

**AGREEMENT ON THE APPLICATION OF SANITARY AND  
PHYTOSANITARY MEASURES**

Proposal by Brazil

**IMPLEMENTATION PROPOSAL UNDER PARAGRAPH 21**

Article 10.2:

- (a) Where the appropriate level of sanitary and phytosanitary protection allows scope for the phased introduction of new sanitary or phytosanitary measures *and subject to the requirements contained in Articles 2.3 and 5.4*, Members shall provide a time-period of at least 12 months from the date of **notification** for compliance of new SPS measures for products from developing countries.

AND

- (b) Where the appropriate level of sanitary or phytosanitary protection **DOES NOT** allow scope for the phased introduction of new sanitary or phytosanitary measures, Members shall ensure that the concerned measures are consistent with the provisions of Articles 2.3 and 5.4. To this effect, before applying the measures, Members shall **notify the WTO** and, in addition to the relevant provisions of Annex B, shall provide a justification based on proper risk assessment that demonstrates the necessity of the measures and of their timing, including the scientific evidence and the relevant factual basis. Upon request, Members shall immediately enter into consultations with a view to identify the least restrictive measures required to achieve the appropriate level of protection. A clear understanding of the basis for the application of an urgent measure is also desirable.

Article 7 and Annex B

- (a) Where the introduction of SPS measures may have negative effects on trade opportunities of developing countries, Members shall provide information in accordance with the provisions of Annex B and the additional requirements for justification alluded to in Article 10.2, including where the concerned measures constitute an administrative measure, such as a ban or a temporary suspension of importation, arising from an SPS policy previously notified to the WTO. It is noteworthy that existing notification procedures, as contained in Annex B and document G/SPS/7/Rev.1, of 26 November 1999, do not take into account the need of Members, especially from developing countries, to be informed about final rules or subsequent decisions derived from a previously notified legislation. Notification requirements should include every action or decision related to a previously notified measure.