

**COMMENTS ON CHAPTER 6 OF THE SPS AGREEMENT –  
REGIONALIZATION**

Communication by Chile

**Article 6.      Adaptation to Regional Conditions, including Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence**

1.      *Members shall ensure that their sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary characteristics of the area – whether all of a country, part of a country, or all or parts of several countries – from which the product originated and to which the product is destined. In assessing the sanitary or phytosanitary characteristics of a region, Members shall take into account, inter alia, the level of prevalence of specific diseases or pests, the existence of eradication or control programmes, and appropriate criteria or guidelines which may be developed by the relevant international organizations.*

2.      *Members shall, in particular, recognize the concepts of pest-or disease-free areas and areas of low pest or disease prevalence. Determination of such areas shall be based on factors such as geography, ecosystems, epidemiological surveillance, and the effectiveness of sanitary or phytosanitary controls.*

3.      *Exporting Members claiming that areas within their territories of pest- or disease-free areas or areas of low pest or disease prevalence shall provide the necessary evidence thereof in order to objectively demonstrate to the importing Member that such areas are, and are likely to remain, pest- or disease-free areas or areas of low pest or disease prevalence, respectively. For this purpose, reasonable access should be given, upon request, to the importing Member for inspection, testing and other relevant procedures.*

**Comments**

This principle of the WTO SPS Agreement has been largely developed with reference to OIE and IPPC guidelines. Even in the case of the OIE, it makes on-the-spot verifications of some diseases in order to guarantee an area's status.

Nevertheless, when Member countries do reach such sanitary status, usually after great cost and effort, they find that the process of recognition is delayed, chiefly for two reasons:

- The importing countries do not give effect to the recognition by the international organization (OIE);
- the administrative procedures required by the importing countries, are usually very complex, slow and differ from the one established by the international organization in question.

The normal stages in the procedure should be:

- Obtaining the sanitary or phytosanitary status;
- declaration of the area as such by the competent international organization;
- communication of the status to trading partners;
- a formal request for recognition of this status;
- initiating the bilateral process of recognition, which depends on the pest or disease involved.

From then on, the periods for fulfilling each of the recognition stages varies, depending on the country and its system.

Suggestions:

- Work should be done on this matter in order to clarify the valid procedure to be followed in such cases, in an effort to back up the work of the competent international organizations in preparing standards that are used and recognized by Member countries;
  - the OIE should in future incorporate other important diseases in its verification procedure;
  - the IPPC should in future incorporate this on-site verification and recognition by experts, or a similar mechanism;
  - work should be done on reviewing the corresponding standards in order for all countries to be able to raise any doubts, so as to update standards that are adopted without difficulties about subsequent application.
-