

**UNDUE DELAYS**

Communication from Uruguay

The following communication, received on 9 February 2005, is being circulated at the request of the delegation of Uruguay.

**I. BACKGROUND**

1. In October 2004, Uruguay submitted the document entitled "Undue Delays" to the WTO Committee on Sanitary and Phytosanitary Measures. This document was circulated to Members under the symbol G/SPS/W/160.

2. The document sets out the frustrations experienced and harm suffered by agricultural exporters when importers hinder or delay the sanitary or phytosanitary risk assessment procedures governing entry of their products. The document also indicates that such difficulties and delays usually arise in connection with the risk assessments required for laying down specific product entry conditions, taking decisions regarding the recognition of equivalence or of regionalization or establishing control, inspection or approval procedures. Such difficulties and delays mainly occur as a result of excessively long time-limits for decision-making, exaggerated information requirements and bureaucratic and non-transparent administrative procedures.

3. Uruguay welcomes the discussions which have been initiated on Article 6 - "Regionalization". We note that such discussions are being held concurrently, both directly and indirectly, on a number of Committee agenda items, for example, "Regionalization - Article 6" and "Monitoring the use of international standards" as well as on issues for consideration under the item "Review of the Operation and Implementation of the SPS Agreement".

4. Furthermore, Uruguay believes that many of the problems being tackled within the framework of the discussions on Article 6 (excessively long time-limits, for example) are not exclusive to the recognition of regionalization, rather they are problems which also very often arise in relation to other Agreement disciplines and mechanisms. Uruguay is targeting a broader, widespread and horizontal issue, as described in our previous document entitled "Undue Delays".

5. In the said document, Uruguay suggested that the Committee ask the relevant international organizations (World Organization for Animal Health (OIE), Interim Commission for Phytosanitary Measures (ICPM) and Codex Alimentarius Commission (CAC)) to consider the possibility of undertaking work on time-limits, information requirements and procedures. In our opinion, the positive reaction to our document "Undue Delays" shows that progress could be made in this regard. A number of Members have, however, stated that they do not believe that international organizations

could or should establish specific time-limits and procedures. Uruguay, on the other hand, feels that this is both possible and necessary.

6. For purely illustrative purposes, we would recall that, in the year 2000, over a hundred countries which negotiated the Cartagena Protocol on Biosafety agreed to the establishment of specific procedures and time-limits for action relating to the various mechanisms provided for in the Protocol. By way of example, with regard to the Advance Informed Agreement (AIA) Procedure, provisions were laid down on notification, acknowledgement of receipt of notification and decision-making within 270 days. The Protocol requires that decisions be based on risk assessments. The transboundary movement of living modified organisms (the scope of the Protocol) is an extremely complex issue. Taking this important fact into consideration, we feel that it would be feasible for the reference organizations for the SPS Agreement to establish specific time-limits and procedures for matters falling within their purview, some of which are perhaps not as complex as those covered by the Cartagena Protocol.

## **II. PROPOSAL**

7. Uruguay hereby proposes that, under a specific agenda item entitled "Undue Delays", a general discussion be held on the problems of "excessively long time-limits, exaggerated information requirements and non-transparent procedures" in relation to all Agreement disciplines and mechanisms, in particular those provided for in Articles 4, 5, 6 and 8. It also proposes that, subsequent to this discussion, the reference organizations for the SPS Agreement be informed of Committee conclusions and suggestions in this regard and asked to address, as a matter of priority and within their respective fields of competence, the development of specific and concrete standards, guidelines or recommendations on time-limits, information requirements and procedures.

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