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**Working Party on the Accession of
the Islamic Republic of Afghanistan**

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ACCESSION OF AFGHANISTAN

Checklist of Illustrative Sanitary and Phytosanitary (SPS) Issues for Consideration in Accessions

Addendum

The following submission, dated 6 June 2012, is being circulated at the request of the Delegation of the Islamic Republic of Afghanistan.

Checklist of Illustrative SPS Issues for Consideration in Accessions
Based on Draft Animal Health and Veterinary Public Health Act

Commitments (by the time of accession)	WTO Reference	Draft Act
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	1. Generally agreed principle in WTO accession negotiations.	
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	2. Article 7 and Annex B.3.	The National SPS Enquiry and Notification Point is established in other legislation. (see Draft Law on Plant Protection and Quarantine)
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, Also G/SPS/7.	
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5.(b) and Annex B.10.	Article 12 Notification and Publication of Sanitary Measures - The Minister shall appoint an officer of the Veterinary Authority to act as a representative to the National Sanitary and Phytosanitary Enquiry and Notification Point SPS ENP (established under other legislation of Afghanistan), to make timely notifications of proposed changes in animal health laws, Regulations and procedures and animal disease outbreaks and related documentation to all relevant countries and international organizations, receive such information from all relevant countries and international organizations, and respond to all enquiries from persons, relevant international organizations and trading partners concerning Afghanistan's sanitary measures.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5(a).	Article 12 Notification and Publication of Sanitary Measures (2) A notice of the availability of drafts of proposed sanitary measures shall be made in mass media which shall include information on the manner of obtaining copies of the proposed sanitary measures.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5.(c).	Article 12 Notification and Publication of Sanitary Measures (4) The appointed officer of the Veterinary Authority within the SPS ENP shall, immediately following their receipt, provide copies of any such proposed changes in animal health or welfare laws, Regulations, procedures and notifications of animal disease outbreaks and related documentation to WTO Members.

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(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.	(d) Annex B.5(d).	Article 12 Notification and Publication of Sanitary Measures (3) All proposed sanitary measures that do not conform to international standards or for which no international standards exist, which may have a significant effect on export opportunities of interested trading partners, shall be notified through the SPS ENP no less than 60 days before preparing a final draft sanitary measure in accordance with the provisions of relevant international agreements.
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2.2.	Article 13 Necessity of Sanitary Measures - The Chief Veterinary Officer shall apply sanitary measures only to the extent necessary to protect human and animal health and animal welfare. - Sanitary measures shall not be more trade-restrictive than required to achieve the appropriate level of sanitary protection or animal welfare, taking into account technical and economic feasibility.
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	5. Articles 2.2, 3.3 and 5.2.	Article 14 Scientific Basis of Sanitary Measures - The Chief Veterinary Officer shall impose sanitary measures based on scientific evidence, as confirmed by the standards of the OIE.
6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	6. Articles 3.1, 3.3 and 3.4.	Article 11 Compliance with standards and guidelines established by international organizations mandated by the World Trade Organization Any sanitary measures which may be declared by the Minister through Procedures published by Notice in the Gazette shall be in conformity with: - the standards and recommendations of the Terrestrial and Aquatic Animal Health Codes and the Codex Alimentarius standards - scientific justification based on risk assessment and other relevant provisions of the Agreement on the application of Sanitary and Phytosanitary Measures of the World Trade Organization.
7. Equivalence: members shall recognize different measures that achieve the same level of protection.	7. Article 4.	Article 15 Equivalence of Sanitary Measures - The Chief Veterinary Officer (or Technical Standing Committee) shall recognize different sanitary measures from other countries that achieve the same level of protection as sanitary measures implemented under this Act.

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8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	8. Article 5.1, 5.2 and 5.3.	<p>Article 16 Risk Assessment of Animal and Human Health Threats and Animal Welfare</p> <ul style="list-style-type: none"> - The Chief Veterinary Officer (or Technical Standing Committee) shall utilize available scientific evidence and take into account risk assessment techniques developed by relevant international organizations when conducting risk assessments of animal and human health threats and animal welfare considerations. The assessments shall ensure that sanitary measures are based on science and applied only to the extent necessary to protect animal and human health and animal welfare. The assessments shall take into account: <ul style="list-style-type: none"> - available scientific evidence; - relevant processes and production methods; - relevant inspection, sampling and testing methods; - prevalence of specific diseases or parasites; - existence of parasite or disease-free areas; - relevant ecological and environmental conditions; and - handling, transportation facilities, quarantine or other treatment. - If additional or more stringent requirements are established, or if there is no international standard, the measures shall be based on scientific principles and evidence based on a scientific risk assessment. - In assessing the risk to animal or human life or health or animal welfare and determining the sanitary measures to be applied for achieving the appropriate level of sanitary protection or animal welfare status from such risk, the following shall be take into account as relevant economic factors: <ul style="list-style-type: none"> - the potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a disease; - the costs of control or eradication in the territory of Afghanistan; and, - the relative cost-effectiveness of alternative approaches to limiting risks. - When determining the appropriate level of sanitary protection or animal welfare status through the imposition or the application of proposed sanitary measures the Technical Standing Committee shall take into account the objective of minimizing negative trade effects taking into account technical and economic feasibility.

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<p>9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.</p>	<p>9. Article 6 and Annexes A.6 and A.7.</p>	<p>Article 17 Influence of Regional Conditions on Sanitary Measures</p> <ul style="list-style-type: none"> - The Chief Veterinary Officer shall ensure that all sanitary measures take into account the regional characteristics, both of the areas from which animals, animal products or biological materials originate and the areas for which they are destined. - Sanitary measures shall be adapted to the sanitary characteristics of the area, whether all of a country, part of a country, or all or parts of several countries from which animals, animal products or biological materials originated and to which animals, animal products or biological materials are destined. <p>In assessing the sanitary characteristics of a region, the following factors shall be taken into account, <i>inter alia</i>:</p> <ul style="list-style-type: none"> - the level of prevalence of specific diseases or parasites; - the existence of eradication or control programmes; and, - appropriate criteria or guidelines which may be developed by the relevant international organizations. <p>Internationally recognized disease free and low prevalence areas shall be recognized as well as areas in the territory of Afghanistan and in other countries if based on scientific evidence. Determination of such areas shall be based on factors such as:</p> <ul style="list-style-type: none"> - geography; - ecosystems; - epidemiological surveillance; and the effectiveness of sanitary measures applied.
<p>10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.</p>	<p>10. Article 2.3, and Annex C.1(a) and (d).</p>	<p>Article 18 Non-Discrimination of Sanitary Measures</p> <ul style="list-style-type: none"> - The Chief Veterinary Officer shall ensure that any sanitary measures do not arbitrarily or unjustifiably discriminate between different countries and territories where identical or similar sanitary measures prevail or between domestic and foreign suppliers. - Sanitary measures shall not be imposed or applied in a manner which constitutes a disguised restriction on international trade.
<p>11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement.</p>	<p>11. Article 8 and Annex C.</p>	<p>Article 19 Control, Inspection and Approval Procedures for application of Sanitary Measures</p> <ul style="list-style-type: none"> - The Chief Veterinary Officer shall ensure that any sanitary measures having control, inspection and approval procedures shall be non-discriminatory and minimally restrictive to trade. - Such procedures shall be undertaken and completed without undue delay; and in no less favorable manner for

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		<p>imported animals, animal products, animal feedstuffs, biological materials and other controlled articles than for like locally produced animals or domestically produced commodities;</p> <ul style="list-style-type: none"> - the standard or anticipated processing period of each procedure shall be published or shall be communicated to the applicant upon request; - when receiving an application, the Veterinary Authority shall promptly examine the completeness of the documentation and inform the applicant in a precise and complete manner of all deficiencies; - the Veterinary Authority shall transmit as soon as possible the results of the procedure in a precise and complete manner to the applicant so that corrective action may be taken if necessary; even when the application has deficiencies; - the Veterinary Authority shall proceed as far as practicable with the procedure if the applicant so requests; and - upon request, the applicant shall be informed of the stage of the procedure, with any delay being explained; - information requirements shall be limited to what is necessary for appropriate control, inspection and approval procedures; - the confidentiality of information on imported animal products arising from or supplied in connection with control, inspection and approval shall be respected in a manner no less favorable than for domestic products and in such a manner that legitimate commercial interests are protected; - any requirements for control, inspection and approval of individual samples of an animal, animal product or commodity shall be limited to what is reasonable and necessary; - any fees imposed for the testing procedures on imported animals, animal products, biological materials or other commodity shall be equitable in relation to any fees charged on like domestic products originating in any other country and shall be no higher than the actual cost of the service; - the same criteria shall be used in locating official laboratory testing facilities for samples from imported

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		<p>animals, animal products, biological materials or other commodities as for domestically produced animals, animal products, biological materials or commodities so as to minimize the inconvenience to applicants, importers, exporters or their agents;</p> <ul style="list-style-type: none"> - whenever specifications of an animal, animal product, biological material or other commodity are changed subsequent to its control and inspection in light of the applicable sanitary measures, the procedure for the modified animal, animal product, biological material or other commodity shall be limited to what is necessary to determine whether adequate confidence exists that the animal, animal product, biological material or other commodity still meets the sanitary measures concerned; and, - a procedure shall be established to review complaints concerning the control, inspection and approval procedures for application of sanitary measures and to take corrective action when a complaint is justified.
