with them, trying to convince other developed countries. During the SPS Committee’s discussions on special and differential treatment, the African Group often speaks as an alliance. When the discussions are about SPS-related private standards, there is more of a divide between “developed” countries, where these standards mostly originate and “developing countries”. Some of the other groupings that have presented coordinated positions have been MERCOSUR, ASEAN members and small and vulnerable economies. Still, it is important to retain a certain level of flexibility and spirit of compromise and not stick to “regional positions” for the sake of it when alternative and well-grounded proposals are put forth by other alliances.

The “Initiative for the Americas in SPS”, a project led by IICA\(^\text{11}\) has shown how a well-designed project can lead to significant improvements in the participation of countries in the SPS Committee, which had hitherto been watching developments from the side-lines. The objective of the initiative was to promote IICA member countries’ involvement in international SPS-related bodies, so as to enable them to participate in the negotiation and approval of international standards, more actively defend their trade interests and comply with various international agreements related to SPS. The six-year project (2002-2008) was funded by the US Department of Agriculture and IICA. It facilitated the participation of 230 specialists from 32 countries in 19 meetings of the SPS Committee. At the same time, it promoted the creation of national SPS Committees and fostered inter-institutional and inter-sectoral articulation in the area of SPS. During implementation, the following actions were conducted:

\(^{11}\)See Aid-for-Trade Case Story, Inter-American Institute for Cooperation on Agriculture (IICA), Initiative for the Americas on Sanitary and Phytosanitary Measures (http://www.oecd.org/aidfortrade/48181826.pdf).
countries held national meetings before and after the SPS Committee meetings,
meetings of all delegates from the region were held in Geneva prior to every SPS Committee meeting to discuss the agenda and seek consensus,
countries exchanged successful experiences on mechanisms for managing SPS issues,
capacity building activities were conducted in parallel to the project, in particular in collaboration with the WTO,
an information system was created to share important documents,
countries were encouraged to create or strengthen their national SPS committees,
topics addressed by the SPS Committee were brought to the attention of existing national and regional agencies handling IPPC, OIE, and Codex,
missions were encouraged to become more involved to ensure full inter-institutional and inter-sectoral articulation between ministries of agriculture, trade, and health, the private sector and the missions.

As a result of the project, the countries of Latin America and the Caribbean now have a presence, technical and political, in the SPS Committee, enabling them to obtain positive results in trade disputes and in defending and negotiating positions. Even small countries that are not major players in international food trade were able to ensure the discussion of important topics by the Committee, such as St. Vincent and the Grenadines did on the issue of “private standards”.

2 The Role of Recs From Africa in The SPS Committee
Over the past decades, a number of regional initiatives have been established in Africa with the aim of promoting economic and political cooperation. Many of these initiatives target regional integration through the reduction of tariffs and other barriers to trade among its participants. Increasingly, SPS issues are integrated into the legal and institutional set-up of these regional initiatives.

The African Union (AU) brings together all countries on the African continent with the vision for “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena.” It aims to create a Continental Free Trade Area by 2017. In the SPS arena, the African Union Commission focuses on the policy aspects and aims at harmonizing regulatory frameworks on the continent and ensuring compliance with international standards. A central SPS-cluster coordination unit is based at Department of Rural Economy and Agriculture of the Commission. The African Union Inter-African Bureau for Animal Resources (AU-IBAR) and
the Inter-african Phytosanitary Council (AU-IAPSC) are two AUC specialized technical offices with direct regulatory roles in the SPS domain. AU-IBAR is responsible for animal health and food safety while AU-IAPSC is responsible for plant health.\textsuperscript{12}

The Participation of Africa Nations in Sanitary and Phytosanitary Standard-Setting Organizations (PANSPSO) is a continental initiative implemented by AU-IBAR and funded by the European Union (EU). The specific objective of the project is to “strengthen and to sustain the effective participation of African countries in the activities of the Codex, IPPC, the OIE and the WTO.” The PANSPSO project has been pursuing various initiatives towards the fulfillment of this objective, including the organization of training workshops, facilitation of the establishment of national committees, coordination of continental positions, support to RECS for coordination of regional positions and for their participation in the meetings of the ISSBs and the WTO SPS Committee.\textsuperscript{13}

This Handbook is also a PANSPSO initiative.

The main regional economic communities in Africa, some with overlapping membership, are the following:\textsuperscript{14}

- Arab Maghreb Union (AMU) – 5 Members
- Community of Sahel-Saharan States (CEN-SAD) - 28 Members
- Common Market for Eastern and Southern Africa (COMESA) – 19 Members
- Economic Community of Central African States (ECCAS) – 11 Members
- Economic Community of West African States (ECOWAS) – 15 Members
- East African Community (EAC) - 5 Members
- Intergovernmental Authority on Development (IGAD) - 7 Members
- Southern African Development Community (SADC) - 15 Members
- West African Economic and Monetary Union (WAEMU) - 8 Members

In addition, there is the Agreement on the COMESA, EAC, SADC Tripartite Free Trade Area, which is under negotiation.

\textsuperscript{12}See Aid-for-Trade Case Story, Inter-American Institute for Cooperation on Agriculture (IICA), Initiative for the Americas on Sanitary and Phytosanitary Measures (http://www.oecd.org/aidfortrade/48181826.pdf).

\textsuperscript{13}Information on SPS Activities of the African Union (G/SPS/GEN/1234), submission of the African Union Commission to the SPS Committee, 15 March 2012.

\textsuperscript{14}The African Union officially recognizes all of these regional agreements, except for WAEMU.
An STDF study conducted at the request of the African Union assesses the regional SPS policy frameworks and strategies in Africa. It identifies five RECs with existing or planned SPS policy frameworks: COMESA, EAC, SADC, WAEMU, and ECOWAS. It also refers to three other RECs, IGAD, CEN-SAD and ECCAS, which are in the early stages of developing SPS frameworks.

The STDF study makes a number of key recommendations to the AU Commission and RECs, including the following:

• Ensure that regional policy frameworks focus on the most effective use of resources to enhance member state benefits. Several RECs have developed SPS policy frameworks, which to a greater or lesser extent, “mirror” the WTO SPS Agreement. It is important to eliminate duplication or contradiction and apply existing mechanisms and tools also at the regional level, for example the WTO SPS Agreement’s rules and procedures regarding transparency. AUC should be involved in guaranteeing the smooth articulation and harmonization of the different policy frameworks, checking for possible inconsistencies.

• Participate actively in the ISSBs and WTO SPS Committee and develop the capacity for African countries to effectively participate.

• Assist with the strengthening and training of national and regional coordination bodies; take the lead in organizing preparation meetings in advance of ISSOs meetings and develop continental/regional common positions.

• Increase awareness of SPS matters at the political and general public levels.

• Focus capacity building efforts on demand-driven activities, identified through capacity evaluations and include all relevant stakeholders.

Indeed, all these recommendations, some of which are already underway at REC or AU level, would contribute, directly or indirectly, to the effective participation of African countries in the SPS Committee. However, the starting point for effective coordination at the regional level is effective coordination at the national level among relevant public and private sector stakeholders.

As mentioned in Chapter C.7, seven of nine African RECs, with the exception of the AMU and the EAC, as well as the continental AU, have recently gained observer status in the SPS Committee and are encouraged to share information regarding their SPS activities and support their members with participation in the SPS Committee. Ideally, RECs would need to have regular meetings or at

least on-line discussions to prepare for the meetings of the SPS Committee. In addition, they could hold briefing/debriefing sessions in Geneva just before and after the meetings of the SPS Committee. For example, as part of an overall strategy to enhance the participation of African countries in the SPS Committee, the African Union could take the lead in organizing briefing/debriefing sessions at its offices in Geneva with the participation of African countries and RECs as well as the WTO Secretariat and representative of other regions or organizations as appropriate. Such an arrangement, if fed through proper national mechanisms, would be instrumental in promoting information exchange, building alliances, ensuring continuity and ultimately in defending the interests of participating countries in the SPS Committee.

RECs can also be instrumental when some of their members are unable to attend, to report back on developments and relay information to the SPS Committee on the region’s behalf. At this stage, most RECs do not seem to have mechanisms in place to formally and systematically follow the work of the SPS Committee even if some of their activities improve more generally awareness and knowledge on SPS issues and contribute towards the implementation of the SPS Agreement. However, this is likely to change in the short to medium term. For example, SADC is taking steps towards more effective participation of its members in the SPS Committee. The SPS Annex of the SADC Trade Protocol stipulates that one of the functions of the SADC Sanitary and Phytosanitary Coordinating Committee is “participation in international and regional standards setting organizations, where possible and coordinate efforts to present common SADC positions in relevant international organizations.” The SADC Secretariat has requested and secured a STDF project preparation grant (PPG) to assist in the formulation of a strategy to promote the active participation of SADC Member States in the SPS Committee. As of July 2013, this initiative is on-going. If the proposed project eventually secures the necessary financial and institutional support for implementation, it could serve as a model for other RECs in Africa.

In the context of the WTO, it is also worth noting the role of the “African Group”, which aims to coordinate the position of African countries in a wide range of subjects handled at the WTO. All African Members and Observers can participate in its meetings. The representatives that attend the meetings of the African Group are typically the WTO delegates in Geneva, therefore not necessarily SPS experts. Still, SPS issues are sometimes also taken up in this group, for example in the context of discussions on special and differential treatment, a cross-cutting issue. Specifically, the African Group has made
Enhancing the Participation of African Countries in the WTO SPS Committee

Concrete proposals regarding the implementation of Article 9 of the SPS Agreement on Technical Assistance and Article 10 on Special and Differential Treatment, which were tabled initially during Special Session of the Committee on Trade and Development and subsequently discussed in the SPS Committee. Enhanced coordination between African delegates in Geneva and their colleagues working on SPS and trade issues back in capitals and possibly further collaboration between RECs from Africa and the WTO African Group could increase African countries’ effective participation in the SPS Committee.

There are 54 countries in Africa with varying economic, political, institutional and climatic conditions. Some are landlocked, others are islands. Some are agricultural exporters; some are net food importing countries. Some have small populations, some large. Sometimes, the common interest will be at the regional or sub-regional level or even intra-regional level. At other times, a specific issue will be of importance to all countries in the continent. In all instances, having appropriate and functioning fora for information exchange as well as developing common positions is very valuable. Therefore, the RECs as well as the AU have roles to play in enhancing the participation of African countries in the SPS Committee and the ISSBs. Still, the overlapping membership of RECs and the multitude of initiatives countries need to follow and implement with their limited resources dedicated to SPS issues at national and REC level pose challenges. It is important to recognize that the rules and procedures of the WTO SPS Agreement, which have been developed and revised over time through negotiations and consultations, are binding on all WTO Members and apply to regional trade as well. For example, African countries can benefit from the guidelines of the SPS Committee on transparency, equivalence, and regionalization to facilitate regional trade. The value added of the RECs in the SPS area is unlikely to be in recreating or redrafting the “SPS Agreement”, but rather in pursuing concrete and region-specific SPS initiatives, such as in combating FMD, easing border measures, or collaborating for the defence of common interests in international fora.
SUBJECT: FIFTY-SEVENTH REGULAR MEETING OF THE COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES: REMINDER OF RELEVANT DATES


2. A MEMBER WHICH DESIRES TO INCLUDE ANY ITEM ON THE PROPOSED AGENDA, INCLUDING PROPOSALS FOR CONSIDERATION IN THE CONTEXT OF MONITORING THE USE OF INTERNATIONAL STANDARDS (G/SPS/11/REV.1), SHOULD MAKE ITS REQUEST, IN WRITING TO THE SECRETARIAT, NO LATER THAN NOON ON THURSDAY, 13 JUNE 2013. THE NOTICE CONVENING THE MEETING WILL BE ISSUED ON FRIDAY, 14 JUNE 2013.

3. MEMBERS PROPOSING TO RAISE ANY MATTER RELEVANT TO THE IMPLEMENTATION OF THE AGREEMENT, INCLUDING ANY MATTER RELATING TO A PARTICULAR NOTIFICATION, ARE REQUESTED TO GIVE NOTICE TO THE OTHER MEMBER(S) CONCERNED AND TO THE SECRETARIAT, TOGETHER WITH AN OUTLINE OF THE MATTER TO BE RAISED, AS FAR AS POSSIBLE IN ADVANCE OF THE MEETING AND IN ANY CASE NO LATER THAN 13 JUNE 2013.

4. MEMBERS PROVIDING INFORMATION REGARDING AREAS OF PEST- OR DISEASE-FREEDOM OR LOW PEST OR DISEASE PREVALENCE ARE ENCOURAGED TO DO SO UNDER AGENDA ITEM 8(A).

5. IN ACCORDANCE WITH THE RULES OF PROCEDURE OF THE COMMITTEE, MEMBERS ARE INVITED TO SUBMIT ANY DOCUMENTATION FOR CONSIDERATION AT THE MEETING BY 17 JUNE 2013, AT THE LATEST.

6. MEMBERS ARE FURTHERMORE REMINDED THAT THE CHAIRPERSON IS AVAILABLE TO PROVIDE GOOD OFFICES, UPON REQUEST, TO ASSIST WITH THE RESOLUTION OF TRADE CONCERNS.

7. PAPER COPIES OF DOCUMENTS THAT HAVE BEEN DISTRIBUTED PRIOR TO THE MEETING WILL NOT BE PROVIDED TO DELEGATES AT THE MEETING. DELEGATES SHOULD BRING THEIR OWN COPIES OF DOCUMENTS FOR THE MEETINGS. ALL DOCUMENTS RELATED TO THE SPS COMMITTEE
MEETING CAN BE ACCESSED ON THE MEMBERS’ WEBSITE AS FOLLOWS: WTO MEMBERS’ WEBSITE ⇒ FORTHCOMING MEETINGS ⇒ DOCUMENTS FOR MEETINGS UNRESTRICTED DOCUMENTS FOR THE SPS COMMITTEE MEETING WILL ALSO BE AVAILABLE FROM THE PUBLIC SPS GATEWAY PAGE: HTTP://WWW.WTO.ORG/SPS ⇒ SPS MEETINGS AND DOCUMENTS

8. AN INFORMAL MEETING ON ISSUES ARISING FROM THE SECOND REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT, IN PARTICULAR ON THE ENHANCEMENT OF PROCEDURES FOR AD HOC CONSULTATIONS (ARTICLE 12.2), WILL BE HELD ON WEDNESDAY, 26 JUNE 2013, STARTING AT 10 A.M.

9. AN INFORMAL MEETING ON SPS-RELATED PRIVATE STANDARDS WILL BE HELD ON WEDNESDAY, 26 JUNE 2013, STARTING AT 3 P.M. THE PURPOSE OF THIS MEETING WILL BE TO DISCUSS THE IMPLEMENTATION OF THE FIVE ACTIONS AGREED BY THE COMMITTEE (G/SPS/55), AS WELL AS OTHER OUTSTANDING ISSUES (G/SPS/W/256) AND RELEVANT ACTIVITIES.

10. ALL DELEGATES TO THE SPS COMMITTEE, INCLUDING REPRESENTATIVES OF OBSERVER ORGANIZATIONS, ARE WELCOME TO PARTICIPATE IN THE INFORMAL AND REGULAR MEETINGS OF THE COMMITTEE. INTERPRETATION WILL BE PROVIDED.

11. THE PROPOSED AGENDA FOR THE REGULAR MEETING IS AS FOLLOWS:
   i. ADOPTION OF THE AGENDA
   ii. ELECTION OF CHAIRPERSON
   iii. INFORMATION ON RELEVANT ACTIVITIES
       a. INFORMATION FROM MEMBERS
       b. INFORMATION FROM THE RELEVANT SPS STANDARD-SETTING BODIES
   iv. SPECIFIC TRADE CONCERNS
       a. NEW ISSUES
       b. ISSUES PREVIOUSLY RAISED
       c. [CONSIDERATION OF SPECIFIC NOTIFICATIONS RECEIVED]
       d. INFORMATION ON RESOLUTION OF ISSUES IN G/SPS/GEN/204/REV.13
   v. OPERATION OF TRANSPARENCY PROVISIONS
   vi. IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT
   vii. EQUIVALENCE – ARTICLE 4
        a. INFORMATION FROM MEMBERS ON THEIR EXPERIENCES
        b. INFORMATION FROM RELEVANT OBSERVER ORGANIZATIONS
   viii. PEST- AND DISEASE-FREE AREAS – ARTICLE 6
        a. INFORMATION FROM MEMBERS ON THEIR PEST OR DISEASE
STATUS
b. INFORMATION FROM MEMBERS ON THEIR EXPERIENCES IN RECOGNITION OF PEST- OR DISEASE-FREE AREAS
c. INFORMATION FROM RELEVANT OBSERVER ORGANIZATIONS

ix. TECHNICAL ASSISTANCE AND COOPERATION
a. INFORMATION FROM THE SECRETARIAT
   » WTO SPS ACTIVITIES
   » STDF
b. INFORMATION FROM MEMBERS
  c. INFORMATION FROM OBSERVERS

x. REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT
a. ISSUES ARISING FROM THE SECOND REVIEW
   » USE OF AD HOC CONSULTATIONS – REPORT ON INFORMAL MEETING
b. [ISSUES ARISING FROM THE THIRD REVIEW]

xi. MONITORING OF THE USE OF INTERNATIONAL STANDARDS
a. NEW ISSUES
b. ISSUES PREVIOUSLY RAISED
c. ADOPTION OF ANNUAL REPORT

xii. CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS
a. REPORT ON INFORMAL MEETING

xiii. OBSERVERS
   a. INFORMATION FROM OBSERVER ORGANIZATIONS
   b. REQUESTS FOR OBSERVER STATUS
      » NEW REQUESTS
      » OUTSTANDING REQUESTS

xiv. OTHER BUSINESS

xv. DATE AND AGENDA OF NEXT MEETING

PASCAL LAMY
ANNEX II

List of staff in the SPS section of the
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For STDF: Melvin.spreij@wto.org
            STDFSecretariat@wto.org
SUBJECT: COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES - MEETING OF 27-28 JUNE 2013


3. THE FOLLOWING AGENDA IS PROPOSED FOR THE REGULAR MEETING:
   a. INFORMATION FROM MEMBERS
      i. AUSTRALIA – RELEASE OF DRAFT BIOSECURITY REGULATIONS AND INSPECTOR-GENERAL OF BIOSECURITY REGULATIONS FOR COMMENT
      ii. AUSTRALIA – UPDATE ON RETIRING THE AUSTRALIAN QUARANTINE AND INSPECTION SERVICE (AQIS) BRAND
      iii. EUROPEAN UNION - UPDATE ON THE FRAUD CASE RELATED TO THE LABELLING OF HORSE MEAT IN MEAT PRODUCTS
      iv. EUROPEAN UNION – “SMARTER RULES FOR SAFER FOOD” PROPOSALS ON ANIMAL HEALTH, PLANT HEALTH, PLANT PROPAGATING MATERIALS AND OFFICIAL CONTROLS (G/SPS/GEN/1252)
   b. INFORMATION FROM THE RELEVANT SPS STANDARD-SETTING BODIES
      i. IPPC (G/SPS/GEN/1247)
      ii. CODEX
      iii. OIE

4. SPECIFIC TRADE CONCERNS (G/SPS/GEN/204/REV.13)
   a. NEW ISSUES
i. EU TEMPERATURE TREATMENT REQUIREMENTS FOR IMPORTS OF PROCESSED MEAT PRODUCTS – CONCERNS OF RUSSIA

ii. US PROPOSED RULE ON GOOD MANUFACTURING PRACTICE AND HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS FOR HUMAN FOOD (G/SPS/N/USA/2502) – CONCERNS OF CHINA

iii. EU RENEWAL OF GMO APPROVALS (EC REGULATION 1829/2003) – CONCERNS OF ARGENTINA

iv. IMPORT RESTRICTIONS IN RESPONSE TO THE NUCLEAR POWER PLANT ACCIDENT - CONCERNS OF JAPAN

v. EU IMPORT REQUIREMENTS ON ORCHID TISSUE CULTURE PLANTLETS IN FLASKS – CONCERNS OF CHINESE TAIPEI

vi. EUROPEAN UNION - PHYTOSANITARY MEASURES ON CITRUS BLACK SPOT – CONCERNS OF SOUTH AFRICA

b. ISSUES PREVIOUSLY RAISED

i. VIET NAM’S BAN ON OFFALS – CONCERNS OF THE EUROPEAN UNION AND THE UNITED STATES (NO. 314)

ii. CHINA’S QUARANTINE AND TESTING PROCEDURES FOR SALMON – CONCERNS OF NORWAY (NO. 319)

iii. EU MAXIMUM RESIDUE LEVELS OF PESTICIDES - CONCERNS OF INDIA (NO. 306)

iv. TURKEY’S REQUIREMENTS FOR IMPORTATION OF SHEEPMEAT - CONCERNS OF AUSTRALIA (NO. 340)

v. CHINA’S IMPORT CONDITIONS RELATED TO PHTHALATES – CONCERNS OF THE EUROPEAN UNION (NO. 345)

vi. JAPAN’S RESTRICTIONS ON SHRIMP DUE TO ANTI-OXIDANT RESIDUES - CONCERNS OF INDIA (NO. 342)

vii. IMPORT RESTRICTIONS DUE TO BSE – CONCERNS OF THE EUROPEAN UNION (NO. 193)

viii. EU COURT OF JUSTICE RULING REGARDING POLLEN DERIVED FROM GMOS – CONCERNS OF ARGENTINA (NO. 327)

ix. INDONESIA’S PORT CLOSURE (G/SPS/N/IDN/53, G/SPS/N/IDN/54 AND G/SPS/N/IDN/54/CORR.1) – CONCERNS OF CHINA (NO. 330)

x. EU QUARANTINE MEASURES ON CERTAIN PINE TREES AND OTHER PRODUCTS – CONCERNS OF RUSSIA (NO. 348)

c. CONSIDERATION OF SPECIFIC NOTIFICATIONS RECEIVED

i. COSTA RICA’S MRLS FOR VETERINARY MEDICINES IN LIVE
ANIMALS (G/SPS/N/CRI/136) - CONCERNS OF PANAMA

d. INFORMATION ON RESOLUTION OF ISSUES IN G/SPS/GEN/204/REV.13
   i. CROATIA’S RESTRICTIONS ON IMPORTS OF PORK - CONCERNS OF SLOVENIA (NO. 158)

5. OPERATION OF TRANSPARENCY PROVISIONS

6. IMPLEMENTATION OF SPECIAL AND DIFFERENTIAL TREATMENT

7. EQUIVALENCE – ARTICLE 4
   a. INFORMATION FROM MEMBERS ON THEIR EXPERIENCES
   b. INFORMATION FROM RELEVANT OBSERVER ORGANIZATIONS

8. PEST- AND DISEASE-FREE AREAS – ARTICLE 6
   a. ANNUAL REPORT ON IMPLEMENTATION OF ARTICLE 6 (G/SPS/GEN/1245)
   b. INFORMATION FROM MEMBERS ON THEIR PEST OR DISEASE STATUS
      i. AUSTRALIA – FREEDOM FROM HIGHLY PATHOGENIC AVIAN INFLUENZA (HPAI)
      ii. ARGENTINA – OIE RECOGNITION OF FMD FREEDOM
      iii. ARGENTINA – OIE RECOGNITION OF FREEDOM FROM AFRICAN HORSE SICKNESS
   c. INFORMATION FROM MEMBERS ON THEIR EXPERIENCES IN RECOGNITION OF PEST- OR DISEASE-FREE AREAS
   d. INFORMATION FROM RELEVANT OBSERVER ORGANIZATIONS

9. TECHNICAL ASSISTANCE AND COOPERATION
   a. INFORMATION FROM THE SECRETARIAT
      i. WTO SPS ACTIVITIES (G/SPS/GEN/997/REV.3)
      ii. STDF (G/SPS/GEN/1251)
   b. INFORMATION FROM MEMBERS
      i. TECHNICAL ASSISTANCE PROVIDED BY JAPAN (G/SPS/GEN/1160/Add.1)
   c. INFORMATION FROM OBSERVERS

10. REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT
   a. ISSUES ARISING FROM THE SECOND REVIEW
      i. USE OF AD HOC CONSULTATIONS (G/SPS/W/259/REV.6) – REPORT ON INFORMAL MEETING

11. MONITORING OF THE USE OF INTERNATIONAL STANDARDS
   a. NEW ISSUES
      i. IMPORTANCE OF THE SCIENTIFIC PRINCIPLE – SUBMISSION OF BRAZIL (G/SPS/GEN/1253)
b. ISSUES PREVIOUSLY RAISED

c. ADOPTION OF ANNUAL REPORT (G/SPS/W/269)

12. CONCERNS WITH PRIVATE AND COMMERCIAL STANDARDS
   a. REPORT ON INFORMAL MEETING

13. OBSERVERS
   a. INFORMATION FROM OBSERVER ORGANIZATIONS
   b. REQUESTS FOR OBSERVER STATUS

14. CHAIRPERSON’S ANNUAL REPORT TO THE CTG

15. OTHER BUSINESS

16. DATE AND AGENDA OF NEXT MEETING

17. AN INFORMAL MEETING ON ISSUES ARISING FROM THE SECOND REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE SPS AGREEMENT, IN PARTICULAR ON THE ENHANCEMENT OF PROCEDURES FOR AD HOC CONSULTATIONS (ARTICLE 12.2) (G/SPS/W/259/REV.6), WILL BE HELD ON WEDNESDAY, 26 JUNE 2013, STARTING AT 10 A.M.

18. AN INFORMAL MEETING ON SPS-RELATED PRIVATE STANDARDS WILL BE HELD ON WEDNESDAY, 26 JUNE 2013, STARTING AT 3 P.M. THE MEETING WILL DISCUSS: (i) PROPOSED WORKING DEFINITION OF SPS-RELATED PRIVATE STANDARDS; (ii) IMPLEMENTATION OF AGREED ACTIONS 2-5 (G/SPS/55); (iii) PROPOSED ACTIONS 6-12 (G/SPS/W/256); (iv) ANY OTHER RELATED ISSUES.

19. ALL OBSERVERS ARE WELCOME TO PARTICIPATE IN THE INFORMAL MEETINGS AS WELL AS IN THE REGULAR MEETING OF THE COMMITTEE. INTERPRETATION WILL BE PROVIDED FOR THE INFORMAL AND REGULAR SPS COMMITTEE MEETINGS.

20. DELEGATES ARE INVITED TO ATTEND A PRESENTATION OF THE STDF BACKGROUND STUDY ON TRADE AND INVASIVE ALIEN SPECIES ON THURSDAY, 27 JUNE 2013, FROM 2 UNTIL 3 PM, IN ROOM E.

21. PLEASE NOTE THAT PAPER COPIES OF DOCUMENTS THAT HAVE BEEN DISTRIBUTED PRIOR TO THE MEETING WILL NOT BE PROVIDED TO DELEGATES AT THE MEETING. DELEGATES SHOULD BRING THEIR OWN COPIES OF DOCUMENTS FOR THE MEETINGS. ALL DOCUMENTS RELATED TO THE SPS COMMITTEE MEETING CAN BE ACCESSED FROM THE MEMBERS’ WEBSITE AS FOLLOWS:

WTO MEMBERS’WEBSITE ⇒ FORTHCOMING MEETINGS ⇒ DOCUMENTS FOR MEETINGS
UNRESTRICTED DOCUMENTS FOR THE SPS COMMITTEE MEETING ARE ALSO AVAILABLE FROM THE PUBLIC SPS GATEWAY PAGE:

HTTP://WWW.WTO.ORG/SPS ⇒ SPS MEETINGS AND DOCUMENTS

22. MEMBERS ARE REMINDED THAT THE CHAIRPERSON IS AVAILABLE TO PROVIDE GOOD OFFICES, UPON REQUEST, TO ASSIST WITH THE RESOLUTION OF TRADE CONCERNS.

23. MEMBERS OF THE WTO, OTHER GOVERNMENTS WITH OBSERVER STATUS AND INTERNATIONAL ORGANIZATIONS WITH OBSERVER STATUS ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

PASCAL LAMY
Enhancing the Participation of African Countries in the WTO SPS Committee

ANNEX IV

ELECTRONIC TRANSMISSION OF UNRESTRICTED SPS DOCUMENTS

All unrestricted documents related to the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) are now being sent via e-mail, usually twice a week, to two different mailing lists. To receive ALL unrestricted documents INCLUDING NOTIFICATIONS, subscribe to the SPSNOTIFS list. To receive all SPS documents EXCLUDING notifications subscribe to the SPSDOCS list. You can subscribe to the mailing list by following the instructions below. The documents are sent only in the original language (English, French or Spanish).

*************** HOW TO SUBSCRIBE ***************

To subscribe to the list, send an e-mail message to

listserv@list.unicc.org

with the following in the body of the message (leave the subject line blank):

SUBSCRIBE SPSNOTIFS your full name
OR
SUBSCRIBE SPSDOCS your full name

Example: SUBSCRIBE SPSDOCS john smith

The e-mail address of the computer from which the request was sent will be automatically registered. You must subscribe from the computer address where you wish to receive the documents.

*************** HOW TO GET OFF THE LIST ***************

To unsubscribe from the list, send an e-mail message to

listserv@list.unicc.org

with the following in the body of the message (leave the subject line blank)
UNSUBSCRIBE SPSNOTIFS your full name
OR
UNSUBSCRIBE SPSDOCS your full name

Example: UNSUBSCRIBE SPSNOTIFS john smith

The e-mail address of the computer from which the request was sent will be automatically removed from the list.

*********** HOW TO AMEND THE ADDRESS ON THE LIST ***********

To amend your address on the list you will have to unsubscribe the previous address from the list and subscribe with the new address (as explained above).

If you have previously subscribed to the SPS e-mail list, you are automatically on the SPSNOTIFS list. If you want to change your subscription to no longer receive all SPS documents including notifications, you must unsubscribe to that list and make a new subscription to the SPSDOCS list.
ANNEX V

WORLD TRADE ORGANIZATION

Committee on Sanitary and Phytosanitary Measures

Original: English

RE-ENTRY INTO THE EU BEEF MARKET BY BOTSWANA

Communication from Botswana

The following communication, received on 29 June 2012, is being circulated at the request of the Delegation of Botswana.

1. The EU Food and Veterinary Office (FVO) carried out a mission from 25 to 28 January 2011 in order to evaluate the operation of controls over the production of fresh bovine meat, and meat products destined for export to the European Union, as well as certification procedures. A report DG SANCO/2011-6119-MR was later published. Actions by the Director of Veterinary Services included delisting of export establishments to enable Botswana to address the findings made during the mission. An Action plan was drawn to respond to these recommendations. Actions included roles for the producers, slaughterhouses and traceability of slaughter cattle.

2. On 29 April 2011, Botswana suspected an outbreak of foot and mouth disease (FMD) in zone 6 at Butale Syndicate crush in cattle. The suspicion was on clinical basis, which was confirmed later by virus isolation by Butswana Vaccine Institute (BVI), an OIE Regional FMD Reference Laboratory. The virus was typed as SAT2. Virus sequencing revealed that the virus is closely related to a virus isolated in 2010 in the Mozambique outbreak. Zone 6 shares a common boundary to the north east with Zimbabwe and Butale Syndicate crush is about 30 km from the Zimbabwean border. Consequently to the outbreak, zone 6 and other zones lost the recognition by the OIE as FMD free without vaccination.

3. Based on the socio-economic and epidemiological factors, existing physical barriers, livestock movement patterns, predominant farming systems in the outbreak area, animal husbandry and the shortest possible period to regain the FMD free status, stamping out was adopted as the most appropriate and pragmatic strategy. The strategy included: establishing a containment zone, emergency vaccination in cattle, goats and sheep and ultimately depopulation of cattle in the containment zone. Botswana submitted an application to the OIE for an approval of a containment zone and for the former FMD free zones without vaccination prior to the outbreak to be reinstated. This was approved by the OIE in October 2011.

4. Completion of actions at the export establishments was completed by April 2012 and this enabled the Director of Veterinary services to present a re-listing submission to the European Union on 9 May 2012.

5. Following the listing of Botswana export establishment in the EU TRACES system on 27 June 2012, Botswana beef can now enter the EU territory.
ANNEX VI

CAFE - RESTAURANTS
1 Café restaurant l’Annexe
2 Restaurant UNICEF
3 Restaurant OMM
4 Restaurant Chinois Han-Lung
5 Restaurant Libanais Layalina
6 Restaurant Chinois Zing Tao
7 Restaurant Thaï Lanna Thai

ALIMENTATION
8 Superette - Sandwich
9 Mokafe
10 Chocolaterie Stettler

FORME - ESTHETIQUE
11 SPA Hormeta
   Institut de Beauté
12 Power Plate Center
13 Franck Provost Coiffure

SAT - MEDIAS
14 SaTel Service

HOTEL
15 Hôtel Eden
16 Hôtel Mon Repos

SANTE - MEDICAL
17 Pharmacie
18 CMC Nations Centre Médical

DIVERS
19 Tabacs Journaux