

# WORLD TRADE ORGANIZATION

RESTRICTED

**WT/ACC/SAU/42**

24 June 1999

(99-2587)

---

**Working Party on the Accession  
of the Kingdom of Saudi Arabia**

Original: English

## **ACCESSION OF THE KINGDOM OF SAUDI ARABIA**

### Action Plan for the Implementation of the SPS Agreement

The Ministry of Commerce of the Kingdom of Saudi Arabia has submitted the following Action Plan for the Implementation of the SPS Agreement.

---

Action Plan for the Implementation of the SPS Agreement

Article of the Agreement	Obligations Under the Article	Existing Position	Future Programme
2.2	Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health based on scientific principles and not maintained without sufficient scientific evidence.	This is being followed in practice.	Legislation is under preparation which will incorporate all obligations under the SPS Agreement. Draft legislation will be ready around end – September 1999, and will be enacted by the end of 1999.
2.3	Members shall ensure that their sanitary and phytosanitary measures do not arbitrarily discriminate between members when identical or similar conditions prevail including between their own territory and that of other members. Sanitary and phytosanitary measures shall not be applied to in a manner, which would constitute a disguised restriction on international trade.	These requirements are followed as general practice. However, there are no written regulations on these.	Legislation is under preparation which will incorporate all obligations under the SPS Agreement. Draft legislation will be ready around end – September 1999, and will be enacted by the end of 1999.
3.1	Members shall base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, except as otherwise provided for in this agreement, that would result in a higher level of protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations.	Saudi SPS measures are mostly based on international standards, guidelines and recommendations.	Legislation is under preparation which will incorporate all obligations under the SPS Agreement. Draft legislation will be ready around end – September 1999, and will be enacted by the end of 1999.
3.3	Members may introduce or maintain sanitary or phytosanitary measures which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, if there is a scientific justification or as a coinsurance of the level of sanitary or phytosanitary protection different from that which	This is being followed in practice. However, there are no written regulations on this.	Legislation is under preparation which will incorporate all obligations under the SPS Agreement. Draft legislation will be ready around end – September 1999, and will be enacted by the end of 1999.

Article of the Agreement	Obligations Under the Article	Existing Position	Future Programme
	would be achieved by measures based on international standards, guidelines or recommendations shall not be inconsistent with any other provision of this agreement.		
3.4	Members shall play a full part within the limits of their resources in the relevant international organizations and their subsidiary bodies in particular the Codex Alimentarius Commission, the International Office of Epizootic, and the international and regional organizations operating within the framework of the International Plant Protection Convention to promote within these organizations the development and periodic review of standards, guidelines and recommendations with respect to all aspects of sanitary and phytosanitary measures.	The Kingdom participates as a full member in many international organizations in particular the Codex Alimentarius and the International Office of Epizootic and the international organizations operating within the framework of the International Plant Protection Convention. However, material constraints limit its participation in the meetings of such organizations.	Participation in the meetings of these organizations would be enhanced. Saudi Arabia would take a fuller part in the activities of international organizations.
4.1	Members shall accept the sanitary and phytosanitary measures of other members as equivalent, even if the measures differ from their own, if the exporting member objectively demonstrates that its measures achieve the appropriate level of protection.	This is being done at present.	The obligation will be reflected in the new legislation under preparation.
4.2	Members shall upon request, enter into consultations with the aim of achieving bilateral and multi-lateral agreements on recognition of the equivalence of specified sanitary or phytosanitary measures.	At present, there have been no occasions for consultations as no such requests were received.	Saudi Arabia would abide by this upon accession to the WTO.
5.1	Members shall ensure that their sanitary and phytosanitary measures are based on assessment, as appropriate to the circumstances of the risk to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organization.	SPS measures are based on risk assessment. Such assessment is usually based on the following: (a) Ban on importation of live animals/their meat/products/derivatives from countries infected with quarantine animal diseases (i.e.	Legislation is under preparation which will incorporate all obligations under the SPS Agreement. Draft legislation will be ready around end – September 1999, and will be enacted by the end of 1999.

Article of the Agreement	Obligations Under the Article	Existing Position	Future Programme
		<p>rinderpest or mad cow) or other animal diseases listed in the animal quarantine regulation.</p> <p>(b) Ban on food imported from countries listed in the preventive circulars i.e. cholera-stricken, or countries infected with nutrient epidemics.</p> <p>(c) Ban on vegetable products imported from countries infected with phytodemics listed in the plant quarantine regulation.</p>	
5.2	<p>In the assessment of risks, members shall take into account available scientific evidence, relevant processes and production methods, relevant inspection, sampling and testing methods, prevalence of specific diseases on pests, existence of pest or disease-free areas, relevant ecological and environmental conditions, and quarantine or other treatment.</p>	<p>There are no laid down rules in this respect. However, in practice risk assessment takes into account available scientific evidences and prevalence of specific diseases or pests.</p>	<p>This obligation will be incorporated in the legislation under preparation.</p>
5.3	<p>In assessing the risks (to animal or plant life or health), members shall take into account as relevant economic factors: the potential damage in terms of loss of production or sales, the cost of control or eradication in the territory of the importing member, and the relative cost- effectiveness of alternative approaches to limiting risks.</p>	<p>This approach is not taken into account at present.</p>	<p>This obligation will be incorporated in the legislation under preparation.</p>
5.4	<p>Members should, when determining the appropriate level of sanitary and phytosanitary protection, take into account the objective of minimizing negative trade effects.</p>	<p>There is no written rule on this, but in practice the negative trade effects are considered before determining the level of SPS protection.</p>	<p>Legislation is under preparation which will incorporate all obligations under the SPS Agreement. Draft legislation will be ready around end – September 1999, and will be enacted by the end of</p>

Article of the Agreement	Obligations Under the Article	Existing Position	Future Programme
			1999.
5.5	Members shall avoid arbitrary or unjustifiable distinctions in the levels it considers appropriate, if such distinction results in discrimination or a disguised restriction on international trade.	This is currently being implemented in the Kingdom as measures are applied without discrimination.	This obligation will be incorporated in the legislation under preparation.
	Members shall cooperate in the Committee on Sanitary and Phytosanitary measures. In developing the guidelines to further the practical implementation of this provision, the committee shall take into account all relevant factors including the exceptional character of human health risks to which people voluntarily expose themselves.		
5.6	Members shall ensure that such measures are not more trade restrictive than required to achieve their appropriate level of sanitary and phytosanitary protection, taking into account technical and economic feasibility.	The requirements of this clause are generally met by Saudi Arabia.	Will be reflected in the legislation under preparation.
5.7	A member may provisionally adopt sanitary and phytosanitary measures on the basis of available pertinent information, in cases where relevant scientific evidence is insufficient. In such circumstances, members shall seek to obtain the additional information necessary for a more effective assessment of risk and review the sanitary and phytosanitary measures accordingly within a reasonable period of time.	This is being done at present.	Will be incorporated in the legislation under preparation.
5.8	When a member has a reason to believe that another member is constraining its exports and the measure is not based on the relevant international standards, guidelines or recommendations, an explanation of the reasons for such sanitary or phytosanitary measure	We take note of this provision.	The obligation part of this provision will be suitably reflected in the legislation under preparation.

Article of the Agreement	Obligations Under the Article	Existing Position	Future Programme
	may be requested and shall be provided by the member maintaining the measure.		
6.1	Members shall ensure that their sanitary and phytosanitary measures are adapted to the sanitary and phytosanitary characteristics of the area – whether all of a country or 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 the level of prevalence of specific disease or pests, the existence of eradication or control programmes, which may be developed by the relevant international organization.	Not being followed at present.	This obligation will be reflected in the legislation under preparation.
6.2	Members shall recognize the concepts of pest or disease – free areas and area of low pest or disease prevalence. Discrimination of such area shall be based on factors such as geography, ecosystems, epidemiological surveillance, and the effectiveness of sanitary or phytosanitary controls.	Not being followed at present.	Will be reflected in the legislation under preparation.
6.3	Exporting members claiming that areas within their territories are 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 likely to remain, pest or disease prevalence, respectively. For this purpose reasonable access shall be given upon request to the importing member for inspection, testing and other relevant procedures.	Saudi Arabia is mainly an importing country for SPS purposes. The provision does not contain an obligation for an importing country.	_____
7	Members shall notify changes in their sanitary and phytosanitary measures, and shall provide	Not being followed at present. Enquiry points exist in the Ministry of	The obligations under this Article will be fully reflected in the legislation

Article of the Agreement	Obligations Under the Article	Existing Position	Future Programme
	<p>information in the following manner:</p> <p>(a) Regulations are published in such a manner as to enable interested members to become acquainted with them.</p> <p>(b) Except in urgent circumstances, members shall allow a reasonable interval between the publication of a sanitary or phytosanitary regulation and its entry into force.</p> <p>(c) Each member shall ensure that one inquiry point exists which is responsible for the provision of answers to all reasonable questions from the interested member.</p> <p>(d) Whenever an international standard, guideline or recommendation does not exist, or the content of a proposed sanitary or phytosanitary regulation is not substantially the same as the content of an international standard, guideline or recommendation, and if the regulation may have a significant effect on trade of other member, members shall:</p> <p>(e) Published a notice at an early stage.</p> <p>(f) Notify other members through the secretariat, of the products to be covered by the regulation at an early stage.</p> <p>(g) Provide upon request to other members copies of the proposed regulation and whenever possible, identify the parts which in substance deviate from international standards, guidelines or recommendations.</p> <p>(h) Without discrimination, allow reasonable time for other members to make comments in writing, discuss these comments upon</p>	<p>Commerce, Ministry of Agriculture and Water and in SASO.</p>	<p>under preparation.</p> <p>A single Enquiry point is being established in the Ministry of Commerce. It will be operational around October 1999.</p>

Article of the Agreement	Obligations Under the Article	Existing Position	Future Programme
	request, and take the comments and the results of the discussions into account.		
	<p>However, when urgent problems of health protection arise, or thereafter to arise for a member, that member may omit such of the steps enumerated under the above paragraph, provided that the member:</p> <p>(a) Immediately notifies other members, through the secretariat, of the particular regulation and product covered, with a brief indication of the objective and the rationale of the regulation, including the nature of the urgent problem(s).</p> <p>(b) Provide upon request copies of the regulation to other members.</p> <p>(c) Allows other members to make comments in writing, discuss these comments upon request, and take the comments and the results of the discussion into account.</p>		
	<ul style="list-style-type: none"> <li>- Notifications to the secretariat shall be in English, French or Spanish.</li> <li>- Members shall designate a single central government authority as responsible for the implementation of the provisions concerning notification procedures.</li> </ul>		
	<ul style="list-style-type: none"> <li>- Nothing in this agreement shall be construed as requiring the provision of particulars or copies of drafts or the publication of texts other than in the language of the member except as stated concerning the languages above. Furthermore, nothing in this agreement shall be construed as requiring member to disclose confidential</li> </ul>		



Article of the Agreement	Obligations Under the Article	Existing Position	Future Programme
	information which would impede enforcement of sanitary or phytosanitary legislation of which would prejudice the legitimate commercial interest of particular enterprises.		
8	Members shall observe the provision of Annex C in the operation of control inspection and approval procedures including national systems for approving the use of additives or for establishing tolerances for contaminants in the foods, beverages or foodstuffs and otherwise ensure that their procedures are not inconsistent with the provisions of this agreement.	Currently implemented in the KSA as conditions and requirements herein are covered by both national and international standards.	Will be reflected in the legislation under preparation.

\_\_\_\_\_