



# **Pest-Free Areas**

## **Provisions (Article 6) & Guidelines (G/SPS/48)**



**Anneke Hamilton**

SPS Secretariat

Thematic Session on Pest-Free Areas

Geneva, 27 February 2018



# Overview

1. SPS Agreement and Pest-Free Areas (Article 6)
2. Relevant guidelines on Regionalization (G/SPS/48)
3. SPS Committee and Pest-Free Areas
  - Notifications and Specific Trade Concerns



# 1. SPS Agreement and Pest- Free Areas

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

Article 6.1

Adapt measures to the SPS characteristics of the area  
*(all or part(s) of a country/several countries)*



...from which the product originated and to which the product is destined



- prevalence of specific diseases/ pests
- eradication/control programmes
- criteria/guidelines developed by “sisters”

### Members to base SPS measures on:

International standards, guidelines or recommendations  
(Article 3.1)



International Plant Protection Convention

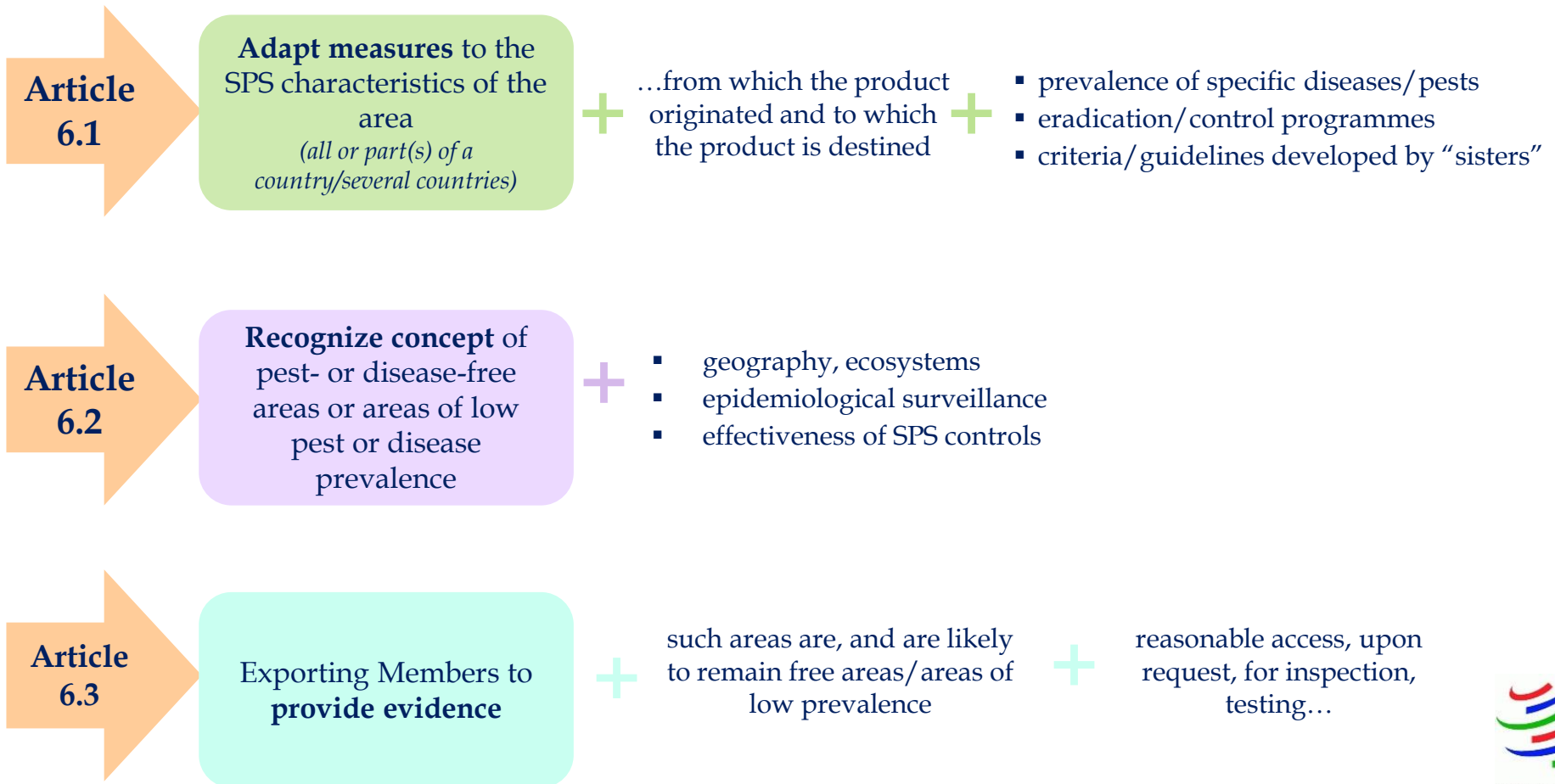
OR

Risk Assessment  
(Article 5)



# 1. SPS Agreement and Pest- Free Areas

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





# 1. SPS Agreement and Pest-Free Areas

## Annex A - Definitions

**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

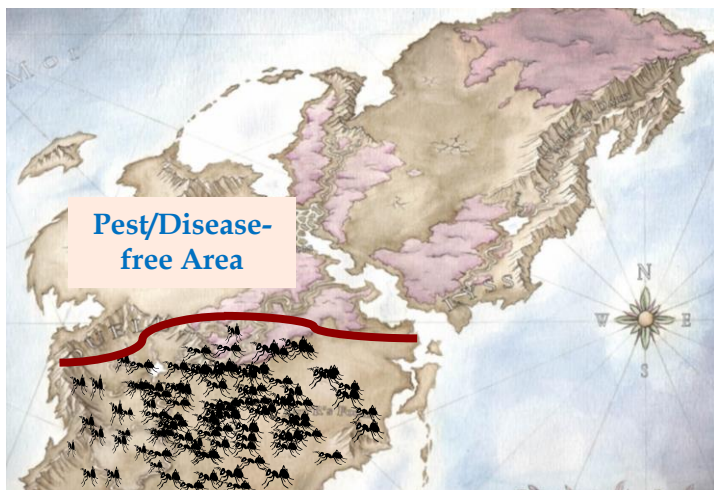


# 1. SPS Agreement and Pest-Free Areas

## Annex A - Definitions

(Note to Annex A.6)

### Country A



- may surround, be surrounded by, or be adjacent to an area
- in which a specific pest or disease is known to occur
- but is subject to regional control measures which will confine or eradicate the pest or disease

e.g. establishment of protection, surveillance and buffer zones



## 2. Relevant guidelines on Regionalization (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.





# 2. Relevant guidelines on Regionalization (G/SPS/48, 2008)

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



Publish basis for recognition of areas



No undue delay in the process



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



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



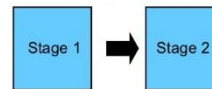
No **discrimination** between Members in the recognition process



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



Maintain **transparency** in the recognition process



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



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

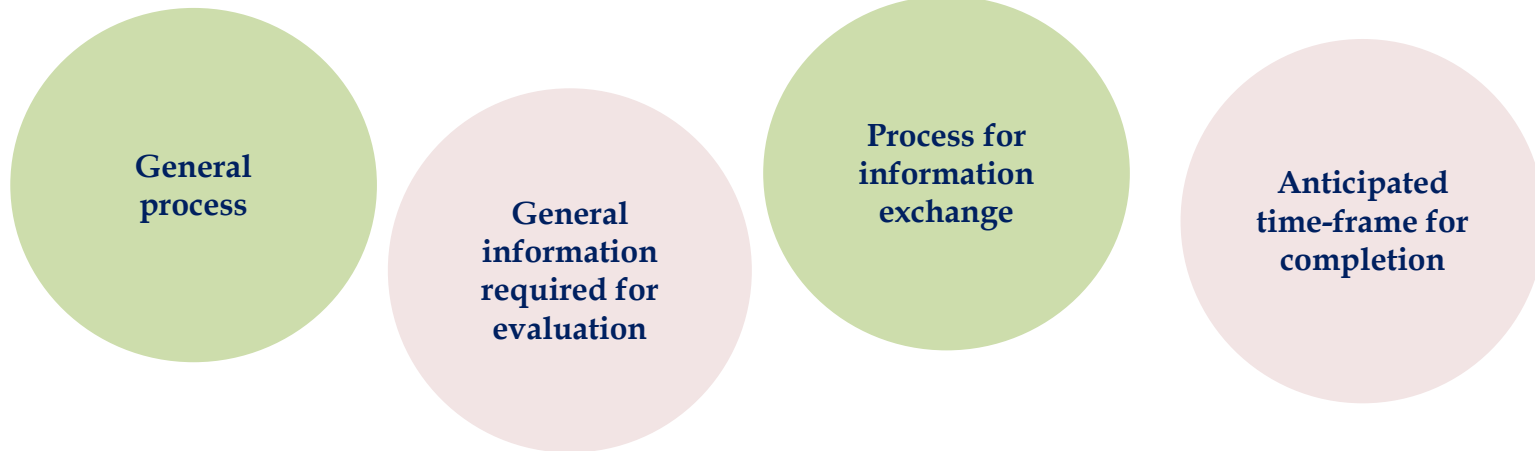




## 2. Relevant guidelines on Regionalization (G/SPS/48)

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

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



- Discussions within reasonable period of time, and normally within 90 days of a request or as otherwise mutually decided (para. 15)





## 2. Relevant guidelines on Regionalization (G/SPS/48)

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

- Clarifications recorded, if necessary, and transmitted to the exporting Member
- Discussions may be postponed for a reasonable period of time due to limited resources of importing Member, taking into account, *inter alia*:

A 2x3 grid of black squares containing white numbers 1, 2, 3 in the top row and 4, 5, 6 in the bottom row.

# of requests



Priorities of  
exporting Member



Capacity to work  
on new requests

- Exporting Member to be informed of postponed discussions and explanation provided in writing

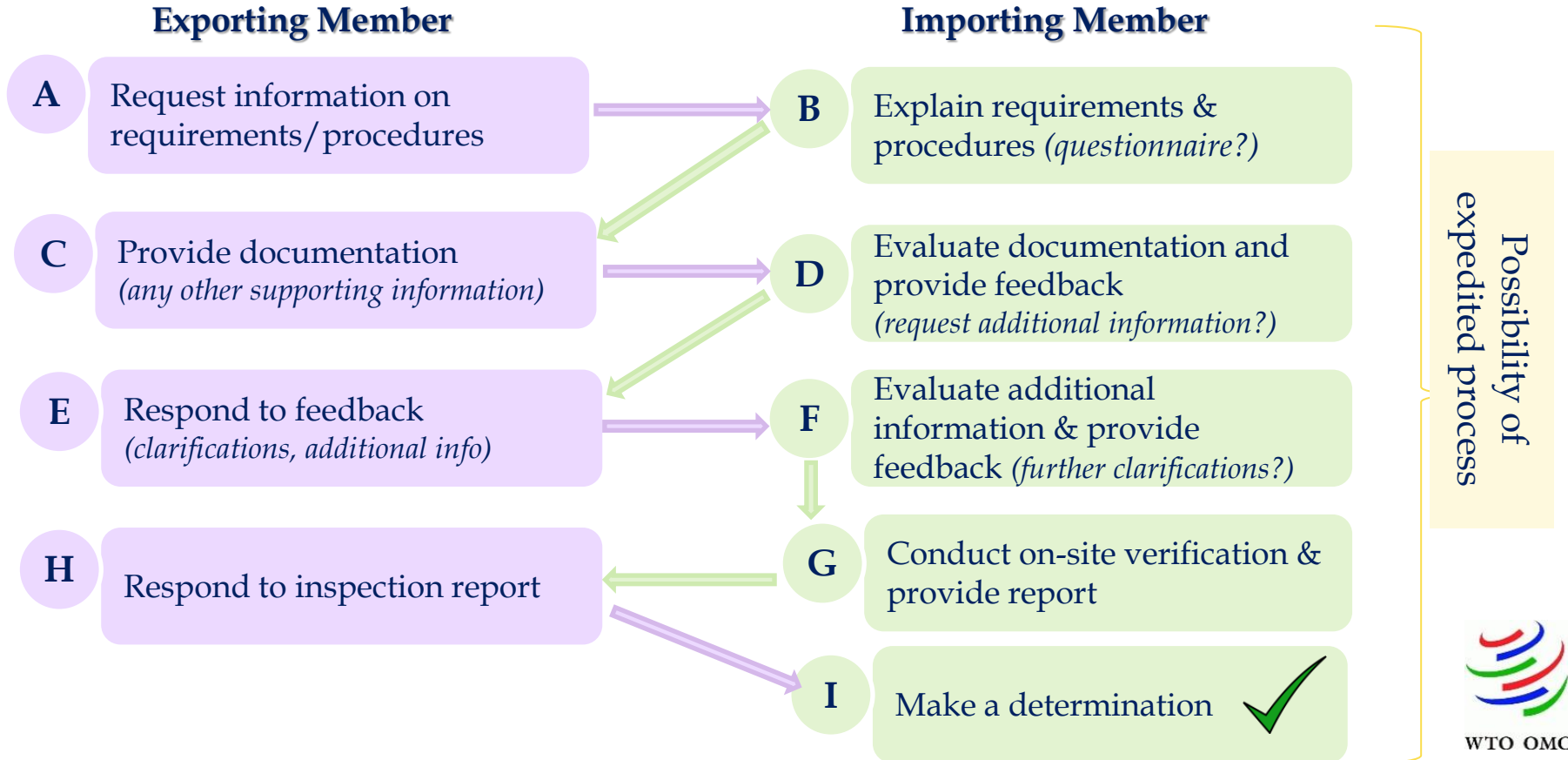




## 2. Relevant guidelines on Regionalization (G/SPS/48)

### Typical administrative steps in the recognition process

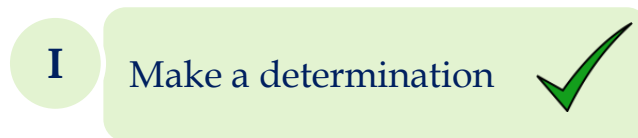
“..Members have the sovereign right to **determine their own processes** for the evaluation of requests for recognition of pest- or disease-free areas” (para. 19)





## 2. Relevant guidelines on Regionalization (G/SPS/48)

### Typical administrative steps in the recognition process



OR

#### Decision **to recognize** areas

- Necessary administrative or legal steps taken to facilitate trade from exporting Member
- Modification of existing SPS regulations or elaboration of new ones, as necessary

#### Decision **not to recognize** areas

- Technical grounds for the determination provided to the exporting Member
- If appropriate, the exporting Member can modify and adapt its system with a view to submit future requests for recognition.



## 2. Relevant guidelines on Regionalization (G/SPS/48)

### Typical administrative steps in the recognition process

I

Make a determination

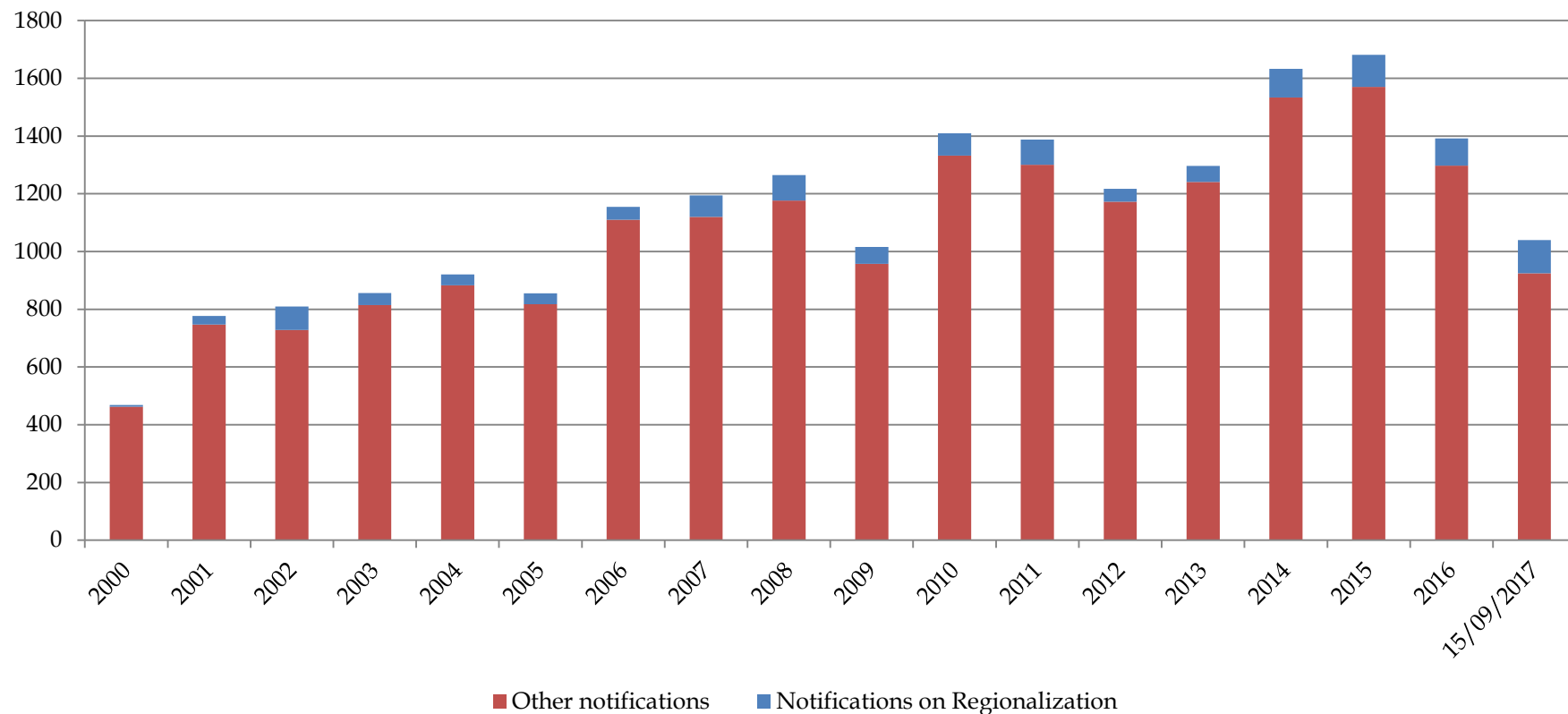


### Monitoring of the Implementation of Article 6

- 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/1552)



### 3. SPS Committee and Regionalization Statistics on Notifications



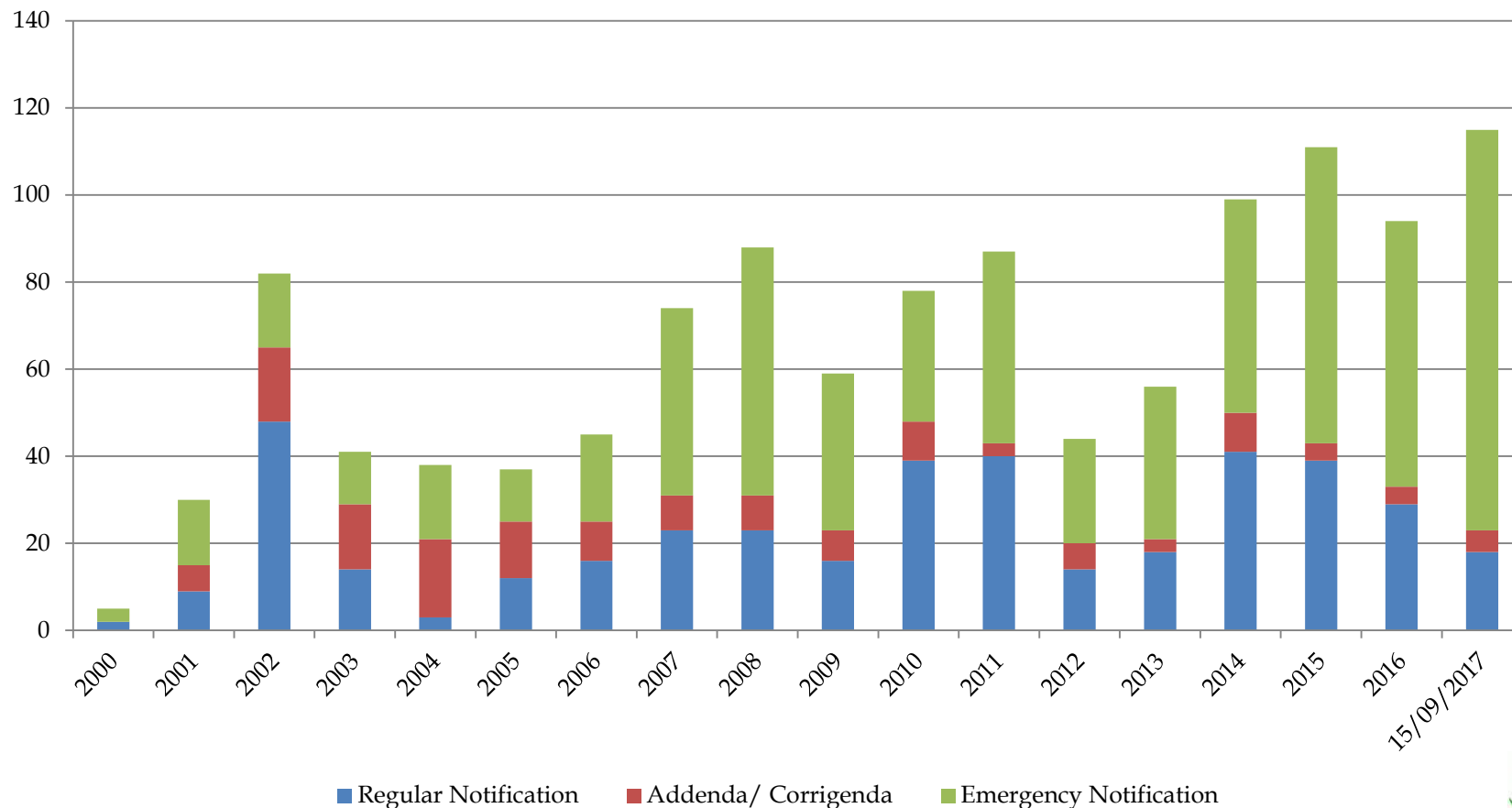
Total notifications = 21,888

Notifications on Regionalization = 1,183



### 3. SPS Committee and Regionalization Statistics on Notifications

Notifications related to Regionalization

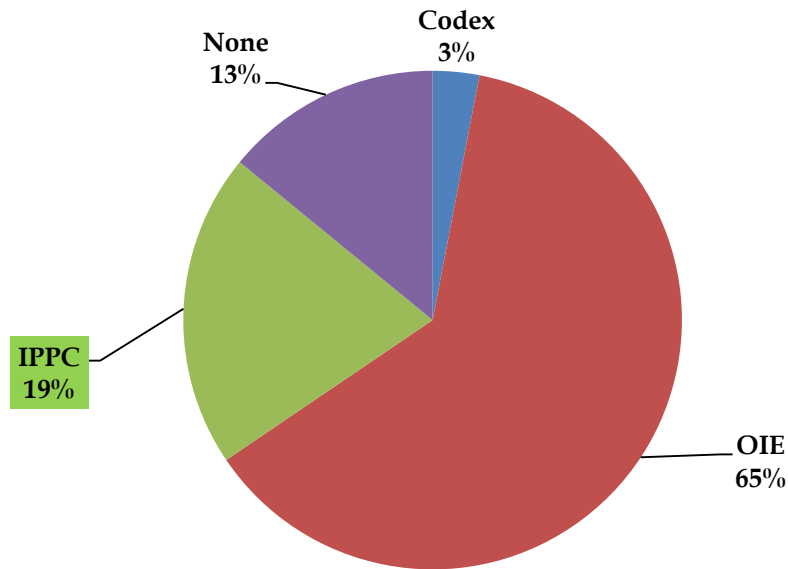




# 3. SPS Committee and Regionalization Statistics on Notifications

Is there a relevant international standard?

All Notifications on Regionalization



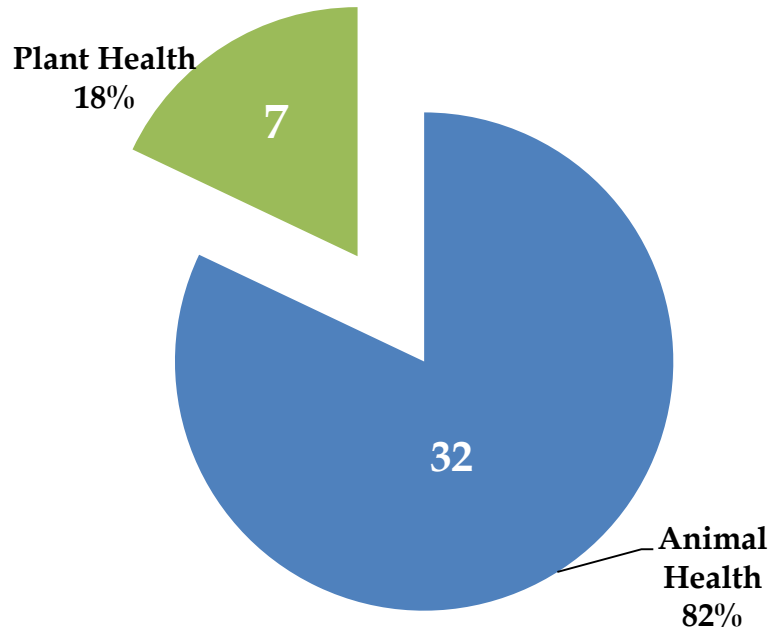




### 3. SPS Committee and Regionalization Statistics on Specific Trade Concerns (STCs)

ALL STCs (1995 to 2017) = 434

#### Specific Trade Concerns on Regionalization



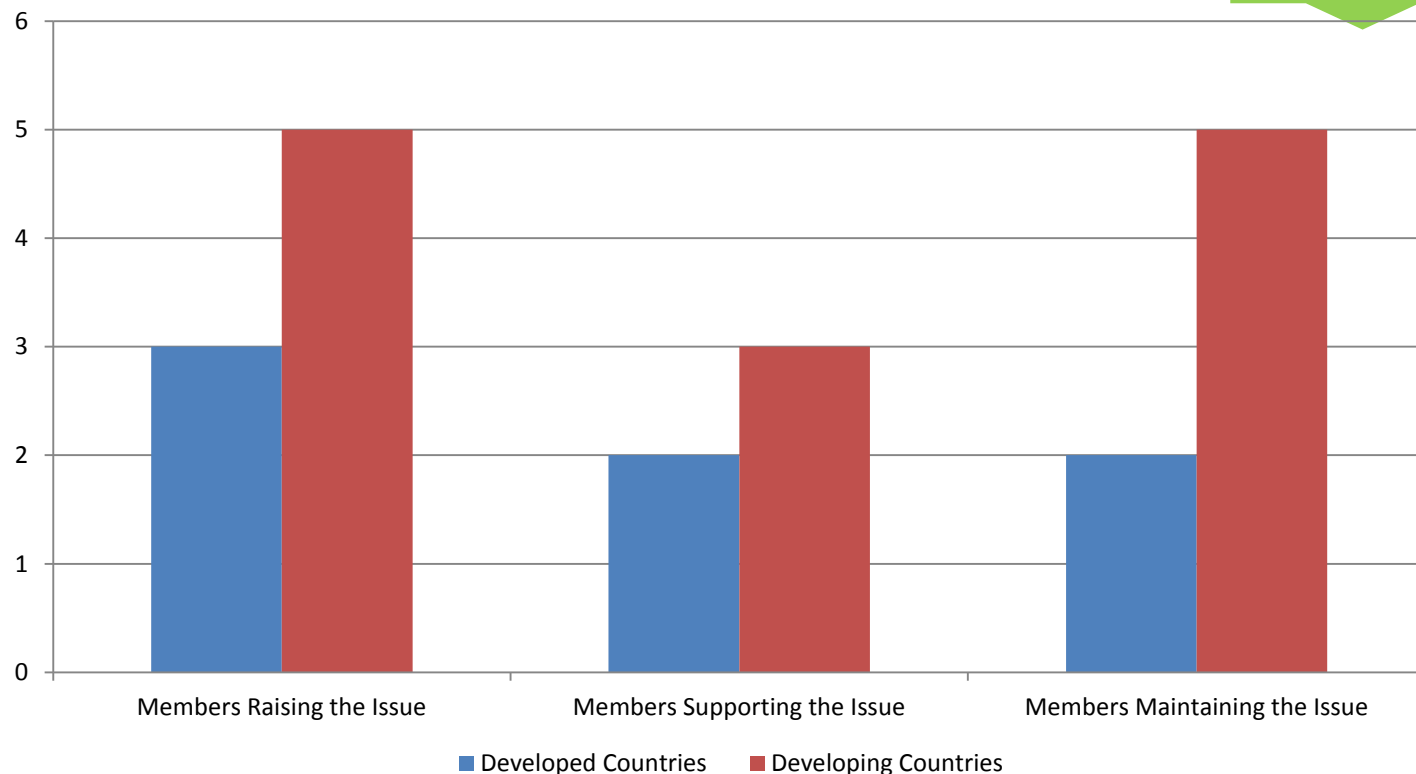
STCs on Regionalization = 39



### 3. SPS Committee and Regionalization Statistics on Specific Trade Concerns (STCs)

STCs on Pest-Free Areas

4 STCs resolved or partially resolved



**Thank you!**



**WTO OMC**

