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Committee on Sanitary and Phytosanitary Measures

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ARTICLE 6 OF THE SPS AGREEMENT QUESTIONS FOR DISCUSSION

SUBMISSION FROM BRAZIL, THE EUROPEAN UNION AND THE UNITED STATES OF AMERICA

The following communication, received on 7 March 2019, is being circulated at the request of the Delegations of Brazil, the European Union and the United States of America.

1. We welcome the active engagement of Members of the SPS Committee to advance shared understanding of the implementation and operation of Article 6 of the SPS Agreement in the last two years. The Committee has held two excellent thematic sessions on implementation of Article 6; first, in July 2017 to exchange experiences on the application of OIE standards on zoning and compartmentalization, then in February 2018 on the operation of IPPC standards on pest-free areas. Under the Fifth Review, three Members have submitted proposals on Article 6:

- European Union, "Pest- and Disease-Free Areas" (G/SPS/W/298);
- United States, "Considerations Related to Animal Health" (G/SPS/W/303);
- Brazil, "Implementation of the SPS Agreement – Regionalization" (G/SPS/W/307).

2. These submissions outline a number of proposals aimed to strengthen understanding and implementation of regionalization, including:

- Review the Committee's *Guidelines on Regionalization* (G/SPS/48);
- Identify obstacles to the practical implementation of Article 6 and the *Guidelines*;
- Identify areas of the *Guidelines* that could be improved;
- Invite the OIE and IPPC to share their ongoing work;
- Review DSB reports on regionalization;
- Share experiences on national/regional regulatory systems;
- Promote the recognition of regionalization on an expeditious basis without delays;
- Reaffirm regionalization as a fundamental principle of the SPS Agreement;
- Strengthen engagement in regional venues to increase understanding of meaning and practical application of the key concepts of regionalization;
- Increase information exchange on national regulatory frameworks, procedures and processes;
- Develop case studies that document successes;
- Develop training materials;
- Expand peer-to-peer engagement in regional venues.

3. We are pleased at the positive initial responses from Members on these proposals, as summarized in JOB/SPS/2/Rev.1. We also welcome the engagement thus far by Members and the ISSB representatives to share experiences and to brief Members on special initiatives. We invite Members and representative of the OIE and IPPC to engage in a more focused discussion at the informal meeting of the Committee in July 2019, with the goal of identifying consensus recommendations for the Fifth Review. To this end, we offer the following questions for discussion:

a. Questions for Members

- What are your domestic procedures for establishing and maintaining pest- or disease-free status? What challenges have you encountered in implementing such procedures?

- What kind of Committee activities and documents are most useful to you in your domestic consultations on implementation of Article 6?
- Have you used the Committee's *Guidelines on Regionalization* (G/SPS/48) in your efforts to seek recognition by another Member of your domestic control and enforcement systems for establishing and maintaining pest- or disease free status? Are there areas of the *Guidelines* that could be improved?
- How do you use IPPC/OIE official pest- or disease-free country or zone status in implementing Article 6? In your efforts to seek recognition by another Member or Member(s), have you found that OIE or IPPC standards are interpreted and applied consistently? Are there areas where additional clarification in the international standards or guidelines would be beneficial?

b. Questions for the IPPC and OIE Representatives

- Has the IPPC or OIE revised their regionalization and disease status standards in recent years to clarify or elaborate provisions in response to Members' trade concerns? Are there any future plans to further revise these standards in the future?
- How are standards on surveillance linked to effective implementation of these standards?
- Are there other underlying key standards that are pre-requisite and essential in order to implement successfully regionalization?
- Are there any plans to expand standards and procedures on recognition of pest or disease free status of member countries?
- How can IPPC and OIE contribute to transparency on the use of the international regionalization standards?
- Are there plans for developing any further materials or activities to enhance implementation of existing standards related to regionalization?

c. Questions for Members and IPPC and OIE Representatives

- Are there ways for the SPS Committee to collaborate more effectively with IPPC and OIE to strengthen implementation of international standards on regionalization and Article 6?
- How have Members without elaborate SPS programmes relied on OIE or IPPC work to facilitate safe importation of needed food products?

4. We invite Members, as well as IPPC and OIE representatives, to review these questions and provide comments to us through the Secretariat by 10 May 2019. We will consider these comments; adjust the questions accordingly; and, issue a revision for Members to consider as they prepare for the discussions in July. We look forward to listening to your views at the informal meeting in July 2019.
