



**Committee on Sanitary and Phytosanitary Measures**

**ANNUAL REPORT ON THE IMPLEMENTATION OF ARTICLE 6  
OF THE AGREEMENT ON THE APPLICATION OF SANITARY  
AND PHYTOSANITARY MEASURES**

NOTE BY THE SECRETARIAT<sup>1</sup>

Article 6 of the SPS Agreement requires that measures take into account pest- or disease-free areas or areas of low pest or disease prevalence. This concept is frequently referred to as "regionalization". At the 2-3 April 2008 meeting, the Committee on Sanitary and Phytosanitary Measures adopted guidelines to further the practical implementation of Article 6.<sup>2</sup> These guidelines are intended to provide assistance to Members in the implementation of Article 6 by improving transparency, exchange of information, predictability, confidence and credibility between importing and exporting Members.

The guidelines require the Secretariat to prepare an annual report to the Committee on implementation of Article 6 based on the information provided by Members concerning:

1. requests for recognition of pest- or disease-free areas or areas of low pest or disease prevalence;
2. determinations on whether to recognize a pest- or disease-free area or area of low pest or disease prevalence; and/or
3. Members' experiences in the implementation of Article 6 and the provision of relevant background information by Members on their decisions to other interested Members.

The report covers the period from 1 April 2021 until 31 March 2022, based on information provided by Members through notifications and information presented during SPS Committee meetings. This information was frequently provided under the agenda item "Pest- and Disease-Free Areas - Article 6". Relevant information provided under other agenda items is also included in the report. A list of notifications related to Article 6 is contained in [section 4](#); and [section 5](#) lists the relevant specific trade concerns.

Within the context of the Fifth Review of the Operation and Implementation of the SPS Agreement, the Committee also discussed several recommendations on regionalization.<sup>3</sup>

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<sup>1</sup> This document has been prepared under the Secretariat's own responsibility and is without prejudice to the positions of Members or to their rights and obligations under the WTO.

<sup>2</sup> [G/SPS/48](#).

<sup>3</sup> The recommendations from the Fifth Review, and information on the Committee discussions, are available in Part A of the Report of the Fifth Review ([G/SPS/64](#), see section 9 on regionalization). A factual report on the work of the Committee is contained in document [G/SPS/64/Add.1](#) (see section 14 on regionalization). In addition, an overview of all of the proposals submitted under the Fifth Review, including several on regionalization, is available in document [G/SPS/GEN/1625/Rev.6](#).

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## **1 REQUESTS FOR RECOGNITION OF PEST- OR DISEASE-FREE AREAS OR AREAS OF LOW PEST OR DISEASE PREVALENCE**

### **1.1 June 2021 meeting ([G/SPS/R/102](#))**

#### **1.1.1 Canada – Official OIE recognition of Canada as negligible risk for BSE**

1.1. [Canada](#) informed Members of its official recognition by the OIE as having a negligible risk for BSE, in accordance with the OIE Terrestrial Code and based on documentation submitted by Canada. This recognition proved that OIE member countries continued to endorse the provisions established in the BSE chapter of the Terrestrial Code and the outcomes of the OIE BSE risk categorization process. It further demonstrated that many WTO Members were basing their decisions on OIE standards. Canada looked forward to working with Members toward removing remaining BSE-related restrictions on Canadian cattle, beef, and beef products.

#### **1.1.2 Brazil – OIE recognition of six Brazilian States as free from foot-and-mouth disease without vaccination ([G/SPS/GEN/1932](#))**

1.2. [Brazil](#) informed the Committee that six Brazilian States had been recognized as free from FMD without vaccination by the OIE through Resolution 13/2021. Brazil's FMD-free zone without vaccination represented almost 1 million km<sup>2</sup> and more than 44 million animals. The last case of FMD had occurred 5 years prior and, since 2018, the entire country was considered free from FMD. The Brazilian Ministry of Agriculture, Livestock and Supply and the private sector had been developing programmes to eradicate FMD for 50 years: the National Strategic Plan for the Eradication and Prevention of FMD had been launched in 2017 and would be fully executed in 2026. Brazil urged Members to comply with the provisions of Article 6 of the SPS Agreement on regionalization, and encouraged Members to continue to support the work and apply the standards of the international standard-setting bodies. Brazil provided further information in document [G/SPS/GEN/1932](#).

#### **1.1.3 Colombia – OIE recognition of foot-and-mouth disease and classical swine fever status in Colombia ([G/SPS/GEN/1929](#) and [G/SPS/GEN/1930/Rev.1](#))<sup>4</sup>**

1.3. [Colombia](#) informed the Committee of the OIE recognition of Colombia as free of FMD with vaccination and free of classical swine fever ([G/SPS/GEN/1929](#) and [G/SPS/GEN/1930/Rev.1](#)). Colombia invited WTO Members to inform their health authorities of this new health status to lift restrictions imposed by certain countries and facilitate ongoing processes to ensure market access for beef and pork meat from Colombia. Enquiries regarding the measures implemented by the Colombian Agricultural Institute (ICA) could be addressed to [asuntos.internacionales@ica.gov.co](mailto:asuntos.internacionales@ica.gov.co).

1.4. [Chile](#) appreciated the efforts on regionalization and congratulated Members achieving recognition by following the guidelines of the international organizations. Noting the increased information shared on the efforts to achieve recognition of pest- or disease-free areas, which was one of the objectives of the guidelines contained in [G/SPS/48](#), Chile regretted that the other objective of providing information on achieved recognitions was still missing. Chile informed that it had recognized Colombia as free of FMD with vaccination and, in the past, had also informed of other recognitions made.

### **1.2 November 2021 meeting ([G/SPS/R/104](#) and [G/SPS/R/104/Corr.1](#))**

#### **1.2.1 Ukraine - Self-declaration of freedom from avian influenza**

1.5. [Ukraine](#) announced its freedom from avian influenza to the SPS Committee. A programme of active and passive monitoring of avian influenza had been introduced since 2004, in accordance with the OIE Terrestrial Code. Ukraine had informed its trading partners that, as of 28 May 2021, it met all the OIE requirements as a "country free from infection with HPAI viruses in poultry", as published on the OIE's website. Ukraine stated that Members should not impose bans on poultry commodities in response to notifications of infection of birds other than poultry or infections of domestic or captive

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<sup>4</sup> Revised documents [G/SPS/GEN/1929/Rev.1](#) and [G/SPS/GEN/1930/Rev.2](#) were circulated on 13 August 2021.

wild birds with low pathogenicity avian influenza viruses, nor to other information on the presence of any non-notifiable influenza A virus in birds.

### **1.2.2 United States – African swine fever protection zones**

1.6. The United States informed the Committee that it had temporarily suspended the interstate movement of all live swine, swine germplasm, swine products, and swine by-products from Puerto Rico and the US Virgin Islands to the mainland United States, to prevent introduction of ASF following outbreaks in Dominican Republic and Haiti. The Animal and Plant Health Inspection Service (APHIS) had submitted to the OIE its self-declaration of establishment of a protection zone for Puerto Rico and the US Virgin Islands. The establishment of this protection zone would facilitate disease protection, limiting the overall spread of ASF, and allow for international trade to continue. This action would also provide additional safety beyond the controls in place to safeguard the US swine herd and protect US pork producers.

### **1.3 March 2022 meeting ([G/SPS/R/105](#))**

#### **1.3.1 Brazil – Brazil's risk status for foot-and-mouth (FMD) and bovine spongiform encephalopathy (BSE)**

1.7. Brazil informed Members that six Brazilian States had been recognized by the OIE as free from FMD without vaccination. Brazil's FMD-free zone without vaccination represented almost 1 million km<sup>2</sup> and more than 44 million animals. The last case of FMD had occurred in 2006 and, since 2018, the entire country was considered free from FMD. In line with OIE recommendations, protection areas in FMD-free zones had been established based on natural and geographical barriers, official quarantine and animal movement control. Brazil urged Members to accept the OIE's recognition of Brazil as FMD-free, and reminded Members that it was recognized by the OIE as having negligible risk for BSE. Brazil asked Members to continue to comply with the recommendations of the ISSBs to allow safe trade.

#### **1.3.2 Turkey – Declaration of fruit fly-free areas**

1.8. Turkey informed Members that eight Turkish districts had been recognized as free of Mediterranean fruit fly. Studies carried out for the establishment of pest-free areas followed ISPMs 4 and 26. Turkey had made available the relevant information for public review through the IPPC on 15 February 2022. Turkey urged Members to facilitate trade of fresh fruit from areas free of Mediterranean fruit fly.

## **2 DETERMINATION ON WHETHER TO RECOGNIZE A PEST- OR DISEASE-FREE AREA OR AREA OF LOW PEST OR DISEASE PREVALENCE**

2.1. No Member reported on experiences in recognizing a pest- or disease-free area during the period covered by this report.

## **3 MEMBERS' EXPERIENCES IN THE IMPLEMENTATION OF ARTICLE 6**

### **3.1 June 2021 meeting ([G/SPS/R/102](#))**

#### **3.1.1 European Union – ASF restrictions not consistent with the OIE international standard**

3.1. The European Union drew the Committee's attention to inconsistencies in the application of OIE international standards related to ASF. The European Union considered that many Members did not follow the OIE Terrestrial Code guidance for the identification, treatment and certification of tradable products. The European Union highlighted that it had, as well as other Members, demonstrated that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting many EU and non-EU countries. The European Union invited Members to work on the removal of country-wide and scientifically unjustified trade bans.

### **3.1.2 European Union – HPAI restrictions not consistent with OIE international standards**

3.2. The European Union regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified where effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. Noting the revisions regarding avian influenza in the Terrestrial Code adopted in the 88<sup>th</sup> OIE General Session of May 2021, the European Union asked Members to lift trade restrictions 28 days after eradication and disinfection of HPAI and reinstate trade conditions applicable to disease-free countries; refrain from trade restrictions after reported cases of HPAI in wild birds; refrain from trade restriction after reported cases of low pathogenicity avian influenza (LPAI); respect their obligations on regionalization under the WTO SPS Agreement; follow the recommendations of international standard-setting bodies; and allow trade from non-affected zones.

### **3.2 November 2021 meeting ([G/SPS/R/104](#) and [G/SPS/R/104/Corr.1](#))**

#### **3.2.1 European Union – ASF restrictions not consistent with the OIE international standard**

3.3. The European Union drew the Committee's attention to inconsistencies in the application of OIE international standards related to ASF. The European Union considered that many Members did not follow the OIE Terrestrial Code guidance for identification, treatment, and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting WTO Members that were connected by longstanding trade relations, and considered that it was a shared interest to maintain free and safe trade of pork and its products. Members were invited to work with the European Union on the substitution of country-wide trade bans by science-based, rational and proportionate measures.

#### **3.2.2 European Union – HPAI restrictions not consistent with the OIE international standard**

3.4. The European Union regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified where effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. Noting the revisions regarding avian influenza in the Terrestrial Code adopted in the 88<sup>th</sup> OIE General Session of May 2021, the European Union asked Members to lift trade restrictions 28 days after eradication of HPAI and disinfection and reinstate trade conditions applicable to disease-free countries; to refrain from trade restrictions after reported cases of HPAI in wild birds and from trade restrictions after reported cases of low pathogenicity avian influenza (LPAI); to respect their obligations on regionalization under the WTO SPS Agreement; to follow the recommendations of ISSBs; and to allow trade from non-affected zones.

3.5. The OIE informed the Committee of the adoption of revisions of two chapters of the OIE Terrestrial Code: chapter 10.4, on infection with HPAI viruses, and chapter 1.3, regarding the names of relevant diseases. Key amendments included a focus on infection with HPAI viruses in line with the changes to the OIE listed disease. It included new articles listing safe commodities, defining a compartment free from HPAI and recommendations for its establishment. It also included new and revised recommendations on surveillance, including for demonstrating freedom from HPAI and revised provisions related to recovery of freedom. Modifications to the list of relevant disease names in chapter 1.3 were also adopted. In addition, a revised Terrestrial Manual chapter 3.3.4 on avian influenza was adopted in May 2021 and included amendments to reflect current knowledge of the disease, and ensure alignment with changes adopted in the Terrestrial Code chapter.

### 3.3 March 2022 meeting ([G/SPS/R/105](#))

#### 3.3.1 European Union – ASF restrictions not consistent with the OIE international standard

3.6. The [European Union](#) drew the Committee's attention to inconsistencies in the application of OIE international standards related to ASF. The European Union considered that many Members did not follow the OIE Terrestrial Code guidance for identification, treatment, and certification of tradable products and zoning. The European Union highlighted that ASF could be managed effectively to ensure that legitimate trade was not the cause of any outbreak, as presented in the Thematic Session held in March 2021. The European Union added that ASF was a disease affecting WTO Members that were connected by longstanding trade relations, and considered that it was a shared interest to maintain free and safe trade of pork and its products. Members were invited to work with the European Union on the substitution of country-wide trade bans by science-based, rational and proportionate measures.

#### 3.3.2 European Union – HPAI restrictions not consistent with the OIE international standard

3.7. The [European Union](#) regretted that some Members disregarded their obligations under Article 6 and Annex C of the SPS Agreement. Country-wide bans after a disease outbreak were not scientifically justified where effective movement controls were in place, and there was no justification to wait one year or more to restore disease-free status. Noting the revisions regarding avian influenza in the Terrestrial Code adopted in the 88<sup>th</sup> OIE General Session of May 2021, the European Union asked Members to respect their obligations on regionalization under the WTO SPS Agreement; to follow the recommendations of ISSBs; and to allow trade from non-affected zones.

## 4 NOTIFICATIONS RELATED TO ARTICLE 6

4.1. From April 2021 through March 2022, 157 notifications (31 regular and 126 emergency) related to Article 6. Seven of those notifications, all regular notifications, indicated that the notified measure was trade facilitating; these notifications mainly inform of measures that will simplify the requirements for the import of products originating from certain regions, as well as the recognition of pest-free or disease-free areas ([Table 4.1](#)).

**Table 4.1: Trade Facilitating Notifications related to Article 6 (April 2021 – March 2022)**

Document symbol	Notifying Member	Description of content
<a href="#">G/SPS/N/ARG/255</a>	Argentina	Phytosanitary requirements governing the importation into the Argentine Republic of seeds intended for the propagation of broad beans ( <i>Vicia faba</i> ) from Spain.
<a href="#">G/SPS/N/ECU/261</a>	Ecuador	The notified Resolution establishes mandatory phytosanitary requirements for the importation of dionaea ( <i>Dionaea muscipula</i> ) plants in inert substrate for planting from the Netherlands.
<a href="#">G/SPS/N/ECU/277</a>	Ecuador	The notified Resolution establishes mandatory phytosanitary requirements for the importation into Ecuador of sunn hemp ( <i>Crotalaria juncea</i> ) seeds for sowing originating in Spain.
<a href="#">G/SPS/N/ECU/279</a>	Ecuador	The notified Resolution updates the mandatory phytosanitary requirements governing the importation of apples ( <i>Malus domestica</i> ) for consumption originating in Portugal.
<a href="#">G/SPS/N/ECU/280</a>	Ecuador	Mandatory phytosanitary requirements governing the importation of mandarins ( <i>Citrus reticulata</i> ) and oranges ( <i>Citrus sinensis</i> ) for consumption originating in Spain.
<a href="#">G/SPS/N/MEX/397</a>	Mexico	In accordance with the Agreement on the Application of Sanitary and Phytosanitary Measures, Mexico advises that the Ministry of Agriculture and Rural Development and the National Agri-Food Health, Safety and Quality Service have established phytosanitary requirements governing the importation into Mexico of sunn hemp ( <i>Crotalaria juncea</i> var. <i>Crescent</i> ) seed originating in and coming from Spain.

Document symbol	Notifying Member	Description of content
<a href="#">G/SPS/N/MEX/400</a>	Mexico	In accordance with the Agreement on the Application of Sanitary and Phytosanitary Measures, Mexico advises that the Ministry of Agriculture and Rural Development and the National Agri-Food Health, Safety and Quality Service have established phytosanitary requirements for the importation into Mexico of cucumber ( <i>Cucumis sativus</i> ) seed originating in and coming from Italy.

## 5 SPECIFIC TRADE CONCERNS AND REGIONALIZATION

5.1. Specific trade concerns (STCs) can be raised due to issues pertaining to regionalization. From April 2021 through March 2022, one STC that related to regionalization was raised for the first time ([Table 5.1](#)).

**Table 5.1: New STCs related to Regionalization (April 2021 – March 2022)**

STC ID	Title	Member raising the concern	Member responding to the concern	Date first raised (subsequently raised)
<a href="#">538</a>	Chinese Taipei's new procedure for the recognition of infectious animal disease-free status of a foreign country	European Union	Chinese Taipei	23/03/2022 (0 times)

5.2. For the same period, nine previously raised STCs that related to regionalization were brought again to the attention of the Committee ([Table 5.2](#)).

**Table 5.2: Previously Raised STCs related to Regionalization (April 2021 – March 2022)**

STC ID	Title	Member raising the concern	Member responding to the concern	Date first raised (subsequently raised)
<a href="#">489</a>	Mexico's import restrictions on pork	Brazil	Mexico	05/11/2020 (4 times)
<a href="#">484</a>	India's approval procedures for animal products	Russian Federation	India	25/06/2020 (4 times)
<a href="#">471</a>	US non-recognition of the pest-free status in the European Union for Asian longhorn beetle and citrus longhorn beetle	European Union	United States	25/06/2020 (5 times)
<a href="#">466</a>	The Philippines' trade restrictions on imports of meat	European Union; Russian Federation	Philippines	7/11/2019 (6 times)
<a href="#">456</a>	Korea's import restrictions on poultry due to highly pathogenic avian influenza	European Union	Korea, Republic of	21/03/2019 (5 times)
<a href="#">431</a>	South Africa's import restrictions on poultry due to highly pathogenic avian influenza	European Union	South Africa	2/11/2019 (11 times)
<a href="#">406</a>	China's import restrictions due to highly pathogenic avian influenza	European Union; United States of America	China	16/03/2016 (15 times)
<a href="#">393</a>	Korea's import restrictions due to African swine fever	European Union	Korea, Republic of	15/07/2015 (13 times)
<a href="#">392</a>	China's import restrictions due to African swine fever	European Union	China	15/07/2015 (13 times)

5.3. In addition, panel proceedings in the context of the WTO dispute settlement resolution procedures continued with respect to two previously raised STCs:

- India's restrictions due to avian influenza ([STC 185](#) supported by the United States, March 2004). At its meeting on 19 June 2015, the DSB adopted the Appellate Body report

and the panel report, as modified by the Appellate Body report ([DS430](#)). Thereafter, on 19 April 2016, the matter was referred to arbitration under Article 22.6 of the DSU. The arbitration panel was composed with the original panelists. On 6 April 2017, India requested the establishment of a compliance panel (Article 21.5). At its meeting on 19 April 2017, the DSB deferred the establishment of a compliance panel. At its meeting on 22 May 2017, the DSB agreed, pursuant to Article 21.5 of the DSU, to refer to the original panel, if possible. The compliance panel was composed by the original panelists. The arbitration and compliance proceedings are currently ongoing.<sup>5</sup>

- Costa Rica's measures on fresh avocados due to avocado sunblotch viroid ([STC 394](#) raised by Mexico, July 2015). On 8 March 2017, Mexico requested consultations with Costa Rica ([DS524](#)). On 22 November 2018, Mexico requested the establishment of a panel. At its meeting on 4 December 2018, the DSB deferred the establishment of a panel. At its meeting on 18 December 2018, the DSB established a panel. Thereafter, the panel was composed on 16 May 2019. On 29 May 2020, Mexico and Costa Rica informed the DSB that they had agreed to Procedures for Arbitration under Article 25 of the DSU in this dispute.<sup>6</sup> On 26 November 2021, Mexico and Costa Rica informed the DSB that they had agreed to a revised version of the Procedures for Arbitration. On 13 April 2022, the panel report was circulated to Members.

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<sup>5</sup> The compliance panel has received several joint requests from the parties to postpone the issuance of its final report. In its most recent communication, dated 9 March 2022, the Chair of the compliance panel informed the DSB that the panel had accepted an additional joint request from the parties to postpone the issuance of its report until the end of September 2022.

<sup>6</sup> Such procedures were entered into by Mexico and Costa Rica to give effect to the communication [JOB/DSB/1/Add.12](#) ("Multi-Party Interim Appeal Arbitration Arrangement Pursuant to Article 25 of the DSU (MPIA)") and with the objective of setting a framework for an arbitrator to decide on any appeal of any final panel report issued in this dispute.