

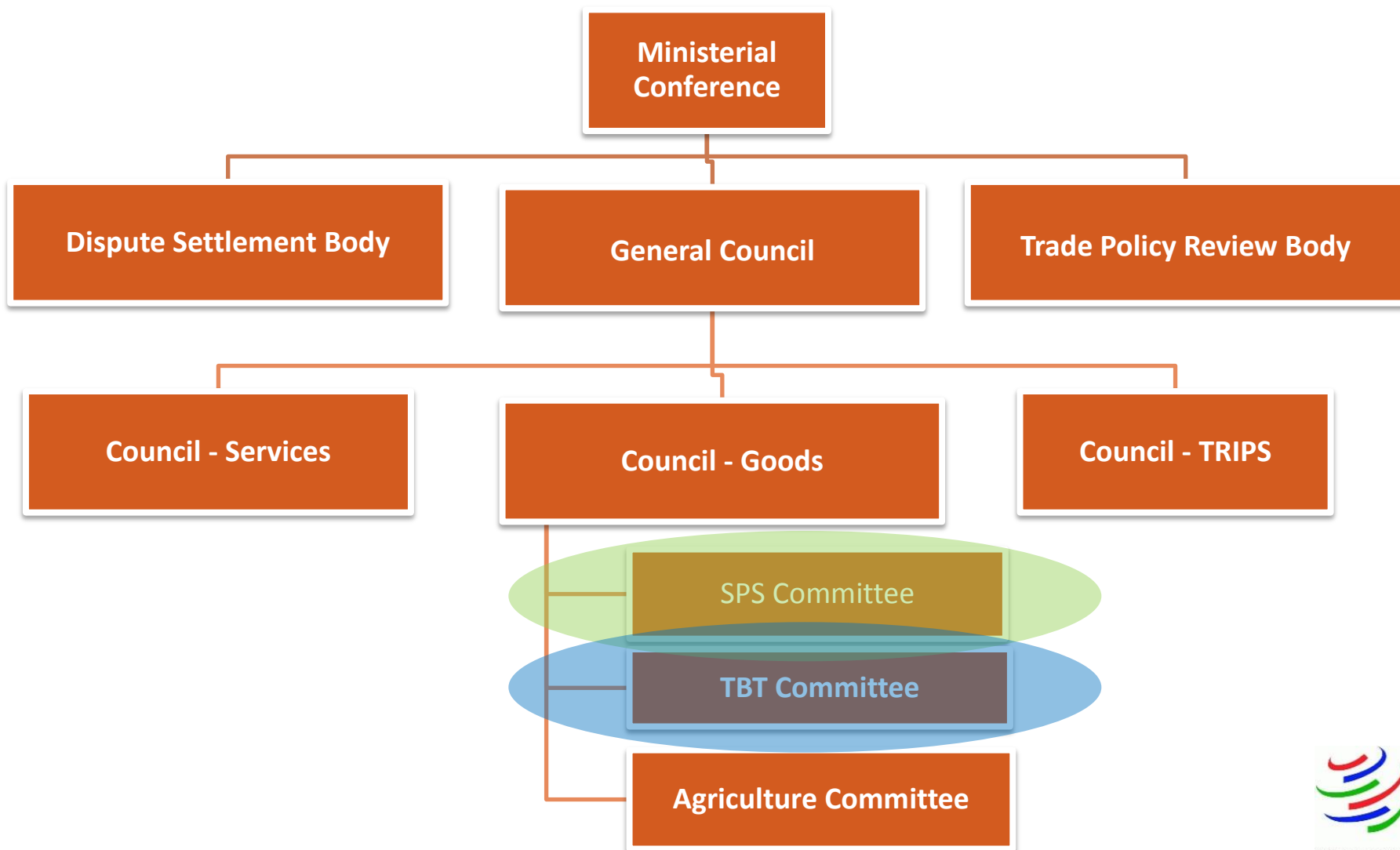
# Functions and Procedures of the SPS and TBT Committees



**Serra Ayrar and Gretchen H. Stanton**  
World Trade Organization



# WTO: The Structure





# Card 1: SPS Committee

## *Who is on it?*

**1a** The SPS Committee is open to:  
participation by agricultural producer and exporter  
associations, industry representatives, and the general  
public can participate as observers

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**1b** The SPS Committee is open to:  
WTO Members, observer governments and observer  
international intergovernmental organizations



# Card 1: SPS Committee

*Who is on it?*

1B

- All 161 WTO Members
- Observer governments (acceding members)
- Intergovernmental organizations

**4 new WTO Members in 2012:**

Montenegro, Russia, Samoa, Vanuatu

**2 new WTO Members in 2013:**

Lao PDR, Tajikistan

**1 new WTO Member in 2014: Yemen**

**1 new WTO Member in 2015: Seychelles**





# Card 1: SPS Committee

*Who is on it?*

1B

## SPS Committee

### Observers:

- Codex, IPPC and OIE
- FAO, WHO, UNCTAD, World Bank, IMF, ITC, ISO

### Ad hoc Observers:

- ACP Group, AU, CEN-SAD, COMESA, ECCAS, ECOWAS, EFTA, GSO, IGAD, IICA, OECD, OIRSA, SADC, WAEMU

### Pending requests:

- Asian Pacific Coconut Community, CABI, CBD, CITES, ICCO, International Vine and Wine Office (OIV)



## TBT Committee

### Observers

- ACP Group, Codex, IEC, IMF, FAO, ISO, ITC, OECD, OIE, UNCTAD, UNECE, WHO, World Bank

### Ad hoc Observers:

- ALADI, ARSO, BIPM, EFTA, GSO, IGAD, OIML, SADC, ITU, UNIDO

### Pending requests:

- CITES, CBD, GOIC, IAF/ILAC, OIV



## Card 2: SPS Committee Meetings

### *Standing Agenda Items*

**2a** The SPS committee only considers issues  
**specifically mentioned in the SPS Agreement**

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**2b** The SPS Committee can consider  
**any issue raised by Members**  
that is included on the agreed agenda





# Card 2: SPS Committee Meetings

## *Standing Agenda Items*

### SPS Committee

2B

- Activities of Members
- Specific trade concerns
- Transparency
- Special and differential treatment
- Equivalence
- Pest- or disease-free areas
- Technical assistance
- Review of SPS Agreement
- Monitoring use of international standards
- Observers (updates + new requests)
- Other business







## *Standing Agenda Items*

### TBT Committee

- Statements under Article 15.2
- Specific trade concerns
- Exchange of experiences (transparency, conformity assessment, standards, good regulatory practice etc.)
- Technical assistance activities
- Review of TBT Agreement
- Observers (updates + new requests)
- Other business





# Card 3: SPS Agreement

## Review

**3a** The operation and implementation of the SPS Agreement is reviewed by the SPS Committee **every 4 years**

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**3b** SPS Committee **Members decide** if and when to undertake a review of the operation and implementation of the SPS Agreement



# Card 3: SPS Agreement

## *Review*

3A

- Article 12.7:

3 years after entry into force

- *First Review completed March 1999 (G/SPS/12)*

- 2001 Ministerial Decision:

**reviews at least every 4 years**

- *Second Review completed June 2005 (G/SPS/36)*

- *Third Review completed March 2010 (G/SPS/53)*

- ***Fourth Review – report adoption pending  
(G/SPS/W/280/Rev.2)***



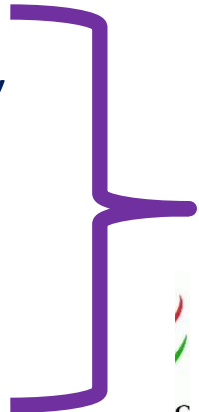
# Card 3: SPS Agreement

## Review

3A

### Proposals put forward for the Fourth Review:

- Canada (G/SPS/W/279) + Kenya  
*Catalogue of instruments available to WTO Members for the management of SPS issues*
- The European Union (G/SPS/W/278) + Chile, Morocco, Norway  
*Review of the implementation of **transparency provisions** of the SPS Agreement (Article 7 and Annex B)*
- South Africa  
*Assessment of risk and determination of the appropriate level of sanitary phytosanitary protection **ALOP** (Article 5.4)*
- The United States of America (G/SPS/W/275)  
*Workshop on risk analysis (13-14 October 2014)*





# TBT Triennial Reviews

## TBT Article 15.4

TBT Committee mandated to review the operation and implementation of the TBT Agreement every 3 years

**Sixth Triennial Review (2012):** recommendations for thematic sessions for more in-depth discussions; guidance on good regulatory practice; online notification submission system...*(G/TBT/32)*

**Seventh Triennial Review (2015)** report adopted ad referendum in November 2015: recommendations for thematic sessions (RIA, conformity assessment, technical assistance); development of Enquiry Point manual; notification alert mechanism...



## Card 5: SPS Committee

### *Meetings*

**5a** The SPS Committee usually holds regular meetings **three times per year**, including informal meetings to address particular issues, as necessary

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**5b** The SPS Committee holds regular meetings only **when there are issues to discuss** and at the request of the Members of the Committee



# Card 5: SPS Committee

## *Meetings*

5A

- **3 regular meetings per year**

- ❖ often preceded by informal meetings to discuss specific topics (S&D, Third review, Private Standards, Ad Hoc consultations, etc... )

- **Special meetings/workshops**

- ❖ for example on TA, transparency-enquiry points, SPS coordination, etc.







# Card 5: SPS Committee *Meetings*

5A

## 2014

**13-17 October 2014**  
(Workshop on SPS Risk  
Analysis)

**SPS informal and formal meetings**

## 2015

**24-26 March 2015**

**SPS informal and formal meetings**

**14-16 July 2015**

**SPS informal and formal meetings**

**12-13 October 2015**  
**14-16 October 2015**

**Workshop on Transparency**  
**SPS informal and formal meetings**



# TBT Committee *Meetings*

## 2015

17-19 March 2015	TBT informal and formal meetings
16-18 June 2015	TBT informal and formal meetings
3-6 November 2015	TBT informal and formal meetings TBT@20 event

### 2015 Thematic Sessions (informals):

- ❖ Discussion of proposals under the Seventh Triennial Review



## Card 8: SPS Committee

### Decision-making – *Article 12.1*

**8a** The decisions of the SPS Committee are reached by **consensus**

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**8b** The decisions of the SPS Committee are reached by **majority vote**



# Card 8: SPS Committee

## Decision-making – *Article 12.1*

8A

- All decisions in the SPS Committee and TBT Committees are taken **by consensus**
- A consensus is defined on the basis that no WTO member, **present at the time** a decision is taken, **voices an objection.**





## Card 10: SPS Committee *Guidelines*

**10a** The SPS Committee can identify, discuss and **develop guidelines** and recommendations which facilitate the implementation of the SPS Agreement

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**10b** The SPS Committee **cannot develop guidelines** but only discuss the implementation of the SPS Agreement as contained in the legal text of the Agreement



# Card 10: SPS Committee

## *Guidelines*

10A

The SPS Committee has developed guidance for implementation of:

- **Transparency** (G/SPS/7/Rev.3)
- **Equivalence** (G/SPS/19/Rev.2)
- **Consistency** (G/SPS/15)
- **Regionalization** (G/SPS/48)
- **Special and Differential Treatment** (G/SPS/33/Rev.1)
- **Good Offices of SPS Chair** (G/SPS/61)



# TBT Committee

## *Guidelines*

The TBT Committee has developed guidance contained in G/TBT/1/Rev.12 on

- **Good regulatory practice**
- **Conformity assessment**
- **Standards**
- **Development of international standards**
- **Transparency**
- **Technical assistance and special and differential treatment**





## Card 11: Specific Trade Concerns

**11a** Only developing country Members can raise a specific complaint about SPS measures imposed by other Members in the SPS Committee.

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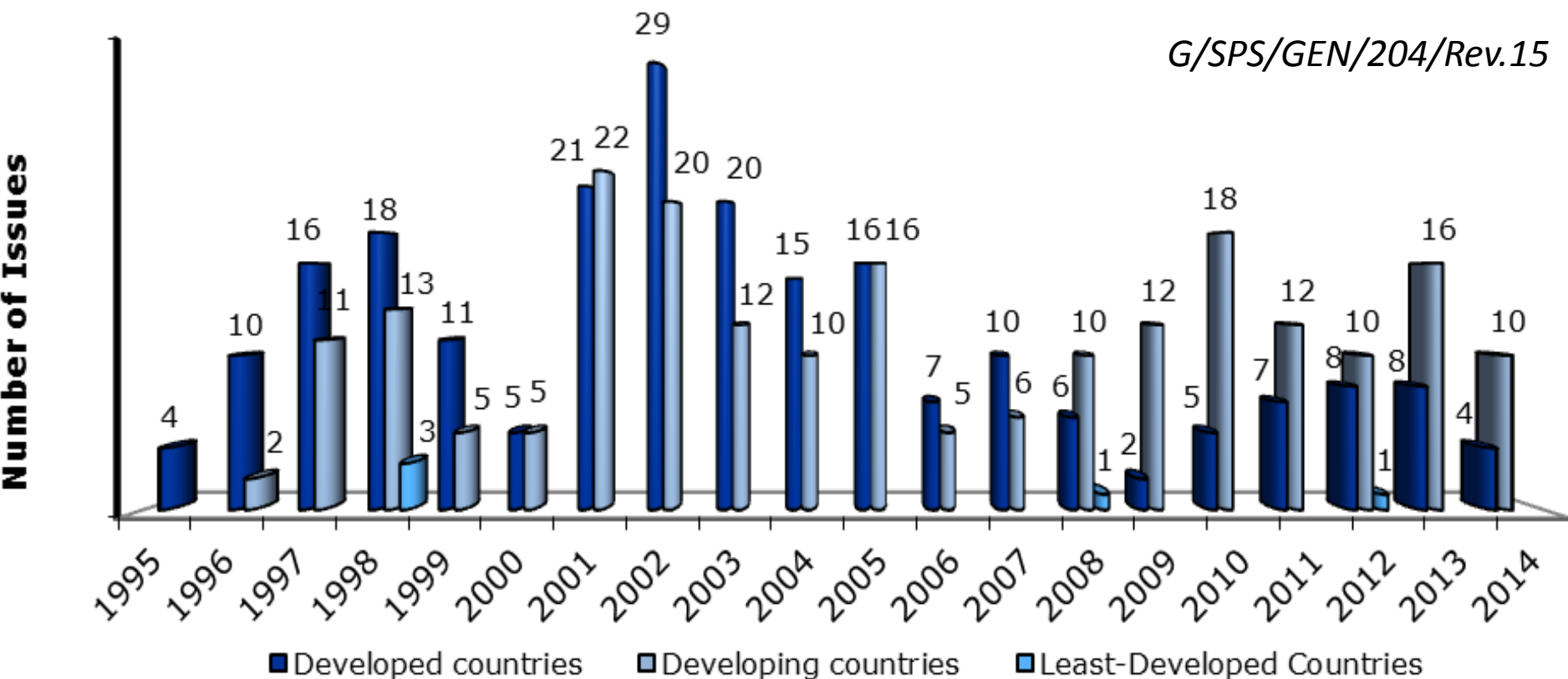
**11b** All Members can raise a specific complaint about SPS measures imposed by other Members in the SPS Committee.



# Card 11: SPS Specific Trade Concerns 1995-2014

11B

382 Total



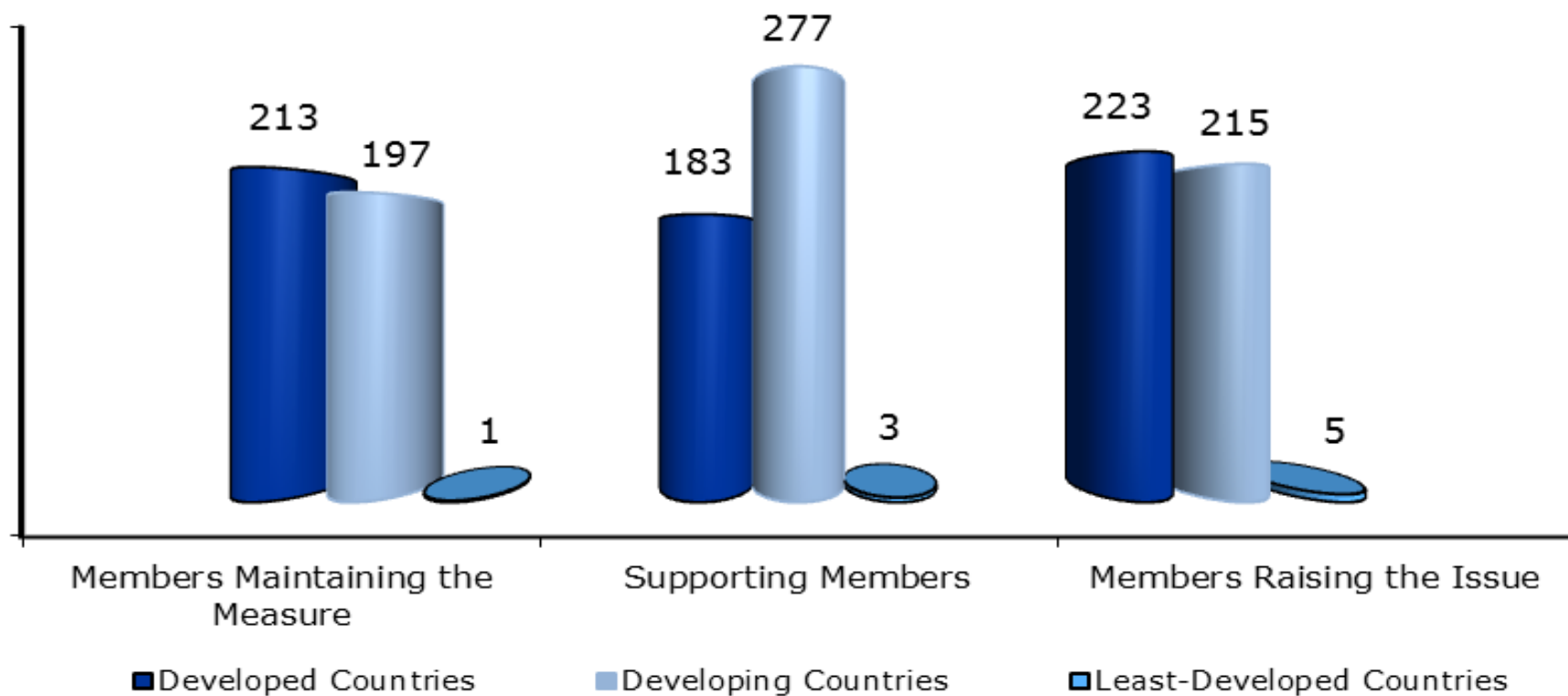


# SPS Specific Trade Concerns

1995-2014

11B

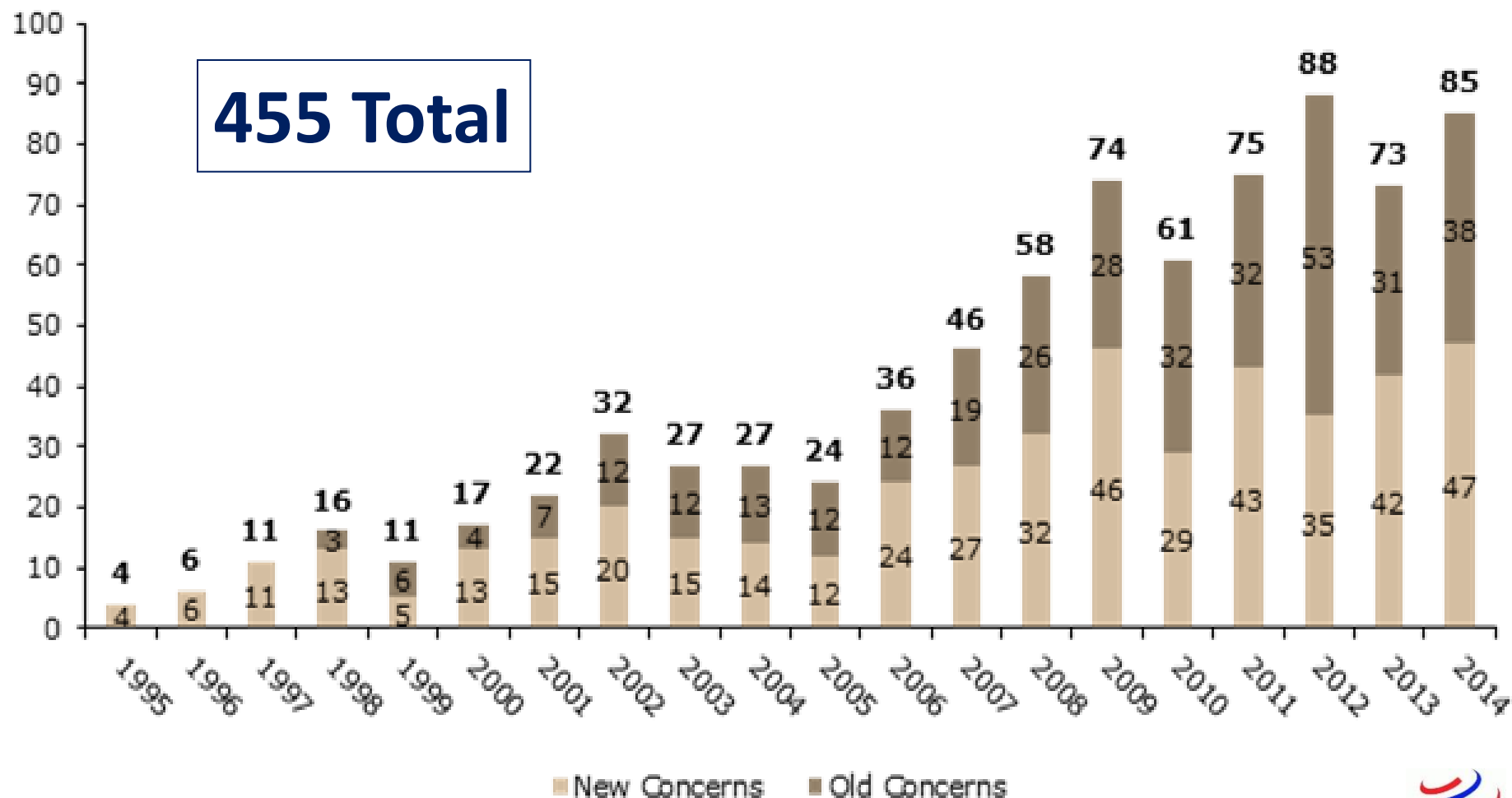
## Number of Members





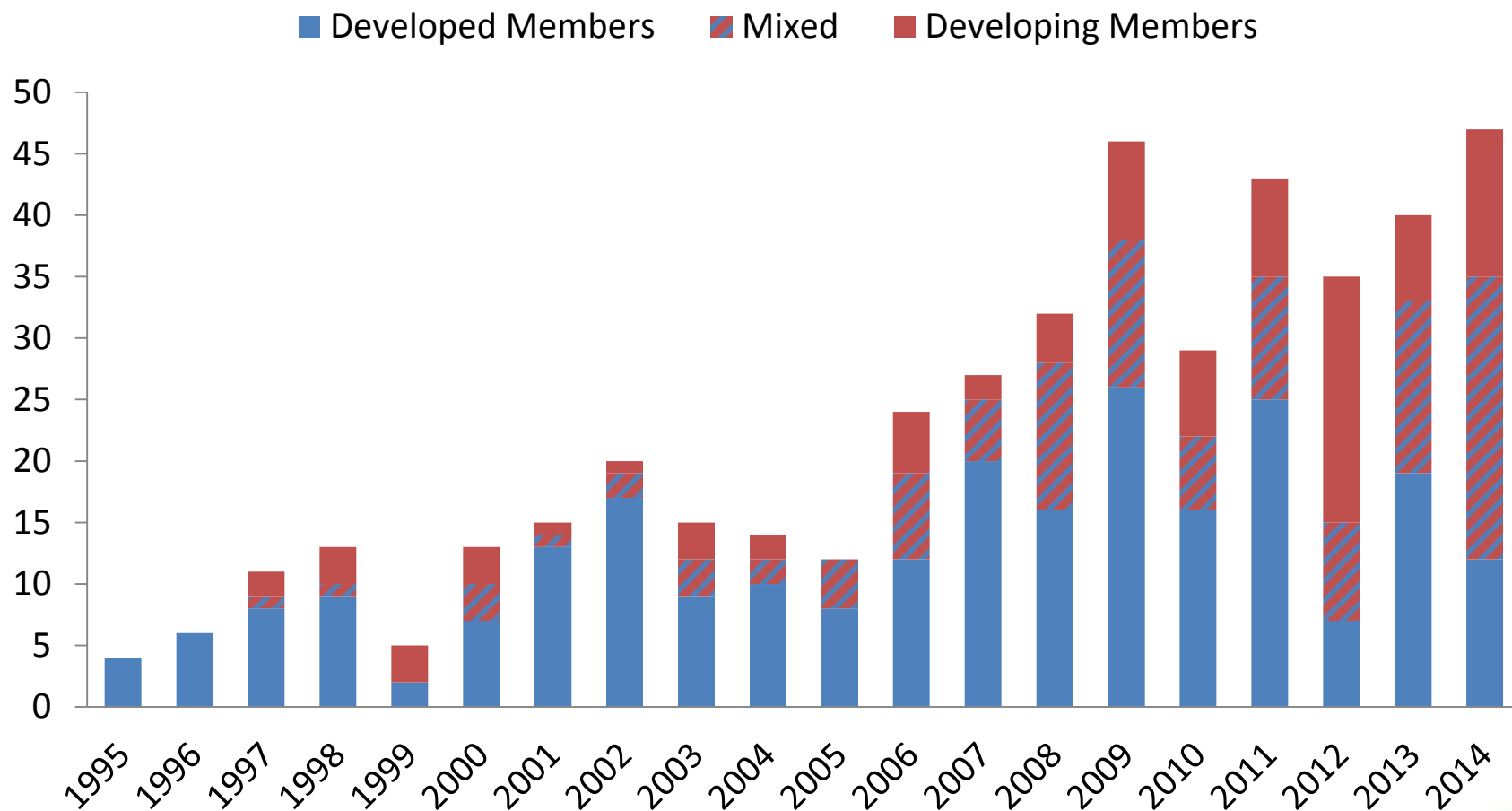
# TBT Specific Trade Concerns

## 1995–2014





# TBT Specific Trade Concerns 1995-2014





# Card 12: Specific Trade Concerns

## *On the agenda*

**12a** A specific trade concern can be raised **at any time** during a meeting of the SPS Committee.

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**12b** To include a specific trade concern on the agenda of the SPS Committee meeting Members should: (i) submit the request identifying the concern in writing to the SPS Secretariat at least **11 calendar days before the meeting**; and (ii) inform the other Member(s) of the complaint at that time.



## Card 12: Specific Trade Concerns

### *On the agenda*

**12B**

*To include a specific trade concern on the agenda of the SPS (or TBT) Committee meeting Members should:*

- Communicate intention to raise an STC for inclusion in Committee Meeting Agenda
  - **At least 11 calendar days before the meeting**
  - **In writing**
  - **Inform the other Member concerned**







## Card 13: Chairperson

### *Good offices of the Chair*

13a The Chairperson of the SPS Committee is **available to provide** good offices, upon request, to assist with the resolution of trade concerns.

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13b The Chairperson of the SPS Committee is **mandated to judge** whether a Member is acting in conformity with the SPS Agreement whenever a specific trade concern is raised.



# Card 13: Chairperson

## *Good offices of the Chair*

13A

### *SPS Article 12.2*

“The Committee shall encourage and facilitate ad hoc consultations or negotiations among Members on specific sanitary or phytosanitary issues. [...]”

Procedure recently adopted in the SPS Committee  
(*G/SPS/61*)



## Card 15: SPS Committee

### *Chairperson*

**15a** The SPS Committee is led by a **chairperson**, elected at the first meeting of every year.

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**15b** The SPS Committee is led by **the SPS Secretariat** of the World Trade Organization.



# Card 15: SPS Committee

## *Chairperson*

15A

The SPS Committee is led by a **CHAIRPERSON**

Elected at the first meeting of *every year*.

Current Chair SPS:

**Mr Felipe Hees (Brazil)**

Current Chair TBT:

**Ms Alana Lanza** (Honduras)



## Card 16: Members

### *Proposed agenda*

**16a** Members receive the proposed agenda containing all issues to be discussed in the Committee  
**at the beginning of each meeting**

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**16b** Members receive an airgram prepared by the Secretariat, containing the proposed agenda of issues to be discussed in the Committee,  
**10 days before the meeting**



## Card 16: Members

### *Proposed agenda*

**16B**

Members receive an airgram prepared by the  
**Secretariat**

containing the proposed agenda of issues to be  
discussed in the Committee

**10 days before the meeting**

*G/SPS/1, Para. 2; G/TBT/1/Rev.12, Part 2*



# Card 18: Chairperson

## *Selection*

**18B**

**18a** The Chairperson of the SPS Committee is normally selected from among  
**food safety, veterinary or plant protection scientific experts**

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**18b** The Chairperson of the SPS Committee is normally selected from among  
**Members' Geneva-based delegates**





## Card 20: SPS Committee *Guidelines/Recommendations*

**20a** The decisions and guidelines adopted by the SPS Committee are **legally binding** and must be followed by governments.

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**20b** The decisions and guidelines adopted by the SPS Committee **cannot add to or detract from** the legal obligations of WTO Members.



## Card 20: SPS Committee *Guidelines/Recommendations*

20B

The decisions and guidelines adopted by the SPS Committee cannot add to or detract from the legal obligations of WTO Members.



**THANK YOU !**

**Questions ?**

[Gretchen.Stanton@wto.org](mailto:Gretchen.Stanton@wto.org)

[Serra.ayral@wto.org](mailto:Serra.ayral@wto.org)



WTO OMC

**SPS Gateway**

<http://www.wto.org/sps>

**TBT Gateway**

<http://www.wto.org/tbt>