



Committee on Sanitary and Phytosanitary Measures

**ANNUAL REPORT ON THE PROCEDURE TO MONITOR THE PROCESS
OF INTERNATIONAL HARMONIZATION**

NOTE BY THE SECRETARIAT¹

1 INTRODUCTION

1.1. At its meeting of 15-16 October 1997, the SPS Committee adopted a provisional procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations, as provided for in Articles 3.5 and 12.4 of the SPS Agreement. The Committee extended the provisional monitoring procedure in 1999, 2001, and 2003, and revised the procedure in October 2004.² In 2006, the Committee agreed to extend the provisional procedure indefinitely, and to review its operation as an integral part of the periodic review of the operation and implementation of the Agreement under Article 12.7.³ The procedure was reviewed as part of the Third Review of the Agreement⁴, and again in the context of the Fourth⁵ and Fifth Review.⁶

1.2. In November 2020, New Zealand submitted a proposal on the procedure to monitor the process of international harmonization ([G/SPS/GEN/1851](#)), followed by subsequent proposals in February 2021 ([G/SPS/GEN/1877](#)) and May 2021 ([G/SPS/GEN/1915](#)). In July 2021, the Committee agreed to hold a Thematic Session on Monitoring International Harmonization on the margins of the November 2021 Committee meeting. Subsequently, New Zealand submitted another communication in March 2022 ([G/SPS/GEN/1998](#)). The Committee discussions on these proposals are detailed in [Section 4.1](#) of this document.

1.3. The Committee has previously considered twenty-three annual reports on the monitoring procedure.⁷ These reports summarize several standards-related issues that the Committee has considered and the responses received from the relevant standard-setting organizations. This current report includes the issues that were considered in the July and November 2021, and March 2022 Committee meetings.

2 NEW ISSUES

2.1. Since the 2021 Annual Report, one new issue has been raised under this procedure: (i) Application and consideration of norms from relevant international organizations.

2.1. Application and consideration of norms from relevant international organizations

2.2. At the [March 2022 Committee meeting](#), [Brazil](#) informed Members that it had published 300 norms in 2021 which took into account international food safety guidance. Brazil highlighted the

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the position of Members or to their rights and obligations under the WTO.

² [G/SPS/14](#), [G/SPS/17](#), [G/SPS/25](#) and [G/SPS/11/Rev.1](#).

³ [G/SPS/40](#).

⁴ [G/SPS/53](#).

⁵ [G/SPS/62](#).

⁶ [G/SPS/64/Add.1](#).

⁷ These were circulated as [G/SPS/13](#), [G/SPS/16](#), [G/SPS/18](#), [G/SPS/21](#), [G/SPS/28](#), [G/SPS/31](#), [G/SPS/37](#), [G/SPS/42](#), [G/SPS/45](#), [G/SPS/49](#), [G/SPS/51](#), [G/SPS/54](#), [G/SPS/56](#), [G/SPS/59](#), [G/SPS/60](#), [G/SPS/GEN/1332](#), [G/SPS/GEN/1411](#), [G/SPS/GEN/1490](#), [G/SPS/GEN/1550](#), [G/SPS/GEN/1617](#), [G/SPS/GEN/1710](#), [G/SPS/GEN/1776](#) and [G/SPS/GEN/1909](#).

need to apply the international standards developed by the ISSBs, and urged Members to keep the Committee informed of actions they were taking to internalize Codex standards.

3 PREVIOUS ISSUES

3.1. Since the 2021 Annual Report, there was further discussion on two issues previously raised under this procedure regarding: (i) ASF restrictions not consistent with the OIE international standard; and (ii) HPAI restrictions not consistent with the OIE international standard.

3.1 ASF restrictions not consistent with the OIE international standard

3.2. At the [July 2021 Committee meeting](#), the [European Union](#) drew the Committee's attention to inconsistencies in the application of OIE international standards related to ASF. The European Union considered that many Members did not follow the OIE Terrestrial Code guidance for the identification, treatment and certification of tradable products. The European Union highlighted that it had, as well as other Members, demonstrated that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting many EU and non-EU countries. The European Union invited Members to work on the removal of country-wide and scientifically unjustified trade bans.

3.3. At the [November 2021 Committee meeting](#), the [European Union](#) drew the Committee's attention to inconsistencies in the application of OIE international standards related to ASF. The European Union considered that many Members did not follow the OIE Terrestrial Code guidance for identification, treatment, and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting WTO Members that were connected by longstanding trade relations, and considered that it was a shared interest to maintain free and safe trade of pork and its products. Members were invited to work with the European Union on the substitution of country-wide trade bans by science-based, rational and proportionate measures.

3.4. At the [March 2022 Committee meeting](#), the [European Union](#) drew the Committee's attention to inconsistencies in the application of OIE international standards related to ASF. The European Union considered that many Members did not follow the OIE Terrestrial Code guidance for identification, treatment, and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting WTO Members that were connected by longstanding trade relations, and considered that it was a shared interest to maintain free and safe trade of pork and its products. Members were invited to work with the European Union on the substitution of country-wide trade bans by science-based, rational and proportionate measures.

3.2 HPAI restrictions not consistent with the OIE international standard

3.5. At the [July 2021 Committee meeting](#), the [European Union](#) regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified where effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. Noting the revisions regarding avian influenza in the Terrestrial Code adopted in the 88th OIE General Session of May 2021, the European Union asked Members to lift trade restrictions 28 days after eradication and disinfection of HPAI and reinstate trade conditions applicable to disease-free countries; refrain from trade restrictions after reported cases of HPAI in wild birds; refrain from trade restriction after reported cases of low pathogenicity avian influenza (LPAI); respect their obligations on regionalization under the WTO SPS Agreement; follow the recommendations of international standard-setting bodies; and allow trade from non-affected zones.

3.6. At the [November 2021 Committee meeting](#), the [European Union](#) regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified where effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status.

Noting the revisions regarding avian influenza in the Terrestrial Code adopted in the 88th OIE General Session of May 2021, the European Union asked Members to lift trade restrictions 28 days after eradication of HPAI and disinfection and reinstate trade conditions applicable to disease-free countries; to refrain from trade restrictions after reported cases of HPAI in wild birds and from trade restrictions after reported cases of low pathogenicity avian influenza (LPAI); to respect their obligations on regionalization under the WTO SPS Agreement; to follow the recommendations of ISSBs; and to allow trade from non-affected zones.

3.7. The OIE informed the Committee of the adoption of revisions of two chapters of the OIE Terrestrial Code: chapter 10.4, on infection with HPAI viruses, and chapter 1.3, regarding the names of relevant diseases. Key amendments included a focus on infection with HPAI viruses in line with the changes to the OIE listed disease. It included new articles listing safe commodities, defining a compartment free from HPAI and recommendations for its establishment. It also included new and revised recommendations on surveillance, including for demonstrating freedom from HPAI and revised provisions related to recovery of freedom. Modifications to the list of relevant disease names in chapter 1.3 were also adopted. In addition, a revised Terrestrial Manual chapter 3.3.4 on avian influenza was adopted in May 2021 and included amendments to reflect current knowledge of the disease, and ensure alignment with changes adopted in the Terrestrial Code chapter.

3.8. At the [March 2022 Committee meeting](#), the European Union regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified where effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. Noting the revisions regarding avian influenza in the Terrestrial Code adopted in the 88th OIE General Session of May 2021, the European Union asked Members to respect their obligations on regionalization under the WTO SPS Agreement; to follow the recommendations of ISSBs; and to allow trade from non-affected zones.

4 OTHER ISSUES

4.1 Procedure to Monitor the Process of International Harmonization ([G/SPS/GEN/1851](#), [G/SPS/GEN/1877](#), [G/SPS/GEN/1915](#) and [G/SPS/GEN/1998](#))

4.1. At the [July 2021 Committee meeting](#), the Chairperson reminded the Committee that Members had had an opportunity to discuss New Zealand's submissions in [G/SPS/GEN/1851](#), [G/SPS/GEN/1877](#) and [G/SPS/GEN/1915](#) regarding the procedure to monitor the process of international harmonization during the informal meeting of the Committee of 14 July 2021. The Chairperson drew the Committee's attention to the summary of these discussions in his draft report on the informal meeting, which had been shared with Members with an opportunity to provide comments by 21 July 2021.⁸ Members were also invited to submit comments on the Thematic Session to be held in November 2021 by 13 August 2021.

4.2. On the margins of the [November 2021 Committee meeting](#), a Thematic Session on the Procedure to Monitor the Process of International Harmonization was held.⁹ During the Committee meeting discussions, the Chairperson reminded Members that a draft report had been circulated to Members with an opportunity to provide comments by Wednesday, 10 November.¹⁰

4.3. At the [November 2021 Committee meeting](#), the Chairperson also drew the Committee's attention to New Zealand's submissions on the Procedure to Monitor the Process of International Harmonization ([G/SPS/GEN/1851](#), [G/SPS/GEN/1877](#) and [G/SPS/GEN/1915](#)) and recalled that Members had had an opportunity to discuss these submissions at the informal meeting. A draft

⁸ The Chairperson's summary of the discussions on New Zealand's proposal held in the July 2021 informal Committee meeting is contained in Annex A of the summary report, [G/SPS/R/102](#).

⁹ The presentations and programme of the Thematic Session held on Tuesday, 2 November 2021 are available at: https://www.wto.org/english/tratop_e/sps_e/sps_nov21_e.htm.

¹⁰ The final report of the Thematic Session on the Procedure to Monitor the Process of International Harmonization is included in Annex B of the summary report, [G/SPS/R/104](#).

report on the discussions had been circulated to Members with an opportunity to provide comments by Wednesday, 10 November.¹¹

4.4. Codex recalled that an overview of its project to design a monitoring framework for Codex standards had been presented at the Thematic Session on the Procedure to Monitor the Process of International Harmonization, held on 2 November 2021. Codex indicated that it expected initial results from the project towards the end of 2021 and intended to provide an update at the March 2022 Committee meeting. Codex also drew Members' attention to upcoming elections of officers for the Codex Alimentarius Commission and invited SPS delegates to ensure that they were registered to vote and to address questions to codex@fao.org.

4.5. South Africa encouraged the WTO Secretariat to collaborate with ISSBs to advocate for the allocation of adequate technical and financial resources to the initiatives to monitor the implementation of standards. South Africa also encouraged ISSBs to report to the SPS Committee on the status of these initiatives.

4.6. The Chairperson recalled that Members had a further opportunity to submit comments on New Zealand's proposals by Friday, 3 December.

4.7. At the [March 2022 Committee meeting](#), the Chairperson drew the Committee's attention to New Zealand's submissions on the Procedure to Monitor the Process of International Harmonization ([G/SPS/GEN/1851](#), [G/SPS/GEN/1877](#), [G/SPS/GEN/1915](#) and [G/SPS/GEN/1998](#)) and recalled that Members had had an opportunity to discuss these submissions at the informal meeting. A draft report on the discussions had been circulated to Members with an opportunity to provide comments by Monday, 4 April.¹² Members had a further opportunity to submit comments on New Zealand's proposals by Friday, 22 April 2022.

4.8. The United States expressed its appreciation for New Zealand's interest in the topic of monitoring the use of international standards. While noting that there was interest in improving the capacity of ISSBs to monitor the use of their standards, the United States was concerned that such shift in focus would undermine the main role of these organizations. The United States considered the ISSBs to be well positioned to work with their membership to better understand the challenges to the adoption of their standards. The United States recommended using the existing processes and agenda items of the SPS Committee to monitor the use of international standards, such as the procedure adopted in [G/SPS/11/Rev.1](#) to submit examples of problems related to the use or non-use of relevant international standards.

4.9. Highlighting the important role of international standards in protecting plant, animal and human health and reducing trade barriers, New Zealand thanked Members for their interest on its proposal and took note of the feedback received.

4.2 Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management ([G/SPS/GEN/1951/Rev.1](#))

4.10. At the [November 2021 Committee meeting](#), the Committee agreed on a revised schedule for several thematic sessions to be held in March, June and November 2022. In November 2022, a Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management would be held, as proposed by the European Union ([G/SPS/GEN/1951/Rev.1](#)).¹³

¹¹ The Chairperson's summary of the discussions on New Zealand's proposal held in the November 2021 informal Committee meeting is contained in Annex A of the summary report, [G/SPS/R/104](#).

¹² The final report of the discussions held in the informal meeting is included in Annex A of the summary report, [G/SPS/R/105](#).

¹³ In addition to the Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment and Management, the Committee also decided to hold thematic sessions on trade facilitative approaches to pesticide MRLs, and on the use of remote (virtual) audit and verification in regulatory frameworks, which are less closely related to the topic of this report.

5 RESPONSES RECEIVED FROM THE RELEVANT STANDARD-SETTING ORGANIZATIONS

5.1. There have been no further responses received from the relevant standard-setting organizations since the last annual report.
