

**COMMENTS ON ARTICLE 6 OF THE SPS AGREEMENT -
REGIONALIZATION**

Communication by Mexico

"Article 6. Adaptation to Regional Conditions, Including Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence

1. Members shall ensure that their sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary characteristics of the area - whether all of a country, part of a country, or all or parts of several countries - from which the product originated and to which the product is destined. In assessing the sanitary or phytosanitary characteristics of a region, Members shall take into account, *inter alia*, the level of prevalence of specific diseases or pests, the existence of eradication or control programmes, and appropriate criteria or guidelines which may be developed by the relevant international organizations.
2. Members shall, in particular, recognize the concepts of pest- or disease-free areas and areas of low pest or disease prevalence. Determination of such areas shall be based on factors such as geography, ecosystems, epidemiological surveillance, and the effectiveness of sanitary or phytosanitary controls.
3. Exporting Members claiming that areas within their territories are pest- or disease-free areas or areas of low pest or disease prevalence shall provide the necessary evidence thereof in order to objectively demonstrate to the importing Member that such areas are, and are likely to remain, pest- or disease-free areas or areas of low pest or disease prevalence, respectively. For this purpose, reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures."

COMMENTS:

1. Mexico shares Chile's view that the provisions of Article 6 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) are extremely important, in particular for exporting Members, and that they have been developed with reference to a number of guidelines issued by the Office international des épizooties (OIE) and the International Plant Protection Convention (IPPC).
2. We also agree that when many Members do achieve disease- or pest-free sanitary and phytosanitary status, with all the cost and effort which this entails, they find that the process of recognition under Article 6 is delayed, chiefly because importing Members do not, in most cases, give effect to the recognition granted by the international reference organizations and because the administrative procedures of importing Members are usually very complex and slow.
3. In addition to the points made by Chile, and in the light of its own experience, Mexico proposes, by way of an example and as a topic for discussion, the following procedures related to the recognition of disease-free areas (exclusively as regards animal health):

- (a) Members shall recognize disease-free areas or regions, in accordance with the provisions of Article 6 of the SPS Agreement;
 - (b) With a view to allowing products to be imported from areas or regions free from or with a low prevalence of a particular disease, Members shall base their measures on the standards, guidelines or recommendations of the relevant international organizations, and
 - (c) With regard to animal health, Members may agree upon the following procedures for expediting the process for recognizing disease-free areas or regions, which, in turn will, help to facilitate bilateral trade in agricultural products:
 - (i) The exporting Member shall submit to the importing Member a written request for the recognition of a disease-free area or region and forward a technical file substantiating its compliance with the requirements established in the relevant international standards in force at that time and including an official declaration of the area or region as disease-free;
 - (ii) The importing Member shall, within a maximum of two months, examine the technical file and either submit whatever comments it considers relevant or suggest a date for a visit to inspect the area or region in question. In the former case, the exporting Member shall reply to the comments of the importing Member and forward, where appropriate, an updated technical file to the latter, which will then suggest, within a period not exceeding one month, a date for the inspection visit;
 - (iii) The official expert(s) of the importing Member shall conduct the technical inspection visit in conjunction with the animal health authorities of the exporting Member. The importing Member shall then submit the corresponding report and a statement of the outcome of the assessment within a maximum of three months. Any further information required by the importing Member shall be analysed and processed within this same period;
 - (iv) The interested parties from the exporting Member shall be responsible for financing the inspection visit;
 - (v) The importing Member undertakes to amend its animal health regulations and to establish the conditions which must feature on the corresponding animal health certificates within a maximum of three months of a favourable report being issued in order to lift the restrictions relating to the disease from which the area or region is recognized as free, and
 - (vi) These procedures may be amended by mutual agreement between Members. A written record, stating the entry into force of the amended procedures, should be kept.
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