

**REVIEW OF THE OPERATION AND IMPLEMENTATION
OF THE SPS AGREEMENT**

Communication from Argentina

The following communication, received on 20 December 2004, is being circulated at the request of the delegation of Argentina.

1. It is Argentina's view that the Agreement on Sanitary and Phytosanitary Measures (SPS Agreement) establishes a proper balance between the right of a Member to determine its appropriate level of sanitary and phytosanitary protection and the guarantee that exercise of that right will not lead to arbitrary or unjustifiable discrimination or erect an unnecessary barrier to international trade.

2. The review of the operation and implementation of the Agreement affords a unique opportunity to maintain and emphasize this balance by analysing in detail the progress made by the Committee in explaining and clarifying the articles of the Agreement and the difficulties still experienced in implementing some of its provisions.

3. Argentina welcomes the submissions from other delegations and considers them to be a relevant basis on which to further our work in this review process. In this connection, it has some comments to make on certain issues that have already been raised.

I. TRANSPARENCY

4. Transparency is a recurrent theme in the papers that have been submitted in the course of this review. Argentina appreciates the interest Members have shown in pursuing work on this key principle, not only because transparency cuts across all issues but, more especially, because of the role it plays in the multilateral trading system.

5. The statistics of the notifications that are submitted each year¹ show clearly the difficulties that many Members of the WTO encounter in fulfilling their obligations under the SPS Agreement. These difficulties are real and widely acknowledged, and we believe that the Committee should undertake the necessary work to overcome them.

6. Some delegations have proposed that, in order to increase the level of transparency and, specifically, the number of notifications sent to the WTO, proposed SPS measures that are "based on" or "conform to" should be notified as well if they have the potential to affect world trade.

¹ G/SPS/GEN/378 and GEN/498.

7. Although what is proposed would be extremely useful in terms of strengthening the transparency principle, we believe that it would not eliminate the difficulties that many developing Members experience with enquiry points but, on the contrary, would widen the gap between Members that comply and those that have great difficulty in doing so.

8. Consequently, while we agree that it is important to increase the cases in which proposed measures could be notified and, for example, information provided by Members on how comments received have been taken into account, we believe that this can be done in both instances *on a voluntary basis* in those Members that are in a position to provide such information and, at the same time, step up efforts to strengthen the enquiry points of developing countries so that they will be able to observe this rule in the future.

II. REGIONALIZATION

9. With regard to pest- and disease-free areas and areas of low pest and disease prevalence, Argentina considers that the work being done by the relevant international organizations not only shows significant and consistent progress but also reflects the Members' concern to make headway in controlling pests and diseases.

10. However, in many cases Members' efforts to raise their sanitary status are not rewarded by better market access conditions, owing to the difficulty of obtaining due recognition by importing Members. This is illustrated by document G/SPS/W/162, which points out that the three difficulties in recognizing pest- or disease-free areas or areas of low pest or disease prevalence identified in the First Review still remain. They are: (i) divergence in interpretation and implementation of international guidelines; (ii) an excessively lengthy administrative process in importing Members; and (iii) the complexity of risk assessment.

11. Argentina has experience of these difficulties, in particular the excessively lengthy administrative process, which has been discussed in recent meetings of the SPS Committee. We believe that in those meetings, a significant consensus was reached on recognition of the difficulty and of the importance of overcoming it by means of a clearly defined and specific process that lends certainty and predictability to the work on regionalization.

12. We believe that in devising a procedure for recognition of pest- and disease-free areas and areas of low pest and disease prevalence *in the SPS Committee*, it is necessary:

- To make provision for the inclusion of other issues, as well as strictly technical and/or scientific ones;
- to establish a general framework for addressing trade commitments which is the specific domain of the SPS Committee, even if it eventually becomes subject to specific OIE and IPPC technical regulations.
