

REGIONALIZATION

Communication from Mexico

The following communication, received on 19 January 2006, is being circulated at the request of the delegation of Mexico.

1. Mexico welcomes the exchange of ideas and experiences on regionalization that has taken place in the WTO Committee on Sanitary and Phytosanitary Measures (SPS Committee). As it has done on previous occasions, Mexico wishes to continue taking an active part in this exercise and has therefore revised document G/SPS/GEN/440, circulated to the SPS Committee on 28 October 2003, in order to update the information it contains.

2. Mexico also reiterates the comments and proposals it put forward in communications G/SPS/GEN/388 of 1 May 2003 and G/SPS/W/166 of 27 October 2004, both relating to the implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

3. Mexico considers it most important that the regionalization issue should be analysed and discussed in the SPS Committee, and especially the role played by the relevant international organizations and their subsidiary bodies, in particular the Codex Alimentarius Commission, the World Organization for Animal Health and the international and regional organizations operating within the framework of the International Plant Protection Convention. Mexico believes that this discussion should be foremost on the agenda of the SPS Committee and that its key objective should be to avoid duplication of functions and efforts between these organizations and the SPS Committee and to improve the application and implementation of Article 6 of the SPS Agreement.

4. With the broadening and deepening of international trade, recognition of disease-free or low-prevalence areas is becoming increasingly important in ensuring the free flow of goods. Nevertheless, there are still marked differences between Members regarding the interpretation and implementation of the standards and guidelines of the relevant international organizations, which derives from the right to determine the level of sanitary or phytosanitary protection guaranteed under Article 3 of the SPS Agreement.

5. Although as a general rule countries apply most of the standards, guidelines and recommendations of the relevant international organizations, this has not always led to a harmonization of standards among Members or immediate recognition of compliance with standards in the case of imports. In other words, even though Members recognize and apply the instruments developed by the international organizations competent in the field of regionalization, this does not necessarily imply immediate acceptance of an area's status as disease-free or of low disease prevalence; the reason is that Members usually apply their own internal procedures for the purpose,

which is consistent with the provisions of Articles 3 and 6 of the SPS Agreement, despite the undue delays and the absence of legal certainty this entails.

Proposals:

6. Mexico believes that the SPS Committee should discuss the question of how to improve the application and implementation of Article 6 of the SPS Agreement, the role played by the relevant international organizations with regard to this provision and the way in which they can contribute to raising the levels of trust, transparency and certainty in the process of applying the regionalization principle.

7. Irrespective of the above, Mexico considers that the SPS Committee should remind Members of how important it is for them to harmonize, without prejudice to the provisions of Article 3 of the SPS Agreement, their sanitary and phytosanitary measures with respect to the standards, guidelines and recommendations set by the relevant international organizations for the recognition of pest- or disease-free areas or areas of low pest or disease prevalence.

8. The Committee therefore needs to invite the relevant international organizations to step up their efforts to prepare or update standards, guidelines or recommendations on regionalization and to inform the SPS Committee of developments in this regard.

9. Lastly, it is necessary to define what role the SPS Committee should play in regionalization matters, considering that, on the basis of Articles 3 and 6 of the SPS Agreement, Members are entitled to depart from the standards, guidelines and recommendations of the relevant international organizations and apply their own requirements for recognizing an area's free or low prevalence status.
