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**Ministerial Conference
Eleventh Session
Buenos Aires, 10-13 December 2017**

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DRAFT MINISTERIAL DECISION ON STRENGTHENING THE SPS AGREEMENT

PROPOSAL BY BRAZIL

The following proposal, dated 8 December 2017, is being circulated at the request of the delegation of Brazil.

The Ministerial Conference,

Having regard to paragraph 2 of Article III and paragraph 1 of Article IX of the Marrakesh Agreement Establishing the World Trade Organization;

Recalling paragraph 2 of Annex I of the Agreement on Agriculture and Articles 2 and 12 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS);

Considering that arbitrary or unjustified SPS measures and requirements represent an increasing obstacle to exports, in particular on products of interest to developing countries and least developed countries;

Having in mind the importance of transparency and predictability to international trade, and the key role played by international standards, guidelines and recommendations as a means to provide legitimate scientific basis for strengthening the protection of human, animal, or plant life and health.

Recalling the balance contained in the SPS Agreement between ensuring market access to agricultural products and the right of Members to determine their own appropriate level of sanitary and phytosanitary protection.

Decides as follows:

1. To explore approaches to strengthen the implementation of the objectives and principles of the SPS Agreement, as a means of preventing arbitrary or unjustified discrimination between Members where the same conditions prevail or disguised restrictions on international trade, and to report to the MC12 on progress achieved.
 2. To recognize that the development and application of sound science-based SPS measures is needed both to safeguard human, animal and plant health and to support production and facilitate access to safe agricultural products.
 3. To avoid the proliferation of SPS measures lacking sound scientific base, due to their capacity to undermine the commitments of the SPS Agreement. In case of insufficient evidence to achieve the appropriate level of protection, we stress the central role of science to assess, manage and communicate risks associated with human, animal, or plant life and health.
 4. Discussions under paragraphs 1 to 3 can be undertaken in the CoA-SS or in the SPS Committee, as appropriate.
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