



**Committee on Sanitary and Phytosanitary Measures**

**ANNUAL REPORT ON THE IMPLEMENTATION OF ARTICLE 6  
OF THE AGREEMENT ON THE APPLICATION OF SANITARY  
AND PHYTOSANITARY MEASURES**

**NOTE BY THE SECRETARIAT<sup>1</sup>**

Article 6 of the SPS Agreement requires that measures take into account pest- or disease-free areas or areas of low pest or disease prevalence. This concept is frequently referred to as "regionalization". At the 2-3 April 2008 meeting, the Committee on Sanitary and Phytosanitary Measures adopted guidelines to further the practical implementation of Article 6.<sup>2</sup> These guidelines are intended to provide assistance to Members in the implementation of Article 6 by improving transparency, exchange of information, predictability, confidence and credibility between importing and exporting Members.

The guidelines require the Secretariat to prepare an annual report to the Committee on implementation of Article 6 based on the information provided by Members concerning:

- a. requests for recognition of pest- or disease-free areas or areas of low pest or disease prevalence;
- b. determinations on whether to recognize a pest- or disease-free area or area of low pest or disease prevalence; and/or
- c. Members' experiences in the implementation of Article 6 and the provision of relevant background information by Members on their decisions to other interested Members.

This report, which covers the period from 1 June 2014 until 31 March 2015, is based on information provided by Members through notifications and from information presented during SPS Committee meetings. This information was frequently provided under the agenda item "Pest- and or Disease-Free Areas - Article 6". Relevant information provided under other agenda items is also included in the report. A list of notifications related to Article 6 is contained in section 4; section 5 lists the relevant specific trade concerns.

**1 REQUESTS FOR RECOGNITION OF PEST- OR DISEASE-FREE AREAS OR AREAS OF LOW PEST OR DISEASE PREVALENCE**

**1.1 October 2014 meeting (G/SPS/R/76)**

1.1. Brazil announced the eradication of *cydia pomonella* from its territory. Notification hereof was issued by Normative Instruction No. 10, published in the Brazilian Official Journal on 8 May 2014. Brazil informed Members that the eradication of *cydia pomonella* was achieved over a ten-year period of coordinated action among the public and private sector, following the relevant IPPC standards. As of 2011, there had been no detection of *cydia pomonella*, and Brazil had implemented actions to maintain this phytosanitary status. Brazil requested that importing Members now remove requirements concerning this pest and allow imports from Brazil.

1.2. Uruguay provided information on its compartmentalization procedure for sheep populations, in accordance with Chapters 4.3 and 4.4 of the OIE Terrestrial Animal Health Code. Uruguay informed Members that, since 2003, it had been recognized as FMD-free with vaccination.

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

<sup>2</sup> G/SPS/48.

Although vaccination for its sheep population had been suspended since 1988, this neither modified nor suspended its status as FMD-free with vaccination. Uruguay informed the Committee that, in order to facilitate the access of sheep meat on the bone to international markets that possess FMD-free health status, the Ministry of Agriculture and Fisheries had established a programme for the compartmentalization of sheep with the aim of improving sheep production, and requested official recognition from the OIE. Uruguay had provided relevant documentation to the OIE and invited health inspectors from various trading partners to visit its sheep compartments.

## **1.2 March 2015 meeting (G/SPS/R/78)**

1.3. South Africa informed Members that, after consideration by the OIE, it had regained its status of foot and mouth disease (FMD) free zone without vaccination, with effect from 14 February 2014. South Africa urged Members to lift restrictions on trade in cloven-hoofed animals and their products.

## **2 DETERMINATION ON WHETHER TO RECOGNIZE A PEST- OR DISEASE-FREE AREA OR AREA OF LOW PEST OR DISEASE PREVALENCE**

### **2.1 June 2014 meeting (G/SPS/R/75)**

2.1. The OIE recalled that the full list of disease free country status was available in Annex 1 of the OIE report (G/SPS/GEN/1343).

### **2.2 October 2014 meeting (G/SPS/R/76)**

2.2. Chile raised concerns regarding the underutilization of the guidelines relating to recognition of pest and disease-free areas (G/SPS/48) and equivalence (G/SPS/19/Rev.2). The Committee had worked hard on these decisions, and it would be good to hear about their application, particularly in relation to recognition of a country's particular pest- or disease status. Chile noted that specific trade concerns were proof that Members did not always accept international recognition of a country's particular disease status. Chile requested more consistency from Members in their recognition of international pest and disease statuses.

2.3. The Secretariat encouraged Members to provide information on their experiences in requesting the recognition of pest- or disease-free areas, in accordance with the Committee's decision on the recognition of pest- disease-free areas (G/SPS/48). Some of the information reported under earlier agenda items referred to such recognition, and it would be helpful if Members who had recognized such areas would confirm that this was the case.

### **2.3 March 2015 meeting (G/SPS/R/78)**

2.4. Madagascar informed Members that it had considered South Africa's new FMD status and had lifted its ban on the importation of products of animal origin from South Africa.

2.5. Zambia reported its recognition of South Africa's new FMD status and supported South Africa's request.

## **3 MEMBERS' EXPERIENCES IN THE IMPLEMENTATION OF ARTICLE 6**

### **3.1 June 2014 meeting (G/SPS/R/75)**

3.1. South Africa reported that during its 82<sup>nd</sup> General Session, the OIE had recognized South Africa as free from Peste des petits ruminants (PPR) together with 47 other countries. South Africa explained that PPR was an economically devastating viral disease affecting small ruminants and its eradication had been earmarked by the FAO and the OIE.

3.2. South Africa also reported on the necessity to implement import measures to protect its territory against the introduction of porcine epidemic diarrhea (PED), after several countries had reported outbreaks of PED to the OIE. South Africa was free from PED. During 2013, South Africa had conducted surveillance on a number of porcine diseases, including PED, and the outcome

proved the absence of these diseases in the domestic swine population. Additional scientific information on the management of the disease would be incorporated in the import requirements as soon as it became available.

3.3. Argentina reported that during the 82<sup>nd</sup> General Session of the OIE in May 2014, the Assembly had recognized a new FMD-free zone without vaccination in Argentina, Patagonia Norte A. This zone added to the four FMD-free zones previously recognized by the OIE. This new zone does not imply any modification to the FMD-free zone without vaccination called Patagonia, as it is not a part of it, but rather is a contiguous zone to Patagonia. Argentina would soon provide detailed information on all FMD-free areas.

3.4. Argentina also reported that it had been recognized free from PPR and contagious bovine pleuropneumonia (CBPP) by Resolutions No. 17 and 20 at the 82<sup>nd</sup> OIE General Session. See also G/SPS/GEN/1347.

3.5. Korea provided an update on its OIE status for four animal diseases. In May 2014, the OIE had recognized Korea as: (a) an FMD-free country with vaccination as a result from the measures taken to control the disease since the FMD outbreak in 2011; (b) PPR- and African horse sickness (AHS)-free country through its effort to remain free from the diseases over the past 25 years; and (c) a country having a negligible BSE risk as a result of effective preventive measures.

3.6. The European Union announced the detection of African swine fever (ASF) in two of its member States: Lithuania and Poland. Stringent measures had been immediately taken by the affected member States in accordance with international standards. Furthermore, the European Union not only had had surveillance and detection measures in place for a number of years, but was also providing technical assistance to its neighbouring countries, which had ASF on their territory and had thus far been unable to control its spread. The European Union urged its trading partners not to take more trade restrictive measures than necessary given the measures the European Union had taken that were fully in line with the principle of regionalization.

### **3.2 October 2014 meeting (G/SPS/R/76)**

3.7. The Philippines reported on its final rule recognizing the entire Philippines territory as an area free from Mango Seed Weevil (MSW) and, with the exception of a small island within the Philippine territory, Mango Pulp Weevil (MPW). In achieving this, the Philippines implemented a ten month survey across the mango production season, in terms of which 2.6 million fruit was inspected. The results of the survey showed no detection of either MSW or MPW. Moreover, the Philippines was pleased to report to the Committee on the United States' approval of an irradiation dose of 165 Gy as treatment for MPW from the affected island which, when combined with area freedom, had a positive impact on the Philippines' exports of mangoes to the United States, Hawaii, Guam and the Mariana Islands, and would help in securing the Philippines' access to other markets. Lastly, the Philippines thanked the United States for their final rule recognizing an area in the Philippines as free of MPW.

### **3.3 March 2015 meeting (G/SPS/R/78)**

3.8. The European Union provided, for the fourth time, a factual update on the current epidemiological situation of ASF within its borders. In addition to the well-known endemic situation on the island of Sardinia, the virus had been introduced into the European Union from Russia through Belarus in January 2014. Since then it had been detected in four EU member States (Lithuania, Poland, Latvia and Estonia), with cases concentrating along their eastern borders. The European Union had put in place a comprehensive set of harmonized legislation. Zoning/regionalization was being applied as a tool to limit the impact on trade while eradicating and preventing the spread of the disease. The limited geographical spread of the disease more than a year after ASF was introduced into the European Union was an important indicator of the effectiveness of the control and regionalization measures applied. The European Union expressed concern that its repeated requests for information on the surveillance and control measures taken by Belarus and Russia had not been answered. The European Union also indicated that, upon its initiative, a standing group of experts on ASF in the Baltic and Eastern Europe region had been established last year, under the OIE/FAO framework. Members of this expert group were Russia, Belarus, Ukraine, the four affected EU member States and the European Commission, while the

OIE acted as the secretariat. Since ASF was a trans-boundary disease, the aim of this standing group was to enhance collaboration between all affected countries to ensure better control of the disease.

3.9. Nigeria provided information on the avian influenza resurgence in Dala Local Government Area and at a live bird market at Onipanu in Lagos in January 2015. All state directors of veterinary services had been alerted, and the OIE, AU-IBAR and development partners had been notified. Nigeria had established a technical committee on avian influenza to supervise the current control strategy that included quarantine, depopulation, decontamination and vaccination. Currently, Nigeria received support from the World Bank and from FAO to contain the disease. Nigeria stressed that the resurgence of the disease was a matter of great concern for the continent, and that more intensive control and surveillance activities were needed. Nigeria urgently requested more support from national and regional governments and from international development agencies.

3.10. Madagascar noted that the emergence of avian influenza in Nigeria was of concern for neighbouring countries and for Africa as the whole. Madagascar requested assistance from Nigeria to avoid the spread of the disease.

3.11. Mexico provided information on various pest- or disease-free areas. Mexico had been declared free from Mediterranean fruit flies, as detailed in G/SPS/GEN/1376. Mexico had also submitted documents regarding the absence of Aujeszky's disease in the state of Jalisco (G/SPS/GEN/1380); the absence of Boll weevil in the state of Baja California and various regions in Chihuahua, Coahuila and Sonora (G/SPS/GEN/1378 and G/SPS/GEN/1378/Corr.1); the absence of pink bollworm in the state of Chihuahua and several municipalities in Sonora and Coahuila (G/SPS/GEN/1377); areas of low prevalence of fruit flies of the genus *Anastrepha* in certain municipalities in Michoacan and Nayarit (G/SPS/GEN/1379 and G/SPS/GEN/1389); areas free of spotted-wing drosophila (G/SPS/GEN/1386 and G/SPS/GEN/1388); areas free from large and small avocado seed weevils and avocado seed moths (G/SPS/GEN/1390-1393) and areas free from Pierce's disease (G/SPS/GEN/1385 and G/SPS/GEN/1387).

3.12. Mexico also reported the response to comments and modifications made to the Official Mexican Standard NOM-026-FITO-1995 as notified in G/SPS/N/MEX/48/Add.1, and provided information on the modification of the Official Mexican Standard NOM-026-FITO-1995, amending the controlled cotton pests, as notified in G/SPS/N/MEX/260/Add.1.

3.13. Under the procedure to monitor the process of international organization, the United States reminded Members about the OIE guidelines on imports of live poultry and poultry products (including heat-treated/cooked products) related to avian influenza, including highly pathogenic avian influenza (HPAI). The guidelines made clear that when HPAI was detected only in wild birds, OIE Members should not impose bans on trade in poultry commodities. The guidelines also clearly established provisions for the recognition of zones or regions free of the disease. The affected country should define the control zones based on its response efforts, and the remainder of the country outside of those control zones could continue to be considered disease free. Additionally, heat-treated poultry products (meat, liquid eggs, rendered meals, etc.) that had been heat-processed to destroy the HPAI virus in accordance with OIE guidelines were safe to trade irrespective of whether the products came from an area where HPAI had been detected. The United States called upon its trading partners to lift any import restrictions on live poultry and poultry products (including heat-treated products) from the United States that were not consistent with the OIE guidelines.

3.14. The European Union shared the US concern and supported the removal of import restrictions with relation to HPAI that were not in line with international standards. Canada noted that the OIE provided effective guidance around the principle of zoning and encouraged all Members to recognize zones established by affected Members, in accordance with this guidance.

#### **4 NOTIFICATIONS RELATED TO ARTICLE 6**

4.1. From June 2014 through March 2015, 90 notifications (32 regular and 58 emergency) related to Article 6. Nine of those notifications (eight regular and one emergency) indicated that the notified measure was trade facilitating; these notifications mainly inform of measures that will

simplify the requirements for the import of products originating from certain regions, as well as the recognition of pest-free or disease-free areas.

**Table 4.1: Trade Facilitating Notifications Related to Article 6**

Document symbol	Notifying Member	Description of content
G/SPS/N/CHL/481	Chile	The notified text amends Agriculture and Livestock Service Resolutions Nos. 2.867 and 2.868 of 2001, which lay down requirements governing the importation into Chile of fresh citrus fruit from the States of California and Arizona, United States of America, respectively.
G/SPS/N/CHL/493	Chile	As a result of the work carried out within the framework of the Agricultural Surveillance Programme, and as part of the updating of phytosanitary requirements for the entry into Chile of fresh peaches ( <i>Prunus persica</i> ), nectarines ( <i>P. persica</i> var. <i>nucipersica</i> ), Japanese plums ( <i>P. salicina</i> ), European plums ( <i>P. domestica</i> ), apricots ( <i>P. armeniaca</i> ) and cherries ( <i>P. avium</i> ), <i>Monilinia fructicola</i> has been removed from the list of quarantine pests.
G/SPS/N/MEX/261	Mexico	Pursuant to the "Decision establishing the module of phytosanitary requirements for the importation of goods regulated by the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, in relation to plant health" (Acuerdo por el que se establece el módulo de requisitos fitosanitarios para la importación de mercancías reguladas por la Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación, en materia de sanidad vegetal), published in the Mexican Official Journal on 7 February 2012, the phytosanitary requirements for the importation into Mexico of unrooted pepper ( <i>Capsicum annuum</i> L.) cuttings for non-commercial propagation purposes, have been submitted to public comment. Unrooted pepper ( <i>Capsicum annuum</i> L.) cuttings must also be accompanied by a phytosanitary certificate issued by the Spanish plant health authority, stating that the cuttings originate and come from the Spanish province of Almería in the Autonomous Community of Andalusia, that they have undergone inspection and have been certified free from <i>Eggplant mottled dwarf virus</i> , <i>Parietaria mottle virus</i> , <i>Pelargonium zonate spot virus</i> , <i>Pepper mild mottle virus</i> , <i>Patato stolbur phytoplasma</i> and <i>Pseudomonas marginalis</i> pv. <i>marginalis</i> .
G/SPS/N/MEX/264	Mexico	Pursuant to the Decision establishing the module of phytosanitary requirements for the importation of goods regulated by the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food, in relation to plant health (Acuerdo por el que se establece el módulo de requisitos fitosanitarios para la importación de mercancías reguladas por la Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación, en materia de sanidad vegetal), published in the Mexican Official Journal on 7 February 2012, the phytosanitary requirements for the importation into Mexico of botanical pepper ( <i>Capsicum annuum</i> L.) seed originating in and coming from Hungary, established on the basis of a pest risk analysis, have been submitted for comment.

Document symbol	Notifying Member	Description of content
		Imports of botanical pepper ( <i>Capsicum annuum</i> L.) seed originating in and coming from Hungary require a phytosanitary certificate issued by the Hungarian phytosanitary authority stating that the seed originates in Hungary, that it has undergone inspection, and that a phytosanitary diagnosis has found it to be free from <i>Colletotrichum dematium</i> , <i>Pseudomonas viridiflava</i> , Dulcamara yellow fleck virus, <i>Pepper mild mottle virus</i> , Tobacco mild green mosaic virus and <i>Tomato aspermy virus</i> .
G/SPS/N/RUS/63	Russian Federation	This letter allows import of live pedigree cattle from the Netherlands to the Russian Federation without additional laboratory tests on bluetongue for animals under quarantine. Shipment should be consistent with provisions of relevant veterinary certificate.
G/SPS/N/ARE/32	United Arab Emirates	The United Arab Emirates is lifting the ban on the importation of domestic and wild birds and their products including poultry meat, day-old chicks and eggs originating from Italy.
G/SPS/N/USA/2686	United States of America	The Animal and Plant Health Inspection Service (APHIS) is proposing to amend the regulations governing the importation of animals and animal products to define a low-risk classical swine fever region in Mexico from which we would allow the importation of fresh pork and pork products under certain conditions. Under this proposed rule, such pork and pork products would have to be derived from swine raised on farms meeting stringent sanitary and biosecurity requirements. We would also provide safeguards against commingling of the swine and the pork and pork products with animals and products that do not meet our proposed requirements. Establishments that slaughter the swine from which the pork or pork products are derived would have to allow periodic inspection and evaluation of their facilities, records, and operations by the Animal and Plant Health Inspection Service. This proposed rule would relieve some restrictions on the importation of pork and pork products from Mexico while continuing to protect against the introduction of classical swine fever into the United States. Federal Register Vol. 79, No. 145, Tuesday, 29 July 2014, pages 43974-43980.
G/SPS/N/USA/2699	United States of America	The Animal and Plant Health Inspection Service (APHIS) is proposing to amend the regulations governing the importation of certain animals, meat, and other animal products to allow, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Argentina located north of Patagonia South and Patagonia North B, referred to as Northern Argentina. Based on the evidence in a recent risk assessment, we believe that fresh (chilled or frozen) beef can be safely imported from Northern Argentina provided certain conditions are met. This proposal would provide for the importation of beef from Northern Argentina into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease. Federal Register Vol. 79, No. 168, Friday 29 August 2014, pages 51508-51514.

Document symbol	Notifying Member	Description of content
G/SPS/N/USA/2733	United States of America	The Animal and Plant Inspection Service is advising the public that we determined that the Republic of Croatia is free of foot-and-mouth disease, swine vesicular disease, and rinderpest and is low risk for classical swine fever. We are making our determinations, as well as an evaluation we have prepared in connection with this action, available for review and comment. Federal Register Vol. 80, No. 22, Tuesday, 3 February 2015, pages 5728-5729.

## 5 SPECIFIC TRADE CONCERNS AND REGIONALIZATION

5.1. Specific trade concerns (STCs) can be raised due to issues pertaining to regionalization. From June 2014 through March 2015, six STCs that related to regionalization were raised for the first time.

**Table 5.1: New STCs Related to Regionalization (June 2014–March 2015)**

STC No	Title	Member raising the concern	Member maintaining the measure	Date first raised
371	India's import requirements for blueberries and avocados	Chile	India	09/07/2014
375	US non-acceptance of OIE categorization for BSE	India	United States	09/07/2014
376	Australia's non-acceptance of OIE categorization for BSE	India	Australia	09/07/2014
383	China's measures on bovine meat	India	China	26/03/2015
384	General import restrictions due to African swine fever	European Union	Various Members	26/03/2015
385	General import restrictions due to highly pathogenic avian influenza	European Union	Various Members	26/03/2015

5.2. For the same period, three previously raised STCs that related to regionalization were brought again to the attention of the Committee.

**Table 5.2: Previously Raised STC's Related to Regionalization (June 2014–March 2015)**

STC No	Title	Member raising the concern	Member maintaining the measure	Date first raised
193	General import restrictions due to BSE	European Union	Various Members	09/07/2012
330	Indonesia's Jakarta port closure	Chile	Indonesia	27/03/2012
351	EU temperature treatment requirements for imports of processed meat products	Russia	European union	27/06/2013

5.3. In addition, panel proceedings in the context of the WTO dispute settlement resolution procedures continued with respect to two previously raised STCs:

- US failure to recognize South Patagonia as FMD-free and to import beef from north of the 42<sup>nd</sup> Parallel (STC 318 raised by Argentina, June 2011); and
- Russia's measures on live pigs and pork products due to African swine fever (STC 369 raised by the European Union, March 2013).