

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

**RESTRICTED**

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**NORDIC COMMUNICATION ON SANITARY AND PHYTOSANITARY ISSUES**

**1. Reinforcement of GATT rules**

The Nordic countries fully support the principle that standards and recommendations that have been worked out in the international organizations in this field should serve as guidelines for individual countries for their internal legislation and regulations on sanitary and phytosanitary measures.

The Nordic countries can also agree that national regulations that fully comply with international standards should be considered to be in conformity with Article XX(b). This, however, would not imply that regulations deviating from international standards would not comply with Article XX(b).

In this connection we want to emphasize that the GATT principle of national and equal treatment for similar products in the same conditions shall apply also to sanitary and phytosanitary measures. The Nordic countries also agree that the regulations shall be based on sound and verifiable scientific evidence. This scientific evidence should also serve as a guideline when considering the adequacy and GATT conformity of the regulations.

In assessing regulations and their conformity with GATT Article XX(b) the Nordic countries wish to emphasize that the local and regional considerations, including consumption patterns, cannot be separated from the concept of sound and verifiable scientific evidence. It is a part of the scientific argumentation. This concern is to a certain extent covered by the fact that international organizations already in their recommendations observe regional differences and in some cases even formulate their recommendations only regionally.

In some cases, however, the scientific evidence is relative in nature: the greater the concentration of a certain substance, the higher the risk for health. In such cases governments must have the right to individually assess the acceptable risk level for their country.

That regulations shall be based on scientific evidence does, however, not exclude that in specific cases it is unavoidable also to take other aspects into consideration. The ban to import pork, for example, into certain countries is not based on scientific evidence, but on ethical

values. We admit that these aspects are hardly within the sphere of sanitary or phytosanitary regulations, but having relevance in this context they should also be observed.

It therefore does not seem possible to determine the GATT conformity of a given regulation exclusively based on internationally applicable scientific grounds and leave the issue for the sole decision of a panel of scientists.

2. Procedures of notification and counter-notification

The Nordic countries give their positive consideration to all propositions to improve and strengthen the notification and counter-notification procedures and transparency of sanitary and phytosanitary measures and regulations. It is evident that the requirements of better transparency are closely connected with the system of notification applied. The procedures that are incorporated in the GATT Agreement on Technical Barriers to Trade as well as those of the relevant international organizations could serve as guidelines when considering ways of improving the notification systems.

3. Greater harmonization and acceptance of international standards

The work done by the international organizations in this field is most valuable. They merit all our support to further develop their recommendations which should form the basis of our work.

The Nordic countries also support the objective to increase the adherence to international standards. Governments should be encouraged to follow recommendations and standards of the international organizations in their own legislation. Here we must find a balance between the sovereign right of contracting parties to select appropriate measures and the need for greater harmonization with a view to minimizing the adverse effects these regulations may have on agricultural trade. The implementation would naturally be facilitated if the international standards provide a high level of safety and protection.

As explained above, there are certain limits for international harmonization of regulations. Much more than at present could nevertheless be done. The Nordic countries suggest that the possibilities that could be found in the field of harmonizing testing and inspection methods should also be explored. Harmonized testing and inspection methods would increase transparency and contribute to efforts to minimize the trade effects sanitary and phytosanitary measures have on trade. The idea of increased use of the so-called comparable standards as recommended for the construction industry where local conditions and requirements are observed and made clearly visible might also serve this end.

The issue of how to include Production and Processing Methods (PPMs) is important but also highly complicated and has to be carefully considered. It may or may not be necessary to develop a special framework for dealing with this issue in the agricultural area. Before going further

with this issue the Nordic countries regard it as essential that the PPMs be clearly defined.

4. Avoidance and settlement of disputes

Strengthening of GATT rules and encouraging adherence to international standards would, together with better transparency, undoubtedly contribute to the attainment of the Negotiating Objective in this area. However, improvements are also called for in the multilateral set-up for evaluating or assessing the implementation of various provisions, standards, guidelines etc., and improved mechanisms would be needed for consultation, conciliation and other forms of dispute settlement in a multilateral context. Also these aspects merit attention in the course of the ensuing negotiations.