

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

Adaptation to Regional Conditions, Including Pest- or Disease-Free Areas and Areas of Low  
Pest or Disease Prevalence

*Proposal by Peru*

The following communication is being circulated at the request of the delegation of Peru.

**I. OBSERVATIONS ON THE APPLICATION OF ARTICLE 6**

1. Various countries in the world have had their agriculture affected by the entry into and establishment on their territories of pests or diseases, which have caused considerable direct or indirect losses to their economies. At the present time, many of these pests are the cause of the main quarantine restrictions on the exports of the developing or least developed countries.
2. In accordance with international standards and guidelines, a number of developing and least developed countries are currently undertaking large investments in the control and eradication of pests or diseases, notwithstanding the limited resources available to them. In most countries the aim of such investments is to establish pest- or disease-free areas with a view to eliminating the losses and, above all, gaining access to the main import markets for agricultural products.
3. To establish pest- or disease-free areas requires very large investments. International experience shows that on account of the related biological, ecological, economic and social factors it may take several years or even decades to establish pest- or disease-free areas.
4. It costs as much if not more to maintain pest- or disease-free areas or areas of low prevalence as to obtain such a status, and maintenance mainly depends on the degree of commercial benefit that the producers can gain from that status. Thus, access to export markets is the main objective in investing in the establishment of pest- or disease-free areas<sup>1</sup>. Uncertainty in the recognition of pest- or disease-free areas for access to import markets puts at risk the sustainability of such areas.
5. In fact, the principle contained in Article 6 of the SPS Agreement has been considerably developed by guidelines issued by the World Organization for Animal Health (OIE) and the International Plant Protection Convention (IPPC). At the request of countries the OIE carries out evaluations and grants recognition of sanitary status in respect of four animal diseases. However, importing countries do not automatically or speedily accept such OIE recognition.

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<sup>1</sup> The OIE and IPPC standards indicate that the establishment of pest- or disease-free areas depends on the effort made by an exporting country for the purposes of international trade.

6. Similarly, the administrative procedures required by importing countries for recognition of a pest- or disease-free area or area of low prevalence are not clearly defined, are very complex, expensive and slow and there are no clearly defined time-limits for any response.

7. Owing to the reasons set out in the previous paragraph many countries have had bad experiences and have waited several years or even decades to obtain recognition of pest- or disease-free areas and to gain access to markets for the export of their goods.

8. All countries should recognize that, properly applied, the principle of regionalization contained in Article 6 of the SPS Agreement is an effective strategy for combating worldwide the pests and diseases currently present in various parts of the hemisphere, because it offers incentives for the eradication of serious pests and diseases and for maintaining pest- or disease-free areas.

## **II. CONTRIBUTIONS TO THE APPLICATION OF ARTICLE 6 (SEE FLOW CHART)**

9. The delegation of Peru wishes to express its agreement with several points made by the delegations of the United States, the European Communities, Canada, Chile, Mexico and Argentina to the effect that the OIE and the IPPC have the capacity and are the accredited international organizations to establish guidelines for the recognition of pest- or disease-free areas.

10. We also agree that for the declaration and recognition of pest- or disease-free areas various factors need to be taken into account, such as the reliability and credibility of official animal or plant health services; the capacity of such official services to maintain the pest- or disease-free status; the timely, systematic and accurate notification of the existence of pests and diseases in accordance with the OIE and IPPC guidelines; the availability and quality of scientific information; transparency and other variable factors such as the risk management options that exist for each case.

11. Accordingly, we believe that it is necessary to differentiate between, on the one hand, the procedures and time frames that are required for free areas to be established and declared either by the official body in the exporting country, by competent regional organizations or by the international reference organizations such as the OIE and the IPPC and, on the other hand, the procedures and time frames that are required for the evaluation and recognition of pest- or disease-free areas by an importing Member. In the latter case, there must be certainty in law as to the administrative procedures to be followed by the exporting country and the importing country so that recognition can be completed once the status of pest- or disease-free areas has been obtained and officially declared in accordance with international guidelines and recommendations of the OIE and the IPPC.

12. For the recognition of pest- or disease-free areas and areas of low prevalence, the Member countries should apply the following procedures and periods of time:

- (a) Recognition as pest- or disease-free areas or areas of low prevalence may be granted to smaller ecosystems, a part of a country, all of a country or all or parts of several countries;
- (b) areas internationally recognized by the scientific reference organizations for the SPS Agreement shall be accepted by the Member countries using a simplified procedure consisting of a request by the exporting Member accompanied by a technical dossier and the decision of the international reference organization.
- (c) Before or during the process of obtaining recognition of pest- or disease-free areas or areas of low prevalence, the exporting Member may demand of the importing Member specific requirements and procedures for recognition, in the case of a

particular pest or disease, of the status of pest- or disease-free area or area of low pest or disease prevalence.

- (d) The exporting Member, on obtaining the status of pest- or disease-free area or area of low prevalence, in accordance with the standards and guidelines of the international reference organizations, shall officially declare in a national regulation a pest- or disease-free area or area of low prevalence in accordance with the relevant international standards and guidelines of the OIE and the IPPC.
- (e) The exporting Member shall send the request for recognition of the sanitary or phytosanitary status to the importing Member, together with the technical dossier used for the national declaration of recognition.
- (f) The exporting Member shall notify the SPS Committee of the initiation of the process for the recognition of pest- or disease-free areas or areas of low prevalence in accordance with the approved model. Such a notification will be made within two months at most of the submission of the request to the importing Member.
- (g) The importing Member shall examine the request within a period not exceeding three months. Within that period it shall inform the exporting Member whether it needs to carry out a visit in order to verify the information submitted. Following the evaluation the importing Member shall issue an evaluation report.
- (h) If the evaluation report contains comments, the exporting Member shall respond within two months providing the relevant clarifications, additions or modifications.
- (i) If it is deemed necessary, the importing Member shall carry 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. Within a period not exceeding two months from the conclusion of the visit the importing Member shall issue the corresponding report.
- (j) If the report of the visit contains comments, the exporting Member shall respond within a period not exceeding two months, providing the relevant clarifications, additions or modifications.
- (k) Once the responses to the comments have been received, the importing Members shall issue, within a period not exceeding two months, its decision either approving or rejecting the request for recognition of pest- or disease-free areas or areas of low prevalence.
- (l) If the decision is favourable, the importing Member shall carry out, within a period not exceeding three month, the internal administrative changes required to eliminate the restrictions relating to the pest or disease associated with the recognition, so as to allow imports from the exporting Member that requested recognition.
- (m) If the decision is unfavourable, 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.
- (n) As part of the process of monitoring the SPS Agreement, the exporting Member shall notify the SPS Committee of the initiation of the process and of the final satisfactory or unsatisfactory decision for recognition of pest- or disease-free areas or areas of low

prevalence according to an approved model. If the response to the request is ill-founded and gives rise to commercial concerns, the exporting Member may inform the SPS Committee.

**Processes to be followed for the application of Article 6 of the SPS Agreement on the recognition of Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence.**

