

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

Communication from Brazil

The following communication, dated 23 June 2005, is being circulated at the request of the delegation of Brazil.

I. INTRODUCTION

1. Considering the efforts made by the OIE and IPPC in reporting experiences and developing specific guidelines related to the issue of Regionalization, and taking into account the effort made by several delegations in the SPS Committee meetings in order to clarify their needs and understandings on the matter, Brazil wishes to present some comments and make its contribution to this highly relevant discussion.

2. Brazil considers of great importance the efforts by international standard-setting bodies and the SPS Committee in trying to clarify and avoid duplication of work. No less importance should be given to the contribution by Members that reported their experiences and showed their willingness to make the SPS Agreement effectively applicable.

II. COMMENTS

3. Despite the work undertaken by the OIE and IPPC towards clearer and more effective ways of applying Article 6, we strongly believe that there are specific and differentiated roles to be played by the SPS Committee and the international standard-setting bodies in this field.

4. According to this understanding, we believe that the international standard-setting bodies are the appropriate fora for technical/scientific work regarding the process of recognition of pest- or disease-free areas or areas of low pest or disease prevalence and that non-technical/scientific procedures should have guidelines defined by the SPS Committee.

5. As our experience in the process of recognition of pest- or disease-free areas or areas of low pest or disease prevalence indicates, in some cases the difficulties in the implementation of Article 6 of the SPS Agreement are not related to the lack of technical/scientific guidelines and recommendations or the capability of the exporting country to implement them accordingly. Lengthy regulatory and administrative processes are in some cases the real difficulty faced by the exporting countries when seeking recognition for their regionalization measures. With a view to address these concerns, we have identified the need for the SPS Committee to discuss and develop general guidelines to be followed by importing and exporting Members during the process.

6. We also believe that objections to the recognition of pest- or disease-free status by importing Members should relate exclusively to the protection of human, animal or plant life or health. In this regard assessment of economic impact for the purposes of regionalization should be part of risk analysis relating to the impact of the pest or disease of concern and should not be carried out for the reason of assessing the impact of trade liberalization on internal markets.

7. Brazil suggests that to avoid undue delays, there should be a single administrative procedure which takes into account previously submitted recognized pest- or disease-free areas when updating a risk analysis for the national territory of a Member.

8. Brazil would also like to have reflected in the general guidelines the understanding that after the recognition of full compliance by the exporting country with the guidelines for the process of declaring pest- disease-free status of the international standard-setting bodies, the administrative/regulatory process be expeditious, without requests for more technical/scientific data unless reasonably justified.

9. Brazil considers that administrative procedures concerning the recognition of pest- or disease-free areas and areas of low pest or disease prevalence should fulfill transparent steps mutually agreed between importing and exporting Members, preferentially with agreed timeframes in order to avoid undue delays.

III. CONTRIBUTIONS TO THE APPLICATION OF ARTICLE 6

10. Once again affirming the importance of the recognition of pest- or disease-free areas and areas of low pest/disease prevalence in order to improve the implementation of Article 6 and consequently to foster international trade relations and economic development, and taking into account the discussions on this issue, Brazil proposes the following:

- (a) That the SPS Committee continue the discussions on the implementation of Article 6 with a view to develop general guidelines to serve as a reference in the bilateral process for the recognition of regionalization. To be effective, those guidelines should address the following issues:
 - (i) The distinction between administrative/regulatory and technical/scientific aspects of the process with a view to avoid duplication of work;
 - (ii) Measures to be taken in the administrative/regulatory field, including possible timeframes, in order to avoid undue delays; and
 - (iii) The consideration of international guidelines, recommendations, procedures, and decisions as a basis for evaluating a Member's request for regionalization.
 - (b) That the international standard-setting bodies (the OIE and IPPC) continue to provide information on the progress of their work with respect to the application of the principle of regionalization.
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