

**AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY
MEASURES: DESIGNATION OF A REGIONAL BODY**

Communication from Antigua and Barbuda, Barbados, Cuba, Dominica, Fiji,
Grenada, Jamaica, Mauritius, Papua New Guinea, Solomon Islands,
St. Kitts and Nevis, St. Vincent and the Grenadines

Revision

The following communication, dated 14 July 2006, is being circulated at the request of the above delegations.

This revised paper sets out some proposals to address certain specific concerns of the co-sponsors as they relate to the Agreement on the Application of Sanitary and Phytosanitary Measures. The multilateral trading system needs to identify and implement responses to the issues identified in this submission to overcome the inherent economic disadvantages faced by these small, vulnerable economies.

The revised submission takes into account the deliberations on the WT/COMTD/SE/W/16/Rev.1 which took place in the Committee on Trade and Development in Dedicated Session and in the Committee on Sanitary and Phytosanitary Measures.

1. Introduction

1. As small, vulnerable economies (SVEs), the co-sponsors of this proposal suffer from a severe lack of adequate financial, technical and administrative capacities to fulfil their obligations under the Agreement on Sanitary and Phytosanitary Measures.

2. Under the mandate of the SPS Agreement, the SVEs are required to prepare, adopt and apply sanitary and phytosanitary measures necessary to ensure the quality of exports and to protect human and animal health. These measures are essential in assisting SVEs to gain access to export markets. Given the small size of the economies of the SVEs, the unit costs of implementation of the SPS Agreement are higher in these countries than in most other WTO Member countries.

2. Relevant WTO provisions

3. Article 9; Annex B of the Agreement on the Application of Sanitary and Phytosanitary Measures.

3. Proposals

4. Recognising the special difficulties encountered by the co-sponsors of this proposal in complying with obligations under the SPS Agreement, the resulting difficulties in accessing markets and the complexity of the formulation and application of SPS measures for their domestic markets, the General Council is to recommend that there shall be explicit recognition that WTO Members may designate a regional body to provide technical support¹ as is required to carry out the functions necessary to assist them in implementing the provisions of the SPS Agreement.

5. Members and the WTO, within its competence, when providing technical and financial assistance to support small, vulnerable economies in fulfilling their rights and obligations under this Agreement, shall consider the advantages of providing that assistance to the regional body, where such exists.

4. Issues for Consideration

6. The co-sponsors of this proposal are of the view that this explicit recognition of regional bodies would lead to greater legal certainty. In addition, it would lead to an improvement in levels of transparency and predictability thereby enhancing the ability of SVEs to fulfil their legal and notification obligations to the WTO under the SPS Agreement.

7. It should be further noted that the proposal does not seek to change the legal architecture of the SPS Agreement nor would it impact on the balance of rights and obligations of any WTO Member. In addition, the individual Members benefiting from this proposal will continue to be legally responsible and accountable for their individual obligations which include notifications.

5. Final remark

8. This proposal is without prejudice to individual country positions and to the rights of the co-sponsors to submit additional proposals in future Dedicated Sessions or, otherwise, in other WTO bodies on any issues contained in this paper and/or on any other issues not included here.

¹ Such technical support could include the development of SPS measures; assistance in the preparation of SPS notifications; assistance with the response to any queries received on the notifications; assistance in establishing and maintaining risk assessment systems and control, inspection and approval procedures and any analysis or research that would enhance the understanding of the SPS obligations.