

**DRAFT REPORT OF THE COMMITTEE ON THE REVIEW OF THE OPERATION AND
IMPLEMENTATION OF THE AGREEMENT ON THE APPLICATION
OF SANITARY AND PHYTOSANITARY MEASURES**

Communication from Peru

The following communication, dated 22 June 2005, is being circulated at the request of the delegation of Peru.

1. Peru thanks the Secretariat for document G/SPS/W/173 *Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures* and would like to make the following comments.

2. As a general comment we note that the document reflects to a large extent the activities conducted, the issues addressed and the significant efforts made by the Committee in fulfilling its terms of reference. We submit the paragraphs below as input to a number of specific issues.

VIII. REGIONALIZATION (ARTICLE 6)

3. In the section on regionalization, the document indicates that the difficulties faced by some Members in implementing Article 6 of the SPS Agreement had already been noted in the 1999 Review.¹

4. The present review reaffirms that "**despite the OIE and IPPC guidelines, exporting countries still suffer from delayed recognition of their pest- or disease-free status by importing countries**".²

5. Since a broad consensus has been reached on difficulties in the implementation of Article 6, and it being the Committee's task to carry out the functions necessary to implement the provisions of the SPS Agreement and the furtherance of its objectives (Article 12.1 of the SPS Agreement), we believe that a more specific recommendation is needed as to what the Committee would do in order to facilitate the implementation of Article 6 of the SPS Agreement.

6. Peru therefore suggests that the second recommendation in paragraph 71 of document G/SPS/W/173 - "*The Committee should continue to consider the most effective way of facilitating the implementation of Article 6 of the SPS Agreement*" - be improved to read as follows:

¹ Paragraph 64 of document G/SPS/W/173.

² Paragraph 69 of document G/SPS/W/173.

"Assign to the SPS Committee the task of preparing, as soon as possible, a draft decision on the effective implementation of Article 6, using as a starting point the various proposals made by Member."

XV. UNDUE DELAYS

7. It has been acknowledged in the course of the Committee's most recent discussions that there are undue delays in the implementation of several articles of the SPS Agreement. Peru therefore supports the recommendation that *the Committee should consider how to ensure the timely implementation of various provisions of the SPS Agreement in specific circumstances, so as to avoid unnecessary delays*, and suggests adding the following as an appropriate supplement to it:

"The Committee shall as soon as possible prepare a list of the provisions of the SPS Agreement in connection with which countries have noted the existence of undue delays and shall adopt a decision on practical mechanisms to overcome such delay."

XVIII. WORK PROGRAMME

8. At the meetings on the review of the SPS Agreement, several Members noted the need for a work programme on the issues that the Committee plans to address in future meetings, and also put forward specific proposals that could be considered within the context of such a programme.

9. Peru shares and supports the view that a work programme is needed and believes that such a programme should not be limited to listing the issues that the Committee is to discuss in the future, but should set out the objectives and results that we propose to achieve in regard to these priority issues before the next review of the SPS Agreement.
