

**IMPLEMENTATION OF ARTICLE 6 OF THE SPS AGREEMENT PROCEDURES  
FOR RECOGNITION OF PEST- OR DISEASE-FREE AREAS OR AREAS OF  
LOW PEST OR DISEASE PREVALENCE**

Communication from Egypt

**I. INTRODUCTION**

1. Egypt understands the essentiality of setting time limits for the recognition process in order to ensure the suitability and effectiveness of pest and disease control applied in pest- or disease-free areas or areas of low pest or disease prevalence. The timing of administrative procedures for the recognition of those areas may vary according to several variables. They might constitute, in some instances, a hindering methodology rather than a facilitating one.

2. The variation in the timing, requirements and procedures required by trading partners with regard to the recognition process makes the application of Article 6 inefficient from the perspective of an exporting country.<sup>1</sup>

3. Also the lack of predictability in recognition of regionalized measures by trading partners makes it difficult to commit to the significant medium and long-term investments necessary to achieve pest- or disease-free status.<sup>2</sup>

4. In order to maintain the flow of exports to the importing Member, the latter shall consider a transitional period to be given to the exporting Member for the purpose of meeting the requirements of the importing Member. During such period, the exporting Member shall continue exporting to the importing Member under the previous regulations until the exporting Member adapts its sanitary and phytosanitary structures to the new regulations applied by the importing Member without prejudice to the level of the sanitary and phytosanitary protection maintained by the importing Member.

5. That said, and given the experience that Egypt faced with regard to the recognition of pest- or disease-free areas or areas of low pest or disease prevalence, Egypt suggests that the period corresponding to the procedures of the recognition process would take from two to five months. The following proposal is being crafted on the basis of the Secretariat background paper (G/SPS/GEN/640).

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<sup>1</sup> Argentina (G/SPS/GEN/606), New Zealand (G/SPS/W/151).

<sup>2</sup> Peru (G/SPS/GEN/607).

## II. THE PROPOSAL

### TYPICAL STEPS FOR ADMINISTRATIVE PROCEDURES FOR RECOGNITION

#### A. EXPORTING MEMBER REQUESTS ISSB RECOGNITION

6. An exporting Member should seek recognition of its status by the competent international organization. Upon obtaining the status of pest- or disease-free area or area of low prevalence, the exporting Member, along with the international organization, officially declares this status.

#### B. EXPORTING MEMBER REQUESTS BILATERAL RECOGNITION

7. Once achieved, the free status is communicated to relevant trading partners along with a formal request for recognition of this status, initiating the bilateral process of recognition.<sup>3</sup> This request for the recognition of a pest- or disease-free area or an area of low pest or disease prevalence may be accompanied by science-based and technical information to support the exporting Member's objective demonstration of its sanitary or phytosanitary status, including reference to relevant international recognition of free status. Alternatively, the initial request could relate to requirements and procedure specific to the importing Member, and the technical information could be sent later.

#### C. IMPORTING MEMBER CLARIFIES REQUIREMENTS

8. At the request of the exporting Member, the importing Member explains the requirements and procedures for recognition of sanitary or phytosanitary status with respect to a given pest or disease, including any testing, sampling, and inspection that will be conducted at the point of entry after the goods in question have been recognized as a product of a plant pest or animal-disease-free areas or areas of low plant pest or animal disease prevalence. The importing Member, upon receiving this information, may request answers to a specific questionnaire. In order to initiate the process of recognition of regionalization, the importing Member shall take into account the plant pest or animal disease-free areas and areas of low plant pest or animal disease prevalence as established by the exporting Member's competent national institution and in accordance with the guidelines of the international reference institutions.

#### D. EXPORTING MEMBER PROVIDES DOCUMENTATION

9. The exporting Member sends the technical file laid down by the importing Member, accompanied by an official declaration from the national regulatory body attesting that the ecosystem is a pest-or disease-free area or an area of low pest or disease prevalence. Alternatively, the exporting Member provides supporting information showing that the procedures used to obtain recognition are based on an international standard, guideline or recommendation established by competent bodies under the SPS Agreement. The exporting Member also supplies any further information that could help the importing Member to reach its decision on recognition.

10. The exporting Member shall provide the importing Member with sufficient information, accompanied by appropriate science-based and technical information, to support the demonstration of its sanitary status and to establish compliance with the requirements. Based on this information, the importing Member conduct a pest risk analysis (PRA) which will accordingly provide the exporting Member with science-based information in the case of conditioned acceptance, or request additional data or reject recognition. The PRA should be consistent with guidelines and recommendations of the relevant international organization.

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<sup>3</sup> Chile (G/SPS/W/129).

11. The importing Member, when considering a request for sanitary or phytosanitary recognition of an area, shall not impose demands in excess of those relating to the pest or disease in question, and shall analyze the science-based and technical information provided by the exporting Member on its sanitary and phytosanitary measures with a view to determining whether those measures achieve the adequate level of protection against the risk under consideration.

12. The importing Member shall accelerate its procedure for recognizing regionalization with respect to pests or diseases that have been officially recognized in the exporting Member by an international scientific standardization organization recognized under the Agreement on the Application of Sanitary and Phytosanitary Measures

E. IMPORTING MEMBER EVALUATES DOCUMENTATION/ADDITIONAL INFORMATION

13. The importing Member provides feedback to the exporting Member regarding whether the documentation is in order. In addition, the importing Member can provide information regarding the necessity of additional information, the necessity of on-site auditing, and suggestion of dates for the on-site auditing. The importing Member may take into consideration whether the recognition has been accorded previously by an international body or by another Member when scheduling a technical inspection visit within a maximum of one month.

14. If the response from the importing Member is negative, the importing Member issues a decision rejecting the request and providing reasons accompanied by scientific grounds. This should allow the exporting Member to modify and adapt its system with a view to seeking recognition in the future.

15. If the response from the importing Member is positive, the importing Member indicates comments where they exist.

F. EXPORTING MEMBER RESPONDS TO COMMENTS

16. If the evaluation report contains comments, the exporting Member provides the relevant clarifications, additions or modifications within one month.

G. IMPORTING MEMBER EVALUATES DOCUMENTATION

17. The importing Member provides feedback to the exporting Member regarding responses and indicates whether further clarification is necessary. If further clarification is needed the process repeats steps F and G.

H. IMPORTING MEMBER CONDUCTS ON- SITE EVALUATION

18. If necessary, the importing Member carries out a visit within 15 days in order to verify the information provided in support of the request for recognition of a pest- or disease-free area or area of low prevalence. This technical inspection could consider, *inter alia*, the administrative structure of the regulatory bodies and the programmes they implement with a view to prevention, control and eradication. The strength and credibility of the veterinary or phytosanitary infrastructure of the exporting region(s) would also be part of this evaluation.

19. The importing Member indicates comments relating to the inspection visit in an inspection report within 15 days.

I. EXPORTING MEMBER RESPONDS TO INSPECTION REPORT

20. If the report of the visit contains comments, the exporting Member provides the relevant clarifications, additions or modifications within 15 days.

J. IMPORTING MEMBER REJECTS OR AUTHORIZES

21. Where its evaluation and verification of the information provided by the exporting Member leads to an unfavourable conclusion, the importing Member provides technical grounds for the decision, so that the exporting Member may modify and adapt its system with a view to future recognition requests within one month.

22. Where its evaluation and verification of the information provided by the exporting Member leads to a favourable conclusion, the importing Member launches its internal administrative procedures to eliminate the restrictions relating to the pest or disease associated with the recognition within one month or less, to facilitate trade from the exporting Member that requested recognition. The importing Member modifies existing regulations or elaborates new ones to support official recognition of free status. In addition, the importing Member may circulate the modified or new regulation for public comment. The recognition of free status by the importing Member would not preclude the importing Member from taking emergency actions if the status of the exporting Member changes.

K. EXPEDITED PROCESS

23. An expedited process for recognition of sanitary status could be applied in the following situations:

- (a) When there has been official recognition following verification by one of the SPS Agreement's international reference organizations;
- (b) When there has been an outbreak in a previously recognized area which, once the problem was eliminated, was restored to its former status;
- (c) When the infrastructure and operation of the responsible veterinary or phytosanitary service of the exporting Member are sufficiently familiar to the importing Member owing to sanitary or phytosanitary recognition with respect to other pests or diseases, or to existing trade relations;
- (d) In the case of Periodical Recognition, once recognition has been made and the situation entails that there should be recognition conducted on a periodical basis, except if any new circumstances evolve in the exporting country territory affecting the sanitary status in the area which may make it necessary to conduct further tests and examination.

## Egyptian Proposal for Time Frame Related to Recognition of Pest Free Areas or Areas of low pest or disease prevalence

