

**MULTILATERAL TRADE  
NEGOTIATIONS  
THE URUGUAY ROUND**

RESTRICTED

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TECHNICAL ASSISTANCE TO OTHER PARTIES, AND  
SPECIAL AND DIFFERENTIAL TREATMENT OF  
DEVELOPING COUNTRIES

Note by the Nordic Delegations

Introduction

The Work Programme for the Sanitary and Phytosanitary (SPS) field endorsed at the Mid-Term Review included inter alia the following objective:

- (6) assess the possible effects on developing countries of the GATT rules and disciplines for sanitary and phytosanitary measures, and evaluate the need for technical assistance.

The Nordic delegations have therefore made an attempt to develop a concrete proposal on appropriate provisions on technical assistance to other Parties and special and differential treatment of developing countries.

It should be emphasized that perhaps more important than specific provisions for developing countries will be the content and substance in itself of the new rules and disciplines for SPS measures. The Nordic countries believe that the body of substance should be developed as clearly as possible. All countries, not least the developing countries, will benefit from an unambiguous and comprehensive discipline in the SPS field with a detailed description of rights and obligations. Clear rules and disciplines will facilitate trade and minimize disputes. The Nordic proposal on SPS measures in the form of a code is an endeavour to achieve this goal.

The attached proposal is based on relevant provisions in the GATT Agreement on Technical Barriers to Trade, Articles 11 and 12, taking into account the specific requirements of the SPS field. The proposal is intended to cover Section 4 in the draft disposition presented by the Nordic countries (MTN.GNG/NG5/WGSP/W/10).

The Nordic delegations express their sincere hope that by presenting this proposal an in-depth discussion on these important aspects of an international discipline on SPS could be facilitated.

ARTICLE A

Technical assistance to other Parties

A.1 Parties shall, if requested, advise other Parties, especially the developing countries, on the preparation of sanitary and phytosanitary regulations and measures.

A.2 Parties shall, if requested, advise other Parties, especially the developing countries, and shall grant them technical assistance on mutually agreed terms and conditions regarding:

- A.2.1 the establishment of national regulatory or standardizing bodies and participation in the appropriate regional or international organizations;
- A.2.2 the steps that should be taken by their producers, if they wish to get their products tested, inspected, certified or approved in systems operated by governmental or non-governmental bodies within the territory of the Party receiving the request;
- A.2.3 the establishment of the institutions and legal framework which would enable them to fulfil the obligation of membership or participation in international or regional certification systems of which the Party receiving the request is a member or participant and shall encourage their national certification bodies to do likewise.

A.3 Parties shall, if requested, take such reasonable measures as may be available to them to arrange for the regulatory bodies or certification bodies within their territories to advise other Parties, especially the developing countries, and shall grant them technical assistance on mutually agreed terms and conditions regarding:

- A.3.1 the establishment of regulatory bodies, or certification bodies, for providing certificates of conformity with sanitary or phytosanitary regulations; and
- A.3.2 the methods by which their sanitary and phytosanitary regulations can best be met.

A.4 In providing advice and technical assistance to other Parties in terms of this Article, paragraphs 1 to 3, Parties shall give priority to the needs of the least-developed countries.

ARTICLE B

Special and differential treatment of developing countries

B.1 Parties shall provide differential and more favourable treatment to developing country Parties to this Agreement, through the following provisions as well as through the relevant provisions of other Articles of this Agreement.

B.2 Parties shall give particular attention to the provisions of this Agreement concerning developing countries' rights and obligations and shall take into account the special development, financial and trade needs of developing countries in the implementation of this Agreement both nationally and in the operation of the Agreement's institutional arrangements.

B.3 Parties shall, in the preparation and application of sanitary and phytosanitary regulations and measures, take account of the special development, financial and trade needs of developing countries, with a view to ensuring that such sanitary or phytosanitary regulations, or procedures for testing, inspection, certification and approval of the relevant products do not create unnecessary obstacles to exports from developing countries.

B.4 Parties recognize that, although international standards may exist, in their particular technological and socio-economic conditions, developing countries adopt certain sanitary and phytosanitary regulations, including test methods, aimed at preserving indigenous technology and production methods and production processes compatible with their development needs. Parties therefore recognize that developing countries should not be expected to use international standards as a basis for their sanitary and phytosanitary regulations including test methods, which are not appropriate to their development, financial and trade needs.

B.5 Parties shall take such reasonable measures as may be available to them to ensure that appropriate international organizations preparing international standards and recommendations and international certification systems are organized and operated in a way which facilitates active and representative participation of relevant bodies in all Parties, taking into account the special problems of developing countries.

B.6 Parties shall take such reasonable measures as may be available to them to ensure that appropriate international organizations preparing international standards and recommendations, upon request of developing countries, examine the possibility of, and if practicable prepare, international standards concerning products of special interest to developing countries.

B.7 Parties shall, in accordance with the provisions of Article A, provide technical assistance to developing countries to ensure that the preparation and application of sanitary and phytosanitary regulations or procedures for testing, inspection, certification and approval of the relevant products do

not create unnecessary obstacles to the expansion and diversification of exports from developing countries. In determining the terms and conditions of technical assistance, account shall be taken of the stage of development of the requesting country and in particular of the least-developed countries.

B.8 It is recognized that developing countries may face special problems, including institutional and infrastructural problems, in the field of preparation and application of sanitary and phytosanitary regulations or procedures for testing, inspection, certification and approval of the relevant products. It is further recognized that the special development and trade needs of developing countries, as well as their stage of technological development, may hinder their ability to discharge fully their obligations under this Agreement. Parties, therefore, shall take this fact fully into account. Accordingly, with a view to ensuring that developing countries are able to comply with this Agreement, the Committee is enabled to grant upon request specified, time-limited exceptions, in whole or in part, from obligations under this Agreement. When considering such requests, the Committee shall take into account the special problems in the preparation and application of sanitary and phytosanitary regulations, as well as procedures for testing, inspection, certification and approval of the relevant products and the special development and trade needs of the developing country, as well as its stage of technological development, which may hinder its ability to discharge fully its obligations under this Agreement. The Committee shall, in particular, take into account the special problems of the least-developed countries.

B.9 During consultations, developed countries shall bear in mind the special difficulties experienced by developing countries in formulating and implementing sanitary and phytosanitary regulations and methods of ensuring conformity with those regulations and standards, and their desire to assist developing countries with their efforts in this direction. Developed countries shall take account of the special needs of the former, in regard to financing, trade and development.