

HANDBOOK OF **Good PRACTICES** FOR PARTICIPATION IN MEETINGS OF THE

WTO COMMITTEE ON SANITARY
AND PHITOSANITARY MEASURES



IICA





Handbook

of Good Practices for Participation
in Meetings of the

**WTO Committee on Sanitary
and Phytosanitary Measures¹**



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1. Description of the organization



1.1 What is the World Trade Organization (WTO)?

The WTO is an international intergovernmental organization through which its Member Countries have established agreements and procedures that regulate trade at the global level. The WTO was created in 1995—after nine years of arduous negotiations—by an international agreement that has now been signed by more than 120 countries. Article 2 of the 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 core objective of the WTO is to promote open, fair and undistorted competition in international trade, based on the assumption that fairer trade will contribute to:

- raising standards of living
- achieving full employment
- increasing real income
- boosting the production of goods and services, while seeking to make optimal use of available resources

To meet the objective of fairer trade, WTO Member Countries 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
- assist developing Member Countries with trade policy matters by providing technical assistance and organizing training programs
- cooperate with other international organizations

Thus, one of the principal functions Member Countries have assigned to the WTO is to administer the trade agreements negotiated within its framework. But, what are these agreements and what do they contain?

Essentially, these agreements are contracts signed by the governments of WTO Member Countries, *binding them to keep their trade policies within agreed limits*. In general, they establish binding rules and disciplines for the countries to guarantee predictability and transparency in international trade. They also aim to prevent trade from generating undesirable side effects. These agreements are considered the heart of the WTO, and include the following:

- *Agreement establishing the WTO*: This agreement creates the organization and establishes key guidelines for its operation, structure, decision-making system, etc. It has four annexes:

- *Annex 1A*: Multilateral agreements on trade in goods:

- General Agreement on Tariffs and Trade 1994 (GATT/94)
- Agreement on Agriculture (AoA)
- Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)
- Agreement on Textiles and Clothing (ATC)
- Agreement on the Technical Barriers to Trade (TBT Agreement)

- Agreement on Trade-related Investment Measures (TRIMS)
 - Antidumping Agreement (AD)
 - Agreement on Subsidies and Countervailing Measures (ASCM)
 - Agreement on Safeguards (SG Agreement)
 - Agreement on Customs Valuation (ACV)
 - Agreement on Pre-shipment Inspection (API)
 - Agreement on Rules of Origin (RO Agreement)
 - Agreement on Import Licensing Procedures
- *Annex 1B: General Agreement on Trade in Services (GATS)*
 - *Annex 1C: Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS)*
 - *Annex 2: Dispute Settlement Understanding (DSU)*
 - *Annex 3: Trade Policy Review Mechanism (TPR)*
 - *Annex 4: Plurilateral Trade Agreements*

It is important to understand that the WTO is an international intergovernmental organization. The countries that make it up (called “Members”) bring it to life and arrive at decisions by participating in its organs. It is a common mistake to say “the WTO made us to do so-and-so” or “the WTO prohibits us from taking such-and-such measure,” as if these were external obligations imposed on the countries and applied under coercion by an international organization run by a group of civil servants. This is incorrect because—while it is true that the disciplines and obligations agreed to within the framework of the organization should be upheld by the Members—the countries arrived at these decisions voluntarily as sovereign states. Although the WTO is a subject of international law, it is not the WTO that mandates compliance with certain guidelines; rather, national authorities agree to certain obligations and establish multilateral mechanisms to ensure compliance with them. (For more information see numeral 1.4.)

The following provides a good idea of the scope of the WTO:

- The WTO has 153 Members (153 countries) that account for more than 97% of trade at the global level. Thus, the rules and disciplines agreed upon within the WTO are regarded as the Multilateral Trade System (MTS).
- Every year, approximately 2,500 meetings are held within the framework of the WTO. As explained below, the different agreements negotiated through the WTO are administered by councils or committees that meet periodically at WTO headquarters in Geneva, Switzerland.



1.2 Principles of the WTO

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 trade system. Rather, a general consensus exists—based on the specialized doctrine and the criteria of negotiators and international trade experts—that the following rules in the agreements can be regarded as principles of the multilateral trade system.

- **Most-favored-nation (MFN):** Under the WTO agreements, countries cannot normally discriminate among their different trading partners. If a special favor 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 most-favored-nation treatment (MFN) and is a specific application of the notion of nondiscrimination.

Most-favored-nation treatment has been recognized as one of the most important—if not the most important—principles of the WTO to the extent that it is expressed in each and every

trade agreement negotiated under the organization (Art. 1 of the GATT, Art. 2 of the GATS, Art. 4 of the TRIPS), although it is handled slightly differently for the different sectors.

Some exceptions to this principle are allowed, provided certain guidelines are met. For example, (i) Members may set up a free trade agreement or customs union which grants members preferential trade treatment that does not extend to the rest of the Members of the WTO; (ii) Members may give developing countries special access to their markets; (iii) Members can raise barriers (tariff or nontariff) against specific products from one or several countries if they can prove that they are being traded unfairly by the exporting country or if there are sanitary reasons that justify restricting the imports from given countries.

- **National treatment.** Imported and locally-produced goods should be treated equally in terms of taxes and other domestic rules, at least after the foreign goods have entered the market. The same applies to foreign and domestic services, and to foreign and domestic brand names or trademarks, copyrights, and patents. This principle of “national treatment” (giving others the same treatment as one’s own nationals) is also set out in all three main WTO agreements (Article 3 of GATT, Article 17 of GATS, and Article 3 of TRIPS), although once again the principle is handled slightly differently in each of these.

National treatment only applies once the product, 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-produced products are not charged an equivalent tax.

- **Free trade:** Lowering trade barriers is one of the most efficient means of encouraging trade. The barriers concerned include customs duties (or tariffs) and measures such as import bans or quotas that restrict quantities selectively. Since GATT’s creation in 1947-48 there have been eight rounds of trade

negotiations. A ninth round, under the Doha Development Agenda, is now underway. As a result of the negotiations, by the mid-1990s industrialized countries' tariff rates on industrial goods had fallen steadily to less than 4 percent. By the 1980s, the negotiations had expanded to cover non-tariff barriers on goods and new areas such as services and intellectual property.

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 periods of time to fulfill their obligations.

- **Predictability - Transparency.** 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 fully enjoy the benefits of competition: choice and lower prices.

The multilateral trading system is an attempt by governments to make the business environment stable and predictable.

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. Sometimes, countries tax imports at rates that are lower than the bound rates.

A country can change its bindings but only after negotiating with its trading partners, which could mean compensating them for loss of trade (Article XXVIII of the GATT/94).

One of the achievements of the Uruguay Round of multilateral trade negotiations was to increase the amount of trade under binding commitments. In agriculture, 100% of products now have bound tariffs. The result is a substantially higher degree of market security for traders and investors.

The system tries to improve predictability and stability in other ways as well. One way 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 public ("transparent") as possible. Many WTO agreements require governments to disclose their policies and practices publicly within the country 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.

- **Promoting fair competition:** The WTO is sometimes described as a "free trade" institution, but that is not completely accurate. The system does allow tariffs and, in limited circumstances, other forms of protection. More accurately, the WTO is a system of rules dedicated to open, fair and undistorted competition.

The rules on non-discrimination (MFN and national treatment) are designed to secure fair conditions of trade. So too are those on dumping (exporting at below cost to gain market share) and subsidies (financial contribution by the State that generates a benefit for the receiver). The issues are complex, and the rules try to establish what is fair or unfair and how governments can respond, in particular by charging additional import duties calculated to compensate for damages caused by unfair trade. Many of the other WTO agreements are geared towards supporting fair competition, for example in agriculture, intellectual property and services.

- **Encouraging development and economic reform:** One objective of the WTO system is to contribute to development through the promotion of a fairer international trade. On the other hand, developing countries need flexibility in terms of the time needed to apply the system's agreements. Over three quarters of WTO Members are developing countries and countries in transition to market economies. During the seven and a half years of the Uruguay Round, over 60 of these countries implemented trade liberalization programs autonomously. At the same time, developing countries and transition economies were much more active and influential in the Uruguay Round negotiations than in any previous round, and they are even more so in the current Doha Development Agenda.

At the end of the Uruguay Round, developing countries were prepared to take on most of the obligations that are required of developed countries. But the agreements did give them transition periods to adjust to the provisions, particularly for the poorest, "least-developed" countries. A ministerial decision adopted at the end of the round says better-off countries should accelerate implementing market access commitments on goods exported by the least-developed countries, and provide increased technical assistance for them. More recently, developed countries have started to allow duty-free and quota-free imports for almost all products from least-developed countries.



1.3 Origin of the WTO

Although the WTO was established on 1 January 1995, its origins can be traced back to the end of World War II.

At the end of that war, some of the countries belonging to the victorious alliance concluded that political nationalism had not been the only trigger of the war; economic-trade nationalism had also been a major factor. Thus, it became a matter of vital importance to them to create an international institutional structure that would limit countries' discretionary margin in developing policy. The objective of the new organizations would not be to weaken national sovereignty but rather to establish obligations that would serve as a framework for providing greater predictability to an international setting that was in great upheaval.

To that end, the United Nations (UN) was created at the political level, with the core purpose of establishing conditions for safeguarding international peace and safety. At the economic level, the countries meeting in the city of Breton Woods agreed to establish three international organizations:

- The International Monetary Fund (IMF), to ensure currency convertibility and prevent competitive devaluations
- The International Bank for Reconstruction and Development (IBRD)—now called the World Bank—to channel economic assistance for rebuilding the economies devastated by World War II, and to prevent them from being “captured” by the communist axis.
- The International Trade Organization (ITO), as a specialized agency of the United Nations, to establish guidelines for promoting trade liberalization. More than 50 countries participated in negotiating the draft ITO Charter, which in addition to establishing disciplines for world trade contained rules on employment, commodity agreements, restrictive business practices, international investment, and services. The intention was to create the ITO at the United Nations Conference on Trade and Employment held in 1947 in Havana, Cuba.

Meanwhile, 15 countries had begun talks in December 1945 to reduce and bind customs tariffs. With World War II only recently concluded, those countries wanted to give an early boost to trade liberalization and begin to discard the burden of protectionist measures that continued to be in place since the early 1930s.

That first round of negotiations resulted in a package of trade rules and 45,000 tariff concessions affecting about one fifth of world trade (valued at US\$10 billion). When the agreement was signed, on 30 October 30, 1947, the group had expanded to 23 countries.

The tariff concessions came into effect on June 30, 1948 through a "Protocol of Provisional Application," and thus the new General Agreement on Tariffs and Trade (GATT 47) was born, with 23 founding members (officially "contracting parties"). The 23 were also part of the larger group negotiating the ITO Charter. One GATT provision provided that they should accept some of the trade rules of the draft. This, they believed, should be done swiftly and "provisionally" in order to protect the value of the tariff concessions that had been negotiated. They spelled out how they envisaged the relationship between GATT and the ITO Charter, but also allowed for the possibility that the ITO might not come into being.

The Havana Conference began on 21 November 1947, less than a month after GATT was signed. The ITO Charter was finally agreed in Havana in March 1948, but ratification in some national legislatures proved impossible. The most serious opposition was from the U.S. Congress (especially the Department of Agriculture), even though the U.S. government had been one of the driving forces behind it. In 1950, the United States government announced that it would not seek congressional ratification of the Havana Charter, and the ITO was effectively dead. In this way, the GATT became the only multilateral instrument governing international trade from 1948 until the WTO was established in 1995.

For almost half a century, the GATT's basic legal principles remained much as they were in 1948. There were additions in the form of a section

on development added in the 1960s and “plurilateral” agreements—that is, of voluntary participation—in the 1970s, and efforts continued to further reduce tariffs. Much of this was achieved through a series of multilateral negotiations known as “trade rounds.”

In the early years, the GATT trade rounds concentrated on further reducing tariffs. Then, the Kennedy Round in the mid-1960s brought about a GATT Anti-Dumping Agreement and a section on development. The Tokyo Round during the 1970s was the first major attempt to tackle trade barriers that do not take the form of tariffs, and to improve the system. The eighth, the Uruguay Round of 1986 and 1994, was the last and most extensive of all. It led to the creation of the WTO and a new set of agreements.

The GATT was provisional and had a limited field of action, but its success over 47 years in promoting and securing the liberalization of much of world trade is incontestable. Continual reductions in tariffs alone helped spur very high rates of world trade growth during the 1950s and 1960s (around 8 percent a year on average). The momentum of trade liberalization helped ensure that trade growth consistently out-paced production growth throughout the GATT era, a measure of countries’ increasing ability to trade with each other and to reap the benefits of trade. The rush of new members during the Uruguay Round demonstrated that the multilateral trading system contributed to development and was an instrument of economic and trade reform.

But all was not well. As time passed, new problems arose. The Tokyo Round in the 1970s was an attempt to tackle some of these but its achievements were limited. This was a sign of difficult times to come.

The GATT’s success in reducing tariffs to such a low level, combined with a series of economic recessions in the 1970s and early 1980s, drove governments to devise other forms of protection for sectors facing increased foreign competition. High rates of unemployment and constant factory closures led governments in Western Europe and North America to seek bilateral market-sharing arrangements

with competitors and to embark on a subsidies race to maintain their hold on agricultural trade. Both these changes undermined GATT's credibility and effectiveness.

The problem was not just a deteriorating trade policy environment. By the early 1980s the General Agreement was clearly no longer as relevant to the realities of world trade as it had been in the 1940s. For a start, world trade had become far more complex and important than 40 years before: the globalization of the world economy was underway, trade in services—not covered by GATT rules—was of major interest to more and more countries, and international investment had expanded. The expansion of trade in services was also closely tied to further increases in world merchandise trade. In other respects, GATT had been found wanting as well. For instance, in agriculture, loopholes in the multilateral system were heavily exploited, and efforts at liberalizing agricultural trade met with little success. Even GATT's institutional structure and its dispute settlement system were causing concern.

These and other factors convinced GATT members that a new effort to reinforce and extend the multilateral system should be attempted. That effort resulted in the Uruguay Round, the Marrakesh Declaration, and the creation of the WTO.

The Uruguay Round lasted seven and a half years, almost twice the original timeframe. By the end, 123 countries were taking part. It covered almost all of trade, from toothbrushes to pleasure boats, from banking to telecommunications, from the genes of wild rice to AIDS treatments. It was quite simply the largest trade negotiation ever and most probably the largest negotiation of any kind in history.

Despite its troubled progress, the Uruguay Round did see some early results. Within only two years, participants had agreed on a package of cuts in import duties on tropical products, which are mainly exported by developing countries. They had also revised the rules for settling disputes, with some measures implemented immediately. And they called for regular reports on GATT members' trade policies,

a move considered important for making trade regimes transparent around the world.

The seeds of the Uruguay Round were sown in November 1982 at a ministerial meeting of GATT members in Geneva. Although the ministers intended to launch a major new negotiation, the conference stalled on agriculture and was widely regarded as a failure. In fact, the work program that the ministers agreed formed the basis for what was to become the agenda of the Uruguay Round of negotiations.

Nevertheless, it took four more years of exploring, clarifying issues and painstaking consensus-building before ministers agreed to launch the new round. They did so in September 1986 in Punta del Este, Uruguay. They eventually accepted a negotiating agenda that covered virtually every outstanding trade policy issue. The talks were going to extend the trading system into several new areas, notably trade in services and intellectual property, and to reform trade in the sensitive sectors of agriculture and textiles. All the original GATT articles were up for review. It was the biggest negotiating mandate on trade ever agreed, and the ministers gave themselves four years to complete it. Two years later, in December 1988, the ministers met again in Montreal, Canada, for what was supposed to be an assessment of progress at the round's half-way point. The purpose was to clarify the agenda for the remaining two years, but the talks ended in a deadlock that was not resolved until officials met more quietly in Geneva the following April.

Despite the difficulty, during the Montreal meeting, ministers did agree on a package of early results. These included some concessions on market access for tropical products—aimed at assisting developing countries—as well as a modernized dispute settlement system and the Trade Policy Review Mechanism, which provided for the first comprehensive, systematic and regular reviews of national trade policies and practices of GATT members. The round was supposed to end when ministers met once more in Brussels, in December 1990, but they disagreed on how to reform agricultural trade and decided to extend the talks. The Uruguay Round entered its bleakest period.

Despite the poor political outlook, a considerable amount of technical work continued, leading to the first draft of a final legal agreement. This draft, the "Final Act," was compiled by the then GATT Director-General, Arthur Dunkel, who chaired the negotiations at officials' level. The draft was put on the table in Geneva in December 1991. The text fulfilled every part of the Punta del Este mandate, with one exception: it did not contain the participating countries' lists of commitments for cutting import duties and opening their services markets. The draft became the basis for the final agreement.

Over the following two years, the negotiations swunged between impending failure and predictions of imminent success. Several deadlines came and went. New points of major conflict emerged to join agriculture: services, market access, anti-dumping rules, and the proposed creation of a new institution. Differences between the United States and the European Union became central to hopes for a final, successful conclusion. In November 1992, the U.S. and the EU settled most of their differences on agriculture in a deal known informally as the "Blair House Accord." On July 1993 the "Quad" (U.S., EU, Japan and Canada) announced significant progress in negotiations on tariffs and related subjects (market access). It took until December 15, 1993 for every issue to be finally resolved and for negotiations on market access for goods and services to be concluded (although some final touches were completed in talks on market access a few weeks later). On April 15, 1994, the deal was signed by ministers from most of the 123 participating governments at a meeting in Marrakesh, Morocco.

The delay had some merits. It allowed some negotiations to progress further than would have been possible in 1990, for example some aspects of services and intellectual property, and the creation of the WTO itself. But the task had been immense, and negotiation-fatigue was felt in trade bureaucracies around the world. The difficulty of reaching agreement on a complete package containing almost the entire range of current trade issues led some to conclude that a negotiation on this scale would never again be possible. Yet the Uruguay Round agreements contained timetables for new negotiations on a number of topics, and by 1996 some countries were openly calling for a new round

early in the next century. The response was mixed, but the Marrakesh agreement did already include commitments to reopen negotiations on agriculture and services at the turn of the century. These began in early 2000 and were incorporated into the Doha Development Agenda in late 2001.

Although the WTO replaced GATT as an international organization, the General Agreement still exists as the WTO's umbrella treaty for trade in goods, updated as a result of the Uruguay Round of negotiations. Trade lawyers distinguish between GATT 1994, the updated parts of GATT, and GATT 1947, the original agreement which is still the heart of GATT 1994.



1.4 Structure of the WTO

The World Trade Organization (WTO) is made up of 153 countries (“Members”) that account for more than 97 percent of the world’s trade. Some 30 other countries are presently negotiating their accession to the organization.

As mentioned earlier, although the WTO is a subject of international law, it does not exist autonomously: its Members make the decisions and govern and direct its work. All major decisions are made by the full body of Members, either by ministers (who meet at least once every two years) or by their ambassadors or delegates (who meet regularly in Geneva). Decisions are normally made by consensus and rarely by voting. In this respect, the WTO is different from some other international organizations such as the World Bank and the International Monetary Fund. In the WTO, authority is not delegated to a board of directors or the organization’s chief executive officer. When WTO rules impose disciplines on countries’ policies it

is the outcome of negotiations among WTO Members. This is why it is often said that the WTO is the most democratic of the Breton Woods organizations.

The rules are enforced by the members themselves under agreed procedures that they negotiated, including the possibility of trade sanctions. But those sanctions are imposed by Member Countries and authorized by the membership as a whole. Members make decisions through their participation in the organs that make up the complex institutional architecture of the WTO:



1.4.1 Ministerial Conference: This is the highest-ranking organ of the institution, which can make decisions on all matters under any of the multilateral trade agreements. The Ministerial Conference 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.



1.4.2 General Council: The level immediately below the Ministerial Conference is the General Council. It is normally made up of representatives of the Member governments (ambassadors and heads of delegation) although sometimes officials are sent from their capital cities. It meets several times a year at WTO headquarters in Geneva. The General Council also meets as the Trade Policy Review Body and the Dispute Settlement Body. In fact, the three are one and the same: the agreement establishing the WTO states that they are all the General Council, although when they meet in their particular capacities they have different

mandates. The Council is also made up of all WTO Members, and it acts on behalf of the Ministerial Conference on all WTO affairs. Thus, it reports to the Ministerial Conference.



1.4.3 Area Councils: The third level comprises the Council for Trade in Goods, the Council for Trade in Services, and the Council on Trade-Related Aspects of Intellectual Property Rights, all of which report to the General Council. As their names indicate, the three are responsible for the workings of the WTO agreements with their respective areas of trade. Again they are made up of all WTO Members, and the three have subsidiary bodies.



1.4.4 Committees and working groups: The WTO also has a large number of specialized committees and working groups that administer the different agreements and also serve as forums for negotiation in areas not governed by agreements, such as environment, development, membership requests, and regional trade agreements.

- One of these committees is the Committee on Sanitary and Phytosanitary Measures (SPS Committee), which was created by the SPS Agreement to: (i) serve as a forum for consultation on all matters relating to food safety and the sanitary control of animal and plant products that affect trade; (ii) carry out the functions necessary to implement the provisions of the SPS Agreement; and (iii) carry out the functions necessary for the furtherance of the objectives of the SPS Agreement, especially with respect to harmonization. In essence, the SPS Committee is the institutional forum responsible for overseeing the administration of the SPS Agreement.



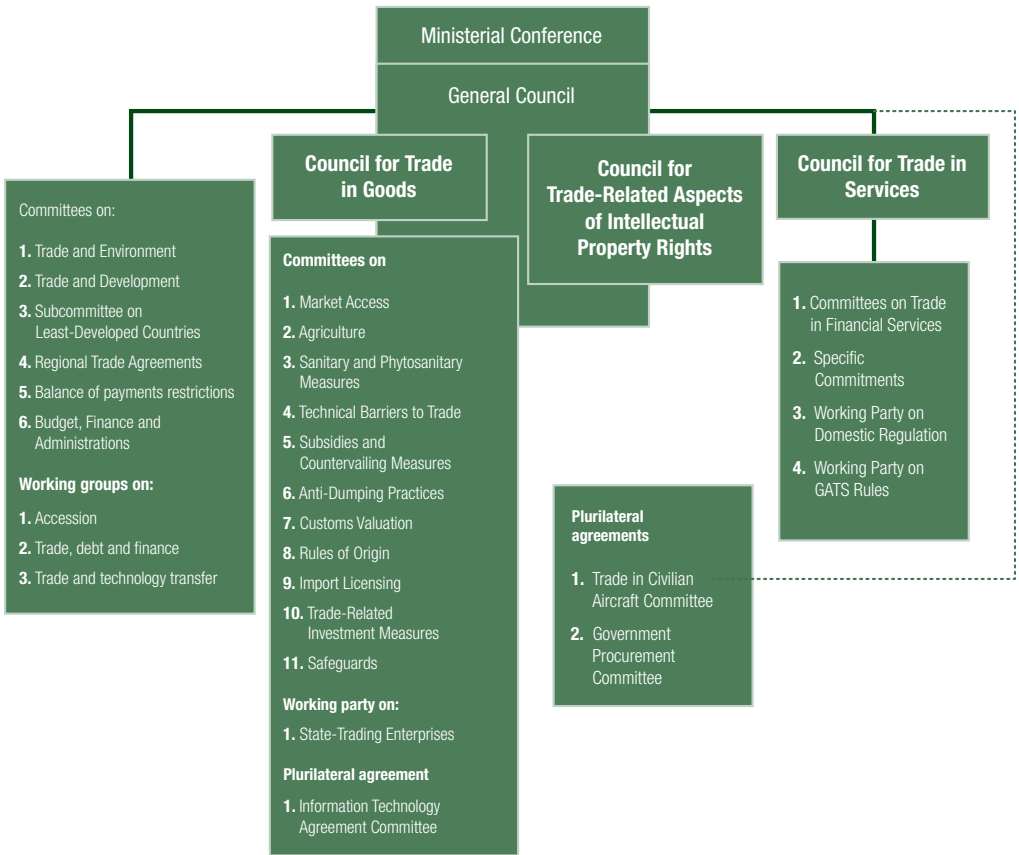
1.4.5 WTO Secretariat: The function of the WTO Secretariat is to provide support to the negotiations carried out within the framework of the WTO. It is directed by the Director-General (DG), who is appointed by the Ministerial Conference. (Its current Director-General is Ambassador Pascal Lamy.)

The responsibilities of the Director-General 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 any other authority external to the WTO. They must refrain from any action that might adversely reflect on their position as international officials. The Members of the WTO must respect the international character of the responsibilities of the Director-General and the staff of the Secretariat and may not seek to influence them in the discharge of their duties.

It is very important to realize that significant breakthroughs in negotiations rarely occur during the formal meetings of these bodies, and even less so in the higher-level councils. Since decisions are normally made by consensus and without voting, *informal consultations within the WTO play a vitally important role in enabling a great diversity of Members to come to agreement.* Thus, in addition to the formal meetings, informal meetings are also held with all the Members, for example, heads of delegation. Especially contentious issues tend to be discussed in smaller groups.

A fairly new and common practice is when the chairperson of a negotiating group offers to broker an agreement through consultations with the various delegations, in groups of two or three or in groups of 20-30 of the Members most directly involved (commonly referred to as "*Green Rooms*"). This type of consultation is not included in the organizational chart because it is informal; nonetheless, informal consultations perform a vitally important function in the process to reach consensus.

It is very important for all Members to keep abreast of developments even if they have not attended a given meeting or consultation session;



for this reason the process should be “transparent” and all should have the opportunity to participate and provide information.



1.5 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 153 countries that account for more than 97% of trade at the global level. Put simply, if a country

wishes to tap the benefits of international trade in order to optimize the use of its resources and raise its standard of living, it **MUST** be part of the WTO. The rules adopted within this 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 all the trade-liberalizing commitments agreed to within its framework.

Second, the WTO has efficient and effective dispute settlement mechanisms that Members use when they believe their trading partners have violated trade rules; in such instances, this legal body is sought out to reestablish order. Thus, the WTO not only establishes rights but also provides mechanisms for reestablishing 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 making contacts. Every meeting of any of the WTO’s institutional organs offers unparalleled opportunities to establish contacts, strengthen ties, and present queries and observations to 153 countries.

Fourth, it is a fact that the WTO exists: it is continuously moving forward to develop rules and disciplines and the process continues regardless of whether a country is participating or not. By not participating, a country misses the opportunity to have a say in the negotiations and to have an impact on the outcomes.

In short, given the importance of the WTO and the possibility of having an impact on world trade, it is vitally important for countries not only to belong to the WTO but also to participate actively in it. The number of Members is steadily rising and at present some 20 countries—among them the Russian Federation—are seeking accession to the organization.



1.6 Internal procedures

The rules of procedure 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, three other documents are of greater interest to participants in the meetings of the SPS Committee, and which apply to the meetings of that committee:

- SPS Agreement
- Rules of Procedure for Meetings of the Committee on SPS Measures (G/L/170)
- Working Procedures of the Committee (G/SPS/1)

Following are some general and specific aspects of the main rules of procedure that apply to the meetings of the SPS Committee:



1.6.1 Regular 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, and October. Prior to each regular meeting, informal meetings are usually held at the request of Members, to analyze specific items of negotiation. For example, in recent years, informal meetings have been held to discuss regionalization, special and differential treatment (SDT), review of the operation of the SPS Agreement, private standards, and equivalence. Meetings of the SPS Committee usually last three to four working days, with approximately two days devoted to informal meetings and two days to the formal session.



1.6.2 Meeting notice—proposed agenda: After each meeting of the SPS Committee, the WTO Secretariat announces: (i) the date on which the DG will issue the formal call to the next meeting of the SPS Committee, and (ii) the dates of that meeting. The meeting notice—sent via a document called airgram—is usually available to Members on the WTO Web page approximately one month ahead of the meeting. Annex I-A contains a sample meeting notice and the proposed agenda for the 43rd meeting of the SPS Committee (October 2008).

The rules of procedure provide that, at the request of a Member and with the assent of a majority of Members, meetings may be called with less advance notice for the purpose of addressing urgent concerns or matters of great importance (this has never occurred in the case of the SPS Committee).

The airgram distributed by the WTO Secretariat contains: (i) the proposed agenda for the next SPS Committee meeting, which is normally agreed at the previous meeting and includes items the SPS Committee agreed by consensus to address, and (ii) a reminder of the deadlines for submitting items for the next SPS Committee meeting, which can consist of 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 implementation of the SPS Agreement, including consideration of any specific notification

In general, items included on the proposed agenda distributed by the WTO Secretariat can be classified as:

- *Information from Members:* Several items on the agenda of the SPS Committee provide Members an opportunity to report to

the Committee (that is, to WTO Members) on their activities, experiences, programs, achievements, new measures, and any sanitary event deemed relevant. More specifically, Members can provide information on their experience with: (i) equivalence, pest- or disease-free areas (regionalization), (iii) technical assistance and cooperation, and (iv) any other event of their interest.

Sharing information with the rest of the countries under any of the agenda items that so allows is very important because it contributes to transparency. Transparency is one of the pillars that sustain the multilateral trade system because it builds trust and predictability, which are of key importance in international trade. Transparency is a value in itself and lack of transparency is eventually costly, since it is very difficult to reverse the mistrust it generates. It is therefore very advisable to share information with the Members of the WTO

- *Trade concerns:* Members may pose questions concerning SPS measures adopted by other Members that, in their understanding, create unjustifiable restrictions on their exports. Members may raise these concerns under several different agenda items, depending on the case:
 - Review of notifications received: Concerns may be raised under this agenda item when a Member questions a draft measure recently notified to the SPS Committee (usually after the previous meeting of the Committee).
 - Specific trade concerns: Under this item, issues can be raised regarding measures notified long ago or never notified, provided that their adoption and/or implementation affect rights and obligations under the SPS Agreement. Every year the WTO Secretariat compiles into one document (G/SPS/GEN/204) all the concerns raised under this agenda item. Members are encouraged to review the document because it offers a valuable historical recapitulation and provides information that will surely prove to be of interest.

- *Monitoring of the use of international standards:* Issues raised under this point relate to SPS measures adopted by a Member that are more demanding than stipulated in the relevant international reference regulations (Codex, OIE or IPPC) and are not backed by scientific evidence justifying this “excessive” protection.
- *Implementation of disciplines:* Several items have been included on the agenda of the SPS Committee so Members can negotiate mechanisms or guidelines to facilitate practical implementation. Several provisions of this nature have been adopted since the SPS Committee was established. Below is a list of Committee decisions currently in force:

G/SPS/50: Report to the Council for Trade in Goods on China’s Transitional Review

G/SPS/49: Procedure to Monitor the Process of International Harmonization - Tenth Annual Report

G/SPS/48: Guidelines to further the Practical Implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures.

G/SPS/47: Report to the Council for Trade in Goods on China’s Transitional Review

G/SPS/46: Special and Differential Treatment - Report by the Chairperson to the General Council

G/SPS/45: Procedure to monitor the process of international harmonization - Ninth Annual Report

G/SPS/44: Special and Differential Treatment - Report by the Chairperson to the General Council

G/SPS/43: Report to the Council for Trade in Goods on China’s Transitional Review

G/SPS/42/Corr.1: Procedure to Monitor the Process of International Harmonization - Eighth Annual Report.

G/SPS/41: Special and Differential Treatment - Report by the Chairperson to the General Council.

G/SPS/40: Decision to Modify and Extend the Provisional Procedure for the Monitoring of the Process of Harmonization

G/SPS/39: Special and Differential Treatment - Report of the Chairperson to the General Council

G/SPS/38: Report to the Council for Trade in Goods on China's Transitional Review

G/SPS/37: Procedure to Monitor the Process of International Harmonization - Seventh Annual Report.

G/SPS/36: Review of the Operation and Application of the Agreement on the Application of Sanitary and Phytosanitary Measures

G/SPS/35: Report on Proposals for Special and Differential Treatment

G/SPS/34: Report to the Council for Trade in Goods on China's Transitional Review

G/SPS/33/Add.1: Procedure to Increase Transparency of Special and Differential Treatment in Favor of Developing Country Members.

G/SPS/32: Process for the Review of the Operation and Implementation of the Agreement

G/SPS/31: Procedure to Monitor the Process of International Harmonization - Sixth Annual Report

G/SPS/30: Application and Treatment which is Special and Differential - Report of the Chairperson to the General Council

G/SPS/29: Report to the Council for Trade in Goods on China's Transitional Review

G/SPS/28/Corr.1: Procedure to Monitor the Process of International Harmonization - Fifth Annual Report - Corrigendum

G/SPS/27/Corr.1: Implementation and Special and Differential Treatment - Report by the Chairperson to the General Council - Corrigendum

G/SPS/26: Special and Differential Treatment Proposals – Schedule of work

G/SPS/25: Decision to modify and extend the provisional procedure to monitor the Process of International Harmonization

G/SPS/24: Implementation – Related Issues and Concerns – Chairperson Report to the Trade Negotiations Committee

G/SPS/23: Committee on Sanitary and Phytosanitary Measures – Report to the Committee on Trade and Development on Special and Differential Treatment

G/SPS/22/Corr.1: Report to the Council for Trade in Goods on China's Transitional Review

G/SPS/21: Procedure to Monitor the Process of International Harmonization - Fourth Annual Report

G/SPS/20: Equivalence - Programme for Further Work - Decision by the Committee

G/SPS/19/Rev.2: Decision on the Implementation of Article 4 of the SPS Agreement

G/SPS/18: Procedure to Monitor the Process of International Harmonization - Third Annual Report

G/SPS/17: Decision to Extend the Provisional Procedure to Monitor the Process of International Harmonization

G/SPS/16: Procedure to Monitor the Process of International Harmonization - Second Annual Report

G/SPS/15: Guidelines to Further the Practical Implementation of Article 5.5

G/SPS/14: Decision to Extend the Provisional Procedure to Monitor the Process of International Harmonization

G/SPS/13: Procedure to Monitor the Process of International Harmonization - First Annual Report

G/SPS/12/Corr.1: Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures - Corrigendum

G/SPS/11/Rev.1: Review of the Procedure to Monitor the Process of International Harmonization - Decision of the Committee

G/SPS/10: Procedure to Review the Operation and Implementation of the Agreement

G/SPS/7/Rev.3: Recommended Procedures for Implementing the Transparency Obligations of the SPS Agreement (Article 7)

G/SPS/3: Information to be Submitted by Observer Governments

G/SPS/1: Working Procedures of the Committee

The WTO Secretariat normally provides a 20-day period after distribution of the airgram for interested Members to formally request inclusion of items on the proposed agenda, make requests under the mechanism to monitor the use of international standards, and raise any other issue relevant to the implementation of the SPS Agreement. Requests should be made in writing to the WTO Secretariat, and are normally channeled through the country's mission to the WTO. For example, Member X wishes to report on the implementation of a new food control and inspection system under item 2 of the agenda "Activities of Members;" Member Y wishes to file a complaint against Member Z due to trade restrictions imposed on its meat exports without scientific evidence under item 3 of the agenda "Specific Trade Concerns"; and so on. This deadline is strict and is not extended.



1.6.3 Provisional agenda and final agenda: The day after the deadline for including items on the proposed agenda, the WTO Secretariat again distributes an airgram with the provisional agenda, now containing all the items the Members asked to have raised at the next meeting of the SPS Committee.

The provisional agenda becomes final at the start 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.

Delegates may propose amendments or additions to the provisional agenda under "Other Business." For example, if a Member included an item incorrectly in the provisional agenda, it may 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 the Members. Whenever possible, delegates should give advance notice to the Chairperson or the WTO Secretariat, and to the Members directly concerned, of any item they wish to include under "Other Business."



1.6.4 Participation in meetings: Each Member is represented by a duly accredited representative, who may be accompanied by the alternates and advisors considered necessary.

At the invitation of the General Council, representatives of non-member states or customs unions may attend the sessions as observers; representatives of international intergovernmental organizations may also attend under the same conditions.

The following participate in the meetings of the SPS Committee:

- (i) WTO Members: Governments may appoint any official they deem qualified to represent them at the meetings of the Committee; many send their food safety authorities or their animal or plant health control authorities. All WTO 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.

- (ii) International organizations with observer status: Certain international intergovernmental organizations are accorded observer status before the WTO so they can follow discussions on issues of direct interest to them. These organizations are:
 - Food and Agriculture Organization of the United Nations (FAO)
 - International Monetary Fund (IMF)
 - International Organization for Standardization (ISO)
 - International Plant Protection Convention (IPPC)
 - International Trade Centre (ITC)

- Joint FAO/WHO Codex Alimentarius Commission (Codex)
 - United Nations Conference on Trade and Development (UNCTAD)
 - World Bank
 - World Health Organization (WHO)
 - World Organization for Animal Health (OIE)
- (iii)** International intergovernmental organizations having ad hoc observer status on a meeting-by-meeting basis are:
- European Free Trade Association (EFTA)
 - African, Caribbean, and Pacific Group of States (ACP)
 - Inter-American Institute for Cooperation on Agriculture (IICA)
 - Regional International Organization for Plant and Animal Health (OIRSA)
 - Organization for Economic Cooperation and Development (OECD)
 - Latin American Economic System (LAES)

Neither the private nor the academic sectors participate in these meetings.



1.6.5 Accreditation: Representatives' credentials must be presented to the WTO Secretariat at least one week prior to the opening of a given

session. Credentials consist of a communication from the Member's Minister of Foreign Affairs or relevant authority, or a communication written on their behalf, authorizing the representative to fulfill, on behalf of the Member, the functions set out in the Agreement establishing the WTO. After checking with the WTO Secretariat, the Chairperson will communicate any instance when a representatives failed to present their credentials on time and in the proper and suitable format.



1.6.6 Chairperson: The General Council elects a Chairperson from among the Members' representatives. The election takes place during the first meeting of the year and takes effect at the end of the meeting. The Chairperson holds office until the end of the first meeting of the following year. If the Chairperson is absent from any meeting or part thereof, an interim Chairperson is elected for that meeting or that part of the meeting. If the Chairperson can no longer perform the functions of the office, the SPS Committee elects a new Chairperson. The Chairperson normally participates in deliberations in that capacity and not as a representative of a Member. However, he/she may, at any time, request authorization to act in one or the other capacity.



1.6.7 Quorum: A simple majority of Members constitutes *quorum*.



1.6.8 Organization of the discussion: In addition to exercising the authority conferred to it under other provisions, the Chairperson opens and closes sessions, directs the discussion, recognizes speakers, submits issues to decision, announces decisions, rules on points of order, and manages all aspects of the discussions. The Chairperson

may also call speakers to order if their communications stray from the point under discussion.

Representatives may raise points of order during the course of any discussion, in which case the Chairperson must immediately rule on the point of order. If there are objections to the ruling, the Chairperson will proceed immediately to submit it to a decision; the ruling will be considered valid if it is not opposed by the majority.

When an item is being discussed, representatives may request that the discussion be postponed; a motion of this type takes priority over others. In this case, three speakers other than the author of the motion may take the floor (one in favor and two against), immediately after which the motion will be put to decision.

During the course of a discussion, the Chairperson may read out the list of representatives who have requested the floor and declare the list closed, if those present are in agreement. However, the Chairperson may grant a representative the right to respond to a speech delivered after the speakers' list was closed, should it be deemed advisable. With the consent of those present, the Chairperson may limit the amount of time allotted to each speaker.

In order to expedite discussions, the Chairperson may invite representatives to express their support for a given proposal by a show of hands, which will be reflected in the minutes of the General Council as declarations of support. In this case, only representatives with dissenting views or wishing to make explicit points or proposals will be invited to speak. This procedure is applied only to avoid undue repetition of points already made, and cannot preclude any representative who wishes to speak from doing so.

The agenda item "Other Business" is not the place for lengthy statements or for addressing substantive concerns. The General Council limits itself to taking note of the announcement made by the delegation raising the concern and of the reactions to the announcement by other delegations with a direct interest in the matter. Although the General Council is not expected to adopt measures related to concerns raised under "Other

Business,” nothing prevents it, should it so decide, from adopting measures related to an issue raised in a specific meeting, or related to any issue for which no documentation was distributed at least 10 calendar days earlier.



1.6.9 Good offices: At the request of directly affected Members, the Chairperson may offer good offices to help deal with any concern raised within the framework of the SPS Agreement. Normally, the Chairperson will report to the Committee on the general outcome of these efforts.



1.6.10 Presentation of proposals: Proposals and amendments to proposals are normally submitted in writing and distributed to all representatives no later than 12 hours before the beginning of the session at which they will be reviewed.

When there are two or more proposals on the same issue, the broadest in scope is decided on first, followed by the next broadest in scope, and so on. When an amendment to a proposal is submitted, the amendment is decided first and, if it is adopted, the amended proposal is then decided on. When two or more amendments are submitted on a proposal, the one that departs the most from the substance of the original proposal is submitted first to decision; additional amendments are decided in descending order of departure from the original proposal, until all amendments have been decided on.



1.6.11 Interpretation of agreements: The Ministerial Conference and the General Council have exclusive authority to adopt interpretations of the Agreement on the WTO and the Multilateral Trade Agreements in

Annex 1A (see 1.1). In the case of an interpretation of a Multilateral Trade Agreement, they exercise their authority on the basis of a recommendation from the Council overseeing the operation of that Agreement.



1.6.12 Decision-making: The WTO kept the practice of decision-making by consensus followed under GATT 1947. Thus, the WTO considers that the relevant body will have decided a matter by consensus if no Member present at the meeting when the decision was taken formally objected to the proposed decision.

As the SPS Committee is covered by this general rule, it therefore arrives at its decisions by consensus.

Except as otherwise provided, in other bodies of the WTO where a decision cannot be arrived at by consensus the matter at issue may be decided by voting. At meetings of the Ministerial Conference and the General Council, each Member of the WTO has one vote. When the European Communities exercise their right to vote, they have a number of votes equal to the number of their member states which are Members of the WTO. Decisions of the Ministerial Conference and the General Council are taken by a majority of the votes cast, unless otherwise provided in the Agreement establishing the WTO or in the relevant Multilateral Trade Agreement.

If the Ministerial Conference or the General Council wish to adopt a decision on the interpretation of an Agreement, the decision is made by a three-fourths majority of the Members.

In exceptional circumstances, the Ministerial Conference may decide to waive an obligation imposed on a Member by the Agreement on the WTO or any of the Multilateral Trade Agreements, provided that any such decision is taken by three fourths of the Members, unless otherwise provided for in this paragraph.

- a.** A request for a waiver concerning the WTO Agreement is submitted to the Ministerial Conference for consideration pursuant to the practice of decision-making by consensus. The Ministerial Conference establishes a time period not to exceed 90 days to consider the request. If consensus is not reached during that time period, any decision to grant a waiver is taken by three fourths of the Members.
- b.** A request for a waiver concerning the Multilateral Trade Agreements in Annexes 1A or 1B or 1C (see 1.1) and their annexes is submitted initially to the Council for Trade in Goods, the Council for Trade in Services or the Council for TRIPS, respectively, for consideration during a time period not to exceed 90 days. At the end of the time period, the relevant Council submits a report to the Ministerial Conference.

A decision by the Ministerial Conference granting a waiver states the exceptional circumstances justifying the decision, the terms and conditions governing the application of the waiver, and the date on which the waiver terminates. Any waiver granted for a period of more than one year is reviewed by the Ministerial Conference no later than one year after it is granted, and thereafter annually until the waiver terminates. In each review, the Ministerial Conference examines whether the exceptional circumstances justifying the waiver still exist and whether the terms and conditions attached to the waiver have been met. On the basis of the annual review, the Ministerial Conference may extend, modify or terminate the waiver.

When, in conformity with the Agreement on the WTO, it becomes necessary to adopt decisions by voting, the voting is done in writing. Ballots are distributed to the representatives of the Members present and a ballot box is placed in the conference room for depositing the votes. However, the representative of any Member may request, or the Chairperson may suggest, that voting be done by a show of hands or by roll call vote. In accordance with the Agreement on the WTO, if it is necessary to proceed to a vote by qualified majority of all Members, the General Council may decide (at the request of a Member or at

the suggestion of the Chairperson) to conduct the vote by air mail, telegraph, or telefax.



1.6.13 Languages: Although the working languages of the WTO are English, French and Spanish, it is strongly recommended that participants have a fluent command of the English language since informal contacts and parallel meetings frequently take place in English.



1.6.14 Minutes: The WTO Secretariat prepares a summary of the meetings of the SPS Committee; delegations may check the part referring to the statements they made during the meeting before the report it is distributed.



1.7 SPS documents

Documents presented by the Secretariat or by any Member of the WTO within the framework of the SPS Committee have the following header:

WORLD TRADE ORGANIZATION	STATUS
	G/SPS/.../Number Day Month Year
Committee on Sanitary and Phytosanitary Measures	

STATUS: Document status may be restricted or public, which is indicated in the top right-hand box of the header. Usually, the only restricted documents are the reports (Minutes) prepared by the Secretariat after the meetings, which are drafted under its own responsibility without detriment to the positions of the Members and of their rights and obligations under the WTO. While they remain restricted, they may be consulted only by WTO Members on the Members' site (<http://members.wto.org/members/>); they become public 45 days after distribution.²

SIGNATURE: All WTO documents are identified using a code called "signature," and their particular code is indicated below the status box. The objective of the code is to facilitate orderly organization of documents and tracking ease.

- **G:** All documents presented in the SPS Committee begin with the letter G, which refers to GOODS, since the SPS Agreement is included in Addendum 1A on Multilateral Agreements on the Trade in Goods of the Agreement establishing the WTO.
- **SPS:** The WTO identifies the committees that administer the WTO agreements by their English acronym, in this case "SPS."
- **Decisions:** Decisions adopted by the SPS Committee are identified only by number (e.g., G/SPS/1, G/SPS/2, etc.). To date, the SPS Committee has adopted the decisions listed in section 1.6 of this Manual.
- **R:** Denotes the summary minutes of meetings prepared by the Secretariat. R documents are numbered in chronological order (G/SPS/R/1, G/SPS/R/2, etc.). These documents are restricted to Members only for 45 days following distribution, after which they become public.
- **GEN:** Refers to general documents including, for example, a Member's report to the Committee that it has eradicated a

pest or disease from its territory, or established new controls, or any specific or general event it wishes to share with the SPS Committee in fulfillment of the principle of transparency. GEN documents are numbered in chronological order (G/SPS/GEN/1, G/SPS/GEN/2, etc.)

- **W:** Refers to working papers (negotiation proposals) submitted by Members or the Secretariat to move forward in regulating a certain obligation foreseen in the Agreement. W documents are numbered in chronological order (G/SPS/W/1, G/SPS/W/2, etc.)
- **N:** Identifies Members' notifications to the WTO Secretariat of changes in their SPS measures, pursuant to Article 7 and Addendum B of the SPS Agreement. The three letters after the N identify the reporting Member (EEC = European Communities, ARG = Argentina, USA = United States, etc.). The number after the country code specifically identifies the given notification (G/SPS/N/EEC/1, G/SPS/N/EEC/2, etc.)
- **ENQ:** These documents (prepared by the Secretariat) compile in a single list the National Information Services (NIS) designated by the Members, and include the title of the authority and the enquiry points (G/SPS/ENQ ...)
- **NNA:** These documents (prepared by the Secretariat) compile in a single list the National Notification Authorities (NNA) designated by the Members, and include the name of the authority and points of contact (G/SPS/NNA ...)
- **INF:** These documents list the names and points of contact of official delegates that have attended meetings of the SPS Committee (G/SPS/INF ...)

There are two ways to access these documents:

- 1) Subscribe to the Secretariat's automatic document distribution system, which will send you email bulletins with the documents

attached (once or twice a week) http://www.wto.org/english/tratop_s/sps_s/sps_mailing_list_s.htm

- 2) Download them directly from the WTO web page. All these documents are available on the Documents Online database, which has its own browser and search engine (http://docsonline.wto.org/gen_home.asp?language=3&). It can be used for more specific searches since it includes several additional search criteria such as document code, search for full text, and document date.



2. How to prepare for meetings



2.1 How do I get organized before a meeting?

Organization is essentially a system of activities that have been consciously coordinated and structured for the purpose of achieving certain objectives. It can therefore be seen as a tool, an instrument, or a mechanism for maximizing effectiveness in the use of available resources in pursuit of any objective, whichever it may be. Since the human, physical, and financial resources available to most WTO Members from the Americas are very limited, organization is indispensable in efforts to pursue state policy objectives. Effective organization of available resources enables one to: (i) save time, (ii) better allocate available resources, (iii) make effective use of the results obtained, (iv) ensure that outcomes are the result of broad and transparent discussions among all competent stakeholders, (v) build work methodologies and positive synergies among different stakeholders, and (vi) strengthen the predictability and sustainability of policies over time.

Added to the resource constraints of the Latin American and Caribbean countries is the fact that SPS issues are very diverse, specific and

technically complex, which means that the people responsible for overseeing them should have a high level of expertise. If the objective is to define coherent, sustainable, transparent, and serious SPS policies, internal organization of work is of critical importance.

All organizational structures are usually created by official authorities, who tend to be, or should be, the people who promote these processes. The state should take on the responsibility of launching activities to identify, bring together, and organize stakeholders with competence in SPS. Although an initiative of this nature may sometimes begin in the private sector, the organizing process should be led by government authorities.

After the first stage of strong state leadership, it is advisable that other stakeholders with competence in SPS—especially the private and academic sectors—gradually take on greater responsibilities in the organizing work. The state should not be responsible for all of it and given the strengths and capacities of other stakeholders, it is strongly recommended that they participate actively in discussions to organize the internal work in their countries.

As already mentioned, internal organization of the work is the best mechanism for attaining the objective of defining coherent, sustainable, transparent, and serious SPS policies. Just as organization is the best way to achieve this, it is recommended that organization be channeled by creating permanent institutional frameworks that exceed the realm of individuals and allow initiatives and work to continue over time. The institutionalization of internal structures 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.

In the last few years, several Latin American and Caribbean countries have chosen to organize their in-country work by creating institutional

structures. Many have established National SPS Committees to work in a coordinated and structured fashion to define and implement SPS policies at the international level. These commissions usually have broad representation, with stakeholders from the public sector—ministries of economy or finance, agriculture, health, foreign affairs, trade—the private sector (major production sectors, especially those engaged in foreign trade), and the academic sector. These commissions have been institutionalized in some countries, with their own internal rules governing their operation, participation and decision-making process. In other countries these commissions function in a unique and very flexible manner.

For those who are going to participate for first time in a meeting of the SPS Committee, it is interesting to note that by October 2008 it had met 43 times. Following are some “tips” 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 meetings of the SPS Committee must read the background information on the Committee’s rules and decisions. Since the Committee began meeting in 1995, it has adopted a number of decisions that now form the regulatory basis of its work (listed in point 1.6).
- **General information:** Delegates can find valuable information on the SPS Agreement on the WTO web page: http://www.wto.org/english/tratop_s/sps_s/sps_s.htm

The site contains, among other things: (i) SPS news, (ii) news on workshops, meetings, and new provisions adopted by the SPS Committee, (iii) the text of the SPS Agreement and an explanation of the Agreement by the WTO Secretariat, (iv) notification forms, including a manual on how to implement transparency provisions, (v) a complete list of official SPS documents distributed since 1995, and (vi) several external links and other information.

- **Specific background information:** In addition to the general background information, delegates should be aware of the following:

As mentioned earlier, the WTO Secretariat prepares a report of each meeting that covers the discussions, the delegates' statements, and the commitments adopted. Delegates who will be attending a meeting should carefully study the last of these reports as it is the basis for the forthcoming meeting of the Committee.

In addition, it is important to review the proposed airgram, as it will specify not only the topics that will be considered at the next SPS Committee meeting but also the main documents that will be considered during it.

- **Contact national delegates:** First-time delegates should immediately contact other national specialists that have participated in previous meetings, for they will be valuable sources of information, experiences, observations and other types of references.

If your country has a National SPS Committee, it will be easy to contact these people; if not, communicate directly with your country's mission in Geneva or the WTO Secretariat, as they keep records of all official delegates who have participated in meetings of the SPS Committee.

- **Define the country position:** As will be seen in more detail in point 2.4, all preparatory work undertaken prior to the meetings 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 week. It is important for delegates to prioritize this commitment

in their work agendas, taking into account that it takes about a month to become familiar with the information and prepare adequately for a Committee meeting.



2.2 Who should meet?

If the country has a National SPS Committee, the delegate who will be attending the meeting should contact the secretariat of that National SPS Committee (or equivalent organ) in order to call an in-country coordination meeting to prepare for the trip. It is likely that all competent stakeholders in SPS will be represented on that committee. If there is no National SPS Committee, it is suggested that representatives of the following be called to a meeting:

- *Public sector:* Ministries of agriculture, fisheries, trade, foreign affairs and health; sanitary services.
- *Private Sector:* The sectors that play a major role in foreign trade, which tend to be grouped into chambers or associations. 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.
- *Academic sector:* Since public and private sector representatives often do not have the time or technical capacity to handle all their obligations, it is highly recommended that the academic sector be included in the preparatory process.

While it is desirable that the widest possible range of stakeholders with competence in SPS participate in the discussions, given the sensitivity of some topics, it is suggested that decisions be made only by the official authorities.



2.3 What should we discuss?

Discussions should aim to articulate positions among the different stakeholders with competence in SPS, with a view to defining the country position, that is, the position the national delegate will communicate at the meeting of the SPS Committee.



2.4 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 itself. Thus, when delegates exercise their right to speak, they do it on behalf of the country that has accredited them for that purpose; this transcends the delegate's personal or professional opinion, or the opinion of the agency for which they work. 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 the 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. As mentioned in sections 2.1 and 2.2, if the country has a National SPS Committee, that would be the 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 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 objective will be to maximize profits as much as possible. The core objective of national health services will be to ensure food safety and maintain animal and plant health, sometimes “at any cost.” It is the negotiators’ job, almost by definition, to build bridges between differing 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 several of the competent international organizations recognized by the SPS Agreement: Codex Alimentarius, World Organization for Animal Health (OIE), and International Plant Protection Convention (IPPC), also known as the “Three Sisters.” For example, regionalization was recently reviewed by the SPS Committee, the OIE, and the IPPC. 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 forums; this can be attributed to an absence of organized discussion and a consequent lack of definition in the country position.

Finally, it is recommended that delegates attending meetings of the SPS Committee 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 is 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. There are two advantages to traveling with instructions. 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.



2.5 How is the country position presented?

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 at SPS Committee meetings, as will be seen below. Following are some specific features of these presentations.



2.5.1 Written communication: When a Member has very complex technical information or a large amount of data to report, or wishes to contribute to implementing an issue by proposing specific language for negotiation, it is highly recommended that this information be

presented in written form. Despite the high-level expertise of the WTO's simultaneous translators, it is practically impossible to produce a one-hundred-percent accurate translation, and in these matters, any lack of clarity or 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 the Members, with the exception of:

- **Language:** All communications must be presented in at least one of the three official languages of the WTO: English, French, or Spanish. Documents are usually submitted in one of those languages and then translated by the Secretariat into the other two.
- **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 (see 2.6).

Nonetheless, Members sometimes submit their communications to the Secretariat after the deadline. In these cases, the Secretariat will probably not include it on the proposed agenda, and it will most likely be made available for the meeting only in the original language.



2.5.2 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 negotiating table. Members must wait patiently until the Chairperson calls on them.

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 that, in their understanding, need to be supported or objected to. It is therefore important to pay close attention to what other Members say and to be very clear on the country's national position so as to be able to speak with ease. It is suggested that written communications be reinforced by an oral communication; these should be very brief (two minutes maximum) and be limited to indicating the most important points. When making this type of oral communication, indicate that a document exists that contains all relevant information, and provide the code number. When making an oral communication, it is important to speak calmly and clearly to facilitate the work of the interpreters.



2.6 How to make the process sustainable

Although the work performed before and during 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 new priorities or emergencies because the paradigm has changed or because a change in authorities resulted in a change in priorities. 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; approval may take several years and that

is why long-term and especially sustainable policies are indispensable for obtaining the desired results.

As mentioned earlier, the creation of an institutional framework—National SPS Committees—with internal procedures that provide order and discipline to its activities, and the establishment of annual work programs to facilitate regular planning of the work, 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. The privilege of representing one's country at an international meeting should be honored by the delegate with a great sense of responsibility. Therefore, it is essential that, on their return, delegates:

- Share their mission report, which should be as detailed as possible, with the other members 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 city 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 person responsible for coordinating the meeting should initiate the preparatory work for the next meeting by distributing tasks and responsibilities, assigning deadlines for all work or studies so distributed.
- Hold additional meetings, even if committee participants are in regular contact with each other by email and telephone.

The following will contribute to creating a sustainable system:

- Officials who participate in the meetings of the SPS Committee should try to get these trips included in their agencies' budgets.
- High- and mid-level technical teams should take a strong lead in raising authorities' awareness and developing new technical expertise by sharing their experience and know-how with other stakeholders.
- Promote interdisciplinary work among negotiators, international trade experts, and sanitary specialists.
- Create fluid and dynamic channels of communication among all stakeholders with competence in SPS.
- With regard to the commitment of participants, it is important to remember that the SPS Committee is rarely the sole professional responsibility of a given person, whether he/she works in the public sector or the private sector. Most likely, it is just one of a number of tasks he/she is responsible for.



2.7 What documents should I review?

Delegates need to get hold of the documents that will enable them to identify the other basic documents that will be reviewed, submitted or considered during the next meeting of the SPS Committee.

They are:

- **Report of the WTO Secretariat on the previous meeting of the SPS Committee:** This report not only identifies the documents that were presented and reviewed at that meeting, but also outlines the opinions expressed by the Members and the outcomes—often preliminary—of each topic discussed in the SPS Committee.
- **Proposed agenda and provisional agenda.** As explained in numeral 1.6, approximately one month before the meeting of the SPS Committee the Secretariat will circulate a reminder of the deadlines for including points on the proposed agenda, making proposals under the mechanism to monitor the use of international standards, and raising any other concern related to the implementation of the SPS Agreement, including issues related to a specific notification received. For its part, the provisional agenda also includes the documents that will be considered at the forthcoming meeting of the SPS Committee.

It is important to be aware of the fact that Members often submit communications after the deadlines, which means they are often not included in the proposed agenda or provisional agenda. Thus, the persons responsible for the SPS negotiations, particularly officials who plan to attend a Committee meeting, should visit the WTO Secretariat search page at: http://docsonline.wto.org/gen_home.asp?language=3& to determine which communications or statements were submitted after

the provisional agenda was distributed. Delegates are urged to be well prepared since these “last minute communications” are usually available only in the original language submitted by the Member or international organization.

In addition to these “orienting documents,” delegates should carefully review the specific communications or statements to be made by other Members or international organizations.

Unlike other international meetings, the number of documents reviewed at any given SPS Committee meeting is not very high (normally between 15-20 documents maximum) as compared to other international organizations. When organizing the preparatory work, it is important to differentiate between information documents and documents containing negotiation proposals, as will be seen below.

WTO Members, the Secretariat, and observer international organizations very 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 are not subject to discussion nor do they involve negotiations. Such “information” documents are usually presented under the agenda items “Activities of Members,” “Technical Assistance and Cooperation” and “Matters of Interest Arising from the Work of Observer Organizations.”

The remaining documents (“negotiation” documents) are presented by the WTO Secretariat or by Members and give rise to specific negotiations, either within the Committee or in small groups parallel to it.



2.8 What materials should I take with me?

The WTO offers free wireless internet service so it is recommended that delegates travel with a laptop whenever possible. (Only a few desktop computers are available at the WTO.)

Other things to take:

- The documents identified in numeral 2.7. If a delegate forgets to take any of these documents or was unaware of them, the WTO Secretariat has one copy available per country for the use of the delegates participating in the meetings of the SPS Committee. These documents can be found on a counter by the entrance to the meeting room and are usually available in the three official languages (unless they were submitted after the deadline and the Secretariat did not have time to translate them).
- The text of the SPS Agreement
- The Secretariat's compilation of all the decisions and other important SPS Committee documents, which is available at the following WTO Secretariat web site: http://www.wto.org/english/tratop_s/sps_s/decisions06_s.htm
- Signed instructions, as explained in numeral 2.4.
- Background and other information needed for any possible informal bilateral meetings held parallel to the SPS Committee meeting (see numeral 2.9).

Delegates are reminded to always carry their passports when they plan to enter WTO facilities; it is a requirement for entering the building.

Delegates should also carry relevant logistic information to facilitate their stay in Geneva, including:

- Telephone number and official contacts of the country's mission in Geneva
- Telephone number and address of the hotel where the delegate will be staying
- WTO address (rue de Lausanne 154, CH-1211, Geneva 21, across from the Botanical Garden)
- Means of transportation from the hotel to the WTO



2.9 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 (see numeral 1.5). Most delegates attending the meetings of the Committee schedule several informal bilateral 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 trade problems affecting their relations with other countries (i.e., a country's lack of response to a request for a 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, and delegates planning to attend a meeting are advised to send a communication to their mission in Geneva, approximately two weeks in advance, indicating:

- the countries with which they would like to schedule informal bilateral meetings, and
- 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 are experienced in organizing this type of informal meeting, and will handle all the logistics with the mission of the country invited to the meeting. These meetings usually take place only when delegates from the capital cities are present, which means that it is very likely that a country will decline a meeting unless delegates from their capital cities will be able to attend. It is also very 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 have 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 WTO cafeterias, depending on the case. Translation services are not provided at these meetings and English is usually the language of communication.

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. As above, it is suggested that requests for such meetings be channeled through the mission in Geneva.



2.10 Is accreditation necessary?

Yes, definitively. For delegates to be able to enter the WTO building and take the seat assigned to their country, they must be duly accredited (for more information see numeral 1.6).

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 who will be attending the meeting must send their information to their 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 visible at all times. The passport will be returned to the delegates 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 great care, as it must be returned in order to retrieve the passport.)



2.11 Should I form coalitions? How?

As mentioned in numerals 2.3 and 2.4, every country needs to define its national position vis-à-vis the items on the agenda of the SPS Committee, which the delegate representing the country 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. That having been said, it is important to recall that the WTO has more than 150 Member Countries and that decisions are adopted by consensus; therefore, creating a strong “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, Members whose profiles suggest that they have or may have common concerns or interests. For example, it is very common for Latin American countries that are net exporters of food and agricultural products to build coalitions in order to increase transparency, predictability, and to open foreign markets.

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 to 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 favor, isolating Members that defend opposing interests.

- **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. In legal terms this is called *affectio societatis*, and it means the mutual interest that brings together countries with a common position on a particular subject.
- **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 the 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 given proposal or the skill of a country's negotiators, it is very unlikely that a Member's point of view will prevail on 100% of the items on the agenda. Concessions and transactions 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 true and most important *affectio societatis* that unites 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 connection, 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.



2.12 Who should attend the meeting?

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 administration of the SPS Agreement. The purpose of that agreement, in turn, is to strike a reasonable balance between the Members' right to adopt the SPS measures they consider pertinent and the need to prevent unnecessary barriers to international trade through SPS measures inconsistent with the obligations assumed under the Agreement. Therefore, although this Committee deals with sanitary measures, the measures per se are not evaluated; instead, they are assessed in terms of their potential to unfairly affect international trade. Taking this into account, the following are some suggestions for the profile of the national delegation 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 of key importance that Members' delegations comprise expert international trade negotiators.

The missions in Geneva can probably “supply” national delegations with negotiators. In fact, it is highly recommended that the mission official that covers SPS participate actively in the meeting. This person will probably not be the country's senior-most authority in the area of SPS; in fact, it is more than likely that the specialists traveling from the capital city will have more know-how and expertise on SPS. Be that as it may, the mission's diplomats are familiar with the dynamics of WTO negotiations, schedules and deadlines, as well as its

formalities and negotiation strategies, all of which are extremely valuable for performing effectively at the meeting. This is not to suggest that negotiators or international trade experts from the capital cities are unnecessary, rather, their work should be actively complemented by the diplomats in Geneva (for more information, see numeral 3.7).

- **SPS specialists:** The SPS Committee does not negotiate 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 obviously cannot play that role due to different professional backgrounds.

In short, although it can be said that the SPS Agreement is a “technical” agreement because it regulates the adoption and implementation SPS measures, most heads of delegation are international trade experts well versed in the rules of the multilateral trade system. Ideally, these negotiators will be accompanied by SPS experts. The SPS Committee is not a forum for broad and in-depth scientific deliberations—which the Three Sisters are—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.



2.13 What happens if the capital cannot attend?

Some options do exist. If experts from the capital cannot attend this does not mean that the country cannot be represented at the meeting of the SPS Committee. Nonetheless, it is important to understand that the options described below are merely remedial: nothing can replace an expert from the capital, so every effort must be made to ensure effective participation by experts from the capital.

In this scenario, the following course of action can be followed. First, the national position stemming from in-country discussions should be sent to the Member's mission in Geneva so that the diplomats there can present it at the meeting of the Committee. As mentioned earlier, although many of the WTO Members have representations in Geneva, the officials stationed there usually don't have the know-how or time to participate effectively in the meetings of the SPS Committee. For this arrangement to be effective, it is critically important for at least one of the officials at the mission to follow the negotiations of the SPS 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 city 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 analyze them will be very low, 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 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. In the section on coalitions, mention was made of the fact that similar perspectives on certain issues create affinities among countries. If a delegate from the capital 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. Under no circumstances may the country receiving the information make a statement "on behalf of" another Member. Sometimes, however, new studies or analyses emerge that can contribute positively to defending an argument in a negotiation and are worth sharing with Members that have a similar position.

At the risk of being repetitive, due to the great number of meetings that take place within the WTO, the fact that most missions are understaffed and, by and large, none are very familiar with SPS issues, it is very difficult,

if not impossible, to replace the know-how and experience of specialists from the capital. Therefore, 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 the capital city in the meetings of the SPS Committee.



2.14 Do I need to submit information before the meeting?

In some cases information **MUST** be sent beforehand while in others it is **ADVISABLE** to do so:

- **Required:** Numeral 1.6 referred to the mechanism Members use to request that an item be included on the provisional agenda. In accordance with this mechanism, interested Members communicate to the WTO Secretariat their intention to introduce the topic; this is normally done through their mission in Geneva.

Requests for accreditation of delegates from the capital must also be sent in advance to the mission or the Secretariat. The mission should also be informed in advance of the instructions handed down by the competent national organ for SPS.

- **Recommended:** Different sections of this chapter have explained that the articulation of positions for defining the national position is a core aspect of the preparatory work for the SPS Committee meeting. Open channels of communication between Geneva and the capital are considered indispensable to support the performance of the national delegation. It is therefore recommended that the mission participate, from Geneva of course, in preparing the documents that support the national position, and that these then be duly forwarded to Geneva.



2.15 How should documents be prepared?

Numeral 1.7 discussed the wide range of documents that may be submitted to the SPS Committee. In general, they can be divided into two basic categories: general documents (GEN) and negotiating documents (W). Members use GEN documents to communicate specific events or to provide information to the rest of the countries. 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. It has already been noted that the WTO does not have strict rules for written communications: there are no limits on the number of pages or any specific conditions that must be observed by the Members, except as concerns language and deadlines. Documents should be submitted to the WTO Secretariat through the country's mission in Geneva.

Following are some useful suggestions for preparing documents:

- Be brief, clear, and accurate. Long documents tend to try the patience of the Members and may therefore not get reviewed with the attention they deserve.
- Be aware that these documents are not academic papers and their purpose is not to prove how knowledgeable a country is; rather, their purpose is to share information or to introduce specific negotiating proposals.
- Review earlier documents on the particular issue, whether you are planning to submit information in a GEN document or if you are going to present a negotiating proposal through a W document. If possible, use them as a model or guide, or reference them through footnotes.
- Try to avoid using phrases or wording that will be difficult to translate into the other two official languages of the WTO.

- Meet with stakeholders to exchange ideas before starting to write. Writing should be seen as the end of a process, not the beginning; it should be preceded by extensive study and internal discussion on the given topic.
- Plan your work time; internal discussions tend to take longer than desirable.
- Exchange ideas with Members that have more experience in preparing documents (in general) and with those with more experience in the topic to be addressed (in particular).
- Supplement all written documents with a brief oral statement during the course of the meeting of the SPS Committee, underscoring what are considered the most important aspects of the communication.



2.16 How do I prepare my statements for each agenda item?

Numeral 2.5 discusses mechanisms used to develop the national position, whether it is presented in writing or orally. When it comes to speaking at the meeting, delegates are advised to also have on hand:

- a. the national position on the given topic, if there is one
- b. the instructions sent to Geneva to be communicated by the delegate in the Committee meeting
- c. the text to be read

This point is of great importance. It is not easy to speak on a topic under the watchful eye of hundreds of people from many different countries. It is not uncommon for delegates to lose their nerve while speaking and to end up not transmitting the message with the precision and clarity it deserves. This can happen to anyone, especially if the speaker is unfamiliar with this type of event or lacks experience. National delegates are urged not to “improvise” and to limit themselves to reading a brief statement. The WTO Secretariat itself has recommended this type of caution. (Naturally, improvisation is sometimes necessary; see numeral 3.5.)

If speakers will be reading out written statements, the WTO Secretariat requests that a copy be made available to the translators to facilitate their work and to ensure that the translated message follows the original as closely as possible.



3. The meeting



3.1 How and when to speak

In numeral 2.5 it was mentioned that one way to put forth the national position at an SPS Committee meeting is by means of an oral communication.

- **How to speak:** To speak at the meeting, delegates must request the floor, which is normally done by placing their country's nameplate vertically on the negotiating table (the nameplate is on the negotiating table in front of the seat assigned to the delegation). The WTO Secretariat takes note of the request and delegates make speak when they have been recognized by the Chairperson.

As a matter of courtesy, it is customary to thank the Chairperson for giving you 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 one of the formalities of international negotiations that countries carefully observe.

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 (see 2.15).

- **When to speak:** The “right” moment to speak is a subjective matter. There are no rules or customs regarding when it is best to speak; in fact, delegates may do so more than once for each agenda item. Very rarely has the Chairperson curtailed a Member’s right to speak (see 1.6). Nonetheless, the following are some suggestions that may be of use to the negotiators.

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 very 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 into 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. 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.



3.2 Working with the agenda

As mentioned earlier, at the beginning of meetings of the SPS Committee the Chairperson puts the adoption of the agenda to a decision by the Members; in fact, it is the first item on the agenda.

This means that there is an opportunity during the meeting to amend the agenda and to request that a new topic be included under "Other Business." Remember that, in accordance with the rules of procedure of the SPS Committee (see 1.6), oral statements made under "Other Business" must be very brief.

Once the agenda has been adopted, it cannot be amended during the course of the meeting unless a Member decides to withdraw a topic or concern that it had placed on the agenda. For example, if Member

X had intended to raise a claim against Member Y under the point “Specific Trade Concerns,” it can withdraw that point at any time, even if the agenda has been approved. This usually happens as progress is made in an informal meeting outside the SPS Committee.



3.3 What topics should I engage in? How?

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 are more important 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 and to determine which agenda items they will be bringing pressure on.

It was mentioned earlier that a certain margin of flexibility is required in international negotiations, especially when they involve more than 150 countries such as in 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 that, although not completely in line with the initial position, are something “the Member can live with.” The guidelines for the practical implementation of Article 6 of the SPS Agreement on regionalization provide a good example of this. The initial expectations 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. In this connection, the following is suggested.

- a. Members should prioritize the agenda items, recognizing that although all are important some will be more important than the rest. One cannot always win, and therefore one should decide where to focus efforts and where to offer flexibilities.
- b. Members can also set priorities within each given topic; they can surely find elements that are indispensable and others that are not. The tradeoffs that characterize all negotiations occur not only between subjects but also within them.

One of the most frequent words in this arena is “balance,” understood as the equilibrium between participants’ expectations and concessions.

Defining what issues are of priority and what aspects of those issues are the most relevant is a non-delegable power of government authorities. However, even though this authority is non-delegable, it is very important to involve all relevant stakeholders in SPS in the broadest and most transparent manner. The National SPS Committee is the ideal arena for assessing and defining such priorities.

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

- c. analyze in detail the topic, its implications, and the options for negotiation
- d. identify possible allies who hold similar positions
- e. identify potential allies, that is, Members who may be able to be convinced to become more strongly involved or committed in the negotiations
- f. identify potential rivals, try to understand the underlying reasons for their positions, and consider different options that may be offered for overcoming differences
- g. submit written communications

- h. participate actively before, during and after the meetings of the SPS Committee
- i. communicate clear messages, being as specific as possible with regard to national priorities, based on the aforementioned parameters.



3.4 Managing alliances

Alliances always have leaders. Certain Members tend to have the power and/or the know-how or expertise that brings them to the center of efforts to build a coalition. They usually manage the operation and organization of alliances. Not all Members have the capacity to lead and manage alliances. To play that role, the Member must have prioritized the topic in its national position and be willing to “pay the price” of leading the alliance. This means doing all the work to identify strategic allies, articulate positions with them, analyze the subject and related documents, be prepared to organize several informal coordinating meetings, and be willing to receive the brunt of pressure from “rival” Members. (For more information see numeral 2.11.)



3.5 When does one improvise in a meeting?

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 vis-à-vis one or all the items on the agenda of the SPS Committee, one factor can never be avoided: UNCERTAINTY. Even though prior contacts are maintained with some of the delegations, it is still impossible to accurately and precisely anticipate what the rest of the delegations will have to say on the agenda items. 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 very 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 very experienced in this regard, which is why it is recommended that they chair the national delegation; and
- instructions that are sufficiently flexible to allow negotiators some maneuvering room during the course of the meeting.

It is important to understand that the timeframes of the SPS Committee are not short; topics are analyzed 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 analyze the concern in detail in the capital city. This option is useful for gaining time and minimizing the effect of the "surprise factor."



3.6 Should I communicate with the capital? When and why?

Delegates should have a specific contact in their capital city who they can reach by telephone if necessary. The WTO has public telephones (prepaid cards required) and a few computers that enables delegates to connect with the capital. There are no firm rules about when and why to contact the capital; this will depend to a great extent on the expertise, background, and decision-making capacity of the delegation attending the meeting. The stronger the delegation, the more maneuvering room and independence it will receive from the capital.

Below are some situations that may require contact with the capital (depending on the profile of the delegation):

- a. If it 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.
- b. 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).
- c. If at the outset of the meeting a Member expressed that it wanted to include a statement against your country in "Other Business."
- d. If another Member requests an informal bilateral meeting with your delegation.
- e. 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. It is always better to act in haste and to be considered “too picky or an alarmist” than to be criticized or reprimanded on one’s return to the capital.



3.7 What kind of support can I expect from the mission?

It is always suggested that the mission assign one officer to monitor the meetings of the SPS Committee. Naturally, this person would not be expected to replace specialists from the capital but rather to supplement their work with their know-how about the workings of the WTO.

As seen earlier in the organizational chart, a wide range of topics are negotiated within the WTO. In fact, the number of topics covered by the organization is growing steadily and negotiations in each subject area are becoming increasingly complex. It is therefore essential for the diplomats in the missions in Geneva to complement and support the work of the specialists from the capital. In addition to following these negotiations, they are also involved at the global level in the negotiations taking place within the organization and are therefore familiar with how they work, their dynamics, time frames, coalitions, possible allies, and opponents.

It is very unlikely that specialists from the capitals will have a full understanding of how negotiations are progressing in the different WTO forums. However, at the end of the day, everything forms a single package where strategies or statements made in one committee may affect the outcome of negotiations in another. Therefore, the diplomats in the missions can make an enormous contribution by helping the specialists from the capital “adapt” to the reality and dynamics of the WTO.

Another important function the mission in Geneva can perform is to help make the necessary contacts. The diplomats in Geneva know their peers from other Member Countries, WTO Secretariat staff, and probably the Chairperson of the SPS Committee. They can therefore facilitate the necessary contacts and help fine tune the coalitions created and the strategies defined.

Another important aspect is language. Delegates from the capitals should be reasonably fluent in English; otherwise they will need permanent assistance from the diplomats of the mission.



3.8 Languages

The three official languages of the WTO are English, Spanish, and French. Written presentations and oral communications in informal and formal meetings of the SPS Committee can be in any of those languages, as simultaneous interpretation will be available for them.

Nonetheless, it is important to understand that the delegates' work at the meetings of the SPS Committee is not limited to what goes on in the meeting room. The constant and pervasive nature of informal contacts, parallel meetings, and conversations in corridors or in the WTO cafeteria tend to be just as important as the official meetings, since often the most controversial concerns are settled in small groups of the Members most actively involved in the topics. These informal meetings or contacts normally take place in English, without interpretation, which means that participating delegates must be comfortable in that language. The second most important language, in terms of frequency of use in informal meetings, is Spanish, followed by French.



4. Back at the capital



4.1 How to communicate the outcomes of the meeting

As mentioned earlier, two elements that are key for sustaining work to monitor the SPS Committee meetings is to share information from the SPS Committee meeting and to involve all stakeholders with competence in this matter in analyzing the information and doing the preparatory work necessary for the next meeting. Following are some recommendations:

- Share the mission report, which should be as detailed as possible, with the other members 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 forgetting valuable information and experiences, and reducing the amount of time they have to prepare for the next meeting.

- Distribute the mission report to political authorities in order to create or strengthen their awareness and understanding of the issues, underscoring the relevance of the topics discussed and the importance of the active involvement of delegates from the capital in the meetings in Geneva.
- After distributing the report, convene a meeting of the National SPS Committee (within two weeks after having distributed the mission report) to provide further details on the meeting and to answer questions. It is important for the delegate or meeting coordinator to initiate the preparatory work for the next meeting by distributing tasks and responsibilities; it is recommended that all tasks or studies ordered be given a deadline.
- Convene additional meetings, in addition to maintaining ongoing contact with committee members by e-mail and telephone.



4.2 Commitments

Numerals 2.1 and 2.2 cover certain details needed to organize the preparatory work for meetings of the SPS Committee; numeral 2.6 explains how to sustain the process of participating in the Committee.

The importance of commitments in the above must be underscored. In general, there are two interrelated levels of commitments: multilateral and domestic.

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. For example, in several meetings, African countries including Egypt agreed to submit negotiating proposals on the implementation of Special and Differential Treatment (SDT), Argentina agreed to submit proposals on equivalence, and New Zealand agreed to present proposals on the relationship between the SPS Committee and the Three Sisters. These commitments are often made voluntarily by the Members, but the Committee Chairperson or other Members sometimes request a Member(s) to draw up a proposal or document.

Commitments should be honored. In so doing, the country strengthens its credibility and contributes to the continuity of the work of the Committee. It creates a very poor impression for a country to agree to present a document or response and then not to do it. Therefore, it is essential to organize in-country tasks within the National SPS Committee or relevant national agency or body. While we have already discussed how to organize “in-country” tasks, it is important to underscore the importance of the commitment of national stakeholders with competence in SPS to contribute to these tasks.

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 can be taken on or not, depending on the amount of time and/or willingness of the 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 expressed their opinions.



4.3 Monitoring the topics of the next meeting

The Committee works with its own particular rhythm. As mentioned earlier, it meets regularly three times a year and usually the only documents submitted “between” meetings are notifications of SPS projects. Specific proposals and general documents containing valuable information “usually” begin arriving between two and 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 Member 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 the capital cities between meetings. The end of a meeting should be seen as the beginning of preparatory works for the next meeting. Analyzing and defining the national position is a long and 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 National Information Service keep the members of the National SPS Committee abreast of relevant documents submitted to the WTO Secretariat;
- the National SPS Committee meet periodically, and not just a few days prior to the Committee meeting, to give continuity to the work; and
- open channels of communication be maintained between the competent bodies in the capital and in Geneva since new developments often come from there.



Annex



ANNEX I

WORLD TRADE G/L/170

20 June 1997

ORGANIZATION

(97-2540)

RULES OF PROCEDURE FOR MEETINGS OF THE COMMITTEE ON SANITARY AND PHYTOSANITARY MEASURES

Approved by the Council for Trade in Goods on 11 June 1997

At its meeting of 19-20 March 1997, the Committee agreed that the Rules of Procedure for meetings of the General Council (WT/L/161) shall apply mutatis mutandis for meetings of the Committee on Sanitary and Phytosanitary Measures except as otherwise provided in the Working Procedures (G/SPS/1) as established or as subsequently amended by the Committee on Sanitary and Phytosanitary Measures and except as provided below:

- (i) **Rule 5** of Chapter II (Agenda) is not applicable.
- (ii) **Rule 6** of Chapter II (Agenda) shall be modified to read as follows: The first item of business at each meeting shall be the consideration and approval of the agenda. Representatives or the Chairperson may suggest amendments to the proposed agenda, or additions to the agenda under "Other Business". Representatives shall provide the Chairperson or the Secretariat, and the other Members directly concerned, whenever possible, advance notice of items intended to be raised under "Other Business".

(iii) **Rules 12, 13 and 14** of Chapter V (Officers) shall be modified to read as follows:

Rule 12

The Committee on Sanitary and Phytosanitary Measures shall elect a Chairperson¹ from among the representatives of Members. The election shall take place at the first meeting of the year and shall take effect at the end of the meeting. The Chairperson shall hold office until the end of the first meeting of the following year.

Rule 13

If the Chairperson is absent from any meeting or part thereof, the Committee on Sanitary and Phytosanitary Measures shall appoint an interim Chairperson for that meeting or that part of the meeting.

Rule 14

If the Chairperson can no longer perform the functions of the office, the Committee on Sanitary and Phytosanitary Measures shall appoint an interim Chairperson to perform those functions pending the election of a new Chairperson.

(iv) **Rule 16** of Chapter VI (Conduct of Business) is not applicable.

(v) **Rule 24** of Chapter VI (Conduct of Business) shall be modified to read as follows:

In order to expedite the conduct of business, the Chairperson may invite representatives that wish to express their support for a given proposal to show their hands; thus, only representatives with dissenting views or wishing to make explicit points or proposals would actually be invited to make a statement. This procedure shall only be applied in order to

avoid undue repetition of points already made, and will not preclude any representative who so wishes from taking the floor.

(vi) **Rule 33** of Chapter VII (Decision-Making) shall be modified to read as follows:

In accordance with Article 12:1 of the Agreement on the Application of Sanitary and Phytosanitary Measures, the Committee shall reach its decisions by consensus.

(vii) **Rule 34** of Chapter VII (Decision-Making) is not applicable.

(viii) **Rule 36** of Chapter IX (Records) shall be replaced by the following: Records of the Committee on Sanitary and Phytosanitary Measures meetings shall take the form of a summary report to be prepared by the Secretariat. Any delegation may, at their request, verify those portions of the draft report containing their statements prior to the issuance of the Secretariat summary report in accordance with the customary GATT practice. Delegations that wish to avail themselves of this verification procedure should so indicate to the Secretariat within 10 days of the close of the meeting concerned.

The Committee on Sanitary and Phytosanitary Measures shall apply the relevant guidelines contained in the “Guidelines for Appointment of Officers to WTO Bodies” (WT/L/31 dated 7 February 1995).



ANNEX II

WORLD TRADE ORGANIZATION

4 April 1995

(95-0804)

G/SPS/1

Committee on Sanitary and Phytosanitary Measures

WORKING PROCEDURES OF THE COMMITTEE³

*Adopted by the Committee
at its Meeting of 29-30 March 1995*

Meetings of the Committee

1. The Committee shall meet to carry out the functions necessary to implement the provisions of the Agreement, or such other tasks which it may be required to deal with.
2. Notice of meetings of the Committee and a draft agenda shall be issued at least 10 days prior to the date of the meeting. It shall be open to any Member to request, in writing to the Secretariat, the inclusion of items under the proposed agenda up to, but not including, the day on which the notice convening the meeting is to be issued.
3. Matters relating to notifications, including notifications considered at previous meetings, can be raised or reverted to in the course

³ These working procedures are to apply until consideration of this matter by the Committee at its second meeting.

of any meeting. A Member which proposes to raise any matter relating to a particular notification in the course of a meeting shall give notice of its intention to the notifying Member concerned and the Secretariat, together with an outline of its concerns, as far as possible in advance of the meeting.

4. The Committee shall hold at least two meetings per year. Each meeting shall provisionally schedule the dates and agenda for the next meeting. Additional meetings of the Committee may be scheduled as appropriate.
5. 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, unless it is considered that resort to other procedures would be more appropriate, convene a special meeting of the Committee.

Other Matters

6. With respect to any matter which has been 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 shall normally report to the Committee on the general outcome with respect to the matter in question.
7. Representatives of the FAO/WHO Codex Alimentarius Commission (Codex), the Office international des epizooties (OIE) and the FAO Secretariat for the International Plant Protection Convention (IPPC) will be invited to attend meetings as observers, pending the final decision by the General Council. Representatives of other international intergovernmental organizations may be invited by the Committee to attend meetings as observers in accordance with the guidelines to be adopted by the General Council. Notwithstanding the above, the Committee may, as appropriate, decide to hold restricted sessions with participation of Members only.



ANNEX III

The following annex represents what could generally be included in an airgram. The situations, dates and countries mentioned are fictitious, and have been included for academic purposes only.

WTO/AIR/1234

October 1 2005

SUBJECT: THIRD REGULAR MEETING OF THE SANITARY AND PHYTOSANITARY MEASURES COMMITTEE: REMINDER OF IMPORTANT DATES

- 1. THE THIRD REGULAR MEETING OF THE SANITARY AND PHYTOSANITARY MEASURES COMMITTEE WILL BE HELD ON OCTOBER __ and __, 2005. IT WILL BEGIN ON WEDNESDAY, OCTOBER __ AT 10:00 HOURS.**
- 2. PURSUANT TO THE RULES IN EFFECT, IF A MEMBER WISHES TO HAVE A POINT INCLUDED IN THE PROPOSED ORDER OF BUSINESS, IT MUST SUBMIT A WRITTEN REQUEST TO THE SECRETARIAT NO LATER THAN ONE DAY BEFORE THE PUBLICATION OF THE NOTIFICATION OF CONVOCAATION TO THE MEETING. SAID NOTIFICATION WILL BE PUBLISHED ON FRIDAY, SEPTEMBER __. MEMBERS THAT WILL PROVIDE INFORMATION ON PEST/DISEASE-FREE AREAS AND AREAS OF LOW PEST/DISEASE PREVALENCE ARE ASKED TO DO SO WITHIN THE FRAMEWORK OF POINT 7 A) OF THE ORDER OF BUSINESS.**
- 3. PURSUANT TO THE PROCEDURE AGREED UPON (G/SPS/11/REV.1), NEW PROPOSALS TO BE EXAMINED IN THE CONTEXT OF MONITORING THE USE OF INTERNATIONAL STANDARDS MUST BE SUBMITTED TO THE SECRETARIAT NO LATER THAN THURSDAY, SEPTEMBER __.**

4. **THOSE MEMBERS THAT PLAN TO RAISE OTHER ISSUES RELATED TO THE APPLICATION OF THE AGREEMENT, INCLUDING ANY ISSUE RELATED TO A SPECIFIC NOTIFICATION, ARE ASKED TO INFORM THE OTHER INTERESTED MEMBERS AND THE SECRETARIAT OF THEIR INTENTION AS FAR IN ADVANCE OF THE MEETING AS POSSIBLE, BUT NO LATER THAN THURSDAY, SEPTEMBER __, AT 12:00 HOURS. THEY ARE ALSO ASKED TO SUBMIT A BRIEF EXPLANATION OF THE ISSUE THEY INTEND TO PRESENT.**
5. **ON MONDAY, OCTOBER __, THERE WILL BE A SPECIAL WORKSHOP ON GOOD PRACTICES IN RISK ANALYSIS ASSOCIATED WITH SPS MEASURES. THE PROGRAM FOR THE WORKSHOP CAN BE FOUND IN DOCUMENT G/SPS/GEN/123. PLEASE NOTE THAT THE WORKSHOP WILL BEGIN AT 09:30 HOURS.**
6. **ON TUESDAY, OCTOBER __, THERE WILL BE TWO INFORMAL MEETINGS. THE FIRST, ON SPECIAL AND DIFFERENTIAL TREATMENT, WILL BEGIN AT 15:00 HOURS.**
7. **THE SECOND, TO EXAMINE THE PERFORMANCE AND APPLICATION OF THE SPS AGREEMENT, WILL FOLLOW IMMEDIATELY. THE MEMBERS OF THE COMMITTEE WILL BE INVITED TO ADDRESS PENDING ISSUES FROM THE SECOND EXAMINATION AND THE PROPOSED PROCEDURE FOR THE THIRD EXAMINATION.**
8. **ALL DELEGATES TO THE SPS COMMITTEE, AS WELL AS THE REPRESENTATIVES OF THE OBSERVER ORGANIZATIONS, ARE INVITED TO PARTICIPATE IN THE INFORMAL MEETINGS AND THE WORKSHOP. SIMULTANEOUS INTERPRETATION WILL BE PROVIDED.**
9. **THE PROPOSED ORDER OF BUSINESS FOR THE REGULAR MEETING IS:**

1. **ADOPTION OF THE ORDER OF BUSINESS**
2. **ACTIVITIES OF THE MEMBERS**
3. **SPECIFIC TRADE-RELATED CONCERNS**
 - A) NEW ISSUES
 - B) ISSUES PRESENTED PREVIOUSLY
 - C) EXAMINATION OF SPECIFIC NOTIFICATIONS RECEIVED
 - D) INFORMATION ON THE RESOLUTION OF THE ISSUES
ADDRESSED IN DOCUMENT G/SPS/GEN/204/REV.8
4. **PERFORMANCE OF THE PROVISIONS RELATED TO
TRANSPARENCY**
5. **APPLICATION OF SPECIAL AND DIFFERENTIATED
TREATMENT**
 - A) REPORT ON THE INFORMAL MEETING
 - B) EXAMINATION OF THE PERFORMANCE OF THE PROCEDURE
FOR INCREASING TRANSPARENCY IN THE AREA OF SPECIAL
AND DIFFERENTIATED TREATMENT (G/SPS/W/XXX)
6. **EQUIVALENCE – ARTICLE 4**
 - A) INFORMATION FROM THE MEMBERS ON THEIR EXPERIENCES
 - B) INFORMATION FROM THE PERTINENT OBSERVER
ORGANIZATIONS
7. **PEST OR DISEASE FREE ZONES – ARTICLE 6**
 - A) INFORMATION FROM THE MEMBERS ON THEIR SITUATION VIS-
À-VIS PESTS OR DISEASES
 - B) INFORMATION FROM THE MEMBERS ON THEIR EXPERIENCES
 - C) INFORMATION FROM THE PERTINENT OBSERVER
ORGANIZATIONS
8. **TECHNICAL ASSISTANCE AND COOPERATION**
 - A) INFORMATION FROM THE SECRETARIAT
 - I) WTO ACTIVITIES OF THE WTO IN THE AREA OF SPS
 - II) STDF

- B) INFORMATION FROM THE MEMBERS
 - C) INFORMATION FROM THE OBSERVERS
- 9. EXAMINATION OF THE PERFORMANCE AND APPLICATION OF THE SPS AGREEMENT**
- A) REPORT ON THE INFORMAL MEETING
 - B) ISSUES RAISED AS A RESULT OF THE EXAMINATION
 - I) *USE OF THE AD HOC CONSULTATIONS (G/SPS/W/XX AND G/SPS/W/XX)*
 - II) *RELATIONS BETWEEN THE SPS COMMITTEE AND THE CODEX, THE IPPC AND THE OIE*
 - C) PREPARATIONS FOR THE NEXT EXAMINATION (G/SPS/W/XX)
- 10. MONITORING OF THE USE OF INTERNATIONAL STANDARDS**
- A) NEW ISSUES
 - B) ISSUES PRESENTED PREVIOUSLY
- 11. CONCERNS REGARDING PRIVATE AND TRADE-RELATED STANDARDS**
- A) REPORT ON THE CONSULTATIONS OF THE CHAIR
- 12. ISSUES OF INTEREST ARISING FROM THE WORK OF THE OBSERVER ORGANIZATIONS**
- 13. REQUESTS FOR OBSERVER STATUS**
- 14. OTHER BUSINESS**
- 15. DATE AND ORDER OF BUSINESS FOR THE NEXT MEETING**



ANNEX IV

WORLD TRADE ORGANIZATION

G/SPS/GEN/868

21 July 2008
(08-3468)

Committee on Sanitary and Phytosanitary Measures
Original: Spanish

FOOT AND MOUTH DISEASE SITUATION

Communication by Argentina⁴

The following communication, received on 26 June 2008, is being circulated at the request of the delegation of Argentina.

I. INTRODUCTORY COMMENTS

1. Argentina is located in the southern and western hemispheres and occupies the most southern part of the South American continent. With a surface area of approximately 3,750,000 sq km, Argentina is the seventh largest country in the world and the fourth largest on the American Continent (after Canada, the United States and Brazil). Its total border area is 9,376 km, adjoining five neighbouring countries: Chile, Bolivia, Paraguay, Brazil and Uruguay. The longest border is that with Chile (5,150 km), along the Andes mountain range.

⁴ The content of the charts is reproduced in Spanish only.

Geographical Location of Argentina



2. In the field of animal health, in addition to being a member of the World Organization for Animal Health (OIE), Argentina is a signatory to the Agreement establishing the Standing Veterinary Committee (*Comité Veterinario Permanente*), alongside Bolivia, Brazil, Chile, Uruguay and Paraguay. Argentina has also joined these countries, in signing the Agreement establishing the Southern Agricultural and Livestock Council (*Consejo Agropecuario del Sur – CAS*). Argentina is part of the MERCOSUR trade bloc.
3. At national level, the National Agri-food Health and Quality Service (*Servicio Nacional de Sanidad y Calidad Agroalimentaria – SENASA*)⁵ is the agency entrusted with the execution of governmental animal health and plant protection policies. As its name suggests, SENASA is also responsible for ensuring agri-food hygiene, safety and quality. It also monitors imports and certifies exports of animal and plant products, by-products and derivatives, agri-food products,

5: Decree No. 815/99 of 26 July 1999.

pharmacological and veterinary products, agrochemicals, fertilizers and soil amendments⁶.

4. SENASA is an autonomous body attached to the Executive Power through the Secretariat of Agriculture, Livestock, Fisheries and Food of the Ministry of the Economy. In line with the provisions on transparency set forth in the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), SENASA serves as the national

II. LIVESTOCK PRODUCTION

5. The agriculture and livestock sector plays a fundamental role in the economy of the country; boneless beef being Argentina's most important exportable livestock product.

Livestock inventories by species

SPECIES	Number of animals in millions
Bovine	57
Ovine	16
Caprine	4
Equine	2
Porcine	3

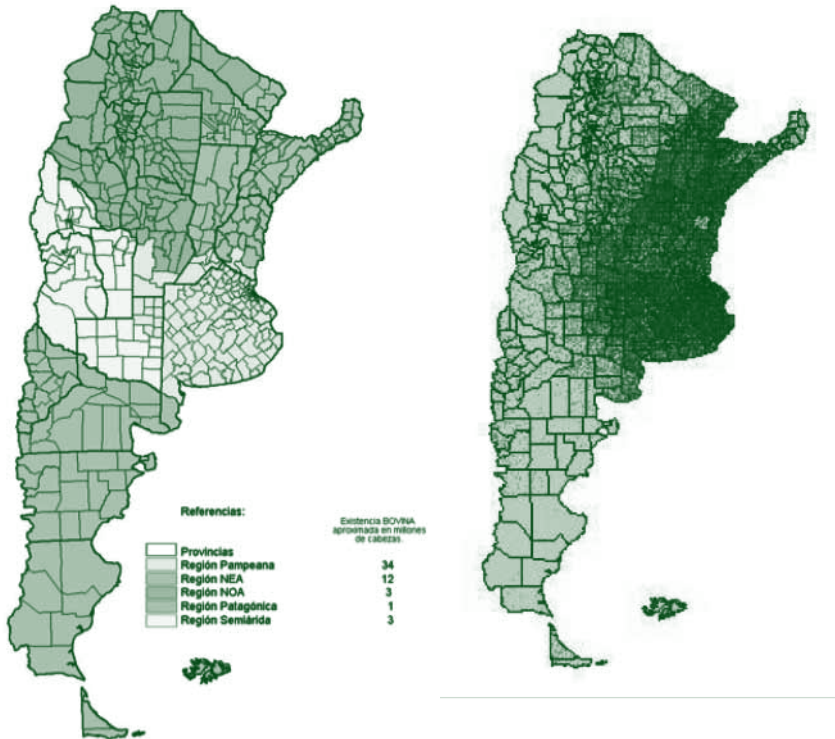
Source: Data supplied by the Health Management System (SGS), as at 31 March 2008.

6. According to the different suitability variables, the most productive area is the Pampas, where intensive production of milk and meat is the predominant business activity, with a constant ingress of young cattle. It is followed by zones with semi-intensive and extensive farming activities (NEA, NOA) and the semi-arid region with

⁶ Decree No. 1585/96 of 19 December 1996.

lower stock density (and a larger number of simple commercial and subsistence farm holdings).

Distribution of cattle stock by region



1 dot = 1.000 Bovines

Total Bovine Stock 2007: 57.300.000

Data supplied by the Health Management System (SGS), as at 31.03.2008

Source: Health Management System – Field Coordination – National Directorate of Animal Health (DNSA) – SENASA

III. HISTORY OF FOOT AND MOUTH DISEASE IN ARGENTINA

7. Historically, the presence of Foot and Mouth Disease (FMD) in Argentina was related to two different ecosystems: a free zone (Patagonia) and an endemic zone (subject to a vaccination plan) with frequent occurrences until 1994.
8. The National Programme of Action to Combat Foot and Mouth Disease, adopted in 1993, eradicated the disease and led to suspension of the vaccination programme in 1999; OIE recognition as an "FMD-free country without vaccination" was obtained in 2000.
9. The re-emergence of the disease in 2001 required the design and implementation of a new FMD Control and Eradication Plan, which is currently in place.
10. The effectiveness of the plan is attributable to the active participation of producers and other interested sectors in its design and implementation.
11. Regionalization criteria, standards and procedures developed and applied are in line with international guidelines set forth in the OIE Terrestrial Animal Health Code ("Terrestrial Code"), particularly in Chapter 2.2.10 on Foot and Mouth Disease.
12. The Plan is based on the following strategies:
 - Regionalization;
 - Registration of Agricultural Producers;
 - Strategic and Systematic Vaccination;
 - Epidemiological Surveillance;
 - Control of Animal Movements;

7: Ley N° 24.305/93, Ley Nacional de Aftosa, y su Decreto reglamentario N° 643/96, declaró de interés nacional la erradicación de dicha enfermedad en todo el territorio argentino y reguló los aspectos del Programa Nacional de Lucha contra la Fiebre Aftosa.

- Border Control;
- Planning and Control of Sanitary Emergencies;
- Training and Awareness Campaigns.

13. Actions taken within a suitable regulatory framework led to the following developments:

- In May 2002, the OIE recognized the Argentine territory located south of parallel 42°S as an “FMD-free zone without vaccination”;
- In July 2003, the OIE recognized the Argentine territory located north of parallel 42°S as an “FMD-free zone with vaccination”; (two events in the border area with Bolivia and Paraguay – in 2003 and 2006, respectively – caused the provisional suspension of free status in the territory located north of parallel 42°S);
- In March 2007, free zone with vaccination status was restored to the territory that had lost that status, and in May 2007 free zone without vaccination status was extended up to Río Negro (see map).

14. As is shown by the outline given above, since 2002 the OIE has recognized two FMD-free zones in Argentina: one zone where vaccination is practised and another where vaccination is not practised. The two zones cover the entire Argentine territory. They are separated by sanitary barriers where risk mitigation measures provided for in Chapter 2.2.10 of the Terrestrial Code are applied.

15. An area of 15 kilometres extending from Argentina’s northern border with Brazil, Paraguay and Bolivia is temporarily excluded from the FMD-free zone with vaccination and made subject to intensive surveillance.

Map showing Argentina's situation regarding FMD according to OIE



Epidemiology Directorate, DNSA – SENASA

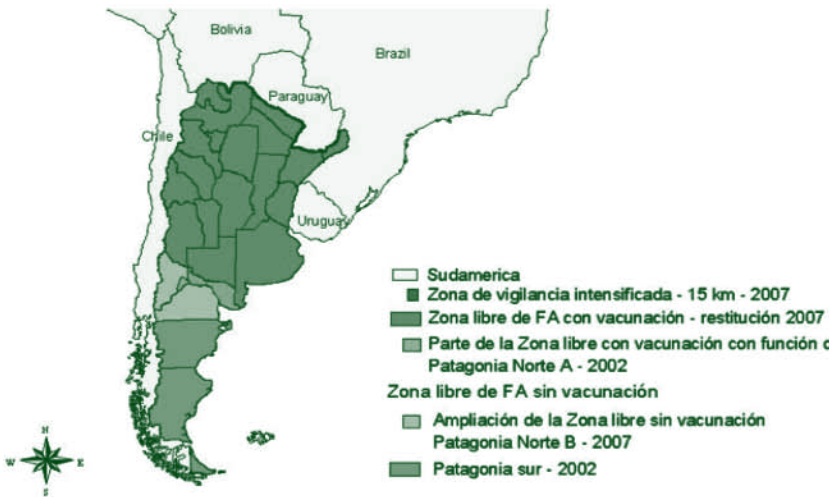
IV. FMD-FREE ZONE WITHOUT VACCINATION

16. The “free zone without vaccination” comprises most of the territory of the provinces of Río Negro and Neuquén, and the provinces of Chubut, Santa Cruz, Tierra del Fuego, Antarctica and Southern Atlantic Islands (Patagonia) in their entirety.

17. The provinces of Patagonia are characterized by sheep breeding for the production of meat and wool, with particular emphasis on full-cycle extensive ranching. In the Patagonia region, cattle rearing is limited to extensive/extractive breeding areas, with low animal density, in the Andean mountain and pre-mountain range, to the west in the area bordering Chile.

18. Epidemiological indicators suggest that the zone is an ecosystem **NATURALLY FREE OF FMD**, with low contact rate among susceptible animals and limited forage production. At the same time, the likelihood of the virus spreading from infected regions outside country limits into the Argentine territory is negligible because of the distances involved, movement patterns, regulatory support and the natural and artificial barriers created to prevent its entry.
19. The “free zone without vaccination” is separated from the “free zone with vaccination” by the Barrancas river (a natural barrier), the Río Negro river and part of the free zone with vaccination that serves as a buffer zone known as “Patagonia North A”, in addition to a system of sanitary barriers. (See map).

Chronological detail of recognition of FMD-free zones



Epidemiology Directorate, DNSA – SENASA

V. FMD-FREE ZONE WITH VACCINATION

20. The “FMD-free zone with vaccination” covers over 95 per cent of the national cattle stock due to the quality of the pastures used for cattle farming.
21. In the “free zone with vaccination”, periodic and systematic vaccination is practised, in two annual campaigns, on 100 per cent of the bovine and bubaline stock. Each vaccination campaign covers all age categories. In areas included in the northern border subprojects, vaccination is practised on all susceptible species.
22. Susceptible species other than cattle are vaccinated only when required by strategic or emergency situations.
23. Movements of cattle within areas where vaccination is practised are not authorized unless animals have been vaccinated at least twice at intervals of not more than 180 days. To meet this requirement, strategic vaccinations are performed during the vaccination campaign and between each campaign, as appropriate.
24. To date, 14 vaccination campaigns have taken place and the 15th campaign is under way. An average of 60,438,022 vaccine doses were used during the last two vaccination campaigns in 2007.
25. Producers and other interested sectors participate in the National FMD Eradication Plan through the FMD National Committee (CONALFA), Provincial Animal Health Boards (COPROSAs) and Local Sanitary Bodies and/or Zonal Committees.
26. Besides being the Technical Reference Point for the Local Vaccination Plan, SENASA’s local veterinarian also performs follow-up and monitoring of vaccination campaigns at local level and is directly responsible for auditing, controlling and overseeing the Local Plan⁸.

8: SENASA Resolution No. 33/02.

27. SENASA's Epidemiology Directorate, through its "Follow-up and Development System for Vaccination Campaigns", assesses the execution of local plans and performance of local sanitary bodies in order to implement corrective measures, where necessary.
28. Strategic vaccination is carried out in emergency situations – perifocal areas, containment cordons in border areas, etc. – as well as for purposes of outward movement and under the Border Safeguard Framework Project.
29. The implementation of control plans, the adoption of the regulatory framework and the work carried out jointly with the different sections of the production chain have enabled Argentina, to date, to continue securing recognition of FMD free sanitary status for both zones.

VI. OTHER STRATEGIES AT NATIONAL LEVEL

A. EPIDEMIOLOGICAL SURVEILLANCE

30. Systematic serological sampling is performed annually under the FMD Surveillance System, to detect FMD virus circulation in the susceptible species and estimate the level of immunity conferred through vaccination of the bovine/bubaline population. Sampling is performed in zones with and without vaccination, in accordance with the recommendations contained in Appendix 3.8.7 of the OIE Terrestrial Code. It takes the form of randomized, probabilistic and stratified initial sampling, with follow-up of positive cases. For design purposes, the country is divided into zones according to production characteristics, and a design based on specific hypotheses is applied in each zone.
31. In addition to annual systematic sampling, targeted surveys are performed in risk areas, such as the zone comprised in the Northern Border Subproject, or in other areas with specific characteristics or of particular interest from the epidemiological standpoint.

32. Sampling for 2007 showed lack of viral activity in the entire territory and an adequate immunity level in the susceptible species. This was in line with the high rate of vaccine coverage achieved, which was sufficient to prevent the spread of FMD virus.
33. Sectors related to livestock production and health are part of the National System of Epidemiological Surveillance⁹, adopted in 1996. This includes agricultural producers, private practitioners (veterinarians and agronomists), livestock consignees, slaughterhouses, livestock transporters, the veterinary products industry, etc., who are required to inform SENASA of the occurrence of any symptoms compatible with FMD.

B. MOVEMENT CONTROLS

34. The following documentation is required to move animals to any destination and for any purpose:
 - Animal Transit Document (DTA), issued by SENASA-authorized offices and regulated by SENASA Resolution No. 848/98.
 - Transport Certificate (guía de traslado), issued by the competent authority of each province, provided a DTA has previously been submitted.
 - Transport Washing and Disinfection Certificate, issued at SENASA-approved washing facilities.
35. Records of all owners, holdings, and livestock populations within a given jurisdiction are kept at each SENASA Local Office. Records are updated after each vaccination campaign (in areas subject to systematic vaccination) and every time animals are moved in or out of a holding.

9: SENASA Resolution No. 234/96.

36. Sanitary enforcement activities involve controls and inspections at strategic points, consisting in:

- Checking of documents:
- monitoring of animal identification, category, breed, sex, species, marking, number, etc;
- clinical inspection to check health status of animals.

37. The producer must use the appropriate DTA to report the arrival of an animal or herd of animals at the local office of the place of destination. Any animal or herd of animals that is moved without the appropriate DTA is subject to immediate sanitary slaughter, pursuant to current regulations.

C. INTENSIVE SURVEILLANCE ZONE

38. Since 2004, Argentina has developed a Border Safeguard Framework Project for the implementation of “Border North A” border programmes in the provinces of Jujuy, Salta and Formosa, in areas adjoining Bolivia and Paraguay; and “Border North B” programmes in the provinces of Chaco, Corrientes and Misiones, in areas adjoining Paraguay and Brazil.

39. This Project, with its two Programmes, provides for specific and differential strategies as regards the rest of the country, such as vaccination of all susceptible species and strengthening of control structures in the border zone.

D. REGIONAL PROGRAMMES

40. The goals of the MERCOSUR Action Plan for FMD Free Status (PAMA), approved through Decision No. 25/2005 of the Common Market Council, are the following:

- (a) To support the eradication of FMD at the level of MERCOSUR and Associate States and contribute to the structuring and operation of a sound, subregional veterinary system that serves to maintain the epidemiological status achieved;
 - (b) to contribute to the development of regional livestock for placement in the international market and strengthen the sanitary bodies to prevent the occurrence of other exotic diseases having similar economic impact.
41. The project consists of the following components: (i) action in areas with persistence of FMD and structural and operational weaknesses; (ii) bi- or tri-national border projects; (iii) system of diagnostic laboratories and vaccine control; (iv) strengthening of national surveillance systems; (v) production of vaccines under biosecurity conditions; (vi) stronger action at local level; (vii) technical audits; (viii) prevention systems in FMD-free areas; and (ix) training, technical assistance and communication.
42. The project is implemented by the MERCOSUR Committee for FMD Free Status, through the MERCOSUR Secretariat; each country has in turn created a local executive subunit responsible for the activities to be carried out in each country.

E. LABORATORY

43. In Argentina, laboratory diagnosis of FMD is carried out at the SENASA Central Laboratory – National Reference Laboratory (NRL) – located in Martinez, Province of Buenos Aires, which is the only approved laboratory.
44. The reference laboratory applies good laboratory practices and ISO/IEC standard 17025/IRAM 301 (accreditation for analytical trials) with the aim of facilitating mutual recognition agreements.¹⁰

¹⁰ Resolution No. 55/03 of 21 March 2003.

45. During the 76th General Session of the OIE International Committee, held in Paris from.

25 to 30 May 2008, the SENASA laboratory was recognized as a reference laboratory for FMD.

46. The SENASA laboratory has thus received six reference laboratory accreditations from the international organization OIE; in addition to FMD, they relate to brucellosis, bovine tuberculosis, paratuberculosis, leptospirosis and bee diseases.



ANNEX V

The following annex represents what could generally be included in an air-gram. The situations, dates and countries mentioned are fictitious and used for academic purposes only.

WTO/AIR/1111

December __ 2008

SUBJECT: SANITARY AND PHYTOSANITARY MEASURES COMMITTEE – MEETING ON DECEMBER 30-31, 20158

I. THE SANITARY AND PHYTOSANITARY MEASURES COMMITTEE WILL HOLD ITS SECOND REGULAR MEETING ON DECEMBER 30-31, 2015, AT THE WILLIAM RAPPARD CENTRE IN GENEVA. THE MEETING WILL BEGIN ON DECEMBER 30 AT 10:00 HOURS AND CONTINUE ON THURSDAY, DECEMBER 31, IF NECESSARY.

II. THE REGULAR MEETING WILL BE PRECEDED BY A WORKSHOP ON GOOD PRACTICES OF TECHNICAL ASSISTANCE RELATED TO SANITARY AND PHYTOSANITARY MEASURES ISSUES, AND BY INFORMAL MEETINGS.

III. THE PROPOSED ORDER OF BUSINESS FOR THE REGULAR MEETING IS:

- 1. APPROVAL OF THE ORDER OF BUSINESS**
- 2. ACTIVITIES OF THE MEMBERS**

A) TIRIBATY – UPDATED INFORMATION ON ACTIVITIES RELATED TO SANITARY AND PHYTOSANITARY MEASURES ISSUES (G/SPS/GEN/XXX)

- B) ZURAMI – PLANS OF THE MINISTRY OF AGRICULTURE TO REGULATE SWORDFISH

3. SPECIFIC TRADE-RELATED CONCERNS

A) NEW ISSUES

- I) LAW IN CAMILIA INTENDED TO PREVENT EPIZOOTIC DISEASES (AS REGARDS BSE) – CONCERNS OF TIRILAND
- II) MAXIMUM PERMISSIBLE LEVELS, IN PANGEA, OF RACTOPAMINE RESIDUE – CONCERNS OF CARILAND
- III) MAXIMUM PERMISSIBLE LEVELS, IN THE CANUA ISLANDS, OF PESTICIDE RESIDUE IN CACAO – CONCERNS OF CHECHELAND

B) ISSUES PRESENTED PREVIOUSLY

- I) I) SYSTEM FOR APPLYING MAXIMUM RESIDUE LEVELS IN KALUA – CONCERNS OF THE SOUTHERN STATES
- II) APPLICATION OF REGULATION 2/1987 OF THE CAROE ISLANDS REGARDING NEW FOODS – CONCERNS OF PUELAND
- III) GENERAL RESTRICTIONS ON IMPORTS DUE TO BSE – CONCERNS OF THE ASIATIC COMMUNITIES
- IV) RESTRICTIONS IMPOSED BY SOUTHERN INDIA ON THE IMPORTATION OF PRODUCTS OF ANIMAL ORIGIN DUE TO AVIAN INFLUENZA – CONCERNS OF THE ASIATIC COMMUNITIES
- V) RESTRICTIONS IMPOSED BY THE CENTRAL STATES ON THE IMPORTATION OF COOKED POULTRY PRODUCTS
- VI) RESTRICTIONS IMPOSED BY TIRIBU ON THE IMPORTATION OF APPLES – CONCERNS OF CHANGUILAND

C) EXAMINATION OF SPECIFIC NOTIFICATIONS RECEIVED

D) INFORMATION ON THE RESOLUTION OF THE ISSUES ADDRESSED IN DOCUMENT G/SPS/GEN/204/REV.8

- I) RESTRICTIONS IMPOSED BY CUCUBATI ON THE IMPORTATION OF COOKED POULTRY PRODUCTS

4. PERFORMANCE OF THE PROVISIONS RELATED TO TRANSPARENCY

5) APPLICATION OF SPECIAL AND DIFFERENTIATED TREATMENT

A) REPORT ON THE INFORMAL MEETING

B) EXAMINATION OF THE PERFORMANCE OF THE PROCEDURE FOR INCREASING TRANSPARENCY IN THE AREA OF SPECIAL AND DIFFERENTIATED TREATMENT (G/SPS/W/XXX)

6. EQUIVALENCE – ARTICLE 4

A) INFORMATION FROM THE MEMBERS ON THEIR EXPERIENCES

B) INFORMATION FROM THE PERTINENT OBSERVER ORGANIZATIONS

7. PEST OR DISEASE FREE ZONES – ARTICLE 6

A) INFORMATION FROM THE MEMBERS ON THEIR SITUATION VIS-À-VIS PESTS OR DISEASES

B) INFORMATION FROM THE MEMBERS ON THEIR EXPERIENCES

C) INFORMATION FROM THE PERTINENT OBSERVER ORGANIZATIONS

8. TECHNICAL ASSISTANCE AND COOPERATION

A) INFORMATION FROM THE SECRETARIAT

I) WTO ACTIVITIES OF THE WTO IN THE AREA OF SPS

II) STANDARDS AND TRADE DEVELOPMENT FACILITY (STDF) (G/SPS/GEN/XXX)

B) INFORMATION FROM THE MEMBERS

I) CAMAGUEY – INFORMATION ON HORIZONTAL

C) INFORMATION FROM THE OBSERVERS

9. EXAMINATION OF THE PERFORMANCE AND APPLICATION OF THE SPS AGREEMENT

A) REPORT ON THE INFORMAL MEETING

- B) ISSUES RAISED AS A RESULT OF THE SECOND EXAMINATION
 - I) WTO ACTIVITIES OF THE WTO IN THE AREA OF SPS
 - II) STANDARDS AND TRADE DEVELOPMENT FACILITY (STDF) (G/SPS/GEN/XXX)
 - C) INFORMATION FROM THE OBSERVERS
- 10. MONITORING OF THE USE OF INTERNATIONAL STANDARDS**
- A) NEW ISSUES
 - B) ISSUES PRESENTED PREVIOUSLY
- 11. CONCERNS REGARDING PRIVATE AND TRADE-RELATED STANDARDS**
- A) REPORT ON THE CONSULTATIONS OF THE CHAIR
- 12. TRANSITIONAL REVIEW IN CONFORMITY WITH SECTION 18 OF KIRISUATI'S PROTOCOL OF ACCESSION.**
- A) QUESTIONS ASKED BY THE STATES OF THE SOUTH (G/SPS/W/XXX)
- 13. ISSUES OF INTEREST ARISING FROM THE WORK OF THE OBSERVER ORGANIZATIONS**
- 14) REQUESTS FOR OBSERVER STATUS**
- 15) ANNUAL REPORT OF THE CHAIR OF COUNCIL FOR TRADE IN GOODS**
- 16) OTHER BUSINESS**
- 17) DATE AND ORDER OF BUSINESS FOR THE NEXT MEETING**

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