

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/TJK/9
27 February 2004

(04-0862)

**Working Party on the Accession
of the Republic of Tajikistan.**

Original: English

ACCESSION OF THE REPUBLIC OF TAJIKISTAN

Checklist of Illustrative Sanitary and Phytosanitary (SPS) Issues in the Accession of the Republic of Tajikistan to the WTO

The following Checklist of Illustrative SPS Issues is being circulated at the request of the Delegation of the Republic of Tajikistan.

Commitments (by the time of accession)	Status of Implementation and Progress
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	Tajikistan does not intend and to introduce any new standards, animal health regulations and food safety regulations, which do not comply with the SPS Agreement principles. Since 1993, the Veterinary Service of the Republic of Tajikistan is a member of the International Office of Epizootics (IOE).
2. Establishment and operation of a single Contact Point for Information ("enquiry point"). (Article 7 and Annex B.3.)	Main Department on Veterinary under the Ministry of Agriculture of the Republic of Tajikistan is responsible for development of international cooperation in the area of veterinary. State Inspectorate On Quarantine of Plants under the Ministry of Agriculture is the agency responsible, inter alia, for control over the implementation of commitments under the international agreements of Tajikistan on plant quarantine. Currently, the Government of Tajikistan is in the process of establishing a single contact point for the purposes of the SPS Agreement with respect to sanitary and phytosanitary measures.
3. Transparency: notification and access to documentation: (Articles 7 and Annex B, Also G/SPS/7)	
- identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis; (Annex B.5.(b) and Annex B.10)	Currently, the Government of Tajikistan is in the process of establishing a single governmental authority responsible for implementing notification requirements with respect to sanitary and phytosanitary measures
- establish guidance or law requiring publication of proposed measures at an early stage for comment; (Annex B.5(a))	Article 45 of the Law On Normative Legal Acts provides for the right of bodies drafting the normative legal acts to publish draft legislation for public discussion. Although providing for such a right, the law does not obligate agencies proposing the legislation to publish them for comments.
- provision in law or administrative procedure to provide copies of proposed measures to WTO Members; (Annex B.5.(c))	Article 49 of the Law On Normative Legal Acts provides for the possibility of submitting the draft legislation to international organizations for review and comment.
- 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. (Annex B.5(d))	Article 45 of the Law On Normative Legal Acts states that, in case the draft legislation was published for public discussion, comments received are studied, analyzed and acceptable comments are taken into account in revising the proposed legislation.
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health. (Article 2.2)	Goal of the Law On Quarantine of Plants, as indicated in its Article 1, is to provide protection to plants and products of plant origin from quarantine objects. Article 8 of the Law prohibits application of phytosanitary quarantine measures and restrictions of any other form in solving tasks that are not related to implementing measures for protection of plants from quarantine objects. According to Article 4 of the Veterinary Law state policy in the area of veterinary is aimed at creating conditions which allow prevention of animal diseases, providing protection for population from diseases that are common for human and animals.
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence. (Articles 2.2, 3.3 and 5.2)	Although the legislation of Tajikistan does not specifically mention this principle, in practice results of scientific research are used in developing veterinary and phytosanitary regulations. According to Article 4 of the Veterinary Law, state support for the scientific research in developing new methods of diagnosis, prophylactics and treatment of animal diseases is provided.

Commitments (by the time of accession)	Status of Implementation and Progress
<p>6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures. (Articles 3.1, 3.3 and 3.4)</p>	<p>The following provisions are included in Tajik legislation in this respect: Article 21 of the Veterinary Law states that “Safety norms of fodders and fodder additives shall not differ from the respective norms established by the international standards and norms of international veterinary organizations to which Tajikistan is a member”. Article 26 of the same law states that “Animals and products of animal origin, fodder and fodder additives are allowed to enter to the territory of Tajikistan if veterinary legislation requirements and conditions of international agreements of Tajikistan in the area of veterinary are met. Article 8 of the Plant Quarantine Law requires that entry into and transportation in the territory of Tajikistan shall be allowed if plant quarantine rules and norms established by the legislation of Tajikistan, as well as norms of international agreements on cooperation in the area of quarantine accepted by Tajikistan, are met.</p>
<p>7. Equivalence: members shall recognize different measures that achieve the same level of protection. (Article 4)</p>	<p>There are no provisions in the existing Tajik legislation concerning equivalence. Being member of the IOE, Tajikistan shall conduct consultations in case of any differences in sanitary measures approaches and reach agreement to recognize the equivalence of concrete sanitary measures.</p>
<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. (Article 5.1, 5.2 and 5.3.)</p>	<p>There are no provisions in the existing Tajik legislation concerning risk assessment.</p>
<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. (Article 6 and Annexes A.6 and A.7)</p>	<p>There are no provisions in the existing Tajik legislation concerning regional conditions.</p>
<p>10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers. (Article 2.3, and Annex C.1(a) and (d))</p>	<p>There are no provisions in the Tajik legislation, which discriminate between different members and between domestic and foreign suppliers, except for the fees for veterinary and phytosanitary certification, which differ for domestic, CIS, and other foreign suppliers. To the extent that these differences are not justified under paragraph 1 (f) of Annex C to the Agreements on Application of Sanitary and Phytosanitary Measures, they will be adjusted before accession.</p>
<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. (Article 8 and Annex C.)</p>	<p>Some of the provisions of the Annex C are reflected in the Regulations On the State Quarantine Service of the Republic of Tajikistan, approved by the Resolution of the Cabinet of Ministers No. 38 of 4 February 2002. The text of this Resolution will be transmitted to WTO.</p>