



**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 April 2016 until 31 March 2017, 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 July 2016 meeting (G/SPS/R/83)**

1.1. The United States reported that on 22 April 2016 it had regained country-wide freedom from HPAI, consistent with OIE guidelines. The United States noted that, despite efforts to inform Members of this status, some restrictions on imports of live poultry, poultry meat and poultry products from the United States currently remained in place. The United States reminded Members that any measures taken should be based on international standards, guidelines and recommendations or on a risk assessment, as required by the SPS Agreement.

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<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 and obligations under the WTO.

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

1.2. The Russian Federation reported that the 84<sup>th</sup> OIE General Assembly had officially recognized one new zone as FMD free without vaccination. The Russian Federation hoped that this acquired status would facilitate trade with other WTO Members.

1.3. Brazil reported that 14 additional states and the Federal District had been officially recognized as free of CSF at the 84<sup>th</sup> OIE General Assembly. Brazil noted that this made for a total of 16 CSF-free states and considered these developments promising for future exports of animal products.

1.4. Costa Rica reported that it had been classified as having a negligible risk for BSE at the 84<sup>th</sup> OIE General Assembly.

### **1.2 October 2016 meeting (G/SPS/R/84)**

1.5. Mexico informed the Committee that the 84<sup>th</sup> General Assembly of the OIE (May 2016) had recognized Mexico as a country free of contagious bovine pleuropneumonia and as a country with negligible BSE risk. Mexico indicated that these recognitions added to the previously-obtained statuses of country free from classical swine fever (CSF), peste des petits ruminants, and foot and mouth disease without vaccination. Mexico expressed its appreciation to Costa Rica for recognizing its status as a country free from CSF and BSE, and to Canada for its recognition as a country free from CSF. Mexico invited all Members to recognize the statuses granted by the OIE.

1.6. Mexico also informed the Committee that the central-western region of the municipality of Coatepec Harinas in the State of Mexico was declared as an area free of fruit flies of the quarantine-significant genus *Anastrepha* (see G/SPS/GEN/1512).

### **1.3 March 2017 meeting (G/SPS/R/86)**

1.7. Turkey announced that in October 2016, the IPPC web page had published an official declaration that Turkey was free from *Xylella fastidiosa*. Turkey therefore requested Members to update their relevant legislation on that issue.

1.8. Chile announced that in 2016 Viet Nam had recognised Chile as a country free of fruit fly or Mediterranean fly (which had been eliminated in the country since 1995). Chile appreciated that this had allowed the entry of Chilean table grapes into the Vietnamese market.

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

### **2.1 July 2016 meeting (G/SPS/R/83)**

2.1. No Member reported on this issue.

### **2.2 October 2016 meeting (G/SPS/R/84)**

2.2. No Member reported on this issue.

### **2.3 March 2017 meeting (G/SPS/R/86)**

2.3. No Member reported on this issue.

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

### **3.1 July 2016 meeting (G/SPS/R/83)**

3.1. The Russian Federation provided an update on the spread of African swine fever (ASF) in the Eurasian region, noting the number of outbreaks that had occurred in domestic pigs and wild boars in Estonia, Latvia, Lithuania and Poland since 2014. The Russian Federation observed that ASF had spread towards southern Ukraine, highlighting the potential threats of the introduction of the transboundary agent to neighbouring countries such as Moldova and Romania.

The Russian Federation noted that the large proportion of small-scale pig production with low biosecurity levels in these countries would be potential contributing factors. The Russian Federation also indicated its concerns related to wild boar surveillance, and the increased risk of the disease further spreading to Eastern, Southern and Central Europe and becoming a pan-European problem, posing a threat to Bulgaria and Balkan countries. The Russian Federation noted that the only way to combat this threat was to coordinate the efforts of the concerned countries and international organizations. The standing group of ASF Experts which had been established to discuss disease control was still expanding and now included the competent authorities of Hungary, Moldova, Romania and the Slovak Republic. The Russian Federation noted the last outbreak in Poland and queried the effectiveness of the control measures for domestic pigs and wild boars. The Russian Federation further encouraged all concerned Members to combine their efforts in order to control the disease.

3.2. The Chairperson reminded Members that information provided under the agenda item on information sharing was aimed at sharing national experiences and information on relevant national SPS activities.

3.3. Ukraine indicated its concerns regarding the conclusions drawn by the Russian Federation on the general spread of ASF in the Eurasian region and more specifically in Ukraine. Ukraine queried the reliability of the data and subsequent analysis, and further stated that the relevant countries should have been consulted in order to ensure the accuracy of the data.

3.4. The European Union reiterated its view that the use of the agenda item on information sharing for purposes other than providing information on relevant activities was inappropriate and stated that, because of the ongoing dispute settlement case, it would not respond to the Russian Federation's allegations. The European Union recalled some of the information previously presented to the Committee, highlighting that the European Union had applied regionalization in accordance with OIE principles. Moreover, the European Union stated that the effectiveness of its measures had been demonstrated by the limited geographical spread of the disease, in terms of location of the outbreaks and by the occurrence of all new findings of the disease within the restricted areas covered by regionalization measures. The European Union further highlighted the homology between the strain detected in the European Union and the virus strains that had circulated in Belarus and the Russian Federation in the previous years. The European Union informed the Committee that the EFSA report of July 2015 had also confirmed the appropriateness of the EU measures. The European Union indicated that it had taken a number of measures to promote the effective prevention, early detection and appropriate reaction in ASF-free territories that were at risk of introduction of ASF via the borders with infected countries. Since 2015, financial support for ASF surveillance programmes had been provided to the affected, as well as three other EU member States. All relevant information was available on the website of the Commission Services. Finally, the European Union urged other Members to demonstrate the same level of transparency and reiterated its commitment to work collaboratively with all affected Members and trading partners.

### **3.2 October 2016 meeting (G/SPS/R/84)**

3.5. The Russian Federation provided an update on the spread of African swine fever (ASF) in Eastern Europe. It reported that since the last Committee, ASF had been introduced into the Republic of Moldova and was spreading across the Eurasian region as well as in Belarus, Estonia, Latvia, Lithuania, Poland, the Russian Federation and Ukraine, according to OIE data. The Russian Federation stressed that there was no cure for ASF, one of the most dangerous animal diseases. It noted that thousands of domestic pigs and wild boars had so far been destroyed, despite all quarantine measures taken since 2007 when ASF was initially detected in Georgia. Farmers had received financial compensation amounting to hundreds of millions of dollars. Additionally, live animal exporters had suffered losses due to trade restrictions. The Russian Federation indicated that the most dangerous route of transmission of infection was through illegal transboundary movement of contaminated products. A global framework for transboundary animal diseases was needed to improve transparency and data exchange between veterinary services of affected countries in view of controlling the disease spread.

### 3.3 March 2017 meeting (G/SPS/R/86)

3.6. The European Union recalled that it was facing its largest epidemic of highly pathogenic avian influenza of H5 subtypes following the introduction in October 2016 of H5N8 by wild birds from Asia. The virus subtypes detected during the epidemic were predominantly bird viruses with no increased affinity for humans and had affected different wild bird species before spilling over to poultry farms in 17 EU member States. The European Union provided information on the implementation of harmonized disease control measures such as the establishment of protection and surveillance zones around outbreak farms. The extent of the zones was established by the member States in cooperation with the European Commission which formally adopted the zoning by a Commission Decision which was published in the Official Journal of the European Union. The European Union emphasized the effectiveness of its disease control mechanisms, which in case of outbreaks in areas with high poultry density could give way to additional measures, including temporary standstill of all movements, preventive culling and bans on restocking. The European Union expressed its commitment to provide timely information to all trading partners on the developments of the epidemic as well as to enhance its epidemic preparedness. The European Union called on Members to recognize its regionalization measures and encouraged their active participation in the OIE to prevent and control further avian influenza outbreaks.

3.7. The Russian Federation reiterated the importance of paying close attention to the spread of African swine fever (ASF) in Eastern Europe. The Russian Federation noted that its experience and position with regards to ASF had played a significant role in encouraging various response mechanisms. Although many such mechanisms, including disease prevention, control, and emergency plans were currently in place, they were insufficient to eradicate ASF. Since 2014, the disease had spread in many countries such as Estonia, Latvia, Lithuania, Moldova, Poland and Ukraine, and could affect other EU countries. The Russian Federation highlighted the importance of transparency and recalled that the spread of ASF benefitted from the ignorance, negligence or organized criminal activities of certain pork producers. Despite active research there was currently no vaccine against ASF. The Russian Federation expressed its commitment to participate in international efforts to fight ASF.

3.8. The European Union again expressed its discomfort with the use of the agenda item on information sharing for purposes other than providing information to Members on relevant activities. The European Union stated that the Russian Federation's repeated references to EU member States and speculations on which EU countries would be next affected by ASF were neither pertinent nor appropriate. Furthermore, the European Union noted that the Russian Federation's repeated statements on this topic were not the reason for understanding its importance. As stated in the past, the European Union was confident in the effectiveness of its ASF-related measures as well as in its participation and leadership in international cooperation and response against ASF.

3.9. The Russian Federation informed Members that its Federal Service for Veterinary and Phytosanitary Surveillance (Rosselkhozdnadzor) had adopted a decision establishing statuses for infectious animal diseases, which had entered into force on 1 February 2017, pursuant to Ministry of Agriculture Order No. 635. The Russian Federation explained that 3,000 zones of its territory would be divided into the following infectious animal diseases categories: disease-free, non-identified, and disease-affected. In addition, these zones would be subdivided into regions with or without vaccination for transboundary animal diseases, including ASF, lump and skin disease, and foot and mouth disease. The Russian Federation further noted that the decision provided requirements for movements of live animals and animal products between regions with different animal health statuses and that these statuses could change over time. The Russian Federation indicated that the decision applied basic regionalization criteria to disease-free zones which complied with the OIE Code provisions, but also included certain more stringent criteria such as the possibility to designate an exception zone within a disease-free region. Further details on the regionalization system of the Russian Federation and Geographic Information System (GIS) maps were available on the Rosselkhozdnadzor's website.

3.10. Turkey announced that the Directive on the Definition and Declaration of Zones Free from Notifiable Avian Influenza Disease had been enacted on 16 December 2016, in line with the provisions of the OIE Terrestrial Animal Health Code. Turkey explained that in August 2015 the OIE had notified Turkey as free of avian influenza, and according to their 2015-2016 survey, it had remained so. Turkey added that, following OIE rules and the migration periods of wild birds, it

would have bi-annual surveys and a yearly passive survey. In addition, disease-free zones would be updated as required, and routinely at the beginning of each year. Finally, Turkey reported that detailed information on the new Directive and disease-free zones was available in notification G/SPS/N/TUR/82.

3.11. Senegal reported on the emerging sanitary situation related to the armyworm *Spodoptera frugiperda*, its risk of propagation and its threat to maize crops. Senegal invited international cooperation for the surveillance, phytosanitary control and evaluation of the progression of the invasion of the armyworm, as well as for information campaigns aimed at the general public. Senegal reported that it maintained its pest-free status, especially for sweet corn (its main export). Finally, Senegal assured its trading partners that no trace of the armyworm had been detected in its territory, that it was closely surveying the situation and would inform of any change.

3.12. Madagascar provided information on the actions it had taken since 2016 to protect its territory from the introduction of FMD, after it appeared in neighbouring Mauritius and Rodrigues, which had been notified to the WTO as emergency measures. Madagascar elaborated that, alongside the strengthening of border control measures, the surveillance methods in the field had been stepped up for three diseases absent from the territory, FMD, rinderpest and contagious bovine pneumonia; as well as border protection from the rapid propagation of *Tuta absoluta*. Madagascar explained that, following the FAO information on the appearance of army worms in corn crops in South Africa and in other members of SADC in January and February 2017, it had strengthened its surveillance mechanisms given the importance of its tomato production and the high level of risk of this scourge entering its territory.

3.13. Chile provided an update on the AI outbreak that had occurred towards the end of 2016, which Chile had notified to the OIE and its trading partners, while it was yet unknown whether the strain was of low or high pathogenicity. Chile reported that the affected animals had been slaughtered (350 turkeys), that surveillance and biosafety measures had been heightened; and the movement of animals and certification for the affected area was suspended. Chile had updated its notification once it received laboratory results, confirming that the outbreak had been of low pathogenicity of the type H7, and stressed that this had been a minor problem, circumscribed to only one production plant.

3.14. Chile welcomed the fact that trade with its main trading partners, namely the European Union, the United States, Korea, China and Colombia, had not been affected, since they had not imposed trade restrictions beyond the affected areas. Chile understood the precautionary measures taken by Members (which Chile had also taken), but noted that some Members maintained precautionary measures despite the lack of problems. Chile noted that there had also been cases of erroneous notifications which had been corrected once Chile had communicated the low pathogenicity of its AI outbreak, with for instance Peru revising its notification. In the case of Ecuador, Chile observed that document G/SPS/N/ECU/187 notified the AI as of high pathogenicity, and that despite Chile's requests, Ecuador had not revised its notification. Chile expressed its concerns regarding the trade effects of that notification. Finally, Chile invited Members to visit its plants and ensured them of the low pathogenicity of its AI outbreak and of its presence in a limited area of Chile.

### **3.3.1 Proposal for thematic session on regionalization**

3.15. During the informal meeting of the March 2017 Committee, the European Union expressed its interest in having an informal discussion on regionalization. The European Union underlined the importance of the SPS Agreement provision on regionalization for international trade in animal and plant products, as highlighted by the Committee's agenda items. The European Union considered that an informal discussion could facilitate a better understanding of the challenges faced in the application of regionalization principles in international trade, and could thus contribute to the implementation of the SPS Agreement. The European Union suggested discussing the topic at the informal meeting scheduled for July 2017, and inviting the OIE, IPPC and Members to share their views and experiences. The European Union offered to circulate a paper on the topic and welcomed Members' comments.<sup>3</sup>

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<sup>3</sup> This paper was subsequently circulated to the SPS Committee as G/SPS/W/293.

3.16. The United States welcomed the interest of the European Union in an informal discussion on regionalization, which was a topic of interest to the United States. The United States looked forward to a paper from the European Union, with more information on the scope, the goals and the elements envisaged for the discussion, in order to provide Members an opportunity to identify their particular interests and fully participate in the discussion. The United States also welcomed the use of informal settings to delve deeper into issues of mutual interest to Committee Members, as a means to promote a shared understanding. Recognizing this as a new exercise, the United States encouraged a discussion on the best use of the informal setting and invited Members and the Secretariat to seek the means to best take informal setting discussions to a formal setting, together with more standardized procedures.

3.17. Chile supported the call by the European Union, and proposed including the issue in the agenda of an informal Committee meeting as well as in a workshop. Chile added that it would be interested to collect information on the implementation of the Committee guidelines on regionalization contained in document G/SPS/48.

3.18. The Russian Federation, Brazil, Canada, Egypt and Japan registered their interest in the matter and looked forward to the European Union's paper and a potential informal discussion on the matter.

3.19. The OIE took the floor to welcome the European Union's suggestion and expressed its willingness to participate in the discussion.

3.20. The Chairperson concluded that there was support among Members to discuss regionalization at a July 2017 informal meeting, preceded by the circulation of a background paper by the European Union on the issue. Based on that document and inputs from other Members, the Secretariat would organize the informal meeting accordingly.

#### 4 NOTIFICATIONS RELATED TO ARTICLE 6

4.1. From April 2016 through March 2017, 125 notifications (23 regular and 102 emergency) related to Article 6. Five of those notifications (all regular) 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/ECU/183	Ecuador	The notified text lays down the mandatory phytosanitary requirements governing the importation into Ecuador from the Netherlands of the biological control agent <i>Amblydromalus limonicus</i> (Garman & McGregor) for marketing.
G/SPS/N/ECU/186	Ecuador	The notified text lays down the mandatory phytosanitary requirements governing the importation into Ecuador of lily ( <i>Lilium sp.</i> ) bulbs for planting from France.
G/SPS/N/MEX/303	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 ( <i>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</i> ), published in the Mexican Official Journal on 7 February 2012, the phytosanitary requirements governing the importation of cabbage seed for sowing, originating in Chile and



Document symbol	Notifying Member	Description of content
G/SPS/N/MEX/315	Mexico	<p>coming from the Netherlands, established on the basis of a pest risk analysis, have been submitted for comment. Imports of cabbage seed must be accompanied by a phytosanitary certificate, have been subjected to a phytosanitary treatment and meet certain requirements as regards packaging.</p> <p>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 (<i>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</i>), published in the Mexican Official Journal on 7 February 2012, the phytosanitary requirements for the importation into Mexico of fresh pears (<i>Pyrus communis L.</i>) for consumption originating in and coming from the Netherlands, established on the basis of a pest risk analysis, have been submitted for public comment. Imports of fresh pears must be accompanied by a phytosanitary certificate, have been subjected to a phytosanitary treatment and meet certain packaging requirements.</p>
G/SPS/N/ARE/71	United Arab Emirates	<p>Following the immediate notification published by the World Organization for Animal Health (OIE) on 2 April 2016 regarding Highly Pathogenic Avian Influenza Virus (HPAI) outbreak which occurred in Emilia-Romagna/Italy, United Arab Emirates is applying precautionary sanitary measures to prevent HPAIV risk from the importation of live birds and their products from Italy. These measures include:</p> <ol style="list-style-type: none"> <li>1. Temporary ban on the importation of domestic and wild birds and their untreated by-products, day-old chicks and hatching eggs originating from Italy;</li> <li>2. Temporary ban on poultry meat and table eggs and their untreated products from Emilia-Romagna province in Italy, except heat treated products.</li> </ol>

## 5 SPECIFIC TRADE CONCERNS AND REGIONALIZATION

5.1. Specific trade concerns (STCs) can be raised due to issues pertaining to regionalization. From April 2016 through March 2017, one STC that related to regionalization was raised for the first time.

**Table 5.1: New STCs Related to Regionalization (April 2016–March 2017)**

STC No	Title	Member raising the concern	Member maintaining the measure	Date first raised
420	EU non-recognition of regionalization for avian influenza	European Union	Russian Federation	22/03/2017

5.2. For the same period, five 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 (April 2016–March 2017)**

STC No	Title	Member raising the concern	Member maintaining the measure	Date first raised
193	General import restrictions due to BSE	United States of America, European Union	Certain Members	01/06/2004
392	China's import restrictions due to African swine fever	European Union	China	15/07/2015
393	Korea's import restrictions due to African swine fever	European Union	Korea, Republic of	15/07/2015
394	Costa Rica's suspension of the issuing of phytosanitary import certificates for avocados	Guatemala, Mexico	Costa Rica	15/07/2015
406	China's import restrictions due to Highly Pathogenic Avian Influenza	European Union, United States of America	China	16/03/2016

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

- Costa Rica's suspension of the issuing of phytosanitary import certificates for avocados (STC 394 raised by Mexico, July 2015). On 8 March 2017, Mexico requested consultations with Costa Rica (DS524).
- Indonesia's import restrictions on beef and recognition of the principle of regionalization (STC 305 raised by Brazil, October 2010). On 4 April 2016, Brazil requested consultations with Indonesia (DS506).
- India's restrictions due to avian influenza (STC 185 raised by the United States, March 2004). At its meeting on 19 June 2015, the DSB adopted the Appellate Body report and the panel report, as modified by the Appellate Body report (DS430). On 6 April 2017, India requested the establishment of a compliance panel. At its meeting on 19 April 2017, the DSB deferred the establishment of a compliance panel. At its meeting on 22 May 2017, the DSB agreed, pursuant to Article 21.5 of the DSU, to refer to the original panel, if possible.

Russia's measures on live pigs and pork products due to African swine fever (STC 369 raised by the European Union, March 2013). At its meeting on 21 March 2017, the DSB adopted the Appellate Body report and the panel report (DS475), as modified by the Appellate Body report.