

SPS AGREEMENT AND DEVELOPING COUNTRIES

Statement by Egypt at the meeting of 7-8 July 1999

1. The SPS Agreement is an agreement that poses many difficult questions and provisions for developing countries including Egypt. The review of the SPS Agreement was completed in March 1999, and we have taken note of the review report. However we agree with other delegations which are of the view that the review report had not been exhaustive, especially in addressing the needs and concerns of developing countries, hence Members could at any time raise any issue for consideration by the Committee. With this in mind, my delegation wishes to raise the following points.

Issue of Equivalency

2. The principle of equivalency is a key component of the SPS Agreement, and according to Article 4, Members should accept the sanitary and phytosanitary measures of other Members as equivalent even if these measures differ from their own, if it is demonstrated that they achieve an appropriate level of protection. A number of difficulties have been encountered by developing countries due to the inadequate implementation of this provision. Equivalence in technologically advanced countries has in itself become quite demanding and turns in some cases into a sanitary trade barrier to exports from developing countries. Furthermore, in practice, a number of developed countries are requiring "sameness" rather than "equivalence" of measures, which is a source of concern to many developing countries. An evaluation of the means for the effective implementation of this provision is necessary and should be addressed.

Issue of Special and Differential Treatment for Developing Countries

3. Although Article 10 of the SPS Agreement addresses this issue with clear provisions, the principle of special and differential treatment has not been translated into specific obligations. It is my delegation's understanding under Article 10 that developed countries should take account of the special needs of developing countries in the preparation and application of sanitary or phytosanitary measures. Members should allow reasonable time between the publication and entry into force of an SPS regulation, in particular those affecting producers in developing countries. Longer time frames should be provided for compliance with new SPS measures for products of interest to developing countries. Article 10.4 further stipulates that Members should encourage and facilitate the active participation of developing countries in the relevant international standard-setting organizations, however, the participation of developing countries in the relevant international standard-setting bodies remains inadequate. The issue of active participation of developing countries in these bodies should be addressed from a wider perspective, namely that active participation requires adequate institutional infrastructure, human and financial resources, and effective follow-up capabilities.

Area of Technical Assistance

4. The SPS Agreement stipulates, according to Article 9, that where substantial investments are required for an exporting developing country to fulfill the SPS requirements of an importing country, the latter shall consider providing technical assistance to permit the developing country to maintain and expand market access opportunities for the product involved. But many developing countries, due to the lack of human, institutional and financial capacity, are unable to make use of this provision. It would be useful for the Secretariat to prepare a questionnaire to both developed and developing countries to identify whether any assistance has been provided in the context of this provision. We would strongly urge that technical assistance be extended to strengthen developing countries' abilities to deal with scientific issues, especially risk assessment, and to improve laboratory facilities, including the financing of the technology needed to comply with SPS requirements in accordance with Article 9. We also believe that it is important to strengthen the participation of experts from developing countries in standard-setting bodies, and monitor developments in standards that are of interest to them. We note that even when standards are developed multilaterally, the participation of developing countries in most cases is nominal. Equally important is to examine ways to encourage and facilitate mutual recognition arrangements.

Transparency

5. The delegation of Egypt believes that full transparency in the area of SPS is paramount to its faithful and sound implementation. In this regard, we believe that the following steps should be applied:

- (i) a reasonable interval should be allowed between the publication of a measure and its entry into force and between the notification of a draft measure and its adoption. A longer period for comments should be allowed in the case of products of special export interest for developing countries, and a summary of the notified measure in one of the WTO official languages should be made available;
 - (ii) comments should be taken into account. If comments are not reflected in the final text, the implementing country has to explain why;
 - (iii) exchange of information should take place by hard-copy and electronic means, since several developing countries still have limited facilities to access information electronically;
 - (iv) the Secretariat should play a more proactive role in keeping developing countries aware of SPS measures which affect products of export interest to them. In this respect a database could be created, incorporating SPS measures having a major trade impact.
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