

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

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SUPPLEMENTARY SUBMISSION OF JAPAN ON SANITARY AND
PHYTOSANITARY REGULATIONS AND MEASURES

Japan presents the following proposal to supplement its submission made in November 1989 (NG5/W/131). Taking into account the progress which has been attained since then in the negotiation, Japan presents in this proposal its views on issues not mentioned in the previous submission and on issues which need supplementary explanation. The explanation should be viewed as an integral part of the above-mentioned submission.

1. Harmonization

From an international trade perspective, it is desirable that contracting parties harmonize their sanitary and phytosanitary regulations and measures based on guidelines or standards studied by the related international scientific organizations on the basis of sound scientific evidence.

At the same time, it is necessary to recognize that differences in sanitary conditions, geographical conditions and dietary customs among contracting parties may necessitate application of more stringent standards than international standards to achieve the purpose of sanitary and phytosanitary measures; i.e. to protect human, animal or plant life or health.

However, even in such cases, certain elements can be harmonized. For example, levels of acceptable intake or tolerable intake of environmental contaminants as well as scientific evidence on the base of which these levels were calculated, are considered as elements that can be harmonized.

2. Principle of equivalency

As to the "principle of equivalency", Japan considers that further examination of the definition and its technical applicabilities is necessary.

And when applying the "principle of equivalency" (the principle that an importing country accepts the measure applied by an exporting country concerned as equivalent when that measure is proven to have the same effect with that applied by the importing country, and when its secondary effects do not cause any problem in terms of, for example, the safety of foodstuffs), it is necessary that the exporting country provide scientific information necessary for the importing country to examine whether its measures concerned are equivalent, and that bilateral consultations be held whenever appropriate.

Furthermore, in case a solution is not reached through bilateral consultations, both the exporting and importing countries concerned may request good offices of an appropriate international scientific organization.

3. Risk assessment

As sanitary and phytosanitary measures are necessary to protect human, animal and plant life or health, the use of the concept of risk assessment should not expose life or health to any level of danger. Thus, any attempt to achieve zero-risk should not be denied.

However, among sanitary and phytosanitary measures actually taken, there may be a case in which, from the viewpoint of achieving zero-risk an unjustifiably stringent measure is laid down. Therefore, it is necessary to assess the justifiability of the measures through sound assessment methods that take into account the technical level of inspection and proof, sanitary conditions, and geographical conditions which may differ among contracting parties.

Japan considers it necessary to develop international methods to assess justifiability of the measures taken by a party on a scientific basis. The international scientific organizations should play a major rôle in this process.

When problems arise between an exporting and importing country in assessing the justifiability of a measure, it is necessary that, in order to arrive at an amicable solution, the exporting country provide the necessary scientific information to the importing country and that, whenever appropriate, bilateral consultations be held.

Furthermore, in case a solution is not reached through bilateral consultations, both the exporting and importing countries concerned may request the good offices of an appropriate international scientific organization.

4. Pest and disease-free areas

It is difficult to define pest and disease-free areas as a uniform concept since there are too many variable factors, such as variety in characteristics or in infection patterns of pests and diseases, geographical conditions or preventive measures.

Such being the case, when recognizing an area as a pest and disease-free area, it is necessary to fully examine whether or not pests exist in particular areas concerned on the base of scientific evidence through bilateral consultations.

5. Freeze

Sanitary and phytosanitary regulations and measures should be implemented within the scope of measures necessary to protect human, animal or plant life or health. Contracting parties should not apply these measures in a manner which would constitute a disguised restriction on international trade.

In order to achieve the purpose of protecting human, animal or plant life or health, it should be recognized that, from the long-term perspective, the introduction of new measures or intensification of existing measures might become necessary to protect against matters that not only affect life or health rapidly but also gradually.

Such being the case, the introduction of new measures or strengthening of existing measures against the threat of injuries other than those of imminent nature, should naturally be permitted.

6. National treatment

With regard to the application of national treatment in the area of sanitary and phytosanitary regulations and measures, Japan reserves its right to make its comments later, based on the development of future discussions on this subject since the issues involved are not yet clear.