

1 ARTICLE 6 OF THE AGREEMENT ON SANITARY AND PHYTOSANITARY MEASURES1

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1 ARTICLE 6 OF THE AGREEMENT ON SANITARY AND PHYTOSANITARY MEASURES

1.1 Text of Article 6

Article 6

*Adaptation to Regional Conditions, Including Pest- or Disease-
Free Areas and Areas of Low Pest or Disease Prevalence*

1. Members shall ensure that their sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary characteristics of the area – whether all of a country, part of a country, or all or parts of several countries – from which the product originated and to which the product is destined. In assessing the sanitary or phytosanitary characteristics of a region, Members shall take into account, *inter alia*, the level of prevalence of specific diseases or pests, the existence of eradication or control programmes, and appropriate criteria or guidelines which may be developed by the relevant international organizations.
2. Members shall, in particular, recognize the concepts of pest- or disease-free areas and areas of low pest or disease prevalence. Determination of such areas shall be based on factors such as geography, ecosystems, epidemiological surveillance, and the effectiveness of sanitary or phytosanitary controls.
3. Exporting Members claiming that areas within their territories are pest- or disease-free areas or areas of low pest or disease prevalence shall provide the necessary evidence thereof in order to objectively demonstrate to the importing Member that such areas are, and are likely to remain, pest- or disease-free areas or areas of low pest or disease prevalence, respectively. For this purpose, reasonable access shall be given, upon request, to the importing Member for inspection, testing and other relevant procedures.

1.2 Guidelines to further the practical implementation of Article 6

1.2.1 General

1. At its meeting of 2-3 April 2008, the Committee on Sanitary and Phytosanitary Measures (SPS Committee) adopted guidelines to further the practical implementation of Article 6 of the Agreement on Sanitary and Phytosanitary Measures (SPS Agreement).¹
2. These guidelines are intended to provide assistance to Members by improving transparency, the exchange of information, predictability, confidence, and credibility between importing and exporting Members. The SPS Committee noted, however, that the guidelines are not intended to duplicate the technical and administrative guidance provided to Members by the International Plant Protection Convention and the World Organisation for Animal Health.²
3. The guidelines neither add to nor detract from the existing rights and obligations of the Members under the SPS Agreement or any other WTO covered agreement.³

¹ [G/SPS/48](#), 16 May 2008.

² [G/SPS/48](#), para. 1.

³ [G/SPS/48](#), para. 2.

1.2.2 Recognition⁴

4. Importing Members are encouraged to publish the basis for the recognition of pest- or disease-free areas and areas of low pest or disease prevalence, and a description of the general process used, including the information generally required to evaluate such requests.

5. Members are asked to proceed with a recognition process without undue delay and are urged to apply the process without discrimination between Members, while maintaining transparency in all aspects of the recognition process.

6. Importing Members should take into account any relevant knowledge of and prior experience with the authorities of the exporting Member. Upon request from the exporting Member, an importing Member should provide information on the stage of the exporting Member's request within its evaluation process.

7. The importing Member should also, upon request, enter into discussions with the exporting Member with the aim of clarifying its (the importing Member's) general process and the information generally required to facilitate a request for recognition. The discussions should be undertaken within a reasonable period of time, and normally within 90 days of a request or as otherwise mutually decided. The clarifications made in the course of the discussions should, if necessary, be appropriately recorded by the importing Member and transmitted to the exporting Member to avoid any misunderstandings of the general process.⁵

8. The SPS Committee stresses that Members have the sovereign right to determine their own process for the evaluation of recognition requests. However, a typical process would generally involve the following steps⁶:

- a. Step 1: the exporting Member requests information about the importing Member's requirements and procedures for the evaluation of recognition requests;
- b. Step 2: the importing Member explains its requirements and procedures;
- c. Step 3: the exporting Member sends the documentation demonstrating compliance with the requirements laid down by the importing Member;
- d. Step 4: the importing Member evaluates the documentation and, if necessary, requests additional information;
- e. Step 5: the exporting Member provides any clarification, additions, or modifications requested by the importing Member;
- f. Step 6: the importing Member evaluates the additional information and, where necessary, steps 4 and 5 are repeated;
- g. Step 7: if applicable, the importing Member carries out on-site verification of the information provided in support of the recognition request and sends a report on the on-site verification to the exporting Member;
- h. Step 8: the exporting Member responds to the inspection report; and
- i. Step 9: the importing Member makes a decision either to recognize or not to recognize the pest- or disease-free area or area of low pest or disease prevalence. Where the decision is negative, the importing Member should provide the exporting Member with the technical grounds for its determination to allow the exporting Member to modify and adapt its system with a view to future requests for recognition. Where the decision is positive, the importing Member then takes steps to facilitate trade from the exporting Member.

⁴ [G/SPS/48](#), Section I.

⁵ [G/SPS/48](#), Section II.

⁶ [G/SPS/48](#), Section III.

9. The guidelines also provide for an expedited process that permits the Members to skip one or more steps discussed in paragraph 8 above. In determining if it is possible to apply an expedited process, the importing Member should take into account whether any of the following factors has been met⁷:

- a. whether there has been official recognition of an area as a pest- or disease-free area or an area of low pest or disease prevalence by a relevant international organisation;
- b. whether there has been an outbreak in an area previously recognized, and suspended by the importing Member, as a pest- or disease-free area or an area of low pest or disease prevalence, and whether the area has been restored to its former status as determined by the importing Member;
- c. whether the infrastructure and operation of the responsible veterinary or phytosanitary service of the exporting Member are familiar to the importing Member as a result of existing trade relations; or
- d. whether there has been no previously notified occurrence of the pest or disease and the importing Member agrees that the surveillance procedures and activities implemented by the exporting Member have shown the non-existence thereof.

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⁷ [G/SPS/48](#), Section IV.