



## **DRAFT DECISION ON SANITARY AND PHYTOSANITARY MEASURES**

### COMMUNICATION FROM THE AFRICAN GROUP

The following communication, dated 5 December 2023, is being circulated at the request of the delegation of Cameroon on behalf of the African Group.

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*The Ministerial Conference,*

*Recalling* the adoption of the Sanitary and Phytosanitary Declaration for the 12<sup>th</sup> Ministerial Conference: Responding to modern SPS challenges adopted on 17 June 2022 which reaffirmed the rights and obligations of Members established by the SPS Agreement and called for Members' strengthened adherence to the SPS Agreement to support international trade while ensuring the protection of human, animal and plant life or health.

*Further recalling* that the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) explicitly recognizes the right of governments to take measures to protect human, animal and plant health, as long as these are based on science, are necessary for the protection of health, and do not unjustifiably discriminate among foreign sources of supply.

*Raising* with concern the rise of SPS measures that are arbitrary and not based on science.

*Recognizing* that developing country Members, and in particular least-developed country Members, face specific difficulties in meeting the sanitary and phytosanitary requirements of many of their trading partners due to import requirements that differ from those based on the relevant international standards and that these pose considerable difficulties to developing countries.

*Further recognizing* that many developing countries need development support to adhere to SPS requirements and thereby to take advantage of market access opportunities.

*Decides*

1. Members shall refrain from applying SPS measures that are arbitrary and not based on science or which would constitute a disguised restriction on international trade and shall apply scientifically justified measures with minimal impact on trade.
2. Members shall apply measures only to the extent necessary to protect human, animal or plant life or health and shall not arbitrarily or unjustifiably discriminate between countries or commodities with regard to the same pest where identical or similar conditions prevail, including between their own territory and that of other members.
3. Members will use international standards, guidelines and recommendations where they exist. Where a Member uses SPS measures which result in higher level of sanitary or phytosanitary protection than would have been achieved by measures based on relevant international standards, guidelines or recommendations, such SPS measures must be scientifically justifiable, not arbitrary nor aimed at being trade restrictive.

4. The Codex Alimentarius Commission, the World Organization for Animal Health (WOAH), and International Plant Protection Convention (IPPC) shall assist the Committee with interpretation of the SPS standards that are issues of concern while addressing Specific Trade Concerns during meetings of the SPS Committee.
  5. If exporting developing and least developed country Members identify specific problems in complying with a sanitary or phytosanitary measures of an importing Member, the latter shall upon request enter into consultations with a view to finding a mutually satisfactory solution within a reasonable time.
  6. Developed country Members and developing country Members in a position to do so shall take account of the special needs of developing country Members, and in particular of the least-developed country Members when introducing and applying SPS measures.
  7. Upon request from a developing country, developed countries shall grant longer time-frames for compliance for products of interest to developing country Members when introducing new sanitary or phytosanitary measures so as to maintain and expand its market access opportunities for involved products.
  8. If an exporting developing country Member identifies specific problems of capacity in fulfilling the sanitary or phytosanitary requirements of an importing developed country Member, the latter shall assist the former with the required capacity on preferential and noncommercial terms, preferably free of cost, keeping in view the development, financial and trade needs of the exporting developing country.
  9. The Members and the Secretariat of the SPS Committee will continue and or strengthen, as appropriate, efforts to provide technical assistance to developing country Members to adjust to and comply with sanitary and phytosanitary measures in order to achieve the appropriate level of sanitary and phytosanitary protection.
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