

**DRAFT DECISION ON THE IMPLEMENTATION OF ARTICLE 6 OF THE
AGREEMENT ON THE APPLICATION OF SANITARY AND
PHYTOSANITARY MEASURES**

Proposal by Chile

The Committee on Sanitary and Phytosanitary Measures,

Having regard to paragraph 1 of Article 12 of the Agreement on the Application of Sanitary and Phytosanitary Measures;

Reaffirming the right of Members to establish sanitary and phytosanitary measures necessary to ensure the protection of human, animal and plant life or health and the protection of their territory from other damage caused by the entry, establishment or spread of pests, in accordance with the Agreement on the Application of Sanitary and Phytosanitary Measures;

Desiring to make operational the provisions of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures;

Noting that the sanitary or phytosanitary status of countries is an important factor in permitting, preventing, or improving the conditions for the entry of any potential pest- or disease-carrying products;

Recognizing that regionalization can be applied between all Members, irrespective of their level of development;

Noting that Members have faced difficulties in applying the provisions of Article 6 on the recognition of pest- or disease-free areas and areas of low pest or disease prevalence;

Taking into account the specific concerns raised by Member countries regarding the difficulties they have encountered in having the recognition of sanitary and phytosanitary status obtained in their territories accepted by importing Members;

Recognizing the importance of minimizing possible negative effects of sanitary or phytosanitary measures on trade and of improving market access opportunities, particularly for products of interest to developing country Members;

Recognizing that transparency, exchange of information and confidence-building by both the importing and exporting Member are essential to obtaining recognition of sanitary and phytosanitary status between Member countries;

Recognizing that there may be other less resource-intensive and time-consuming means for Members to enhance trade opportunities;

Decides as follows:

1. Regionalization can be accepted for part of a country, all of a country, or several countries in respect of sanitary or phytosanitary status relating to a given disease or pest. Members shall, when so requested and where feasible in view of the pest or disease involved, seek to apply the concept of regionalization. An evaluation of infrastructure and programmes relating to prevention, control and eradication may also be required in certain cases where necessary and appropriate. Members may seek to conclude regionalization agreements aimed at clarifying administrative procedures and setting out stages for achieving sanitary and phytosanitary recognition while at the same time ensuring future operability if the status should vary. Sanitary or phytosanitary recognition shall not require the drafting of a formal agreement.
2. With a view to facilitating the implementation of Article 6, on request of the exporting Member the importing Member shall explain the requirements and stages involved in obtaining recognition of sanitary or phytosanitary status with respect to a given pest or disease. The exporting Member shall demonstrate objectively that it meets the conditions for obtaining recognition of its sanitary or phytosanitary status, by supplying a copy of the risk assessment supporting that status or by demonstrating that the technical justification is based on a relevant international standard, guideline or recommendation. The exporting Member shall also supply any further information that could help the importing Member to reach its decision on recognition.
3. An importing Member shall normally respond to any request from an exporting Member for consideration of its regionalization request in respect of its status, for a given pest or disease, of pest- or disease-free area or area of low pest or disease prevalence, within a period not exceeding six months.
4. The exporting Member shall provide appropriate science-based and technical information to support its objective demonstration of its sanitary status. This information may include, *inter alia*, reference to relevant international standards, or to relevant risk assessments guaranteeing or supporting to a large extent the sanitary or phytosanitary status of the zone in question. In addition, the exporting Member shall provide reasonable access, upon request, to the importing Member for inspection, testing and other relevant procedures for the recognition of the regionalization.
5. The importing Member shall accelerate its procedure for recognizing regionalization with respect to pests or diseases that have been officially recognized in the exporting Member by an international scientific standardization organization recognized under the Agreement on the Application of Sanitary and Phytosanitary Measures.
6. The consideration by an importing Member of a request submitted by an exporting Member for the recognition of regionalization with respect to a pest or disease in its territory shall not in itself be a reason to disrupt or suspend ongoing imports with respect to related products from that Member.
7. The importing Member, when considering a request for sanitary or phytosanitary recognition, shall not impose demands in excess of those relating to the pest or disease in question, and shall analyse the science-based and technical information provided by the exporting Member on its sanitary and phytosanitary measures with a view to determining whether those measures achieve the level of protection provided by its own relevant sanitary or phytosanitary measures.
8. Following its final analysis and possible verification the importing Member, if it agrees to sanitary or phytosanitary recognition, shall expedite its internal administrative process with a view to updating its regulations within a maximum period of three months following the communication of its acceptance. If it rejects the request for sanitary or phytosanitary recognition, the importing Member

shall provide the technical grounds for its decision so that the exporting Member may modify and adapt its system with a view to seeking recognition once again.

9. In accordance with Article 9 of the Agreement on the Application of Sanitary and Phytosanitary Measures, a Member shall give full consideration to requests by another Member, especially a developing country Member, for appropriate technical assistance to facilitate the implementation of Article 6. This assistance may, *inter alia*, be to help an exporting Member in the objective demonstration of a given sanitary or phytosanitary status that has been achieved, or to otherwise enhance market access opportunities. Such assistance may also be with regard to the development and provision of the appropriate science-based and technical information.

10. Members shall participate actively in any work on regionalization conducted by the International Office of Epizootics, the International Plant Protection Convention, and the Codex Alimentarius Commission in their respective areas. Bearing in mind the difficulties faced by developing country Members in participating in the work of these bodies, Members shall consider providing assistance to facilitate such participation.

11. The Committee on Sanitary and Phytosanitary Measures recognizes the need to continue developing guidelines on the determination of pest or disease-free areas and areas of low pest or disease prevalence, and shall urge the International Office of Epizootics and the Interim Commission on Phytosanitary Measures to continue, as appropriate, to draw up guidelines on animal and plant health respectively. The Codex Alimentarius Commission, the International Office of Epizootics and the Interim Commission on Phytosanitary Measures shall be invited to keep the Committee on Sanitary and Phytosanitary Measures regularly informed regarding their activities relating to regionalization.

12. The Committee on Sanitary and Phytosanitary Measures shall encourage the International Office of Epizootics to continue and expand its work on the verification of recognition of sanitary status with respect to different specific diseases. It shall also encourage the Interim Commission on Phytosanitary Measures and regional organizations under its supervision to begin working along the same lines.

13. The Committee on Sanitary and Phytosanitary Measures shall urge Members to ensure that their national enquiry points, upon request, communicate the recognitions of sanitary or phytosanitary status granted in respect of specific diseases or pests on the basis of the principle of regionalization.

14. Members shall periodically provide the Committee on Sanitary and Phytosanitary Measures with information on their experience regarding the implementation of Article 6 of the Agreement on Sanitary and Phytosanitary Measures. In particular, Members are urged to notify the Committee on Sanitary and Phytosanitary Measures of the satisfactory conclusion of any recognition or bilateral arrangement on regionalization. The Committee on Sanitary and Phytosanitary Measures shall consider establishing a standing agenda item for its regular meetings for this purpose.

15. If necessary, the Committee on Sanitary and Phytosanitary Measures shall develop a specific programme to further the implementation of Article 6, with particular attention to the problems encountered by developing country Members. To that end, the Committee shall review this decision in the light of the relevant work undertaken by the International Office of Epizootics, the Interim Commission on Phytosanitary Measures and the Codex Alimentarius Commission, as well as the experience of Members.
