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# Pest-Free Areas

## WTO SPS Agreement: Relevant Provisions (Article 6) and SPS Committee Guidelines (G/SPS/48)

**IPPC International Symposium for Pest Free Areas (PFAs) and Surveillance**

*Shizuoka, Japan*

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World Trade Organization



# Outline

1. WTO SPS Agreement and Pest-Free Areas (Article 6)
2. SPS Committee Guidelines on Regionalization (G/SPS/48)



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# **1. WTO SPS Agreement and Pest-Free Areas (Article 6)**

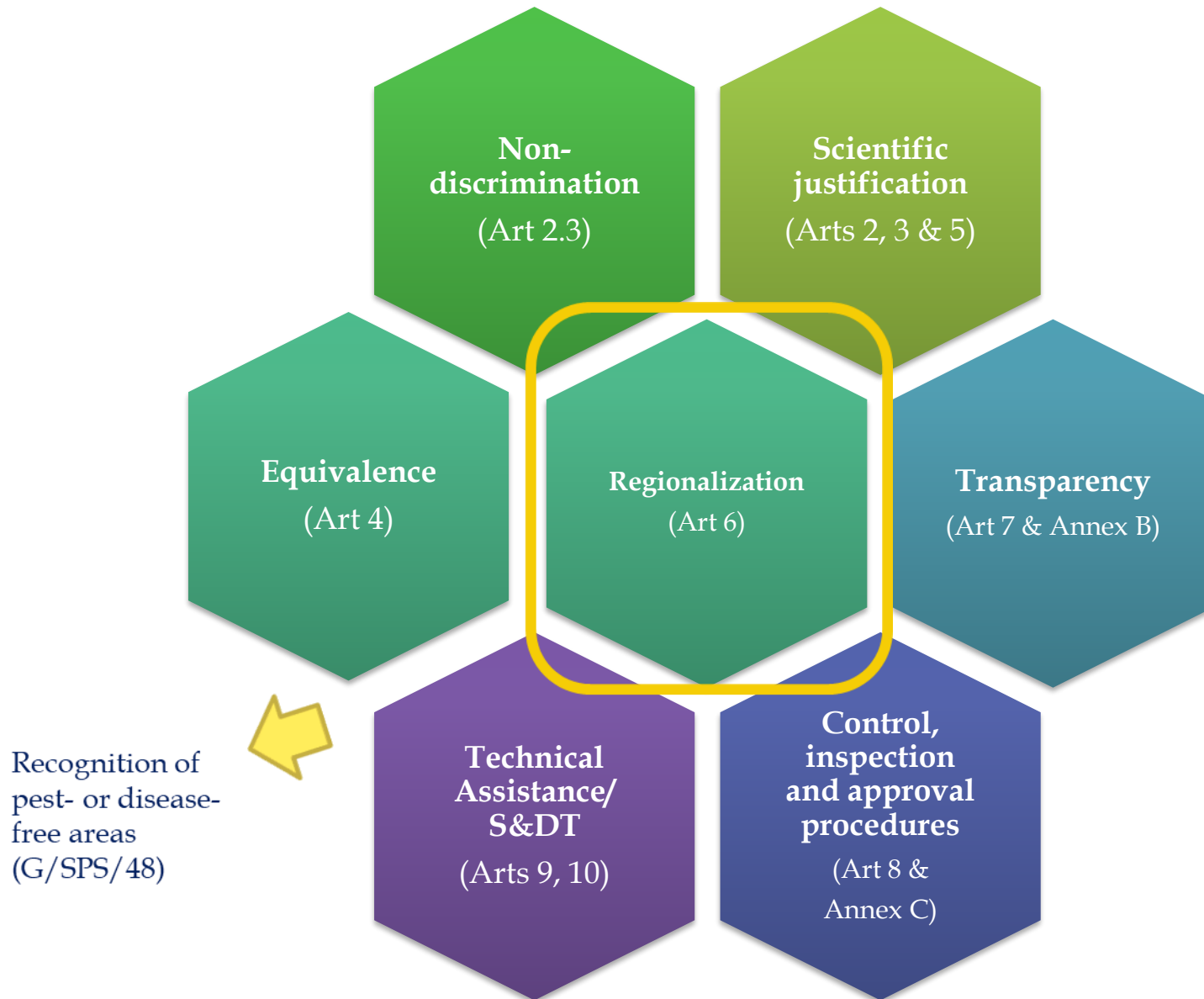


# SPS Agreement: Overview

- establishes a **multilateral framework** of rules and disciplines to guide development, adoption, and enforcement of sanitary and phytosanitary measures
- applies to SPS measures which may, directly or indirectly, **affect international trade**
- “Members **have the right** to take sanitary and phytosanitary measures **necessary** for the protection of human, animal or plant life or health, provided that such measures are **not inconsistent** with the provisions of this Agreement.” (*Article 2.1*)



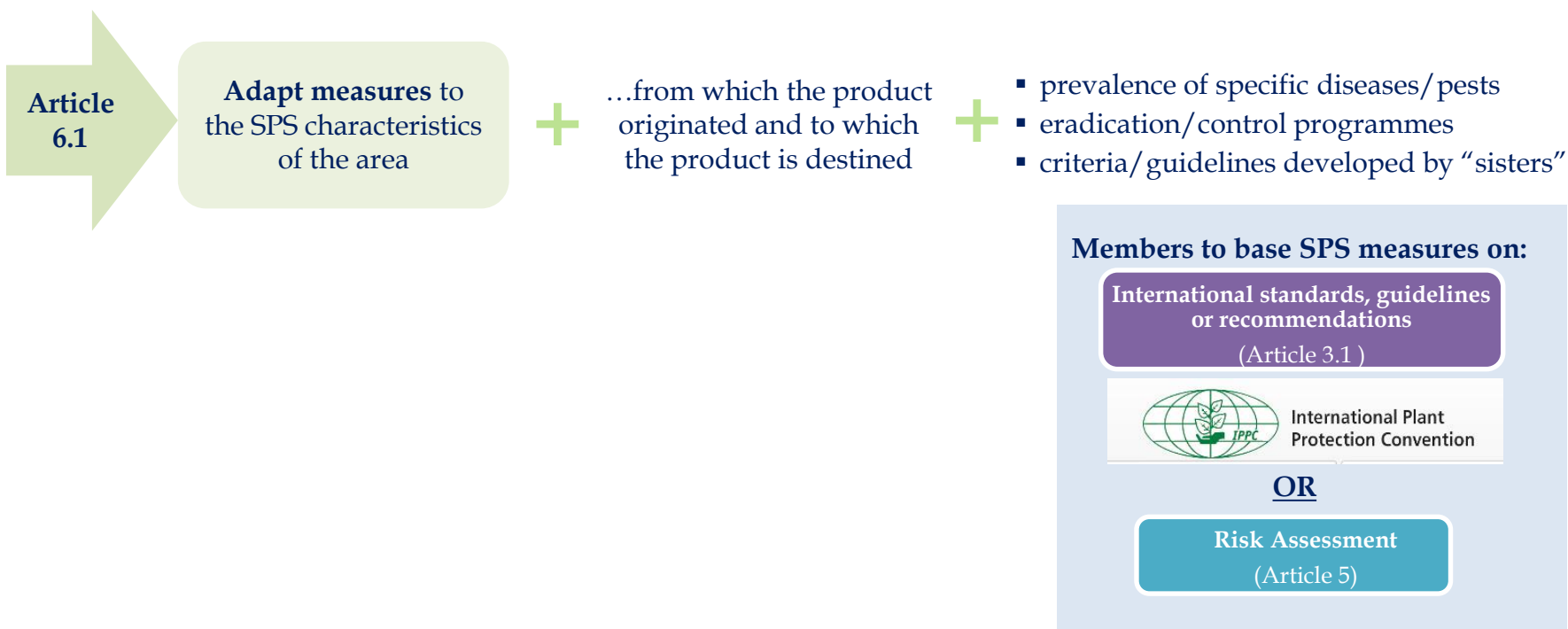
# SPS Agreement: Key Provisions



# SPS Agreement: Pest-Free Areas



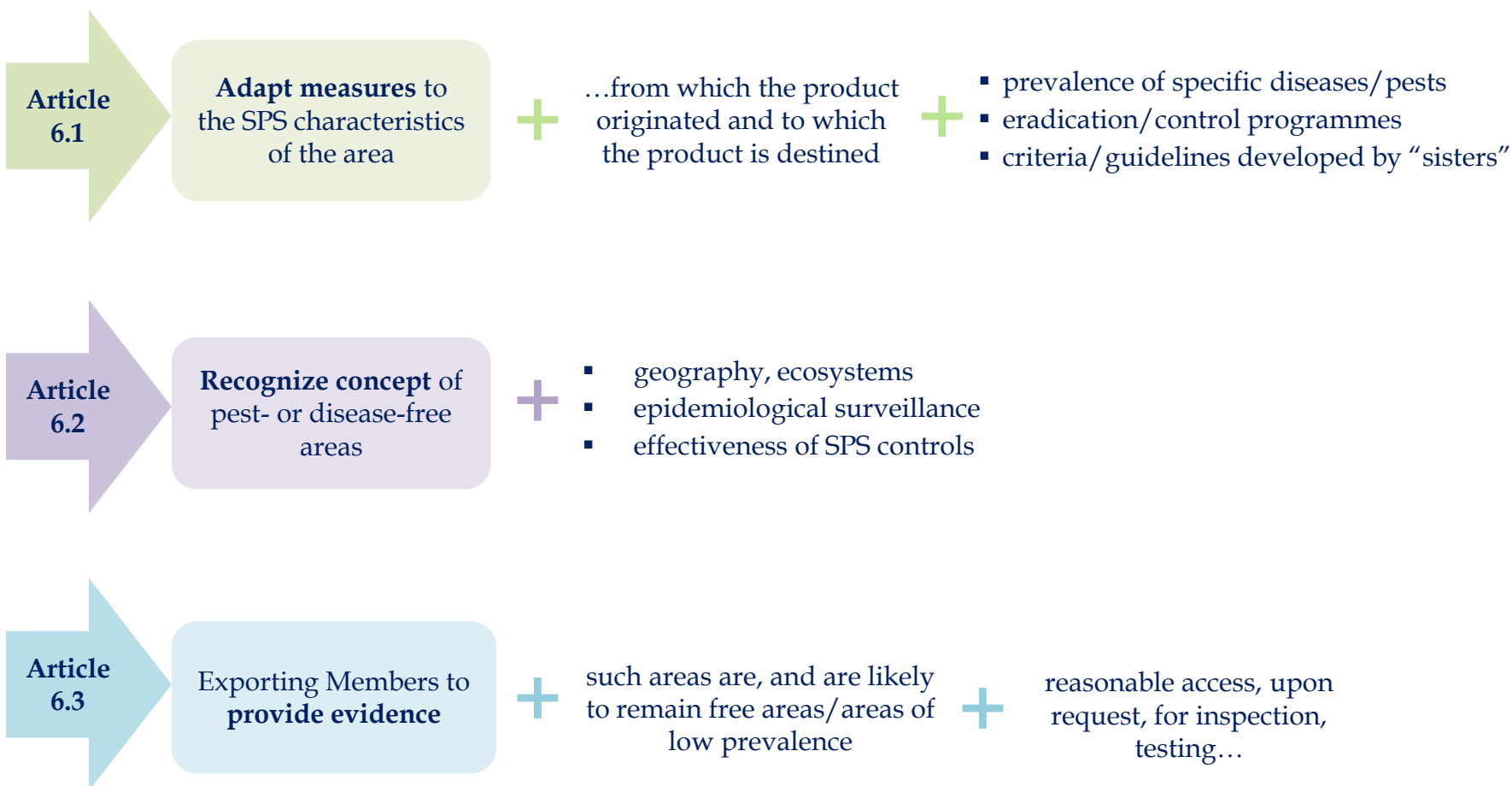
## Article 6: Adaptation to Regional Conditions, Including Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence



# SPS Agreement: Pest-Free Areas



## Article 6: Adaptation to Regional Conditions, Including Pest- or Disease-Free Areas and Areas of Low Pest or Disease Prevalence





# SPS Agreement: Pest-Free Areas

## Annex A - Definitions (paras. 6 and 7)

**An area**, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a **specific pest or disease...**

Article  
6.1

Article  
6.2

Article  
6.3

6. "... does not occur."

Pest- or disease-free area

7. "... occurs at low levels and which is subject to effective surveillance, control or eradication measures."

Area of low pest or disease prevalence





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## **2. SPS Committee Guidelines on Regionalization**

# Committee Guidelines: G/SPS/48, 2008



“Guidelines to further the practical implementation of Article 6 of the Agreement on the Application of Sanitary and Phytosanitary Measures”

- “..intended to provide **assistance** to Members in the practical implementation of Article 6..” (para. 1)
- “...**not intended to duplicate** the technical and administrative guidance provided to Members by the IPPC and OIE.” (para. 1)
- 5 sections: (i) General considerations; (ii) Initial discussions; (iii) Typical administrative steps in the process; (iv) Expedited process; and (v) Monitoring.



# Committee Guidelines: G/SPS/48, 2008



## General Considerations (paras. 4-12):



Publish basis for recognition of areas



Consider the **strength and credibility** of veterinary/phytosanitary infrastructure in accordance with importing Member's ALOP



No undue delay in the process



Importing Member to **consider all information** previously provided for resubmitted requests, if still valid



No **discrimination** between Members in the recognition process



Exporting Member to **identify priority**, if multiple requests are submitted



Maintain **transparency** in the recognition process



Take into account **relevant knowledge and prior experience** with authorities of the exporting Member



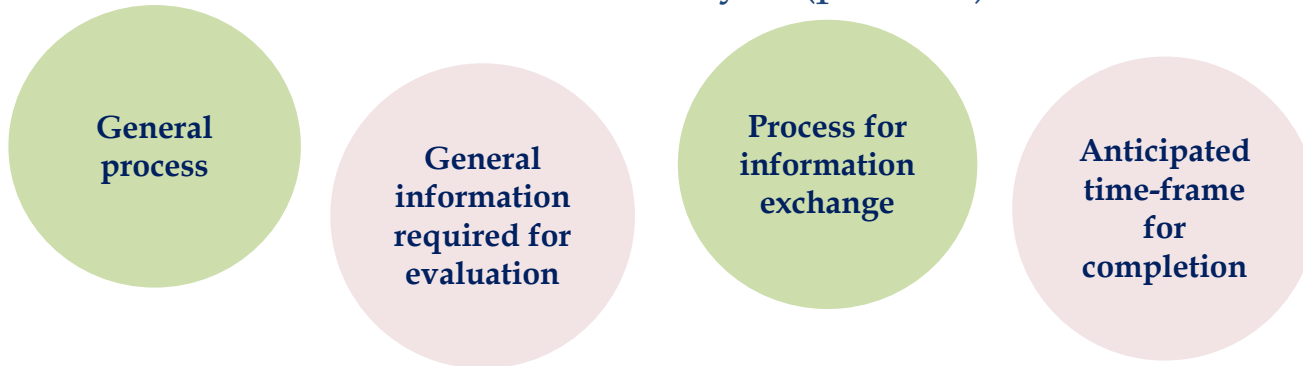
Upon request, importing Member to provide information on the **stage of the request**

# Committee Guidelines: G/SPS/48, 2008



## Initial Discussions, upon request (paras. 13-18)

- Discussions should, *inter alia*, clarify... (para. 14)



- Discussions within a reasonable period of time, and normally **within 90 days** of a request or as otherwise mutually decided (para. 15)
- Clarifications recorded, if necessary, and transmitted to the exporting Member
- Discussions may be postponed for a reasonable period of time

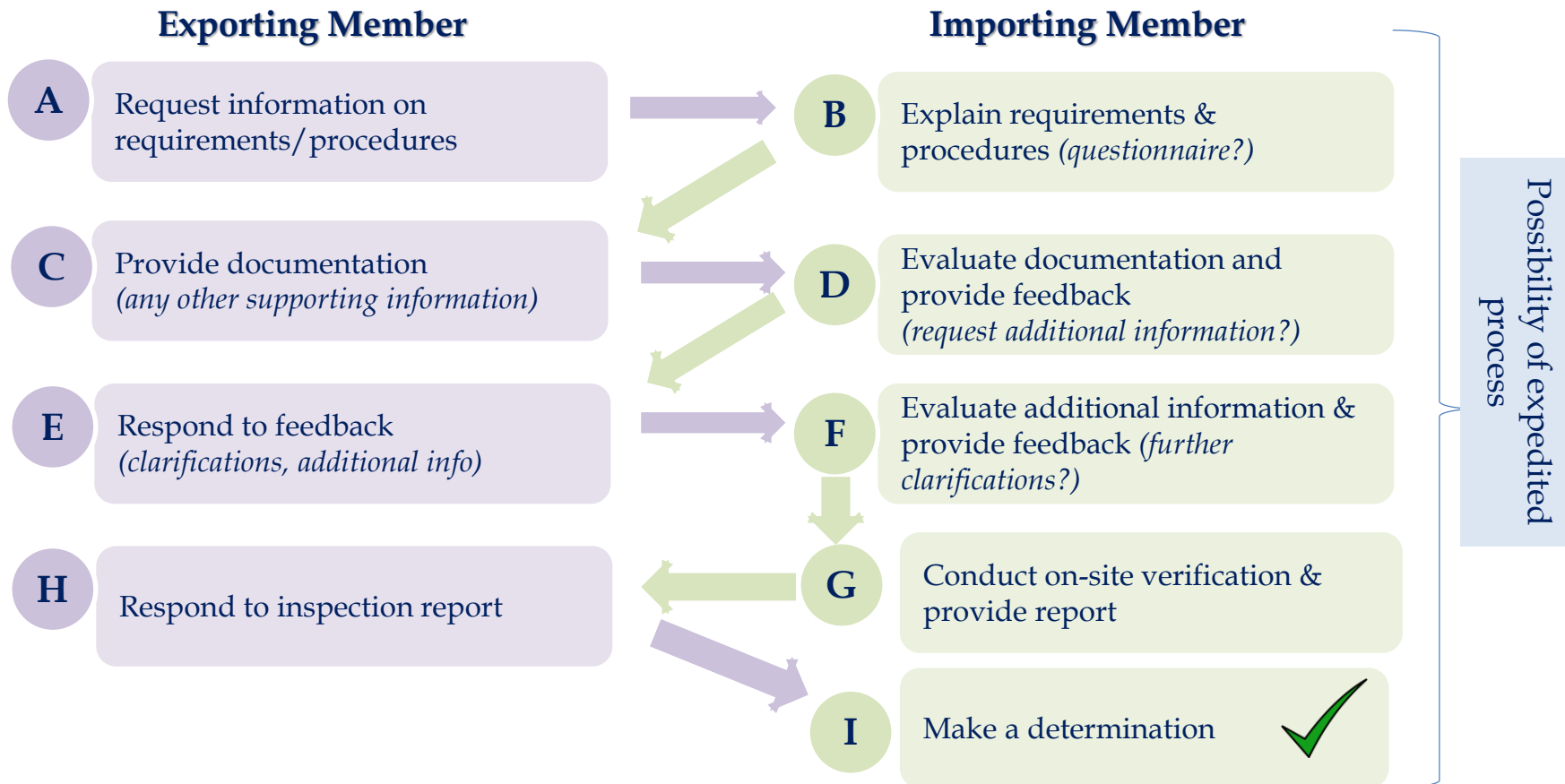


# Committee Guidelines: G/SPS/48, 2008



## Typical administrative steps in the recognition process

“..Members have the sovereign right to **determine their own processes** for the evaluation of requests for recognition of pest- or disease-free areas” (para. 19)



# Committee Guidelines: G/SPS/48, 2008



## Monitoring of the Implementation of Article 6

- Members encouraged to provide information on:
  - requests for recognition
  - determinations of recognition
  - experiences in the implementation of Article 6
  
- Annual report prepared by the Secretariat (*most recent report, G/SPS/GEN/1711*)



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**THANK YOU!**

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