



**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 SECRETARIAT<sup>1</sup>**

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.<sup>2</sup> 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 the period from 1 June 2013 until 31 March 2014, 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 June 2013 meeting (G/SPS/R/71)**

1.1. Australia reported that the H7N7 Highly Pathogenic Avian Influenza (HPAI) virus had been found in November 2012 in one free-range poultry enterprise producing eggs. The OIE had been notified of the occurrence of the virus and Australia had provided regular updates on the development of the incident. By 20 December 2012, stamping-out operations (including humane destruction, disposal, cleansing and disinfection) had been completed and reported to the OIE. No further occurrences of the virus had been reported and Australia had on 20 March 2013 again met the requirements of the OIE to be recognised as a country free from HPAI. Australia thanked those trading partners that did not apply additional measures or that adopted measures that produced minimal trade disruption. Australia requested those Members that were still applying restrictive trade measures in response to this incident to remove these measures and recognise Australia as a country free from HPAI.

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<sup>1</sup> 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.

<sup>2</sup> G/SPS/48.

## **1.2 October 2013 meeting (G/SPS/R/73)**

1.2. Costa Rica recalled that in May 1999, the OIE had established a procedure for annually categorizing member countries according to their bovine spongiform encephalopathy (BSE) risk based on the provisions of the Terrestrial Animal Health Code. In May 2012, the OIE had updated the procedure for member countries to follow to achieve official recognition and maintenance of status for certain animal diseases. Costa Rica had followed the procedures established by the OIE in order to achieve official recognition with respect to BSE.

1.3. During the 81<sup>st</sup> General Session of the OIE in May 2013, the Assembly had recognized Costa Rica as having a controlled BSE risk in accordance with Chapter 11.5 of the Terrestrial Code. In order to benefit from hard-won achievement by the public and private sector, it was important that this status be recognized, and for this reason, Costa Rica requested that Members implement Article 6 of the SPS Agreement and the guidelines in G/SPS/48.

## **1.3 March 2014 meeting (G/SPS/R/74)**

1.4. In October 2013, Australia had advised the OIE and trading partners of the finding of an H7N2 HPAI virus in layer hens. Immediate surveillance and tracing had led to the detection of a second infected premise, which was also reported to the OIE. Since then, Australia had provided regular updates on developments on this incident to the OIE, in accordance with OIE requirements. Australia reported to the OIE in November 2013 that stamping out operations - including humane destruction, disposal, cleansing and disinfection - had been completed on both infected premises. Following surveillance for residual infection and absence of further reports of highly pathogenic avian influenza, there had been no further occurrences of the disease in domestic poultry. Australia thus again met OIE requirements of freedom from highly pathogenic avian influenza.

1.5. Australia thanked trading partners who had either not applied additional measures or had applied only measures that caused minimal disruption to trade of avian products, and those who had lifted measures put in place in response to this incident. Australia requested those trading partners who continued to apply trade restrictive measures on the importation of Australian birds and avian products in response to this incident to remove such measures and to again recognise Australia as a country free from highly pathogenic avian influenza.

1.6. South Africa reported that the outbreak of foot-and-mouth (FMD) in its free zone in February 2011 had resulted in the suspension of its FMD free zone status and in a number of trade restrictions by Members on cloven hoofed animals and products from South Africa. Following intensive efforts to eradicate FMD from the free zone and ensure the necessary monitoring and control measures, the OIE officially reinstated this zone as an "FMD free zone where vaccination is not practised" with effect from 14 February 2014. South Africa urged all trading partners to immediately remove any restrictions imposed following the February 2011 outbreak so as to allow trade of cloven hoofed animals and products originating from the recognized free zone into their markets.

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

### **2.1 June 2013 meeting (G/SPS/R/71)**

2.1. OIE tabled a document describing the OIE BSE risk assessment process that had been in place since 2004 (G/SPS/GEN/1256). OIE also indicated that the latest results of the official disease status recognition of OIE members were available for FMD, BSE, contagious bovine pleuropneumonia and, for the first time, also for African Horse sickness. This information could be found in G/SPS/GEN/1255.

### **2.2 October 2013 meeting (G/SPS/R/73)**

2.2. A US-funded project to enhance the export competitiveness of Philippine mangoes was conducted from 2006 to 2009. One of the components of the project was the conduct of detection surveys which confirmed the absence of Mango Pulp Weevil (MPW) in the Philippines, except

Palawan, and the absence of Mango Seed Weevil (MSW) in the whole Philippines. Monitoring surveys for these two pests were continuously conducted. In February 2013, USDA-APHIS had informed the Bureau of Plant Industry that the request for Area Freedom Certification for MPW (except Palawan) and MSW for the whole Philippines would be processed using the streamlined system for rule making. Once the United States issued the final rule, mangoes for export to the United States could be sourced from all the Philippines except Palawan.

2.3. The Philippines noted that two AUSAID-ACIAR funded projects dealing with the MPW and MSW had been conducted from February 2006 to February 2007 and from March 2007 to February 2008. The detection surveys under these two projects had confirmed the absence of the two pests in Davao del Sur, Sarangani and Samal Island in Mindanao. Quarantine checkpoints had been established in the entry and exit points of these areas to maintain area freedom from these pests and continuous low monitoring surveys were conducted. Both Davao del Sur and Samal Island had been recognized by Australian DAFF as areas free from MPW and MSW in December 2011, and had commenced commercial export of mangoes to Australia in June 2013. Guimaras Island was already established as a source of mangoes for export to Australia. The Philippines was negotiating with Australia to recognize the whole of Philippines, except for Palawan, as MPW and MSW free.

2.4. Chile reported that it had recently recognized some municipalities of Brazil as areas free from South American fruit fly, and had also recognized the Patagonia region of Argentina as an area free from South American fruit fly.

2.5. Indonesia noted that it had finished a comprehensive evaluation and assessment of the fruit fly *Ceratitis capitata* in Sargodha District of the Punjab province, Pakistan, and that the territory had been declared pest free in kinnow citrus, under Ministerial Decree No. 27-21 of 2013. Pakistan highlighted that this recognition by Indonesia would further strengthen the excellent trade relations between the two countries.

### **3 MEMBERS' EXPERIENCES IN THE IMPLEMENTATION OF ARTICLE 6**

#### **3.1 June 2013 meeting (G/SPS/R/71)**

3.1. Argentina indicated that in May 2013, the OIE had recognised the province of San Juan as free from FMD without vaccination (Resolution No.17 of the 81<sup>st</sup> OIE General Session). The other three FMD-free areas of Argentina were: a) Centro Norte, FMD-free with vaccination; b) Cordón Fronterizo, FMD-free with vaccination; and c) Patagonia Argentina, FMD-free without vaccination. Argentina would soon provide detailed information on all four FMD-free areas. Furthermore, the OIE had recognised Argentina as a country free from African horse sickness (Resolution No. 21 of the 81<sup>st</sup> OIE General Session).

#### **3.2 October 2013 meeting (G/SPS/R/73)**

3.2. Mexico informed Members of the various communications that had been circulated. These included the declaration of a municipality in Michoacán as an area free from the large avocado seed weevil (*Heilipus lauri*), the small avocado seed weevil (*Conotrachelus aguacatae* and *C. perseae*) and the avocado seed moth (*Stenomoma catenifer*), following the introduction of phytosanitary measures to determine the absence of these pests based on phytosanitary status assessments. Various municipalities in the State of Aguascalientes were declared as areas free from fruit flies of the genus *Anastrepha* of quarantine significance, as the absence of this pest had been determined based on phytosanitary status assessments. A number of communities of the State of Michoacán had been determined to be areas with a low prevalence of fruit flies of the genus *Anastrepha* of quarantine significance.

3.3. Paraguay reported that, pursuant to Article 6 of the SPS Agreement, and in connection with the framework for declaration of a phytosanitary emergency, citrus greening disease (HLB), *Candidatus Liberibacter asiaticus*, had been declared a quarantine pest subject to official control throughout the national territory in accordance with ISPM No. 8 "Determination of Pest Status in an Area" and ISPM No. 5 "Glossary of Phytosanitary Terms". The phytosanitary emergency had been notified in document G/SPS/N/PRY/24. Details of the phytosanitary measures introduced to contain the spread of the pest were available at: <http://www.senave.gov.py/hlb.html>.

3.4. Peru reported that there had been no cases of foot-and-mouth disease (FMD) in its territory since July 2004. In 1998, Peru's National Agrarian Health Service (SENASA) had initiated the eradication process by launching the National Foot-and-Mouth Disease Programme (PRONAFE) under a project financed by the Inter-American Development Bank (IDB). An emergency health plan had been formulated and border conventions in northern and southern Peru had been strengthened. In order to carry out the programme, the country was divided into three zones, and each zone had been set targets to permit recognition by the OIE. In May 2005, the OIE had granted FMD-free without vaccination status to ten regions in Peru. In May 2007, the OIE had granted FMD-free without vaccination status to a further seven regions in the country, which meant that 88.4% of the national territory was internationally recognized as FMD-free without vaccination. In May 2013, the OIE had granted FMD-free without vaccination status to another six regions and FMD-free with vaccination status to three regions. Therefore, all of Peru was now recognized as FMD-free, 98.4% without vaccination and 1.6% as with vaccination.

3.5. Guatemala reported that, in the context of its obligations under Article 6 of the SPS Agreement, two Ministerial decisions had been enacted declaring several municipalities free of Mediterranean fruit fly (*Ceratitis capitata* Wied.) and other fruit flies of the genera *Anastrepha* spp., *Dacus* spp. and *Bactrocera* spp. Activities to eradicate these pests had started three decades ago to enable Guatemala to develop fruit for export markets, especially papaya. In order to maintain freedom, Guatemala had established regulations and procedures for various sites and locations which were either free from or had a low prevalence of Mediterranean fruit flies. In this manner, regulations were established to ensure internal quarantine to contain the movement of the Mediterranean fly host fruits and the monitoring of trade of food within Guatemalan territory. In 2011, Guatemala had succeeded in declaring a fruit fly free region, in line with the international standards, which was significant in the production of various types of fruits. Similarly, activities had been developed in the centre of the country, where an area free from the fruit fly had also been declared. Guatemala was working towards creating another fly free area in the south coast. Guatemala underscored the efforts taken by the Ministry of Agriculture, Livestock and Food and the commitment by Guatemala to improve its phytosanitary system.

3.6. Chile declared its whole territory free from ovine and goat scrapie (Scrapie o Prurigo lumbar) pursuant to resolution No. 4321/2013 of the Agriculture and Livestock Service. Chile had been evaluating the country's disease status for several years, and during this time, no outbreaks had been established.

### 3.3 March 2014 meeting (G/SPS/R/74)

3.7. The European Union announced the detection of African swine fever (ASF) in two of its member States, Lithuania and Poland. Stringent measures had been immediately taken by the affected members States in accordance with international standards. These precautionary measures would be in place for a number of years to avoid the spread of ASF from the East. Furthermore, the European Union was providing technical assistance to its neighbouring countries, which had been unable to control the spread of ASF. The European Union urged its trading partners not to take more trade restrictive measures than necessary in light of the principle of regionalization.

3.8. Honduras reported that the Finca Santa Rosa in the municipality of Nacaome, department of Valle, was a pest free area for *Ceratitis Capitata* Wied., in accordance with Section 3.3 of ISPM No. 10 (Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites).

3.9. Paraguay indicated that they had recovered their OIE FMD-free with vaccination status as of 1 November 2013. Paraguay thanked the veterinary services of all members of the Standing Veterinary Committee and the Pan American FMD Centre for the collaboration they provided throughout the process.

3.10. Paraguay also noted that the "Better training for safer food" initiative, funded by the European Union (DG SANCO) had organized a workshop on FMD in Paraguay, 18-21 March. Paraguay thanked the European Union for its support to veterinary services in the region. This support undoubtedly contributed towards the objectives of improving the technical capacity of staff, guaranteeing the safety of products and improving development prospects.

3.11. Guatemala recalled that Senegal had requested further information regarding the areas declared free of Mediterranean fruit fly by the Ministry of Agriculture, Livestock and Food (G/SPS/GEN/1326). These areas met the FAO definition of a pest-free zone, as demonstrated through a surveillance system using trapping and sampling carried out through the MOSCAMED programme. This status was maintained by the application of phytosanitary measures in line with international standards NAPPO and IPPC. Guatemala had implemented an integrated management system for pest control using the latest technology, and the principal component was the sterile fly technique (TIE) applied "area-wide".

3.12. Ecuador reported on its progress towards recognition as an FMD-free country. Since August 2011, the Livestock Ministry and sanitary authorities, alongside the private livestock sector, had undertaken a project to eradicate FMD. In this context, Ecuador had been able to confirm the absence of FMD for 33 months. The carrying out bi-yearly campaigns enabled Ecuador to enhance monitoring and implement a notification system, linked with the progressive control of beef through electronic follow-ups. As a result of this work carried and of the confidence of the international community in the sanitary services of Ecuador, the OIE had officially recognized Ecuador's FMD official control programme. This was an important basis for the recognition and declaration of Ecuador as an FMD-free country with vaccination, expected for 2015.

3.13. Indonesia provided information on its National Plant Protection Organization. The Indonesian Agriculture Quarantine Agency had been facilitating access for Members' consignments into Indonesia. Pest quarantine protection measures were listed in the Ministerial Decree of Agriculture No. 93 2011. Based on this list, Indonesia applied quarantine measures at pre-border, border, and post-border stages. During the period of 2013-2014, the Indonesian Minister of Agriculture had endorsed requests of recognition of pest-free areas from several Members. In order to obtain recognition of pest- or disease-free areas, Members should submit completed technical data to facilitate the conduct of a pest risk analysis by an Indonesian expert team.

#### 4 NOTIFICATIONS RELATED TO ARTICLE 6

4.1. From June 2013 through March 2014, 80 notifications (34 regular and 46 emergency) related to Article 6. Fifteen of those notifications (both regular and emergency) 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
<a href="#">G/SPS/N/AUS/326</a>	Australia	DAFF has issued a draft policy review of the risk management of avian paramyxovirus 2 and 3 in hatching (fertile) eggs of domestic chickens and turkeys for a 60-day consultation period. The review was initiated in response to the interest from stakeholders in updating the conditions under which hatching (fertile) eggs of domestic chickens and turkeys can be imported into Australia.
<a href="#">G/SPS/N/AUS/327</a>	Australia	These documents include a review of available scientific information on hantavirus in mouse embryos which concludes that the risk mitigation measures required for hantavirus in mouse embryos are no longer necessary. Amended biosecurity measures are detailed in the second document.
<a href="#">G/SPS/N/JPN/317</a>	Japan	The animal health requirements for pig meat etc. to be exported to Japan from the State of Santa Catarina, Brazil are set to allow the export of pig meat etc. from the State of Santa Catarina to Japan since the State of Santa Catarina is recognised as a free zone of foot-and-mouth disease, Classical swine fever and African swine fever.

Document symbol	Notifying Member	Description of content
<a href="#">G/SPS/N/JPN/331</a>	Japan	The "animal health requirements for meat and viscera derived from pigs, and for sausages, ham and bacon made from the said meat and viscera as raw materials, to be exported to Japan from Portugal" are set to allow the export of pig meat etc. from Portugal to Japan since Portugal is recognised as a free country of foot-and-mouth disease, Classical swine fever and African swine fever.
<a href="#">G/SPS/N/MEX/243</a>	Mexico	The phytosanitary requirements for the importation into Mexico of sugar beet ( <i>Beta vulgaris</i> L.) seeds originating in New Zealand and coming from the Netherlands, established on the basis of a pest risk analysis or a risk assessment, have been submitted to public comment. A phytosanitary certificate issued by the Dutch plant health authority is required and must state that the seeds originate in New Zealand and are free from the following: <i>Cercospora beticola</i> , <i>Peronospora farinose</i> f.sp. <i>betae</i> , <i>Pleospora betae</i> , <i>Colletotrichum circinans</i> , <i>Uromyces beticola</i> , <i>Curtobacterium flaccumfaciens</i> pv. <i>betae</i> , <i>Pseudomonas syringae</i> pv. <i>aptata</i> , <i>Radish yellow edge virus</i> , <i>Bromus sterilis</i> , <i>Cuscuta europaea</i> , <i>Euphorbia helioscopia</i> , <i>Fumaria officinalis</i> , <i>Hibiscus trionum</i> , <i>Polygonum persicaria</i> and <i>Asphodelus tenuifolius</i> .
<a href="#">G/SPS/N/MEX/244</a>	Mexico	The phytosanitary requirements for the importation into Mexico of onion seeds ( <i>Allium cepa</i> L.) originating in Italy and coming from the Netherlands, established following the pest risk analysis or a risk assessment, have been submitted for comment. The phytosanitary authority of the Netherlands is to issue a phytosanitary certificate stating that the onion seeds originate in Italy and that they have undergone inspection and been found free of <i>Botrytis aclada</i> , <i>Colletotrichum circinans</i> , <i>Fusarium oxysporum</i> f. sp. <i>Cepae</i> , <i>Pleospora herbarum</i> , <i>Puccinia allii</i> , <i>Stemphylium vesicarium</i> , <i>Abutilon theophrasti</i> , <i>Cuscuta europea</i> , <i>Fumaria officinalis</i> and <i>Polygonum convolvulus</i> .
<a href="#">G/SPS/N/MEX/246</a>	Mexico	The phytosanitary requirements governing the importation into Mexico of botanical seeds of barley ( <i>Hordeum vulgare</i> L.) originating in and coming from France, established on the basis of a pest risk analysis, have been submitted to public comment.
<a href="#">G/SPS/N/MEX/248</a>	Mexico	The phytosanitary requirements governing the importation into Mexico of botanical seeds of barley ( <i>Hordeum vulgare</i> L.) originating in and coming from the State of Colorado, United States, established on the basis of a pest risk analysis, have been submitted to public comment. Furthermore, botanical seeds of barley ( <i>Hordeum vulgare</i> L.) are required to be certified as free from <i>Cynaeus angustus</i> , <i>Xanthomonas translucens</i> , <i>Cephalosporium gramineum</i> , <i>Phaeosphaeria nodorum</i> , <i>Pyrenophora teres</i> f. sp. <i>maculata</i> , <i>Tilletia controversa</i> , <i>Ustilagonuda</i> , <i>Cirsium arvense</i> , <i>Fumaria officinalis</i> L., <i>Hibiscus trionum</i> L., <i>Lolium temulentum</i> L., <i>Polygonum convolvulus</i> L., <i>Salsola</i>

Document symbol	Notifying Member	Description of content
		<i>collina</i> , <i>Sinapsis arvensis</i> L., <i>Solanum ptycanthum</i> and <i>Sonchus arvensis</i> L., on the basis of the results of a laboratory diagnosis.
<a href="#">G/SPS/N/MEX/254</a>	Mexico	The phytosanitary requirements governing the importation into Mexico of onion ( <i>Allium cepa</i> L.) seeds originating in Spain and coming from the Netherlands, established on the basis of a pest risk analysis, have been submitted to public comment. Onion ( <i>Allium cepa</i> L.) seeds are required to be certified as free from <i>Botrytis aclada</i> , <i>Colletotrichum circinans</i> , <i>Fusarium oxysporum</i> f. sp. <i>cepae</i> , <i>Peronospora destructor</i> , <i>Puccinia allii</i> and <i>Stemphylium vesicarium</i> on the basis of the results of a laboratory diagnosis.
<a href="#">G/SPS/N/PHL/226</a>	Philippines	The Philippines is lifting the ban on the importation of domestic and wild birds and their products including poultry meat, day-old chicks, eggs, and semen originating from New South Wales, Australia.
<a href="#">G/SPS/N/PHL/235</a>	Philippines	This circular governs the importation of fresh paprika from Jeju Island, Republic of Korea.
<a href="#">G/SPS/N/ARE/23</a>	United Arab Emirates	The United Arab Emirates lifted the ban on the importation of domestic and wild birds and their products including poultry meat, day-old chicks and eggs originating from Bulgaria.
<a href="#">G/SPS/N/ARE/24</a>	United Arab Emirates	The United Arab Emirates is applying a ban on the importation of domestic and wild birds and their products including poultry meat, day-old chicks and eggs originating from Italy.
<a href="#">G/SPS/N/USA/2617</a>	United States	APHIS is proposing to amend the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Brazil (the States of Bahia, Distrito Federal, Espirito Santo, Goias, Mato Grosso, Mato Grossodo Sul, Minas Gerais, Parana, Rio Grande do Sul, Rio de Janeiro, Rondonia, Sao Paulo, Sergipe, and Tocantins). Fresh (chilled or frozen) beef can be safely imported from those Brazilian States provided certain conditions are met.
<a href="#">G/SPS/N/USA/2622</a>	United States	APHIS is advising the public that a region of Argentina, consisting of the areas of Patagonia South and Patagonia North B, is free of foot-and-mouth disease. APHIS is making that determination, as well as an evaluation we have prepared in connection with this action, available for review and comment. In addition, we have prepared an evaluation assessing the rinderpest status of South America, which includes Argentina, and have determined, based on our evaluation, that rinderpest is not present in the entirety of Argentina. We are also making that determination, as well as our evaluation, available for review and comment.

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## 5 SPECIFIC TRADE CONCERNS AND REGIONALIZATION

5.1. Specific trade concerns (STCs) can be raised due to issues pertaining to regionalization. From June 2013 through March 2014, no new STCs that related to regionalization were raised.

5.2. For the same period, one previously raised STC that related to regionalization (332) was brought again to the attention of the Committee.

5.3. In addition, panel proceedings in the context of the WTO dispute settlement resolution procedures continued with respect to one previously raised STC (US failure to recognize South Patagonia as FMD-free and to Import Beef from North of the 42<sup>nd</sup> Parallel (STC 318 raised by Argentina, June 2011)).

**Table 5.1: Previously Raised STC's Related to Regionalization (June 2013 – March 2014)**

STC No	Title	Member raising the concern	Member maintaining the measure	Date first raised
332	Restrictions related to FMD	Argentina	Japan	10/07/2012

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