

**DEVELOPMENT AND ADAPTATION OF SANITARY AND PHYTOSANITARY SYSTEMS  
IN DEVELOPING COUNTRIES FOR THE PURPOSE OF COMPLYING WITH  
COMMITMENTS UNDER THE AGREEMENT ON THE APPLICATION  
OF SANITARY AND PHYTOSANITARY MEASURES**

Statement by Guatemala at the Meeting of 10-11 November 1999

**Introduction**

The Agreement on the Application of Sanitary and Phytosanitary Measures, which is part of the Final Act of the Uruguay Round, sets compliance commitments that are binding on all Member countries of the WTO, particularly in the following areas: transparency, provision of information, harmonization, risk assessment and determination of the appropriate level of protection, inspection, assessment and control procedures.

The need to comply with these commitments has incited many countries to reform their sanitary and phytosanitary systems to a greater or lesser degree depending on the status and operation of the systems when the Agreement entered into force. For Guatemala, this process involved structural modification of public authorities, the development and implementation of new administrative structures, the enactment of new legislation and the development of abilities, new skills and a new attitude in institutions and enterprises; these are described in the following summary.

**Situation when the SPS Agreement entered into force**

Neither the structure nor the activities in Guatemala allowed it to meet the commitments upon entry into force of the Agreement. The problems identified can be summarized as follows:

1. Chronic crises in the quarantine and inspection systems, characterized by the supply of unsatisfactory services and the lack of a conceptual framework adapted to the new international trade order;
2. the relevant legislation was out of date;
3. partial participation by producers in sanitary and phytosanitary programmes;
4. lack of financial resources to cover the supply of services;
5. non-compliance with basic commitments under the WTO's SPS Agreement not subject to deferral in accordance with Article 14 (transparency and requests for information).

In accordance with the final provisions (Article 14 of the SPS Agreement), a delay of two years was fixed in order to carry out the programme to reorganize the system and comply with the commitments.

### **Action carried out**

The problems were dealt with in the following order:

1. Complete dismantling of the institutions responsible for plant and animal health and the establishment of a new authority (Plant and Animal Health Department of the Standards and Regulations Unit of the Ministry of Agriculture), which comprises three systems: protection system, inspection system, and input control system. The protection system includes the new Risk Analysis Office and the Permit Issuing Office, as well as the International Quarantine Service, whose operation and administration has been entrusted to the OIRSA (Regional International Agricultural Health Organization, which operates under the umbrella of the IPPC), while the State is responsible for issuing regulations and verifying the quality of the services, in accordance with Article 13 of the SPS Agreement.
2. A special department has been set up within the Standards and Regulations Unit to deal with food safety.
3. The testing laboratories of the Ministries of Agriculture and Public Health have been merged and strengthened in order to carry out activities in the three critical areas of sanitary and phytosanitary measures (plant health, animal health and food safety).
4. A combined office for users has been set up to collect administrative fees prior to supplying services so the system can be financially sustainable. In parallel with the merger referred to in paragraph 3 above, inspection, approval and control procedures have been improved.
5. Participation by producers in the system has been reinforced, extending the pre-inspection and certification projects for exports to plant health and food safety, in collaboration with trade associations, and a mixed commission has been set up (Ministry of Agriculture and the production sector as users of the services) so as to monitor the quality of the services supplied by the State and concessionaires.
6. A National Information Service on Sanitary and Phytosanitary Measures has been set up by the Ministry of Agriculture and a procedure established for the notification of emergency measures and measures that differ from international standards through the notification authority under the responsibility of the Ministry of the Economy.
7. A national *Codex Alimentarius* Committee has been set up. Guatemala has again become a full member of the International Office of Epizootics and takes part in the meetings of the International Plant Protection Convention.
8. A new Animal and Plant Health Law has been adopted (Legislative Decree No. 36-98), together with a new Health Code (Legislative Decree No. 90-97) and the Food Safety Department and the Risk Analysis Office have been formally established (Government Agreement No. 278-98).

### **Conclusion**

For developing countries, compliance with commitments under the Agreement on the Application of Sanitary and Phytosanitary Measures is not necessarily hindered by lack of financial resources, equipment or sophisticated infrastructures, but by the following factors, which are of relatively greater importance:

- Lack of understanding of the Agreement;
- absence of an operational framework for the authorities responsible for administering the Agreement;
- limited participation in competent bodies and in the WTO's SPS Committee.

Guatemala, November 1999.

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