

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

MTN.GNG/NG5/WGSP/1

9 November 1988

Special Distribution

Group of Negotiations on Goods (GATT)

Negotiating Group on Agriculture:

Working Group on Sanitary and Phytosanitary

Regulations and Barriers

SECOND MEETING OF THE WORKING GROUP ON SANITARY AND
PHYTOSANITARY REGULATIONS AND BARRIERS

Report by the Chairman to the Negotiating Group on Agriculture

1. The Working Group on Sanitary and Phytosanitary Regulations and Barriers met on 3 November 1988 to further its work under the terms of reference established for it by the Negotiating Group on Agriculture (MTN.GNG/NG5/10 and 11). It was agreed that the secretariat would chair this meeting, and that consultations would continue on finding a permanent chairman for the Working Group.
2. The Working Group carried out an exchange of views under the relevant items of its agenda, on the basis of the proposals, working papers and background notes which had been submitted in relation to sanitary and phytosanitary measures. It was accepted that there was a need for re-enforcing GATT rules and disciplines in this area. There was support for the suggestion that national regulations which fully complied with international standards should be deemed to be in conformity with Article XX(b), subject to the need for further clarification, inter alia, as to which international standards organizations would be relevant in this regard, whether this presumption would be automatic, and the relevancy of scientific evidence on these matters. It was noted that there existed other possibilities for re-enforcing GATT rules and disciplines, such as developing an agreed set of principles which would govern the use of sanitary and phytosanitary regulations and barriers. It was also noted that there was similarity between the concepts and provisions already to be found in the Agreement on Technical Barriers to Trade (Standards Code), and the suggestions that had been made in the Negotiating Group on Agriculture and the Working Group in relation to "minimizing the adverse effects that sanitary and phytosanitary regulations and barriers can have on trade in agriculture". It was agreed that further study should be given to why the Code apparently had not proven effective in dealing with agricultural trade problems, specifically as concerns sanitary and phytosanitary regulations and barriers.

. / .

3. The Working Group also agreed to review existing notification procedures, including those under the Standards Code and the relevant international standards organizations, with a view to improving transparency and surveillance under the GATT of sanitary and phytosanitary regulations and barriers. It was agreed that a way should be developed to assure that contracting parties had access to information on existing and proposed sanitary and phytosanitary regulations, via enquiry points and centralized information systems for example, without producing an excessive or unwarranted increase in documentation submitted to the GATT. It was suggested that transparency was needed as well on bilateral agreements in respect of the interpretation and application of these regulations.

4. The Working Group took note of the presentations made by representatives from the Codex Alimentarius, International Plant Protection Convention, and the International Office of Epizootics, which had been invited as observers to this meeting, as regards the internal procedures for standards under their respective codes/conventions. It was hoped that the Trade Negotiations Committee would confirm that these observers would attend future meetings of the Working Group, in order to assist it in its consideration of the promotion of greater international harmonization and acceptance of international standards.

5. It was agreed that further elaboration on the items under the Working Group's work programme, particularly as regards short-term measures and the needs of developing countries, could take place in the next meeting of the Negotiating Group on Agriculture, 14-15 November 1988.

6. It was agreed that the date of the next meeting would be decided later in the light of the decisions taken by the Negotiating Group on Agriculture on the scheduling of its first meeting for next year.

7. The Working Group agreed that the Chairman would make a written report on this meeting to the Negotiating Group on Agriculture, which was meeting 14-15 November 1988. The secretariat would prepare a brief summary of the main points raised in the present meeting of the Working Group.