

**SECOND REVIEW OF THE OPERATION AND IMPLEMENTATION  
OF THE AGREEMENT ON THE APPLICATION OF  
SANITARY AND PHYTOSANITARY MEASURES**

Prioritization of Issues for the Future Work Programmes of the SPS Committee

Communication from Costa Rica

The following communication, received on 23 November 2005, is being circulated at the request of the delegation of Costa Rica.

1. In view of the importance of the Second Review of the Operation and Implementation of the Agreement on the Application of Sanitary and Phytosanitary Measures, Costa Rica regards as highly significant the initiative to expand the discussions undertaken in this context so as to include the most relevant issues in the future work programme of the Committee on Sanitary and Phytosanitary Measures.<sup>1</sup> Similarly, we recognize the relevance of New Zealand's proposal in document G/SPS/W/168 on the need to prioritize the discussion of issues.

2. Among the questions raised in the current review of the operation of the SPS Agreement there are issues that are already long-standing items on the Committee's agenda<sup>2</sup>, and on these issues there is already a permanent forum for discussion that would enable specific items to be introduced in response to the questions raised. Accordingly, Costa Rica views the prioritization of issues as relevant in the case of those questions that do not currently appear as an item on the SPS Committee's agenda.

**A prioritized future work programme for the Committee**

First: undue delays

3. Costa Rica shares the concern expressed by Uruguay<sup>3</sup> as well as by other Members on the issue of "Undue Delays", and thus we attach great importance to continuing to discuss this issue which finds expression in problems such as exaggerated information requirements, non-transparent procedures, together with excessively long time-limits to analyse and decide on risk analysis, the adoption or modification of measures, and other aspects relating to the application of sanitary and phytosanitary measures. Problems of this kind frequently affect our exporters' market access.

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<sup>1</sup> G/SPS/W/163.

<sup>2</sup> Draft Report to the Committee by the Secretariat G/SPS/W/173/Rev.2.

<sup>3</sup> G/SPS/W/160, G/SPS/W/169.

4. Although the issue of "Undue Delays" has in fact been dealt with among the issues already discussed by the SPS Committee such as Equivalence<sup>4</sup> and continues to be dealt with among other issues that are currently being discussed such as Regionalization, this is an issue of a cross-cutting nature that affects other mechanisms and disciplines of this Agreement, on which discussion has not been exhausted. Costa Rica considers it to be highly important to continue to discuss this issue in the context of the Second Review of the SPS Agreement.

Second: consultations under Article 12.2

5. Through the application of Article 12.2 of the Agreement the SPS Committee has helped to discuss and solve the trade concerns raised by the Members. The application of this Article has made it possible to speed up the solution of trade problems relating to the application of SPS measures, so as not to have to employ the time and economic resources that would be involved in resorting to other bodies. However, we share the view of the United States that the mechanism established in Article 12.2 has been underutilized, since it has not been developed so as to become an operational mechanism with established processes and procedures.<sup>5</sup>

6. Similarly, Costa Rica views with interest the idea of studying in more detail the possible alternative approaches that might derive from the application of Article 12.2. We believe it to be desirable that the SPS Committee should discuss possible alternatives that would lead to the more effective application of this mechanism, so that the trade concerns raised in the SPS Committee might have a better likelihood of being resolved. For a small country such as Costa Rica, this mechanism represents an opportunity to settle disputes and facilitate trade without having to resort to the considerable expense involved in the use of the dispute settlement mechanism.

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<sup>4</sup> G/SPS/19/Rev.2.

<sup>5</sup> G/SPS/W/163.