

**MONITORING OF INTERNATIONAL HARMONIZATION:
REGIONALIZATION**

Communication by Australia

The following communication, dated 3 March 2005, is being circulated at the request of the Delegation of Australia.

I. BACKGROUND

1. This matter has been under serious and active consideration by the SPS Committee since the 26th Committee meeting (2-3 April 2003) and has been the subject of a number of proposals from Members.¹ Informal and formal discussions relating to regionalization held at the 31st meeting of the SPS Committee (27–28 October 2004) demonstrated a wide range of views among Members about:

- (a) the need for guidelines for importing countries to improve the implementation of Article 6 of the SPS Agreement;
- (b) the respective roles of the SPS Committee and the international standard-setting bodies (in this case, only the IPPC and the OIE²) in developing any such guidelines; and
- (c) the most appropriate way to resolve these questions.

2. An additional factor introduced into this debate at the October 2004 meeting is the distinction between "technical and scientific" and "administrative" or "implementation" issues in the application of Article 6.³

3. Both the IPPC and OIE have ongoing work programs relating to the application of Article 6. The 7th Session of the Interim Commission on Phytosanitary Measures meeting 4-8 April 2005 will consider whether to establish an out of session open-ended working group to consider, *inter alia*, whether further guidance is required on regionalization beyond existing relevant plant health standards and draft standards. The OIE is currently working on expanding the chapters of the Animal Health Codes on the principles and procedures for recognition of disease-free areas. Draft text would be available to Members after the OIE Code Commission meeting in January 2005.

¹ G/SPS/W/140/Rev.2; G/SPS/W/145; G/SPS/W/148; G/SPS/W/151; G/SPS/W/168; G/SPS/W/162/Rev.1; G/SPS/W/166 and G/SPS/W/167.

² Regionalization is an issue that would generally not arise in the Codex Alimentarius Commission.

³ G/SPS/35, paras 123–125.

4. This paper seeks to build upon earlier proposals by several Members, including New Zealand, the European Communities, and various South and North American countries, and the discussions on regionalization at the October 2004 meeting of the Committee.⁴

II. ISSUE

5. In order to advance the consideration of this matter by the Committee in a way that takes account of expert advice in the fields of animal and plant health, promotes coordination between the Committee and the international standard-setting bodies recognized under the SPS Agreement and avoids duplication, Australia proposes the following:

- (a) That the SPS Committee invite the IPPC and OIE to consider and advise the Committee on the following specific matters, as provided for by Article 12.6 of the SPS Agreement:
 - (i) Whether there is a need for the IPPC and OIE to develop general guidelines regarding the implementation of Article 6 of the SPS Agreement to assist both exporting and importing Members to apply the concept of regionalization, consistent with their rights and obligations under the SPS Agreement;
 - (ii) How best to ensure a consistent and coordinated approach to these matters by the international standard-setting bodies (the IPPC and OIE);
 - (iii) The role(s) of the IPPC and OIE *vis-a-vis* the SPS Committee in addressing administrative as well as technical aspects of regionalization in any guidelines on regionalization; and
 - (iv) The technical feasibility of assigning specific time limits to specific steps in the process for considering regionalization requests.
- (b) That pending advice from the IPPC and OIE, recognizing that further input from these bodies would better inform the Committee's deliberations, the Committee defer further consideration of the specific question of whether the Committee should develop guidelines for Members on application of Article 6, but that Members continue to share practical experiences in the application of Article 6.

⁴Including G/SPS/W/140/Rev.2; G/SPS/W/145; G/SPS/W/148; G/SPS/W/151; G/SPS/W/162/Rev.1; G/SPS/W/164; G/SPS/W/166; G/SPS/W/167; and G/SPS/W/168.