

1	ARTICLE 12 OF THE AGREEMENT ON SANITARY AND PHYTOSANITARY MEASURES ...	1
1.1	Text of Article 12.....	1
1.2	Article 12.1.....	2
1.2.1	Committee on Sanitary and Phytosanitary Measures	2
1.2.2	Relationship with other Articles	2
1.2.2.1	Article 3.5.....	2
1.2.2.2	Article 5.5.....	3
1.3	Article 12.2.....	3
1.3.1	General	63.....m.

4. The Committee shall develop a procedure to monitor the process of international harmonization and the use of international standards, guidelines or recommendations. For this purpose, the Committee should, in conjunction with the relevant international organizations, establish a list of international standards, guidelines or recommendations relating to sanitary or phytosanitary measures which the Committee determines to have a major trade impact. The list should include an indication by Members of those international standards, guidelines or recommendations which they apply as conditions for import or on the basis of which imported products conforming to these standards can enjoy access to their markets. For those cases in which a Member does not apply an international standard, guideline or recommendation as a condition for import, the Member should provide a

1.2.2.2 Article 5.5

4. Article 12.1 of the SPS Agreement, along with Articles 12.2 and 12.3, is mentioned in the second sentence of Article 5.5. In this second sentence, Members are asked to cooperate with the SPS Committee to develop guidelines to further the implementation of the provision. In accordance with this sentence, the SPS Committee, in June 2000, adopted guidelines to further the practical implementation of Article 5.5. For the description of these guidelines, see the section on Article 5.5

time whether to continue with the same procedure, amend it, or develop another one.⁷ After agreeing to a number of extensions on the provisional procedure to monitor the use of international standards, at its meeting of 27-28 October 2004, the SPS Committee adopted modifications to the provisional procedure to monitor the use of international standards.⁸ On 5 July 2006, the Committee adopted a decision to modify and extend the provisional procedure to monitor the process of international harmonization.⁹

1.5.2 Relationship with other Articles

1.5.2.1 Article 3.5

10. Articles 12.1 and 12.4 of the SPS Agreement are mentioned in Article 3.5 which mandates the SPS Committee to develop a procedure to monitor the international harmonization of standards, guidelines and recommendations. These procedures are described in paragraph 6 above.

1.6 Article 12.7

11. At its meeting of 15-16 October 1997, the SPS Committee agreed on procedures for conducting the review of the implementation and operation of the SPS Agreement.¹⁰ The First Review was completed in March 1999.¹¹

12. At the Doha Ministerial Conference, Members adopted a deadline for reviewing the operation and implementation of the SPS Agreement:

"Pursuant to the provisions of Article 12.7 of the Agreement on the Application of Sanitary and Phytosanitary Measures, the Committee on Sanitary and Phytosanitary Measures is instructed to review the operation and implementation of the Agreement on Sanitary and Phytosanitary Measures at least once every four years."¹²

13. At its meeting of 22-23 June 2004, the Committee decided on the process for the Second Review of the SPS Agreement. The Committee completed its Second Review and adopted a report in this respect on 30 June 2005.¹³

14. At its October 2008 meeting, the Committee adopted a procedure and timetable to undertake the Third Review of the Agreement.¹⁴ The report of the Third Review was adopted by the Committee on 18 March 2010.¹⁵

15. At its October 2013 meeting, the Committee adopted a procedure and timetable to undertake the Fourth Review of the Agreement.¹⁶ The report of the Fourth Review was adopted by the Committee on 14 July 2017.¹⁷ Adoption had taken over three years due to disagreement over a recommendation concerning SPS-related private standards.¹⁸

16. As in the three previous Reviews, the Committee discussions in the Fourth Review focused on operation and implementation issues related to: the monitoring the use of international standards (Articles 3.5 and 12.4); equivalence (Article 4); consistency (Article 5.5); regionalization (Article 6); transparency (Article 7 and Annex B); technical assistance and training activities (Article 9); special and differential treatment (Article 10); dispute settlement activities (Article 11); implementation of the SPS Agreement (Articles 12.1 and 12.2) – specific trade concerns / use of *ad hoc* consultations; cooperation with the Codex Alimentarius Commission, the International Plant Protection Convention

⁷ [G/SPS/R/9/Rev.1](#), para. 21. The text of the procedures can be found in [G/SPS/11/Rev.1](#).

⁸ [G/SPS/11/Rev.1](#).

⁹ [G/SPS/40](#).

¹⁰ [G/SPS/R/9/Rev.1](#), paras]TJ a -0 0 7.98 11 scn 106.38 179.46 1i1 re f EMC BT /P <</MCID 59 >>BDC /CS0 d

