

**IMPLEMENTATION OF THE WTO SPS AGREEMENT THROUGH
BILATERAL AGREEMENTS**

Communication by Chile to the Meeting of the Committee of 24 and 25 June 2008

The following communication, received on 27 June 2008, is being circulated at the request of the delegation of Chile.

1. In order to enhance implementation of the WTO SPS Agreement, alongside the Agreement Chile has concluded a number of bilateral agreements of different kinds, some as sanitary and phytosanitary chapters within the free trade agreements (FTAs) and the association agreements, others as sanitary and phytosanitary annexes to the economic complementarity agreements, subsequently signing agreements at the institutional level through the agencies or services in charge of sanitary and phytosanitary matters.

2. In the sanitary and phytosanitary area, the bilateral agreements are a supplementary means of improving implementation, since trade is conducted bilaterally, as are the study or analysis of the sanitary conditions of the different parties and the functioning of their health services.

3. The texts of these agreements are simple, in that they are based on the WTO SPS Agreement. Generally speaking, the three areas in which, by their nature, these texts supplement the WTO Agreement are administration, in some cases dispute settlement, for which the FTAs have their own procedures, and technical cooperation.

4. In most cases, for the purposes of administering these bilateral agreements the parties have opted to establish committees made up of representatives of both sides, to examine any areas which have given rise to delays or divergences. The committee members also report on any major progress in the implementation of the agreement.

5. In the end, there is a difference among the agreements with the different countries precisely as regards the way the three mentioned components operate (administration, cooperation and dispute settlement). There are some cases in which no committee has been established, and in the dispute settlement area there are cases which would be referred to the WTO rather than the corresponding FTA dispute settlement body.

6. In 1966, when the WTO SPS Agreement was still new, Chile and a number of other countries circulated a document in the Committee notifying the bilateral agreements which existed at the time. Most of them were at the institutional level, and many of them became part of an FTA or an association agreement.

7. On that occasion, the following agreements were notified as having been concluded and processed at the governmental level:

- (a) Free trade agreements: Panama, Japan, China, United States, Canada, Mexico, Korea, Central America, EFTA;
- (b) Association agreements: European Union; P4 (New Zealand, Singapore, Brunei, Darussalam and Chile);
- (c) Complementarity agreements: Argentina, Bolivia, MERCOSUR, Peru, Venezuela;
- (d) Partial scope agreement: India;
- (e) Agreement at the government level still pending (negotiation or internal processing within the countries): Australia, Colombia, Ecuador, Malaysia, Turkey.

8. Details of the texts of the above-mentioned agreements can be found on the web site of the General Directorate for International Economic Affairs of Chile: www.direcon.cl.

9. There are a number of additional agreements at the institutional level: Algeria, Australia, Brazil, Cuba, Israel, Morocco, Nicaragua, Dominican Republic, Paraguay, Sri Lanka, Uruguay and Vietnam.

10. Further details can be found on the web site of the Agricultural and Livestock Service (SAG): www.sag.gob.cl.
