

Committee on Sanitary and Phytosanitary Measures

**ISSUES IN THE APPLICATION OF ARTICLE 6 OF THE AGREEMENT ON THE
APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES**

BACKGROUND DOCUMENT

Note by the Secretariat¹

Revision

I. INTRODUCTION

1. The Committee on Sanitary and Phytosanitary Measures (the SPS Committee) initiated substantive discussion of problems linked with the implementation of the provisions for recognition of pest- and disease-free areas at the June 2003 SPS Committee Meeting and held informal meetings on the issue in 2003, 2004, 2005 and 2006.²

2. Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) states that :

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

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

² See in particular meeting reports: October 2003 (G/SPS/R/31, paras 90-103); March 2004 (G/SPS/R/33, paras 108-119); June 2004 (G/SPS/R/34, paras 83-97); October 2004 (G/SPS/R/35, paras 120-137); March 2005 (G/SPS/R/36, paras 115-136); June 2005 (G/SPS/R/37, paras 98-114); February 2006 (G/SPS/R/38 and Corr.1 and G/SPS/R/39 and Corr.1, paras 121-146), March 2006 (G/SPS/R/40, paras 72-78 and June 2006 (to be circulated as G/SPS/R/42).

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.

3. Committee discussions have focused on two aspects of regionalization: the establishment of pest- or disease-free areas by exporters and the recognition of the pest- or disease-free status by importing Members, although some Members have recalled that Article 6 also addresses areas of low pest- or disease- prevalence. Members have submitted papers summarizing their experiences, and proposals for the work programme of the SPS Committee. The IPPC and the OIE have also submitted documents summarizing their activities which provide guidance for Members seeking to establish, or to be recognized for pest- or disease-free status.³

4. Within the context of the Committee's work in this area, there are indications that application of this concept poses difficulties to Members. Numerous issues raised as specific trade concerns within the SPS Committee relate to the process of recognition of pest- or disease-free status.⁴ Furthermore, in the course of Committee discussions Members have specifically highlighted difficulties in obtaining prompt recognition of their pest- or disease-free status by importing Members. Other Members have stressed the need for confidence in their trading partners' health status and provision of accurate information in their evaluation of requests for recognition of free status.

5. The resolution of these challenges could involve consideration of the relationship between the work of the SPS Committee and the work of the international standards setting organizations (ISSBs). Members have noted the competent work of the ISSBs and stressed the need to avoid duplication of efforts in addressing this issue, as well as the need to consider expedited recognition procedures in cases where the ISSBs have already recognized free status.

6. In the January 2006 meeting of the SPS Committee, some Members requested that the Secretariat prepare a background document on the implementation of Article 6 of the SPS Agreement to further the discussions on this issue. This background document begins by summarizing Members' experiences in the implementation of regionalization. Next the document highlights the work of the IPPC and OIE in this area. The final section provides a synthesis of Members' proposals concerning administrative steps for implementing the concept of regionalization. The original version of the paper was discussed at the March and June 2006 meetings of the SPS Committee and has been revised to take into account comments received from Members.

II. MEMBERS' EXPERIENCES

7. In documents dating back to 1998, Members have provided descriptions of their experiences related to the implementation of Article 6 of the SPS Agreement. Members have highlighted the fact that the requirements for implementing the concept of regionalization differ across importing and exporting Members. Factors which influence an importing Member's acceptance of trading partner's pest- or disease-free areas include tangible and intangible characteristics of the exporting Members' regulatory system which can either generate or erode importing Members' trust. Four areas in particular have been highlighted in the context of Committee discussions: (a) the recognition of regions by international standards-setting bodies and by Members; (b) procedures and guidelines for the implementation of recognition of the concept of regionalization; (c) predictability (or undue delays) and (d) transparency.

³ A compendium of these documents can be found in document G/SPS/GEN/636/Rev.1.

⁴ See G/SPS/GEN/204/Rev.6 and addenda.

A. RECOGNITION (INTERNATIONAL AND BILATERAL)

8. The guidance from the OIE and IPPC is helpful for exporting Members seeking to establish and maintain disease- or pest-free areas in a manner that will give importing Members the assurances they seek.⁵ However, recognition by the OIE as having achieved free status in particular diseases does not necessarily enhance the ability of WTO Members to gain bilateral recognition.⁶ Some Members note that the procedures or information required for verification by the OIE do not fully meet their concerns.⁷ Alternatively, Members note that lack of transparency in the process of international recognition makes it difficult to determine if the requirements for bilateral recognition may in fact be met during the existing process of international recognition. Other Members emphasize the difficulty of investing adequate resources to meet requirements of both the OIE and importing Members, which may be different. All Members recognize that the ultimate decision to recognize regionalization remains with the importing Member and depends, *inter alia*, on the trust in the competent authority of the exporting Member.⁸

B. PROCEDURES AND GUIDELINES

9. Members' experiences indicate that many difficulties in achieving recognition of pest- or disease-free areas are associated with procedures, including the challenge of adjusting to the procedures of different trading partners, as well as delays in the recognition process.⁹ All agree that recognition of an area as free from certain pests or diseases can generate economic benefits, but how much benefit depends in part on the effectiveness and length of the recognition process.¹⁰ Substantial investments may be required to achieve and maintain this status.¹¹ Committing to these investments is difficult when the subsequent recognition of freedom by trading partners is unpredictable.¹² At the same time, trust established through repeated interactions between trading partners facilitates decisions to recognize free status.

1. Eradication¹³

10. Eradication procedures for a specific animal disease often follow relevant provisions of the OIE's Terrestrial Code concerning the declaration of free status. Eradication programmes for animal diseases may include some or all of the following components: emergency vaccination campaigns, outreach programmes to educate the general public, epidemiological surveillance and reporting systems, strengthening of biosecurity measures at the farm level, disinfection of meat packaging facilities, contingency plans for outbreaks, imposition of official movement controls and the depopulation of farms.

11. The IPPC does not now provide specific guidance for most pests, but it has developed the more general ISPM 9 "Guidelines for pest eradication programmes". Eradication programmes for plant pests may include activities such as disinfection of equipment and facilities; chemical or

⁵ United States (G/SPS/GEN/477); EC (G/SPS/W/190); Grenada (G/SPS/W/194).

⁶ See for example Argentina (G/SPS/GEN/269/Rev.1); Brazil (G/SPS/GEN/584); Peru (G/SPS/GEN/607); Chile (G/SPS/GEN/610).

⁷ Japan (G/SPS/W/192).

⁸ European Communities (G/SPS/W/190); Grenada (G/SPS/W/194).

⁹ Chile (G/SPS/GEN/610).

¹⁰ Peru (G/SPS/GEN/417 and G/SPS/GEN/418).

¹¹ Peru (G/SPS/GEN/607); Colombia (G/SPS/GEN/612).

¹² Egypt (G/SPS/W/193); Grenada (G/SPS/W/194).

¹³ Australia (G/SPS/W/191); Argentina (G/SPS/GEN/315); Chile (G/SPS/GEN/81 and G/SPS/GEN/610); Chinese Taipei (G/SPS/GEN/402 and G/SPS/GEN/419); Costa Rica (G/SPS/GEN/527); European Communities (G/SPS/GEN/461); Peru (G/SPS/GEN/531).

biological pesticide treatment; restriction of cropping; trapping lures or other physical control methods; destruction of host plants; disinfestations; and communication.

2. Control and emergency preparedness¹⁴

12. Emergency preparedness enhances the ability to rapidly contain a disease or pest. Rapid containment with strict controls on trade and movement of animals and/or plants and host plants can allow the policy of regionalization to continue throughout the course of an outbreak. Contingency plans for outbreaks may include containment procedures such as reinforcement of quarantine protection along country borders, control on movement of animals and/or plants and host plants, the potential for emergency vaccination, and epidemiological surveys. Similar approaches to contingency planning that anticipate the likely introduction of particular pests or diseases may be particularly useful in enhancing the preparedness of groups that may need to cooperate in future eradication programmes. Systematic and permanent follow-up programmes engender trust in the importing Member.

3. Surveillance and maintenance

13. Surveillance systems may include both active surveillance, in which sampling of populations is conducted, and passive surveillance, in which reports of ill animals trigger investigations.¹⁵ Monitoring and surveillance strategies related to both animal and plant health activities often include testing of products from markets and farms, and may actively involve farmers.¹⁶ For regionalization related to plant health, trapping can contribute to the efficient detection of the presence of pests in particular regions.¹⁷ Flexible surveillance activities in the case of animal health can be important for detecting viral activity and quantifying the level of immunity provided by a vaccine.¹⁸

4. Public-private cooperation

14. Effective regionalization could be enhanced through the involvement of producers, the processing industry, related professions and representatives of the public sector concerned in implementation and training related to achieving free status.¹⁹ In relation to animal health, one approach to strengthening private sector participation in public sector animal health plans would be through accreditation of veterinarians specializing in specific animal health areas.²⁰ One component of managing and reducing the risks posed by exotic pests and diseases can be to develop close industry and government partnerships, including through the development of cost sharing agreements for some issues and review (or development) of industry-specific biosecurity plans. These preemptive planning processes can improve the capacity to maintain domestic and international trade, negotiate access to new overseas markets and reduce the social and economic costs of disease and pest incursions on both producers and the wider community.²¹

C. PREDICTABILITY/TIME

15. As noted above, the lack of predictability in recognition of regionalization by trading partners makes it difficult to commit to the significant medium and long-term investments necessary to

¹⁴ Australia (G/SPS/W/191); Chinese Taipei (G/SPS/GEN/419); European Communities (G/SPS/GEN/461); Honduras (G/SPS/GEN/362); Peru (G/SPS/GEN/531).

¹⁵ Republic of Korea (G/SPS/GEN/348).

¹⁶ Chinese Taipei (G/SPS/GEN/419); Peru (G/SPS/GEN/417 and G/SPS/GEN/418).

¹⁷ Mexico (G/SPS/GEN/440/Rev.1).

¹⁸ Argentina (G/SPS/GEN/323 and G/SPS/GEN/377); Nicaragua (G/SPS/GEN/575).

¹⁹ Paraguay (G/SPS/GEN/413 and G/SPS/GEN/454).

²⁰ Peru (G/SPS/GEN/446).

²¹ Australia (G/SPS/W/191).

achieve free status.²² Furthermore, variations in the timing, requirements and procedures required by trading partners make the application of Article 6 inefficient from the perspective of an exporting Member.²³ Since regionalization depends on the pest and/or disease status of both the exporting and the importing area, familiarity with the importing Member's pest/disease status and with its relevant health service may help reduce unpredictability.

16. Importing Members may have difficulty handling requests for recognition due to high numbers of requests, lack of familiarity with the pest/disease status of the exporting Member, resource constraints and lack of training for adequate analysis. Assessment of requests for recognition of pest- or disease-free areas (or areas of low prevalence) is usually part of a broader import risk assessment addressing a range of pests and/or diseases. Time taken to complete certain steps in the assessment process may vary on a case-by-case basis, depending on the complexity and technical aspects of the situation being evaluated and on the quality of the data provided by the exporting Member.²⁴

D. TRANSPARENCY²⁵

17. Throughout the recognition process, transparency is of central importance. An exporting Member needs to have a transparent system to gain the trust of the importing Member, while the importing Member's transparency regarding requirements and procedures can facilitate the recognition process.

18. Some Members have suggested that Members periodically provide the SPS Committee with information on their experience in developing, applying, and implementing measures that are adapted to regional conditions, or that they briefly inform the Committee when they have concluded the recognition of the pest- or disease status of a particular area. Others have proposed a procedure similar to that used for notifying recognition of equivalence, including a form for the notification of the recognition of pest- and disease-free areas, which in principle could be submitted by an exporting or an importing Member. Provision of detailed information by importing Members to the Committee regarding their questionnaires and evaluation criteria could also enhance transparency and promote predictability. Alternatively, Members could publish such detailed information on a website, including information on the status of individual recognition processes.

III. WORK OF THE INTERNATIONAL STANDARDS-SETTING ORGANIZATIONS

19. The IPPC and the OIE have provided regular updates on their activities in this area. Both organizations have been responsive to requests from the SPS Committee for technical guidance on this subject.

A. IPPC

20. The IPPC currently has three standards addressing regionalization: ISPM 4 on requirements for the establishment of pest-free areas; ISPM 10 on the establishment of pest-free places of production and production sites; and ISPM 22 on requirements for the establishment of areas of low pest prevalence. In addition, the IPPC has a number of supporting standards, such as ISPM 6 "Guidelines for surveillance", ISPM 8 "Determination of pest status in an area", and ISPM 9 "Guidelines for pest eradication programmes".

²² Peru (G/SPS/GEN/607).

²³ Argentina (G/SPS/GEN606); New Zealand (G/SPS/W/151).

²⁴ Australia (G/SPS/W/191); Korea (G/SPS/W/195); Japan (G/SPS/W/192); Chinese Taipei (G/SPS/W/205).

²⁵ See Argentina, Brazil, Colombia, Ecuador, Paraguay and Uruguay (G/SPS/W/189); Brazil (G/SPS/W/185); Canada (G/SPS/W/145); Chile (G/SPS/W/144 and 181); European Communities (G/SPS/W/190).

21. At the seventh Interim Commission on Phytosanitary Measures (ICPM) in April 2005, agreement was reached to urgently develop a concept standard on "Guidelines for the recognition of the establishment of pest free areas and areas of low pest prevalence". In October 2005, an Expert Working Group produced a draft standard "Guidelines for the recognition of the establishment of pest free areas and areas of low pest prevalence", which included a recommended procedure for recognition.²⁶ This procedure included the following series of steps:

- submission of a request by the National Plant Protection Organization (NPPO) of the exporting contracting party (CP) for recognition, together with relevant information on the area of concern;
- acknowledgement from the NPPO of the importing CP and identification of major omissions in the information supplied; description of the recognition process to be used by the NPPO of the importing CP, ideally with a provisional timetable;
- assessment of the technical information and, if necessary, requests for further information or site visits to verify pest status;
- communication of the result of the assessment to the NPPO of the exporting CP; and
- official recognition by the importing CP, if successful.

The CPM Standards Committee considered the draft ISPM in May 2006 and agreed to send it out for country consultation.²⁷ Adoption may be possible at the CPM meeting in 2007.

22. The CPM also adopted terms of reference for a feasibility study on the international recognition of pest free areas, which would take into account legal, technical and economic factors and assess the feasibility and sustainability of such system. Due to the scarcity of available information on existing pest-free areas and taking into account the financial situation of the IPPC, the CPM agreed that during 2006 the IPPC secretariat would collect data for presentation at the CPM meeting in 2007. The CPM will then decide how to proceed.²⁸

B. OIE

23. The OIE has a mandate to examine, upon request from a member country, its claims for a particular status with regard to four of the OIE listed diseases: foot and mouth disease, rinderpest, contagious bovine pleuropneumonia and bovine spongiform encephalopathy.²⁹

24. The OIE Terrestrial Animal Health Code describes the requirements for obtaining disease-free status for a country, zone or compartment, including requirements for surveillance and timeframes based on the characteristics of the disease. At the 74th General Session of the OIE in May 2006, member countries of the OIE made minor revisions to the chapter of the Terrestrial Animal Health Code on zoning and compartmentalization. This chapter includes procedures for implementing zoning and compartmentalization and a description of the process for trading partners to follow in achieving recognition of the health status of animal subpopulations.³⁰ For zoning, the recommended steps are as follows:

²⁶ G/SPS/GEN/626.

²⁷ G/SPS/GEN/707.

²⁸ Annex 1 of document G/SPS/GEN/707 contains the terms of reference for the feasibility study, to be reviewed at the CPM meeting in 2007.

²⁹ Details of the OIE's evaluation and approval procedure are available in G/SPS/GEN/542 and Add.1.

³⁰ See G/SPS/GEN/552 for text of the standard as adopted in 2005. The most current revised version is available from the OIE website www.oie.int.

- the exporting country identifies a geographical area within its territory which it considers to contain an animal subpopulation with a distinct health status with respect to a specific disease, based on surveillance and monitoring;
- the exporting country identifies the procedures which are being, or could be, employed to distinguish such an area epidemiologically from other parts of its territory, in accordance with the measures stipulated in the Terrestrial Code;
- the exporting country provides the information above to the importing country, and explains that the area can be treated as an epidemiologically separated zone for international trade purposes;
- the importing country determines whether it may accept such an area as a zone for the importation of animals and animal products, taking into account:
 - an evaluation of the exporting country's Veterinary Services;
 - the result of a risk assessment based on the information provided by the exporting country and its own research;
 - its own animal health situation with respect to the disease(s) concerned; and
 - other relevant OIE standards;
- the importing country notifies the exporting country of the result of its determination and the underlying reasons, within a reasonable period of time, being either:
 - recognition of the zone;
 - request for further information; or
 - rejection of the area as a zone for international trade purposes;
- an attempt should be made to resolve any differences of opinion over the definition of the zone, either in the interim or finally, by using an agreed mechanism to reach consensus (such as the OIE dispute settlement mechanism);
- the importing country and the exporting country may enter into a formal agreement defining the zone.

25. The OIE has published a concept paper on compartmentalization.³¹ This concept paper includes description of seven factors for the evaluation and recognition of a compartment, as well as a section on the recommended sequence of steps to be taken in defining a compartment, which are similar to those steps identified for zoning. This paper will be examined by the Terrestrial Code Commission in October 2006 to evaluate whether there are aspects that could be used to improve the current Code chapter on zoning and compartmentalization.

26. The OIE notes that the application of zoning and compartmentalization is not mandatory, and should only be used when appropriate, taking into account the epidemiology of the disease and the particular factors characterizing each situation. These particular factors may include environmental factors, the level of surveillance for the disease, the quality of veterinary services or other competent authorities, and the ability to apply appropriate biosecurity measures. The OIE is planning to publish a disease-specific practical guide for the application of compartmentalization using avian influenza in poultry as an example.

³¹ A provisional draft of the concept paper is contained in document G/SPS/GEN/625. The final paper has been published in OIE Bulletin 2006-2 and is available from the OIE website.

IV. TYPICAL STEPS FOR ADMINISTRATIVE PROCEDURES FOR RECOGNITION: SUMMARY OF PROPOSALS³²

27. As previously noted, a number of Members have submitted proposals regarding the administrative process for recognizing pest or disease freedom. Although these proposals vary in a number of respects, there are some common or recurrent elements. This section of the paper identifies these common elements.

28. A few Members have indicated that they consider the guidance from the OIE and the IPPC described in Section III above to be sufficient and that they wish to avoid duplication in the work of the SPS Committee and that of the international standard-setting organizations.³³

29. The administrative process for achieving bilateral recognition typically commences by an exporting Member deciding to seek recognition of a pest- or disease-free area. This may occur in situations where a pest or disease has never been found in the area and the Member considers that formal recognition of its pest- or disease-free status would be beneficial. Alternatively, the decision to seek recognition of pest or disease freedom may follow successful efforts to eradicate the pest or disease in question. Where applicable, a Member may seek recognition of the pest or disease status of an area by the competent international organization, although this is not a precondition for bilateral recognition (see step J for discussion of expedited procedure). The steps below address the bilateral process of recognition of a pest- or disease-free area or of an area of low pest or disease prevalence.³⁴ For the importing Member, recognition of regional conditions is usually one part of the overall process of establishing a sanitary or phytosanitary measure. Beginning the recognition process with a bilateral discussion of the procedure to be followed, specifying the documentation required and indicative timeframes for administrative steps, can enhance predictability and help to avoid undue delays. The guidance prepared by the OIE and IPPC can provide a useful basis for this discussion.

30. The bilateral procedures followed may or may not be formally established by the importing Member. It has been suggested that bilateral agreement on the procedures to be followed, through, for example, an exchange of letters or memorandum of understanding, could help make the procedure more transparent and predictable.

31. Some Members have also suggested that the identification of expected or maximum time periods for the various steps of the recognition procedure would be useful to ensure its predictability. These could be established bilaterally on a case-by-case basis or across-the-board to provide more general administrative guidance.

32. Finally, the need for discussion and coordination between officials responsible for trade policy matters and the technical animal and plant health experts in both the importing and the exporting Member has been highlighted.

³² See in particular Argentina (G/SPS/GEN/606); Brazil (G/SPS/W/185); Chile (G/SPS/W/129, G/SPS/W/140/Rev.2 and G/SPS/W/144); Colombia (G/SPS/GEN/611); Mexico (G/SPS/GEN/388); Peru (G/SPS/W/148). The following Members have provided comments on the initial version of this section of the document: Argentina, Brazil, Colombia, Ecuador, Paraguay and Uruguay (G/SPS/W/189); Australia (G/SPS/W/191 and Add.1); Egypt (G/SPS/W/193); European Communities (G/SPS/W/190); Grenada (G/SPS/W/194); Japan (G/SPS/W/192); Korea (G/SPS/W/195); Chinese Taipei (G/SPS/W/205); United States (G/SPS/W/199).

³³ For a comparison of the steps contained in G/SPS/GEN/640 and in the relevant OIE and IPPC standards, see New Zealand's document G/SPS/GEN/698/Rev.1.

³⁴ Article 6 refers both to pest- or disease-free areas and to areas of low pest or disease prevalence. Although some or all of the steps described in this section may be applicable to the recognition of areas of low pest or disease prevalence, the focus of the Committee's discussions has been on recognition of pest- or disease-free areas.

A. EXPORTING MEMBER REQUESTS INFORMATION ABOUT PROCEDURES AND/OR BILATERAL RECOGNITION

33. The exporting Member requests information about the importing Member's requirements and procedures. An exporting Member may either request information about an importing Member's requirements prior to formally requesting recognition of its pest- or disease-free area, or at the time it initiates the bilateral process of recognition. In this latter case, the exporting Member would at the same time communicate its pest or disease status to relevant trading partners along with its formal request for recognition of this status. This request for the recognition of a pest- or disease-free area or an area of low pest or disease prevalence may be accompanied by science-based and technical information to support the exporting Member's objective demonstration of its sanitary or phytosanitary status, including reference to relevant international recognition of this status. It may be helpful to indicate the body and individual responsible for the recognition process, and to request that the importing Member do the same.

B. IMPORTING MEMBER CLARIFIES REQUIREMENTS

34. At the request of the exporting Member, the importing Member explains its requirements and procedures for recognition of sanitary or phytosanitary status with respect to a given pest or disease. The importing Member may, for example, request answers to a specific questionnaire. In the interest of transparency, the importing Member may indicate the body and individual responsible for handling the request.

C. EXPORTING MEMBER PROVIDES DOCUMENTATION

35. The exporting Member sends the technical file establishing compliance with the requirements laid down by the importing Member, accompanied by an official declaration from the national regulatory body attesting that the area is pest- or disease-free or of low pest or disease prevalence. Alternatively, the exporting Member provides supporting information showing that the procedures used to obtain recognition of that area are based on an international standard, guideline or recommendation established by competent bodies under the SPS Agreement. The exporting Member also supplies any further information that could help the importing Member to reach its decision on recognition.

D. IMPORTING MEMBER EVALUATES DOCUMENTATION/ADDITIONAL INFORMATION

36. The importing Member provides feedback to the exporting Member regarding whether the documentation is in order. In addition, the importing Member can provide information regarding the necessity of additional information, the necessity of on-site auditing, and suggest dates for the on-site auditing. The importing Member may take into consideration whether recognition has been accorded previously by an international body or by another Member.

37. If the response from the importing Member is negative, the importing Member issues a decision rejecting the request and providing reasons. This allows the exporting Member to modify and adapt its system with a view to seeking recognition in the future.

38. If the response from the importing Member is positive, the importing Member indicates comments where they exist.

E. EXPORTING MEMBER RESPONDS TO COMMENTS

39. If the evaluation report contains comments, the exporting Member provides the relevant clarifications, additions or modifications.

F. IMPORTING MEMBER EVALUATES DOCUMENTATION

40. The importing Member provides feedback to the exporting Member regarding responses and indicates whether further clarification is necessary. If further clarification is needed the process repeats steps E and F.

G. IMPORTING MEMBER CONDUCTS ON- SITE EVALUATION

41. If necessary, the importing Member carries out a visit in order to verify the information provided in support of the request for recognition of a pest- or disease-free area or area of low prevalence. This technical inspection could consider, *inter alia*, the administrative structure of the regulatory bodies and the programmes they implement with a view to prevention, control and eradication. The strength and credibility of the veterinary or phytosanitary infrastructure of the exporting region(s) would also be part of this evaluation.

42. The importing Member indicates comments relating to the inspection visit in an inspection report provided to the exporting Member.

H. EXPORTING MEMBER RESPONDS TO INSPECTION REPORT

43. If the report of the visit contains comments, the exporting Member provides the relevant clarifications, additions or modifications.

I. IMPORTING MEMBER REJECTS OR AUTHORIZES

44. Where its evaluation and verification of the information provided by the exporting Member leads to an unfavourable conclusion, the importing Member provides technical grounds for the decision, so that the exporting Member may modify and adapt its system with a view to future recognition requests.

45. Where its evaluation and verification of the information provided by the exporting Member leads to a favourable conclusion, the importing Member launches its internal administrative procedures to modify the restrictions relating to the pest or disease associated with the recognition, to facilitate trade from the exporting Member that requested recognition. The importing Member modifies existing regulations or elaborates new ones to support official recognition of free status. In addition, the importing Member may circulate the modified or new regulation for public comment.

46. The recognition of a pest- or disease-free area or of an area of low pest or disease prevalence by the importing Member would not preclude the importing Member from taking emergency actions if the status of the exporting Member changes.

J. EXPEDITED PROCESS

47. An expedited process for recognition of sanitary status could be applied in the following situations, taking into account the importing Member's right to ensure that its appropriate level of protection is achieved:

- (a) When there has been official recognition following verification by one of the SPS Agreement's international reference organizations;
- (b) When there has been an outbreak in a previously recognized area which, once the problem was eliminated, was restored to its former status in accordance with the relevant international standard;

- (c) When the infrastructure and operation of the responsible veterinary or phytosanitary service of the exporting Member are sufficiently familiar to the importing Member owing to sanitary or phytosanitary recognition with respect to other pests or diseases, or to existing trade relations.
-