



**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.

The report covers the period from 1 April 2019 until 31 March 2020,<sup>3</sup> based on information provided by Members through notifications and 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](#); and [section 5](#) lists the relevant specific trade concerns.

Within the context of the Fifth Review of the Operation and Implementation of the SPS Agreement, the Committee has also discussed several proposals on regionalization.<sup>4</sup>

---

<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](#).

<sup>3</sup> This current report includes the issues that were considered in the June and November 2019 SPS Committee meetings. This report would also normally include the issues discussed in the March 2020 SPS Committee meeting, however this meeting was cancelled. See document [JOB/SPS/5/Rev.1/Corr.1](#).

<sup>4</sup> Individual proposals on regionalization were initially submitted by Brazil ([G/SPS/W/301](#)), later replaced by [G/SPS/W/307](#), the European Union ([G/SPS/W/298](#)) and the United States ([G/SPS/W/303](#)). Subsequently, these three Members presented a joint paper containing a number of questions for Members, and for IPPC and OIE ([G/SPS/W/311](#)). Members ([G/SPS/W/311/Add.1/Rev.2](#)), IPPC ([G/SPS/W/311/Add.3](#)) and OIE ([G/SPS/W/311/Add.2](#) and [G/SPS/W/311/Add.2/Corr.1](#)) submitted comments/responses to the questions in the joint proposal. An overview of all of the proposals submitted under the Fifth Review are available in document [G/SPS/GEN/1625/Rev.5](#). In addition, information on the discussions under the Fifth Review are summarized in Part A of the draft Report of the Fifth Review ([G/SPS/W/313/Rev.2](#), see section 9 on regionalization).

---

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

### **1.1 July 2019 meeting ([G/SPS/R/95](#) and [G/SPS/R/95/Corr.1](#))**

#### **1.1.1 Russian Federation – Recovery of the OIE 'FMD-free zone without vaccination' status**

1.1. The Russian Federation reported that its "FMD free zone where vaccination is not practiced" status had been suspended on 30 September 2017 due to the immediate notification of a single FMD outbreak in the Republic of Bashkortostan. Based on the strict quarantine measures applied and the documentation submitted, the OIE Scientific Commission by Resolution No. 15 of the 83<sup>rd</sup> OIE General Session, concluded that the zone could regain its previous status as of 20 May 2019.

#### **1.1.2 Russian Federation - Self-declaration of the recovery of zone freedom from highly pathogenic avian influenza**

1.2. The Russian Federation updated Members that HPAI, observed in Eurasia since the end of 2016, and which had affected the Russian Federation, had been brought under control. Regionalization for this disease (high and low pathogenic AI separately) had been conducted on the territory in accordance with the provisions of Chapter 4.3 of the OIE Terrestrial Animal Health Code. These actions and further disease surveillance procedures allowed the Russian Federation to eradicate outbreaks and maintain a zone free from AI in all 85 Russian administrative regions. In April 2019, the Russian Federation's self-declaration of the recovery of zone free from HPAI was published on the OIE website. Further detailed information was available online on the WAHIS portal of the OIE.

### **1.2 November 2019 meeting ([G/SPS/R/97/Rev.1](#))**

#### **1.2.1 Mexico – OIE recognized self-declarations**

1.3. Mexico provided information on recent communications circulated to Members, including [G/SPS/GEN/1721](#) in relation to the self-declaration by Mexico as a pullorum disease- and fowl typhoid-free country in poultry; [G/SPS/GEN/1723](#) regarding the self-declaration by Mexico as a country historically free from glanders; [G/SPS/GEN/1724](#) on the self-declaration by Mexico as a country historically free from dourine; and [G/SPS/GEN/1725](#), concerning the self-declaration by Mexico as a country historically free from myiasis caused by new world screwworm (*Cochliomyia hominivorax*) and old-world screwworm (*Chrysomya bezziana*). Mexico indicated that the Ministry of Agriculture and Rural Development (SADER) through the National Agriculture and Food Health, Safety and Quality Service (SENASICA) was the entity in charge of the aforementioned self-declarations.

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

2.1. No Member reported on experiences in recognizing a pest- or disease-free area during the period covered by this report.

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

### **3.1 July 2019 meeting ([G/SPS/R/95](#) and [G/SPS/R/95/Corr.1](#))**

#### **3.1.1 Chile – Regionalization regarding quarantine for pests in Chile**

3.1. Chile referred Members to document [G/SPS/GEN/1716](#), which reported on its measures to establish criteria for regionalization for quarantine pests. The document was related to plant health and provided an up-to-date list of plagues, as advised by IPPC, as well as the risk analysis for products from certain areas. The document also included weblinks to further online information.

### 3.1.2 Peru – Improvement of national SPS procedures

3.2. Peru updated Members that its National Fisheries Health Services (SANIPES) had undergone the Evaluation of Performance of its Aquatic Animal Health Services (OIE PVS). Peru had received preliminary results of the report, which were being implemented to improve their fisheries health system.

### 3.2 November 2019 meeting ([G/SPS/R/97/Rev.1](#))

3.3. No Member reported on its experiences.

## 4 NOTIFICATIONS RELATED TO ARTICLE 6

4.1. From April 2019 through March 2020, 115 notifications (35 regular and 80 emergency) related to Article 6. Seventeen of those notifications (11 regular and 6 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](#)).

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

Document symbol	Notifying Member	Description of content															
<a href="#">G/SPS/N/ARG/234</a> (Regular notification)	Argentina	The notified text establishes phytosanitary requirements for the importation of pistachio ( <i>Pistacia atlantica</i> X <i>Pistacia integerrima</i> ) plants from Spain on the basis of a pest risk analysis.															
<a href="#">G/SPS/N/CHL/603</a> (Regular notification)	Chile	<p>The notified text amends Agriculture and Livestock Service Resolution 2.458 of 2013 establishing phytosanitary requirements for the importation into Chile of fresh stone fruit from the State of California in the United States of America, by:</p> <ul style="list-style-type: none"> <li>▪ removing the following sentence from point 2.1: "The consignment has undergone phytosanitary treatment for the control of <i>Drosophila suzukii</i> (Dip.: Drosophilidae)";</li> <li>▪ removing the following sentence from point 2.2 entitled "For fresh cherries": "The consignment has undergone phytosanitary treatment for the control of <i>Drosophila suzukii</i> (Dip.: Drosophilidae)";</li> <li>▪ replacing point 3 by "For fresh peaches, nectarines, Japanese plums, European plums, apricots and cherries, fumigation treatment using methyl bromide for <i>Epiphyas postvittana</i> (Lep.: Tortricidae) will be accepted, and must be carried out at the place of origin or the destination. The specifications regarding the treatment must be indicated in the corresponding section of the phytosanitary certificate:</li> </ul> <table border="1" data-bbox="762 1686 1380 1854"> <thead> <tr> <th>Temperature (°C)</th> <th>Dosage range (gr/m<sup>3</sup>)</th> <th>Exposure time (hr)</th> </tr> </thead> <tbody> <tr> <td>&gt; 22</td> <td>32</td> <td>2</td> </tr> <tr> <td>17-22</td> <td>40</td> <td>2</td> </tr> <tr> <td>12-17</td> <td>48</td> <td>2</td> </tr> <tr> <td>6-12</td> <td>64</td> <td>2</td> </tr> </tbody> </table> <p>Once the treatment has been completed, the shipment must remain protected at all times until it has been dispatched to Chile.</p>	Temperature (°C)	Dosage range (gr/m <sup>3</sup> )	Exposure time (hr)	> 22	32	2	17-22	40	2	12-17	48	2	6-12	64	2
Temperature (°C)	Dosage range (gr/m <sup>3</sup> )	Exposure time (hr)															
> 22	32	2															
17-22	40	2															
12-17	48	2															
6-12	64	2															

Document symbol	Notifying Member	Description of content
<a href="#">G/SPS/N/CHL/612</a> (Regular notification)	Chile	The notified Exempt Resolution establishes the phytosanitary requirements governing the importation into Chile of fresh table grapes ( <i>Vitis vinifera</i> ) from the state of California in the United States of America, removes <i>Drosophila suzukii</i> from the list of quarantine pests not found in Chile and repeals Resolution No. 1411/2001.
<a href="#">G/SPS/N/CRI/227</a> (Regular notification)	Costa Rica	The notified draft Resolution establishes phytosanitary requirements for the importation of potato ( <i>Solanum tuberosum</i> ) seeds for sowing originating in the Netherlands.
<a href="#">G/SPS/N/ECU/219</a> (Regular notification)	Ecuador	<p>The main objective of Resolution DAJ-20142BE-0201.0215 is to guarantee the animal health status of Ecuador with regard to Schmallenberg virus, through the establishment of specific animal health requirements for the importation of genetic material, semen, ova and embryos. In order to facilitate trade and improve the reproduction of animals for slaughter that are susceptible to this virus in Ecuador, the following amendments have been made to the regulations:</p> <p>Two paragraphs have been included in Article 3, which establishes that "in order to proceed with the importation of genetic material (semen and embryos) of bovine animals from countries affected by Schmallenberg virus disease, an additional sanitary certificate must be presented stating that:</p> <ul style="list-style-type: none"> <li>▪ Regarding semen from donors that showed positive serological results for Schmallenberg virus, each batch to be shipped shall be tested for the presence of the Schmallenberg virus genome using a RNA extraction method validated by means of a RT-qPCR system, in a laboratory approved by the competent authority, and must show negative results (attach results).</li> <li>▪ The semen used to obtain embryos for export must meet the requirements concerning Schmallenberg virus in accordance with paragraph a, b or c.</li> </ul>
<a href="#">G/SPS/N/KAZ/36</a> (Emergency notification)	Kazakhstan	On the basis of the official notification of the World Organisation for Animal Health, the Committee for Veterinary Control and Supervision of the Ministry of Agriculture of Kazakhstan reports outbreaks of Highly Pathogenic Avian Influenza (HPAI) registered in the Voronezh region, Russian Federation. In this regard, since 8 February 2019, temporary restrictions are imposed on the importation of live poultry and hatching eggs, down and feathers, poultry meat and all kinds of poultry products that have not undergone heat treatment (not less than 70°C), feed and feed additives for birds (except feed additives of chemical and microbiological synthesis), hunting trophies that have not undergone taxidermic treatment (feathered game), as well as used equipment for keeping, slaughter and cutting of birds.
<a href="#">G/SPS/N/KAZ/40</a> (Emergency notification)	Kazakhstan	On the basis of the World Organization for Animal Health, the Committee of Veterinary Control and Supervision of the Ministry of Agriculture of the Republic of Kazakhstan reports outbreaks of Newcastle disease registered in the territory of Saratov Oblast of the Russian Federation. In this regard, since 9 July 2019, temporary restrictions are imposed on the importation and transit through the territory of the Republic of Kazakhstan of live poultry and hatching eggs, down and feathers, poultry meat and all poultry products, which have not been heat treated (at least 70°C), fodder and feed additives for birds (with the exception of feed additives of

Document symbol	Notifying Member	Description of content
<a href="#">G/SPS/N/KAZ/41</a> (Emergency notification)	Kazakhstan	<p>chemical and microbiological synthesis), as well as used equipment for the maintenance, slaughter and cutting of birds.</p> <p>On the basis of the World Organization for Animal Health, the Committee of Veterinary Control and Supervision of the Ministry of agriculture of the Republic of Kazakhstan reports outbreaks of bovine spongiform encephalopathy in the State of Mato Grosso, Brazil. In this regard, since 9 July 2019, temporary restrictions are introduced on the import of breeding and commercial cattle susceptible to bovine spongiform encephalopathy, as well as beef, including end products, non-edible raw materials and products obtained from cattle susceptible to bovine spongiform encephalopathy, as well as used equipment for the maintenance, slaughter, feed and feed additives for food-producing animals.</p>
<a href="#">G/SPS/N/KAZ/45</a> (Emergency notification)	Kazakhstan	<p>On the basis of the World Organization for Animal Health, the Committee for Veterinary Control and Surveillance of the Ministry of Agriculture of the Republic of Kazakhstan reports outbreaks of sheep and goat pox in the Tverskaya and Voronezhskaya oblasts of the Russian Federation. In this regard, since 9 October 2019, temporary restrictions have been introduced:</p> <ol style="list-style-type: none"> <li>1. on the importation into Kazakhstan from the Tverskaya and Voronezhskaya oblasts of the Russian Federation of: live sheep, goats and other animals susceptible to sheep and goat pox; genetic material; products obtained from sheep and goats (meat, meat products, milk and dairy products, other raw materials and products obtained from slaughtering of sheep and goats (not undergone heat treatment sufficient to elimination of pathogenic microorganisms); used equipment for keeping, slaughtering and processing of sheep and goats; hunting trophies from susceptible animal species; feed and feed additives containing processed products of sheep and goats (not undergone heat treatment at temperature no less than 70 °C);</li> <li>2. on the transit through the territory of Kazakhstan of live sheep and goats originating from the Tverskaya and Voronezhskaya oblasts of the Russian Federation.</li> </ol>
<a href="#">G/SPS/N/KAZ/46</a> (Emergency notification)	Kazakhstan	<p>On the basis of the World Organization for Animal Health, the Committee for Veterinary Control and Surveillance of the Ministry of Agriculture of the Republic of Kazakhstan reports outbreaks of the Newcastle disease registered in the Zabaykalsky Krai of the Russian Federation. In this regard, since 18 October 2019, temporary restrictions have been introduced:</p> <ol style="list-style-type: none"> <li>1. on the importation into Kazakhstan of live birds and hatching eggs, down and feathers, poultry meat and all poultry products, that not heat treated to ensure destruction of the Newcastle disease virus (according to the provisions of Chapter 10.9 of the OIE terrestrial animal health Code), feed and feed additives for birds (except feed additives of chemical and microbiological synthesis), as well as used equipment for the maintenance, slaughter and cutting of birds from the Zabaykalsky Krai of the Russian Federation;</li> </ol>

Document symbol	Notifying Member	Description of content
		2. on the transit through the territory of Kazakhstan of live birds from the Zabaykalsky Krai of the Russian Federation.
<a href="#">G/SPS/N/KAZ/47</a> (Emergency notification)	Kazakhstan	On the basis of the World Organization for Animal Health, the Committee for Veterinary Control and Surveillance of the Ministry of Agriculture of the Republic of Kazakhstan reports outbreaks of anthrax in the Khotomel Village of the Stolinsky region of the Brest oblast of Belarus. In this regard, since 19 August 2019, temporary restrictions have been introduced on the importation into Kazakhstan from the Khotomel Village of the Stolinsky region of the Brest oblast of Belarus of food-producing animals and free-roaming animals, genetic materials, raw materials and products obtained from animals, horn-hoofed raw materials (horns, antlers, hooves), rawstock (hides of horses, deer and wild animals).
<a href="#">G/SPS/N/MEX/371</a> (Regular notification)	Mexico	Please be advised that, on the basis of a pest risk analysis, the Ministry of Agriculture and Rural Development established the proposed phytosanitary requirements for the importation into Mexico of tomato ( <i>Solanum lycopersicum</i> L.) seeds originating from Tanzania and coming from the Netherlands.
<a href="#">G/SPS/N/MEX/373</a> (Regular notification)	Mexico	Please be advised that, on the basis of a pest risk analysis, the Ministry of Agriculture and Rural Development established the proposed phytosanitary requirements governing the importation into Mexico of cucumber ( <i>Cucumis sativus</i> L.) seeds originating in Tanzania and coming from the Netherlands.
<a href="#">G/SPS/N/MEX/374</a> (Regular notification)	Mexico	Please be advised that, on the basis of a pest risk analysis, the Ministry of Agriculture and Rural Development established the proposed phytosanitary requirements governing the importation into Mexico of melon ( <i>Cucumis melo</i> L.) seeds originating in Tanzania and coming from the Netherlands.
<a href="#">G/SPS/N/MEX/376</a> (Regular notification)	Mexico	In accordance with the Agreement on the Application of Sanitary and Phytosanitary Measures, Mexico hereby advises that the Ministry of Agriculture and Rural Development and the National Agri-Food Health, Safety and Quality Service have established the result of the relevant pest risk analysis. <sup>5</sup>
<a href="#">G/SPS/N/MEX/378</a> (Regular notification)	Mexico	In accordance with the Agreement on the Application of Sanitary and Phytosanitary Measures, Mexico hereby advises that the Ministry of Agriculture and Rural Development and the National Agri-Food Health, Safety and Quality Service have established the result of the relevant pest risk analysis. <sup>6</sup>
<a href="#">G/SPS/N/MEX/379</a> (Regular notification)	Mexico	In accordance with the Agreement on the Application of Sanitary and Phytosanitary Measures, Mexico hereby advises that the Ministry of Agriculture and Rural Development and the National Agri-Food Health, Safety and Quality Service have established the result of the relevant pest risk analysis. <sup>7</sup>

<sup>5</sup> In the notification, Greece is indicated as the specific region/country likely to be affected and the products covered are cotton (*Gossypium hirsutum* L.) seeds.

<sup>6</sup> In the notification, the United Kingdom is indicated as the specific region/country likely to be affected and the product covered is wheat (*Triticum aestivum* L.) grain.

<sup>7</sup> In the notification, France is indicated as the specific region/country likely to be affected and the products covered are fresh apples (*Malus domestica*).

## 5 SPECIFIC TRADE CONCERNS AND REGIONALIZATION

5.1. Specific trade concerns (STCs) can be raised due to issues pertaining to regionalization. From April 2019 through March 2020,<sup>8</sup> four STCs that related to regionalization were raised for the first time ([Table 5.1](#)).

**Table 5.1: New STCs Related to Regionalization (April 2019–March 2020)**

STC No	Title	Member raising the concern	Member maintaining the measure	Date first raised (subsequently raised)
<a href="#">461</a>	Turkey's FMD-related import restrictions on live cattle	Argentina	Turkey	18 July 2019 (1 time)
<a href="#">463</a>	Ukraine's restrictions on swine products	Brazil	Ukraine	18 July 2019 (1 time)
<a href="#">464</a>	Japan's restrictions on avocado	Brazil	Japan	18 July 2019 (0 times)
<a href="#">466</a>	The Philippines' trade restrictions on imports of meat	European Union	Philippines	7 November 2019 (0 times)

5.2. For the same period, two previously raised STCs that related to regionalization were brought again to the attention of the Committee ([Table 5.2](#)).

**Table 5.2: Previously Raised STCs Related to Regionalization (April 2019–March 2020)**

STC No	Title	Member raising the concern	Member maintaining the measure	Date first raised (subsequently raised)
<a href="#">406</a>	China's import restrictions due to highly pathogenic avian influenza	European Union; United States of America	China	16 March 2016 (10 times)
<a href="#">431</a>	South Africa's import restrictions on poultry due to highly pathogenic avian influenza	European Union	South Africa	2 November 2019 (6 times)

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

- 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](#)). Thereafter, on 19 April 2016, the matter was referred to arbitration under Article 22.6 of the DSU. The arbitration panel was composed with the original panelists. On 6 April 2017, India requested the establishment of a compliance panel (Article 21.5). 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. The compliance panel was composed by the original panellists. The arbitration and compliance proceedings are currently ongoing.
- The Russian Federation'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. Thereafter, on 3 January 2018, the matter was referred to arbitration under Article 22.6 of the DSU. On 25 January 2018, the Russian Federation requested consultations under Article 21.5 (compliance proceedings) of the DSU, and on 2 February

<sup>8</sup> This current report only includes the STCs that were considered in the June and November 2019 SPS Committee meetings, as the March 2020 SPS Committee meeting was cancelled. See document [JOB/SPS/5/Rev.1/Corr.1](#).

2018, the European Union also requested consultations under Article 21.5 of the DSU. At its meeting on 29 October 2018, the DSB deferred the establishment of a compliance panel. At its meeting on 21 November 2018, the DSB agreed, pursuant to Article 21.5 of the DSU, to refer to the original panel, if possible. The compliance panel was composed by the original panellists. The compliance proceedings are currently ongoing.<sup>9</sup>

- Costa Rica's measures on fresh avocados due to avocado sunblotch viroid ([STC 394](#) raised by Mexico, July 2015). On 8 March 2017, Mexico requested consultations with Costa Rica. On 22 November 2018, Mexico requested the establishment of a panel. At its meeting on 4 December 2018, the DSB deferred the establishment of a panel. At its meeting on 18 December 2018, the DSB established a panel. Thereafter, the panel was composed on 16 May 2019. The panel proceedings are currently ongoing.

---

<sup>9</sup> Pursuant to a request from the European Union for the panel to suspend its proceedings in accordance with Article 12.12 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the panel informed the DSB of its decision of 28 January 2020 to suspend its work ([WT/DS475/24](#)).