

IMPLEMENTATION OF ARTICLE 6 OF THE SPS AGREEMENT

Experience in Establishing and Maintaining "Pest-Free Areas"

Communication from Egypt

The following communication, received on 26 January 2006, is being circulated at the request of the Delegation of Egypt.

1. Adaptation of sanitary or phytosanitary measures to regional conditions is of key importance and potential benefit to both importing and exporting countries. Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) encourages Members to ensure that sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary conditions of the area from which a consignment originates and for which it is destined.
2. Egypt has taken part in the discussions on the implementation of Article 6 as it has been an agenda item of the SPS Committee at every meeting since the Twenty Sixth Session in April 2003, and has also been the subject of informal meetings at each session.
3. Also, like other Members, Egypt participates actively in the work of the relevant international organizations such as the World Organization for Animal Health (OIE) and the International Plant Protection Convention (IPPC).
4. Egypt has presented the following information based on its experience in establishing and maintaining "pest-free areas" (PFAs) with the view to determine difficulties and problems on the application of Article 6 and to build on other countries' experiences to formulate clearer guidelines for the effective application of this Article.

EGYPT 'S EXPERIENCE IN THE IMPLEMENTATION OF ARTICLE 6

A. PROBLEM ORIGIN AND EARLY DEVELOPMENTS

5. Egypt's experience with PFAs began in 1996 when Egypt faced a ban on all Egyptian exports of potatoes into a certain Member's territory. The importing Member cited the presence of "brown rot" in Egyptian potatoes as the reason for the ban. By 1998, the importing Member decided to ban potatoes from Egypt except if they originated from areas known as PFAs (which are completely free of the disease) and to re-impose the ban, even on potatoes from PFAs, when more than five cases of brown rot were found.

B. STEPS TAKEN BY THE EGYPTIAN GOVERNMENT TO CONTROL BROWN ROT

6. The Egyptian Government has taken various steps to control brown rot, the most important step was the establishment of the Potato Brown Rot Project (PBRB). Through that project, Egypt has been receiving technical and financial assistance from the importing Member for:

- Establishing and equipping laboratories for diagnosing the disease;
- Establishing PFAs under very restricted conditions according to the FAO rules;
- Technology transfer from the importing Member to the Egyptian staff through M.S c. & Ph.D studies and training courses in the importing Member country and short visits from the importing Member experts;
- Establishing traceability and reporting systems based on brown rot findings and problems;
- Extensive studies of the disease epidemiology and survival in Egyptian water, soil and weeds;
- Developing good extension packages for controlling and managing the disease.

7. Egypt establishes PFAs according to WTO, IPPC, and FAO specifications. Egypt has responded to additional requirements of the importing Member, including new areas, farming in pivot rather than basins, irrigation using spray or dripping rather than flooding, chemical rather than organic fertilizer. Accordingly, Egypt established several areas in most Egyptian provinces that met these requirements, especially in Nubaria, Ismailia, and Sharkia. These areas were depicted in detailed maps showing location, borders, and comprehensive information about each area, including bodies of water, names of villages, farms, etc. Each area was given a distinct code number to make the follow-up and surveying easier and to make tracing to problem areas faster.

8. These maps include explanatory text, code name, surface area, area history, soil type, irrigation type, borders, number of farmers, historical diseases, phytosanitary tests conducted on the soil, water, or weeds; products exported from the area; and other information that provides a full picture of each area.

9. On an annual basis, Egypt prepares the following documents:

- List of eligible exporters;
- List of packaging locations that are qualified to package potatoes;
- New files about PFAs in Egypt to be authorized by the importing Members for the subsequent export season.

10. Therefore, the production, preparation, and export of disease-free potatoes from Egypt to the importing Member fulfilled the following conditions:

- Use of certified disease-free potato seeds;
- Farming in certified disease-free areas;
- Testing and preparation in certified locations;
- Testing and examination in accredited labs;
- Exporting by certified exporters.

Finally, the foregoing was guided by detailed and certified procedures and legislation.

C. MONITORING AND MAINTENANCE OF THE PFAS

11. Monitoring PFAs took place using the following procedures:

- Periodic testing of **soil, weeds**, and water to ensure that those areas are free from brown rot disease;
- Applying a suitable **crop rotation**;
- **Avoiding entry** and farming of any crops related to that disease;
- **Avoiding entry** of any machines, inputs, organic fertilizer, soil, or any other products from unknown and unsafe areas;
- Purification and cleaning of **all machines** and inputs before using them in these areas;
- Conducting all farming procedures, land testing, cultivating, and transport to refrigerators or to packaging locations under complete **supervision of the PFA Committee**;
- Testing a sample of all exported shipments to the importing Member using the IF-test to make sure that they are free from any disease;
- Updating the PFA list annually by adding new areas, changing the status of existing ones, or excluding infected areas;
- Constantly monitoring **infected areas** by applying **contingency Plan** procedures. Those consist of putting the infected areas under close scrutiny for 3-5 years, whereby planting any crop from the potato family is prohibited, and regular testing of soil, water and weeds is conducted until the area is certified pest free;
- Applying **traceability and investigation** procedures in case of an infected shipment to find its source and cause of infection and to take necessary actions to prevent recurrence;
- Studying the different **sources of infection**, including farm, factory, or human waste to understand and avoid their effects on agriculture areas.

D. PROBLEMS AND LESSONS LEARNED

12. Although the establishment and monitoring of PFAs is governed by standards formulated by international organizations and agreements, Egypt is facing restrictive requirements imposed by the importing Member that go beyond those standards. These additional restrictions, which represent serious constraints and obstacles to Egypt's exports of potatoes, include among other things:

- Undue delays in the discussion and certification of Egypt's annual market access requests until after the farming season has passed;
- Absence of a scientific basis for measures imposed by the importing Member, such as:
 - Ban on all Egyptian exports of potatoes, including those exported from PFAs, where more than **five confirmed** cases of infection were found in a single season;
 - Giving preference to potatoes harvested in new sandy areas to ones harvested in old clay areas;

- Giving preference to potatoes harvested in pivots (150 Fadden) = (63 hectares) and large basins to ones harvested in smaller areas;
 - Giving preference to major rather than small producers;
 - Giving preference to areas that are irrigated using spraying or dripping to areas that use flooding;
 - Giving preference to areas that are irrigated using subterranean rather than surface water;
 - Giving preference to areas using chemical rather than organic fertilizer.
- The importing Member, to Egypt's knowledge, has not applied similar measures on the exports of other countries that suffer from the same disease.

13. In general Egypt believes that any importing Member should abide by the following with regards to PFAs:

- Any imposed measures must have a scientific basis and be proportional to the expected injury that could result from the disease;
 - Non- discrimination between different parties in applying these measures;
 - Particular conditions in developing countries should be taken into account so as not to harm vulnerable sectors of the population;
 - Measures taken by exporting countries should be recognized and accepted where they produce a sufficient degree of control and protection;
 - The importance of the importing countries adhering to international standards in approving Pest Free Areas in the territories of the exporting countries.
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