

**IMPLEMENTATION OF ARTICLE 6 OF THE SPS AGREEMENT:  
COMMENTS ON G/SPS/GEN/640/REV.1**

Communication from New Zealand

The following communication, received on 3 October 2006, is being circulated at the request of the Delegation of New Zealand.

1. New Zealand believes the effective application of the provisions of Article 6 of the SPS Agreement is of significant benefit both for facilitation of market access and in improving the sanitary and phytosanitary situation in all Members.
2. Members of the SPS Committee have identified concerns with respect to the effective implementation of these provisions, and as a consequence the Committee invited the OIE and IPPC to examine, *inter alia*, the development of administrative procedures on the recognition of regionalization, the technical feasibility of ascribing time-limits to the consideration of regionalization requests, and the issue of recognition of pest- or disease-free status by the standard-setting bodies.
3. Both the IPPC and the OIE have been very responsive to this request by the SPS Committee and considerable progress has been made to date.
4. The OIE revised its chapter on zoning and compartmentalization (e.g., regionalization) at the General Session in May 2005 to provide more guidance to Members on the procedures for regionalization. A number of these additions can be classified as "administrative", encompassing the process of requesting recognition, information exchange, evaluation, notification "within a reasonable period of time", dispute resolution and formal agreements between parties. Some additional small changes were adopted at the General Session in 2006.
5. The IPPC has developed three standards in the area of regionalization: requirements for establishment of pest-free areas, pest-free places of production and production sites, and areas of low pest prevalence. It has also recognized the need to develop a standard for the process to be followed in the recognition of such areas. Through this standard it aims to outline the criteria for recognition and provide guidance on the activities required to ensure there is not undue delay in the process while maintaining the importing country's appropriate level of protection. This draft standard is now undergoing country consultation.
6. In New Zealand's communication G/SPS/GEN/698/Rev.1, we noted there was close correlation between the OIE and IPPC standards on recognition of regionalization and the Secretariat's summary of proposals for typical steps for administrative procedures for recognition (in G/SPS/GEN/640). New Zealand believes that the international standard-setting bodies have the most

appropriate expertise to develop guidance in the recognition of regionalization and that the development of normative standards, guidelines and recommendations is the responsibility of these standard-setting bodies.

7. Any decision adopted by the SPS Committee should be fully aligned to the work of the OIE and IPPC so as to avoid unnecessary duplication and confusion. The SPS Agreement specifically recognizes the OIE and IPPC as the appropriate bodies to develop standards, guidelines and recommendations. These bodies have the necessary technical expertise to allow them to address matters such as the recognition of regionalization. The role of the SPS Committee to address the trade policy concerns identified by Members means that any guidance on this issue such as that contained in the "typical steps" listed in G/SPS/GEN/640/Rev.1 should be limited to the form of high level, enabling principles.

8. Clear reference should therefore be made in the "typical steps" listed in G/SPS/GEN/640, to the relevant OIE and IPPC standards and the need for the steps to be read in conjunction with these standards.

9. Language and terminology used in the "typical steps" should be comparable to the relevant IPPC and OIE standards to avoid confusion.

10. New Zealand considers that the focus of the SPS Committee should be on those matters that are common across both zoosanitary and phytosanitary considerations of this issue. This role could highlight where opportunities for collaboration and harmonization could be constructive. With this in mind, the focus of the "typical steps" should be on the common elements of the relevant IPPC and OIE standards.

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