

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

MTN.GNG/NG5/WGSP/6

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Group of Negotiations on Goods (GATT)

Negotiating Group on Agriculture:
Working Group on Sanitary and Phytosanitary
Regulations and Barriers

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 last met on 13-14 September 1990 to continue its discussion on a text for an agreement. The text before the Working Group at that time was that of Annex II of NG5/W/170 of July. On the basis of the Working Group's discussions, a new revision has been prepared, which was distributed earlier this week as NG5/WGSP/W/26. This text has been prepared on the responsibility of the Chairman and secretariat and does not imply any degree of acceptance by the participants. The Working Group is scheduled to meet on 15-17 October to discuss the latest revision and to continue working towards a final agreement.

2. Thanks to the co-operation of all delegations and the technical expertise which some participants have brought to the discussions, the Working Group has been able to make a lot of progress in a short time. Specific legal wording must still be worked out in many areas, but there appears to be a high degree of acceptance of most of the basic disciplines proposed. These include the use of international standards, guidelines and recommendations when appropriate, and the scientific justification of measures which are more stringent than those based on such international standards; sanitary and phytosanitary measures based on an assessment of the actual risk of entry and establishment of a particular pest or disease, or of contamination, and of the actual consequences; use of the least trade restrictive means possible to provide the necessary protection to human, animal or plant health; transparency with respect to all aspects of sanitary and phytosanitary measures, including those resulting from bilateral agreements; non-discrimination in design and application of measures unless there is a scientific justification; and acceptance of disease- or pest-free areas (or areas of low disease or pest prevalence) whether part of a country or of several countries.

3. In a handful of areas, however, distinct differences in views remain to be reconciled. These include:

- (a) Scope of the agreement - Should measures taken for the protection of animal welfare and of the environment, as well as of consumer interests and concerns, be defined as sanitary and phytosanitary measures and disciplined under this agreement?
- (b) Application to sub-national levels of government - To what degree should the proposed disciplines also apply to the many sanitary and phytosanitary measures that are taken at the sub-national level by regional or local government bodies?
- (c) Binding commitments by contracting parties to use "screened" international standards - Disagreement exists over the value, feasibility and acceptability of a proposal by which contracting parties would give binding commitments to permit import access on the basis of specific international standards which had been given a certain GATT status on the basis of their wide international acceptance.
- (d) National approval procedures - Many countries have domestic procedures for the examination and approval of food additives, pesticide residue levels, etc. How can these procedures - and particularly those that prohibit the entry of products on the basis that they have not yet been domestically examined and approved - be reconciled with the proposed disciplines of this agreement?
- (e) Special and differential treatment - If sanitary and phytosanitary measures are applied only as necessary to protect human, animal and plant health, have a scientific basis and are applied in the least trade restrictive manner possible, what type of special and differential treatment for developing countries is possible and appropriate?

4. I think it is possible that, with a lot of goodwill and hard work, the Working Group can resolve most of these remaining difficulties and complete an ad referendum agreement quite quickly, in time for its presentation to the Negotiating Group on Agriculture before December.