



Committee on Sanitary and Phytosanitary Measures

**ANNUAL REPORT ON THE IMPLEMENTATION OF ARTICLE 6 OF
THE AGREEMENT ON THE APPLICATION OF SANITARY
AND PHYTOSANITARY MEASURES**

NOTE BY THE SECRETARIAT¹

Article 6 of the SPS Agreement requires that measures take into account pest- or disease-free areas or areas of low pest or disease prevalence. This concept is frequently referred to as "regionalization". At the 2-3 April 2008 meeting, the Committee on Sanitary and Phytosanitary Measures adopted guidelines to further the practical implementation of Article 6.² These guidelines are intended to provide assistance to Members in the implementation of Article 6 by improving transparency, exchange of information, predictability, confidence and credibility between importing and exporting Members.

The guidelines require the Secretariat to prepare an annual report to the Committee on implementation of Article 6 based on the information provided by Members concerning:

- a. requests for recognition of pest- or disease-free areas or areas of low pest or disease prevalence;
- b. determinations on whether to recognize a pest- or disease-free area or area of low pest or disease prevalence; and/or
- c. Members' experiences in the implementation of Article 6 and the provision of relevant background information by Members on their decisions to other interested Members.

This report, which covers 2012 and the first quarter of 2013, is based on information provided by Members through notifications and from information presented during SPS Committee meetings. This information was frequently provided under the agenda item "Pest- and or Disease-Free Areas - Article 6". Relevant information provided under other agenda items is also included in the report.

1 REQUESTS FOR RECOGNITION OF PEST- OR DISEASE-FREE AREAS OR AREAS OF LOW PEST OR DISEASE PREVALENCE

1.1 July 2012 meeting (G/SPS/R/67)

1.1. Chile reported that although it had been free from FMD without vaccination for more than 25 years and the OIE had classified its risk level for BSE as insignificant, this had still not been recognized by some Members. Chile welcomed the progress made with other countries, including Australia which sent a mission to Chile in April 2012 in relation to sanitary recognition.

1.2. Mexico reported that on 21 June 2012 it had notified to the OIE the presence of avian influenza AH7N3 in poultry production units in the state of Jalisco. On 2 July 2012, emergency actions were put in place to diagnose, prevent, control and eradicate the virus. Since the beginning of the outbreak, Mexico had restricted exports of poultry products from the affected zone, before its trading partners requested such action. The presence of the virus was restricted to two municipalities and the rest of the country remained free from the virus. Mexico requested other Members to notify any SPS measures applied to the import of products from Mexico in accordance

¹ This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights or obligations under the WTO.

² G/SPS/48.

with their obligations under the SPS Agreement, and to adhere to the guidelines established by the OIE (see G/SPS/GEN/1175).

1.2 October 2012 meeting (G/SPS/R/69)

1.3. Mexico further reported on the avian influenza H7N3 that had spread in commercial poultry operations in eight municipalities in the state of Jalisco (see G/SPS/GEN/1175). A rigorous vaccination programme had been conducted and was reinforced with anti-epidemic measures like quarantines, disinfection and depopulation of quarantine areas. Mexico requested Members to apply the guidelines laid down by the OIE in order to avoid unjustified negative impacts on trade.

1.3 March 2013 meeting (G/SPS/R/70)

1.4. Mexico reported on two new cases of highly pathogenic avian influenza serotype H7N3, detected on 3 January 2013, in the state of Aguascalientes. Timely notification from the farmer and surveillance activities allowed for the immediate depopulation of the two affected production units, addressing both of the outbreaks identified. The OIE had been notified on 8 January 2013. Mexico requested that Members notify the SPS Committee of any measure imposed on imports of Mexican poultry products and by-products, and that they adhere to OIE guidelines to avoid greater repercussions on poultry trade.

2 DETERMINATION ON WHETHER TO RECOGNIZE A PEST- OR DISEASE-FREE AREA OR AREA OF LOW PEST OR DISEASE PREVALENCE

2.1 March 2012 meeting (G/SPS/R/66)

2.1. Paraguay reported on an outbreak of FMD that occurred in September 2011 in the department of San Pedro. The outbreak was notified to the OIE and to other relevant authorities and countries. As a precautionary measure, the National Service of Quality and Animal Health (SENACSA) had banned exports of bovine meat and meat products until the situation had been brought under control. Epidemiological studies had shown absence of viral activity, which had led to the suspension of the sanitary emergency on 16 March 2012. Paraguay thanked the OIE and all the institutions that cooperated in controlling the disease. Paraguay also thanked the veterinary services of Brazil and Russia for re-opening their markets to its products, and Argentina and Uruguay for allowing the transit of products through their territories.

2.2 July 2012 meeting (G/SPS/R/67)

2.2. Chile communicated its recognition of almost 30 departments in Colombia as FMD-free areas with vaccination.

2.3. Colombia expressed its thanks to Chile for recognition of its FMD-free areas with vaccination indicating that it was an exemplary demonstration of the implementation of the provisions of the SPS Agreement which enabled countries to eliminate unnecessary trade barriers. Other Members were urged to grant similar recognition to Colombia's FMD-free areas with vaccination.

2.4. Botswana announced that following the April 2011 outbreak of foot and mouth disease (FMD) in cattle in zone 6 of Butale Syndicate crush, near the border with Zimbabwe, a stamping-out programme had been implemented. The strategy included establishing a containment zone, emergency vaccination in cattle, goats and sheep, and ultimately depopulation of cattle in the containment zone. In October 2011, the OIE approved the containment zone and recognized the former FMD-free areas without vaccination as prior to the outbreak. Following the re-listing of Botswana's export establishments in the EU TRACES system, on 27 June 2012, exports of beef were again possible into the European Union (see G/SPS/GEN/1162).

2.5. The European Union welcomed the fact that Botswana's beef exports to the European Union could resume as of 10 July 2012.

2.3 March 2013 meeting (G/SPS/R/70)

2.6. Paraguay further reported on the September 2011 FMD outbreaks in the Department of San Pedro. Since the suspension of the sanitary emergency on 16 March 2012, 34 bovine meat export markets had been recovered to date. Results and conclusions of the actions undertaken to contain the disease would be presented to the OIE to request that Paraguay's previous status be restored.

3 MEMBERS' EXPERIENCES IN THE IMPLEMENTATION OF ARTICLE 6

3.1 March 2012 meeting (G/SPS/R/66)

3.1. Chile expressed concerns regarding the implementation of Article 6. Many Members had inefficient systems in place for the recognition of pest- and disease-free areas. For example, there should be an accelerated procedure for the recognition of disease-free areas for the four diseases recognized by the OIE; however, this did not happen in practice. Chile urged Members to not let bureaucracy get in the way of the objectives of Article 6.

3.2. Chile provided an overview on its use of compartmentalization for managing SPS risks (G/SPS/GEN/1147). In December 2011, the legal instrument was issued establishing compartmentalization as a tool for health management and the first compartment was approved for swine production in January 2012.

3.3. The European Union reported on the detection in Schmallingenberg, Germany, in November 2011, of a virus affecting ruminants, namely cattle, sheep and goats in Europe. It had been detected, to date, also in Belgium, France, Italy, Luxembourg, the Netherlands, Spain and the United Kingdom. The European Food Safety Authority (EFSA) had provided scientific and technical advice which indicated that the impact of this virus on animal health was limited and that there was no evidence that this virus could cause illness in humans. SBV was similar to the Akabane virus found in Asia, Africa and Australia, which was not an OIE-listed disease, and not subject to specific OIE standards or restrictions. The European Union urged its trading partners not to take disproportionate or unjustified measures against EU exports of ruminants and their products.

3.4. Norway shared the concerns expressed by the European Union and urged trading partners to follow the OIE's recommendation in relation to new and existing diseases.

3.5. The United States reported that on 16 March 2012, the USDA Animal and Plant Health Inspection Service (APHIS) published a proposed rule which would bring its BSE import regulations in line with the OIE standards (G/SPS/N/USA/2340). All trading partners were urged to review their import restrictions with respect to ruminants and ruminant products including beef and products such as tallow, and to adopt measures consistent with the OIE BSE guidelines.

3.2 July 2012 meeting (G/SPS/R/67)

3.6. Argentina reported that the OIE recognized the entire territory of Argentina as FMD-free, with the following three zones: (i) Patagonia - FMD-free zone without vaccination; (ii) Centro Norte - FMD-free zone with vaccination; and (iii) Cordón Fronterizo - FMD-free zone with vaccination. This sanitary status entitled Argentina to export fresh meat and meat products as well as live animals and other FMD-susceptible animal by-products, since it complied with the sanitary requirements set forth in Chapter 8.5 of the OIE Terrestrial Code for free zones where vaccination either is or is not practised. Additional information on Argentina's sanitary status could be found in the following documents: FMD-free status in G/SPS/GEN/1179; current health status with regard to BSE in G/SPS/GEN/1180; and recognition of areas free of fruit fly in G/SPS/GEN/1178.

3.7. The European Union reported on its experience in the implementation of zoning or regionalization for animal diseases. In the last decade, success had been achieved in containing, controlling and eradicating outbreaks of diseases, such as FMD, classical swine fever and avian influenza. By applying the concept of regionalization the European Union could meet the objective of maintaining a high health status while minimizing barriers to trade (see G/SPS/GEN/1159). The European Union invited all trading partners to accept the concept of regionalization and to apply similar systems of their own.

3.3 October 2012 meeting (G/SPS/R/69)

3.8. The European Union provided information on the latest developments in the situation of foot and mouth disease (FMD) in Bulgaria. Bulgaria reported 11 outbreaks of FMD in domestic and wild animals in the Burgas region near the border with Turkey in 2011. All of these outbreaks were notified to the OIE; necessary steps to control the outbreak and avoid further spreading of the disease were taken. The OIE restored the FMD-free without vaccination status of Bulgaria as of 31 August 2012.

3.9. Mexico reported on the various notifications that had been submitted to the SPS Committee in relation to various agreements declaring Mexico as a disease- or pest-free country or territory. G/SPS/GEN/1184 declared Mexico as free of Avian Salmonellosis; G/SPS/GEN/1185 declared Mexico as a zone free of Classical Swine Fever; and G/SPS/GEN/1189 and G/SPS/GEN/1190 declared Tabasco and Coahuila, excluding the Lagunera region, as zones free of Aujeszky's disease.

3.4 March 2013 meeting (G/SPS/R/70)

3.10. Paraguay reported on the phytosanitary emergency due to the detection of citrus greening disease (Huanglongbing, HLB), which had been notified to the Committee in G/SPS/N/PRY/24. In order to protect national citrus fruit production, Paraguay had issued Resolution No. 80/2013, which ensures the adoption of national measures to prevent the establishment and spread of the disease through the implementation of a containment plan and other relevant procedures.

3.11. Mexico reported on the various notifications it had submitted declaring Mexico as a disease- or pest-free country or territory. G/SPS/GEN/1207 declared various municipalities and communities in the state of Guerrero as areas with a low prevalence of fruit flies; G/SPS/GEN/1209 declared certain regions in the state of Morelos as free from fruit flies; G/SPS/GEN/1208 declared various municipalities in the state of Chihuahua as areas free from pink bollworm and boll weevil; G/SPS/GEN/1210 declared the municipality of Sayula, in the state of Jalisco, an area free from avocado seed weevils and moths; G/SPS/GEN/1214 declared the state of Nayarit as an area free from the Aujeszky's disease; and G/SPS/GEN/1215 declared the state of Tlaxcala as an area free from the tick *Boophilus* spp.

3.12. Honduras provided information on the decision declaring the Finca Montelibano, Namasigue, Choluteca a pest-free area for *Ceratitidis Capitata* Wied., in accordance with ISPM No. 10 (see G/SPS/GEN/1222).

3.13. Chile provided information regarding its recent self-declaration as a country free from ovine and caprine brucellosis pursuant to Resolution No. 498 of 23 January 2013.

3.14. Brazil reported on the Bovine Spongiform Encephalopathy (BSE) case first notified on 7 December 2012. Brazil emphasized that this was a single case event of atypical BSE which was rare and spontaneous. Moreover, the epidemiological situation of Brazil had not been altered by the notification of this BSE case, as the OIE Scientific Commission for Animal Diseases (SCAD/OIE) had maintained the classification of Brazil as a country with negligible risk for BSE. The investigations on the BSE case in Brazil were considered to be closed (see G/SPS/GEN/1232).

4 NOTIFICATIONS RELATED TO ARTICLE 6

4.1. From 2012 through May 2013, there have been 88 notifications (41 regular and 47 emergency) related to Article 6. Fourteen of those notifications (all regular) indicated that the notified measure was trade facilitating; these notifications mainly inform of measures that will simplify the requirements for the import of products originating from certain regions, as well as the recognition of pest-free or disease-free areas.

Table 4.1: Trade Facilitating Notifications Related to Article 6

Document Symbol	Notifying Member	Description of content
G/SPS/N/AUS/286	Australia	The draft policy review takes into account current scientific information, international standards developed by the OIE, as well as policies adopted by other countries for the import of zoo perissodactyls . The review identifies and categorises hazards of biosecurity concern associated with the importation of zoo perissodactyls. A review of disease agents is included.
G/SPS/N/AUS/304	Australia	These documents include a review of available scientific information on epizootic rabbit enteropathy (ERE) which concludes that the risk mitigation measures required for ERE are no longer necessary. Amended biosecurity requirements are detailed in the second document.
G/SPS/N/JPN/304	Japan	The requirements stipulate the application of regionalization in the event of Highly Pathogenic Avian Influenza outbreak in the United States of America .
G/SPS/N/JPN/305	Japan	The animal health requirements for pig meat etc. to be exported to Japan from Mexico are revised to allow the export of pig meat etc. from the State of Jalisco as a result of the recognition of the State of Jalisco, Mexico, as a free zone of Classical Swine Fever .
G/SPS/N/MEX/235	Mexico	The phytosanitary requirements for the importation into Mexico of polished rice (<i>Oryza sativa</i> L.) grains originating in and coming from Spain , that were established following the pest risk analysis conducted by the <i>Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food</i> , were submitted to public comment. The requirements were set pursuant to the "Agreement establishing the module for phytosanitary requirements governing the importation of goods regulated by the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food in relation to plant health", published in the Mexican Official Journal on 7 February 2012.
G/SPS/N/NIC/65	Nicaragua	The notified Ministerial Decision declares the insect <i>Bactericera cockerelli</i> and the bacteria <i>Candidatus Liberibacter solanacearum</i> - which cause the disease known as purple-top or permanent yellowing - as regulated non-quarantine pests , establishes a phytosanitary campaign and implements a plan of action for the integrated management of these pests in the departments of Estelí, Matagalpa and Jinotega and in any part of the national territory with a reported presence of the pest/disease complex, in order to contain and control it.

Document Symbol	Notifying Member	Description of content
G/SPS/N/PHL/206	Philippines	This Order provides for the lifting of the temporary ban on the importation of poultry and poultry products from Noord-Brabant and Zeeland (Netherlands) into the Philippines. These regions regained avian influenza free status in accordance with Article 10.4.3.2, Chapter 10.4 of the OIE Terrestrial Animal Health Code (2010).
G/SPS/N/PHL/207	Philippines	This Order provides for the lifting of the temporary ban on the importation of poultry and poultry products from Chinese Taipei into the Philippines. Chinese Taipei regained its avian influenza free status in accordance with Article 10.4.3.2 of the OIE Terrestrial Animal Health Code (2010).
G/SPS/N/RUS/4	Russia	This letter eliminates the temporary restriction on export of boneless beef, meat of small cattle to the Russian Federation due to the improvement of the epizootic situation on BSE in the territory of the United Kingdom .
G/SPS/N/RUS/5	Russia	This letter eliminates the temporary restriction on export of beef tongues to the Russian Federation due to the improvement of the epizootic situation on BSE in the territory of EU members .
G/SPS/N/USA/2322	United States	The Animal and Plant Health Inspection Service (APHIS) is proposing to allow, under certain conditions, the importation of commercial shipments of litchi fruit from Australia into the continental United States, except Florida . As a condition of entry, the litchi fruit would have to be grown in production areas that are registered with and monitored by the national plant protection organization of Australia and treated with irradiation at a dose of 400 gray for plant pests of the class Insecta, except pupae and adults of the order Lepidoptera, and subject to inspection.
G/SPS/N/USA/2501	United States	The APHIS is advising the public that they have determined that the Italian regions of Lombardia, Emilia-Romagna, Veneto, and Piemonte and the autonomous provinces of Trento and Bolzano are free of swine vesicular disease . This determination is based on their review of the documentation submitted by the Government of Italy in support of its request and the findings of their own animal health risk evaluation.

Document Symbol	Notifying Member	Description of content
G/SPS/N/USA/2513	Unites States	The APHIS is proposing to amend the fruits and vegetables regulations to allow the importation of avocados from continental Spain (excluding the Balaeric Islands and Canary Islands) into the United States. As a condition of entry, avocados from Spain would have to be produced in accordance with a systems approach that would include requirements for importation in commercial consignments; registration and monitoring of places of production and packinghouses; grove sanitation; and inspection for quarantine pests by the national plant protection organization of Spain.
G/SPS/N/USA/2514	United States	The APHIS is proposing to amend the fruits and vegetables regulations to allow the importation into the United States of fresh apricots from continental Spain . As a condition of entry, fresh apricots from continental Spain would have to be produced in accordance with a systems approach that would include requirements for importation in commercial consignments; registration of production locations and packinghouses; pest monitoring; sanitary practices; chemical and biological controls; phytosanitary treatment; and inspection for quarantine pests by the national plant protection organization of Spain.

5 SPECIFIC TRADE CONCERNS AND REGIONALIZATION

5.1. Specific trade concerns (STCs) can be raised due to issues pertaining to regionalization. From 2012 through May 2013, two STCs that related to regionalization were raised for the first time.

Table 5.1: New STC's Related to Regionalization (Jan. 2012 - May 2013)

STC No	Title	Member raising the concern	Member maintaining the measure	Date first raised
332	Restrictions related to FMD	Argentina	Japan	10/07/2012
337	Delay in finalizing inspection procedures on bovine and poultry meat from Argentina	Argentina	Canada	18/10/2012

5.2. For the same period, one previously raised STC that related to regionalization was brought to the attention of the Committee.

Table 5.2: Previously Raised STC's Related to Regionalization (Jan. 2012 – May 2013)

STC No	Title	Member raising the concern	Member maintaining the measure	Date first raised
318	US failure to recognize South Patagonia as FMD-free and to Import Beef from North of the 42 nd Parallel	Argentina	United States	30/06/2011