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ACCESSION OF ARMENIA

Checklist of Illustrative SPS Issues for Consideration in Accessions

The Government of the Republic of Armenia has submitted the following Checklist of Illustrative SPS Issues for Consideration in Accessions, with the request that it be circulated to Working Party members.

Checklist of Illustrative SPS Issues for Consideration in Accessions

Commitments (by the time of accession)	WTO Reference
<p>1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.</p>	<p>Generally agreed principal in WTO accession negotiations.</p> <p><u>Standstill of 60 days</u> for the introduction of new standards, technical regulations and conformity assessment procedures is foreseen in Draft Laws on “Standardization”, “Conformity Assessment of Products and Services to the Normative Requirements” (hereinafter Law on the “Conformity Assessment”) and Draft Governmental Decrees on “Preparation, Adoption and Application of Technical Regulations” (hereinafter on ”Technical Regulations”) and “On the WTO Information Services”.</p> <p>Armenia already is a member of Codex Alimentarius Commission and International Epizootic Office and is going to ratify International Plant Protection Convention. At present, the following Draft Laws of the Republic of Armenia (RA), regulating SPS related issues, have been elaborated:</p> <ol style="list-style-type: none"> 1. Law on “Veterinary Medicine” 2. Law on “Plant Protection and Plant Quarantine” <p>The mentioned Draft Laws are in conformity with the provisions of SPS Agreement. In particular, the principle of standstill of 60 days is fully respected.</p>
<p>2. Establishment and operation of a single Contact Point for Information (“enquiry point”).</p>	<p>Article 7 and Annex B.3</p> <p>According to the Draft Governmental Decree “On the WTO Information Services”, a single enquiry point, responsible for TBT and SPS related matters, shall be established at the Department for Standardization, Metrology and Certification (SARM), procedure of operation of which shall fully conform to the provisions of Annex B.3 of SPS agreement.</p>
<p>3. Transparency: notification and access to documentation:</p> <p>(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;</p>	<p>Articles 7 and Annex B, Also G/SPS/7</p> <p>Annex B.5.(b) and Annex B.10</p> <p>According to the Draft Governmental Decree “on the WTO Information Services”, a WTO Notification Center shall be established at the WTO Department of the Ministry of Industry and Trade of Armenia.</p>

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<p>(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;</p>	<p>Annex B.5(a)</p> <p>Draft Governmental Decree on "Technical Regulations" addresses this requirement in its "Part II. Requirements to the preparation of technical regulations: Clause 5. Authorized bodies developing technical regulations are obliged, two months prior to the starting of their drafting, promulgate a notice of it in an official publication".</p> <p>Draft Governmental Decree on the "WTO Information Services" stipulates: "Clause IV. All Ministries and industrial organizations shall: a) Refrain from adopting and amending regulations within 60 days from the day they have been submitted to the Notification Center; b) take into account any comments on draft technical regulations received from other WTO member countries and provide justifications for proposed measures".</p>
<p>(c) Provision in law or administrative procedure to provide copies of proposed measures to WTO Members;</p>	<p>Annex B.5.(c)</p> <p>The Draft Governmental Decree on "Technical Regulations" stipulates in the Part II. "Requirements to the preparation of technical regulations": Clause 6. "Whenever the relevant international standard does not exist and (or) developed technical regulation can have impact on the conditions of goods exported from the RA or imported into the RA, the authorized body preparing a technical regulation shall submit draft of a technical regulation with appropriate substantiation to the WTO Notification Center, , which shall notify on the drafted technical regulation to the Secretariat of WTO, as well as to the CIS Member countries with which bilateral trade treaties were signed." Clause 7. "If the proposed technical regulation fully comply with international standards, then the WTO Secretariat shall be notified."</p> <p>The Draft Governmental Decree "On the WTO Information Services" stipulates in Clause 1. "Procedure of the operation of Notification Center" : Notification Center shall: f) "provide upon the request to other countries copies of the proposed regulation, and whenever possible, identify the parts that substantially deviate from international standards, guidelines or recommendations".</p>

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<p>(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.</p>	<p>Annex B.5(d)</p> <p>The Draft of the Governmental Decree on “Technical Regulations“ stipulates in Part II. "Requirements to the preparation of technical regulations":</p> <p>Clause 8: “Authorized body preparing technical regulation after publication of the notice shall consider, in two months period, written suggestions and comments on proposed technical regulation, received within this period from the governmental bodies and other interested persons in the Republic of Armenia, as well as from authorized bodies of WTO Member countries.</p> <p>Proposals and comments on draft technical regulations shall be considered without any discrimination”.</p>
<p>4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.</p>	<p>Article 2.2</p> <p>According to the Law on “Standardization and Certification (Article 14. Objectives of certification), Draft Governmental Decree on “Technical Regulations” (Part II. Requirements to the preparation of technical regulations, Clause 3) and the Law on “Conformity Assessment” (Article 5. Objects Subject to Compulsory Conformity Assessment), the objectives of adopting technical regulations and conformity assessment are to ensure the national security, the protection of consumers life and health, environment, flora and fauna, natural resources, the improvement of products quality, and the prevention of deceptive practices.</p> <p>According to the Draft Law on “Veterinary Medicine” (Part 2, Article 6):</p> <p>“The main objectives of the veterinary inspection were as follows:</p> <ul style="list-style-type: none"> a) diagnosis, prevention and eradication of animal infectious, parasitic and non-infectious diseases; c) protection from the diseases, which are common for human and animals; d) protection of the territory of the Republic of Armenia from the invasion of the animal infectious diseases coming from foreign countries; e) securing a control over a sanitary safety of production of the stockbreeding raw material; <p>According to the Draft Law on “Plant Protection and Plant Quarantine” (Part III. "Plant quarantine", Article 11.):</p> <p>The general issues of plant quarantine are as follows:</p> <ul style="list-style-type: none"> a) to reveal and exterminate plant quarantine and regulated non-quarantine pests in the territory of the Republic of Armenia; b) to prevent intrusion of plant quarantine and particularly dangerous pests into a territory of the Republic of Armenia;

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<p>5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.</p>	<p>Articles 2.2, 3.3 and 5.2</p> <p>The Draft Law on “Plant Protection and Plant Quarantine” stipulates in the Article 1 that the Law is intended at: "protection of purity of population, flora and fauna, as well as natural environment with application of scientifically justified complex measures;“</p> <p>The Regulation on “Sanitary rules, norms and hygienic rations preparation, adoption, revision and procedure and conditions of their application”, established by the Governmental Decree #518 of 12 October 1993 stipulates:</p> <p>Clause 1: “Sanitary-hygienic rationing is the part of sanitary-epidemic safety providing measures intended at the development of scientifically justified norms for the environmental factors and living conditions which are safe for a human health.”</p> <p>Clause 7: “State hygienic and anti-epidemic service of the RA is responsible for the sanitary-hygienic rationing system management in the RA, which provides: classification of sanitary rules, organization of research works for their scientific justification, complex approaches and methods for their preparation”.</p> <p>Clause 8: “Sanitary rules shall be prepared by scientific-research organizations and institutes of hygienic and anti-epidemic profile, as well as medical colleges. In the process of preparation of sanitary rules the scientific organizations, leading specialists, experts, interim committees of health care system can be involved”.</p> <p>The Draft Law on “Veterinary Medicine” in Part 2. "Main objectives of the veterinary inspection of the Republic of Armenia", Article 6, stipulates, that:</p> <p>Among the main objectives of the veterinary service is:</p> <p>k) “to get adopted the scientific achievements and advanced experiences in the field of veterinary medicine”.</p>

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<p>6. Harmonization: to the extent possible, members shall follow international standards, guidelines and recommendations in establishing SPS measures.</p>	<p>Articles 3.1, 3.3 and 3.4</p> <p>The Draft Governmental Decree on “Technical Regulations” stipulates by Part II, Clause 4: “In the process of preparation of technical regulation the authorized bodies should use the existing international standards or those being at the last stage of development, completely or partially to the extent they may ensure the fulfillment of objectives stipulated in the Clause 3 (objectives of implementation of technical regulations) of the present Regulation” (that is to ensure the national security, the protection of consumers life and health, environment, flora and fauna, natural resources, the improvement of products quality, and the prevention of deceptive practices), “taking into account, in particular, the differences of geographical, climatic and technological character.”</p> <p>The Draft Law on “Veterinary Medicine” stipulates in Part 8. "International Cooperation": Article 24.</p> <p>“International cooperation in the field of veterinary medicine is carried out based on:</p> <ul style="list-style-type: none"> a) Participation in activities of International organizations, cooperation in the framework of international agreements, prevention of penetration of dangerous animal infectious diseases from the territories of foreign countries, harmonization of the norms and regulations on the importation and exportation of animals, stockbreeding foodstuff and raw materials; b) approximation of the legislation on veterinary medicine related to the uniformity of preventive and anti-epidemic measures, methods of diagnosis of animal diseases, application of immuno-biological, biological, plant, chemical, chemical-pharmaceutical and other veterinary preparations; c) scientific and professional contacts and relations; d) notifications on stockbreeding epidemic situation.” <p>The Draft Law on “Plant Protection and Plant Quarantine” stipulates:</p> <p>Article 1. The scope of this Law is intended at:</p> <ul style="list-style-type: none"> d) “ensuring conformity of the provisions, regulating plant protection and plant quarantine in the Republic of Armenia, to international treaties and conventions applicable in this particular field.” <p>Article 13. “In fulfilling plant quarantine tasks, Plant Quarantine Service shall have the following powers:</p> <ul style="list-style-type: none"> a) to elaborate and implement plant quarantine projects ... taking into account the provisions of international treaties, conventions and other legal documents;” and

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	<p>Article 23. "The Plant Protection and Plant Quarantine Services, within the framework of their authority, shall cooperate with international organizations. Plant Protection and Plant Quarantine Services may submit to the state authorized bodies proposals on membership of the Republic of Armenia in international and regional organizations, particularly, in European and Mediterranean plant protection organization, joining international treaties, conventions, particularly International Plant Protection Convention, as well as other undertakings to be pursued."</p> <p>Armenia has been a member of International Epizootic Office since December 1997 and follows its guides and standards.</p>
<p>7. Equivalence: members shall recognize different measures that achieve the same level of protection.</p>	<p>Article 4</p> <p>The Draft Governmental Decree on “Technical Regulations” stipulates in Part III. "Recognition of International, Regional (Interstate) and Foreign National Technical Regulations":</p> <p>Clause 11. International, regional (interstate) and foreign national technical regulations may be accepted as equivalent to the technical regulations adopted in the RA and applied in parallel with them, if they:</p> <ul style="list-style-type: none"> a) do not conflict with the legislation of the RA; b) to the same extent ensure the fulfillment of the objectives stipulated by the relevant technical regulations of the RA.”

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<p>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.</p>	<p>Articles 5.1, 5.2 and 5.3.</p> <p>The Draft Law on “Plant Protection and Plant Quarantine” stipulates in Part IV. "Phytosanitary control in the territory of the Republic of Armenia":</p> <p>“Article 15. In case if any quarantine pests are being detected in the Republic of Armenia, the Plant Quarantine Service shall conduct pest risk analysis, based on the results of which it should submit to the local government bodies a report on quarantine control. Such report should contain indications on the pests revealed, extent of their spreading, evaluation of the possible damages, borders of quarantine zone, list of the proposed measures, involvement of economic entities and natural persons in quarantine measures and other necessary information.”</p> <p>The Regulation on “Sanitary rules, norms and hygienic rations preparation, adoption, revision and procedure and conditions of their application” established by the Governmental Decree #518 of October 12, 1993 on ”State Hygienic and Anti-epidemic Service of the Republic of Armenia” stipulates:</p> <p>Clause 10: “Elaboration of sanitary rules includes:</p> <ul style="list-style-type: none"> a) Complex research of hygienic epidemiological, medico-biological, sociological, statistical and other types, based on the national and international scientific achievements; b) Investigation of the health of population and the state of its living environment; c) Sociological and economical forecast on effects of sanitary rules' implementation; d) Justification of the proposals on the sanitary rules and terms of their implementation.” <p>The Draft Law on “Veterinary Medicine” stipulates in Part I. "General Provisions" Article 5.</p> <p>“The Authorized body:</p> <ul style="list-style-type: none"> c) pre-determines and assesses the epidemic situation in the Republic of Armenia, ensures the observance by the legal entities and physical persons dealing with stockbreeding of provisions stipulating the mandatory implementation of measures for prevention and eradication of the animals contagious diseases, as well as disinfecting, insecticide, rodent control and other mandatory measures. d) in cooperation with the public health bodies implements the measures for the protection of population from the diseases common for human and animals. <p>and in Part II. "The main objectives of the Veterinary Inspection"</p> <p>Article 6. The main objectives of the Veterinary Inspection are:</p> <ul style="list-style-type: none"> h) pre-determination and assessment of the epidemic situation in the Republic of Armenia concerning the animal diseases”.

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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>Article 6 and Annexes A.6 and A.7</p> <p>The Regulation of 27 January 1998 on “Co-operation between the Customs Authorities, Border Veterinary Inspection Stations and State Plant Quarantine Services of the Republic of Armenia”, adopted by the RA Customs Directorate and Ministry of Agriculture, stipulates in Part 4.</p> <p>Paragraph 1: “Authorization granted by the State Veterinary and Plant Quarantine Inspections of the Ministry of Agriculture of the RA, as well as veterinary or phytosanitary certificates granted by the State Veterinary and Plant Quarantine Services of the country-exporters to certify the protection from contagious diseases of the territory where cargo and goods subject to veterinary and plant quarantine inspection were exported from, shall constitute grounds for the free transportation of cargo and goods imported into the Customs territory of the RA.”</p> <p>Paragraph 5: “The relevant certificates or certifications for animals, plant and animal produce, goods and other items to be exported from the Customs territory of the RA shall be granted by the bodies of the state veterinary and plant quarantine services, and comply with the requirements for plant quarantine and environment protection established by the International and Foreign Trade Agreements.”</p> <p>The Draft Law on “Plant Protection and Plant Quarantine” stipulates in Part V. "Phytosanitary control during export-import operations":</p> <p>Article 19. “Export and re-export of plants, plant products, raw materials of plant origin, foodstuff of plant origin, plant protection means and other regulated articles outside the RA shall be carried out only upon availability of phytosanitary certificate. Phytosanitary certificates for exported and re-exported commodities shall be granted by plant quarantine inspection, if the above mentioned commodities meet the applicable phytosanitary <u>norms of the importing country</u>. The form of phytosanitary certificate shall conform to the sample approved by the International Plant Protection Convention. Uncertified alterations and erasures shall invalidate the phytosanitary certificate. “</p> <p>The list of plant pests, diseases, and weeds which have quarantine significance for the RA was established by the Governmental Decree #171 of 3/11/98 on “Establishment of Agrarian Norms”.</p> <p>The Draft Law on “Veterinary Medicine” stipulates in Part I. "General Provisions":</p>

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	<p>Article 4. In the field of the veterinary medicine the Government of RA: approves the programs on the preventive measures and eradication of the animal quarantine and especially dangerous contagious diseases (according to the list presented by the authorized body), establishes and ceases the quarantine and other restrictions directed to the prevention and eradication of the spreading of the especially dangerous infectious and non-contagious animal diseases within the territory of the RA.</p> <p>In Part 4. "State veterinary inspection":</p> <p>Article 15., paragraph 3: "The importation, exportation or a transit transportation of the animals, foodstuff and raw materials and other goods of animal origin, subject to the state veterinary compulsory inspection, is permitted in compliance with the international agreements of the Republic of Armenia."</p>

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<p>10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.</p>	<p>Article 2.3, and Annex C.1(a) and (d)</p> <p>The Governmental Decree # 124 of 12/29/95 on “Non-tariff regulation of import and export of commodities (operations, services)” stipulates:</p> <p>Clause 2. The uniform system of non-tariff regulation of import and export of commodities (operations, services) is applied to all economic entities on the territory of the RA regardless of the type of their property and place of state registration ...”</p> <p>List of products subject to compulsory certification in the RA. involving also products and raw materials of animal and plant origin, was established by the Governmental Decree #15 of 16 January 1998 on the “Compulsory Certification of Goods and Services”, where uniform rules are foreseen for the treatment of foreign and domestic products subject to compulsory certification.</p> <p>The Draft Law on “Veterinary Medicine” stipulates in Part IV:</p> <p>Article 11 “State veterinary inspection is a complex of the organizational and legal measures that is realized by the authorized body and is directed to the control over the implementation of the anti-epidemic measures (including the measures directed to the prevention and eradication of the diseases common for human and animals, preventive measures against the penetration of the animal infectious and non-contagious diseases, by all the entities, irrespective of their form of property and ownership, as well as by citizens, foreign legal entities, foreign citizens and persons without citizenship.”</p> <p>An analogous procedures for phytosanitary control were established for the native and foreign citizens according to the relevant Draft Law.</p> <p>The Draft Law on “Plant Protection and Plant Quarantine”, Part III, Article 14. 2: The State Phytosanitary inspectoris obliged: d) “do not disclose any information pertaining to economic entities and natural persons, as well as any information which contains commercial secrets”.</p> <p>The Law on ”State Agrarian Inspection”, adopted on May 15, 1996, Part III, Article 10: State agrarian inspectors, including State Veterinary inspectors, are obliged: d) “do not publish any information on economic entities and nationals including data deemed to be a trade secret”.</p>

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<p>11. Control, inspection and approval procedures: unsure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or foodstuffs comply with the Agreement.</p>	<p>Article 8 and Annex C</p> <p>The Regulation on “Co-operation between the Customs Authorities, Border Veterinary Inspection Stations and State Plant Quarantine Services of the Republic of Armenia”, adopted on 27 January 1998 by the RA Customs Directorate and Ministry Agriculture stipulates:</p> <p>“Inspection of cargo subject to the inspection of the veterinary inspection station and plant quarantine shall be carried out simultaneously and jointly with the Customs inspection. Samples to be tested by the border veterinary inspection stations and state plant quarantine inspections shall comply with established amounts. The above-mentioned inspections shall not delay the release of goods and other items without necessity, and the applicants shall be kept informed of the disposition of the samples and test samples required from them.”</p> <p>Appeal procedure was foreseen in the Draft Law on “Plant Protection and Plant Quarantine”</p> <p>Article 27. “In the event if legal entities and natural persons do not agree with the instructions and/or actions of state inspectors, they can appeal such instructions and/or actions through the higher body. Higher inspector is obliged to answer the claim within one month period. In the event if the legal entity or natural person is not satisfied with the provided answer, or the answer has not been provided during the given one month period, then the legal entity or natural person may bring an action to a court of justice to settle the case.”</p> <p>Analogous appeal procedure for the actions of state veterinarian inspectors is foreseen in the Draft Law on “Veterinary Medicine” (Article 16. Appeal against inspectors action).</p> <p>Presently the list of additives and contaminants allowed and forbidden for use as well as their allowed contents in food established by SanPiN 2.3.2.560-96 is in force.</p>
