

## **SPS regulations in Saudi Arabia**

### **Article 1: General Provisions**

- 1.1 These regulations shall be applied to all SPS measures taken by the Kingdom which will affect international trade directly or indirectly. These measures shall be applied according to WTO's SPS agreement.
- 1.2 The definitions provided for in annex 1 of WTO's SPS agreement shall be applied in these regulations.
- 1.3 The following annexes shall be integral of these regulations.
  - A-Definition
  - B-Clarity and transparency of the organizing regulations
  - C-The bodies of replying to inquiries and notifications
- 1.4 Nothing in these regulations shall affect the rights of WTO member states according to TBT agreement with respect to the measures beyond the scope of these regulations.

### **Article 2: Basic rights and obligations**

- 2.1 The Kingdom shall have the right to take SPS measures to protect the life of human beings, animals and plants provided that they are consistent with the provisions of SPS agreement.
- 2.2 Applying any SPS measures shall be limited to the amount of necessity to protect the health or life of human beings, animals or plants based on scientific rules and principles, not continuing application without sufficient scientific evidences, with the exemption of temporary measures based on available info, provided that an effort is made to seek additional necessary info to increase the objectivity of risk assessment, to review these measures within reasonable time.
- 2.3 No unjustified discrimination upon taking SPS measures between the Kingdom and WTO member states having similar conditions with the Kingdom. SPS measures may not be applied in a way forming a hidden restriction in market access in international trade.

- 2.4 SPS measures shall adhere to WTO member states obligations according to the provision of GATT 1994 on these measures, particularly Article 20.B. as long as the taken measures adhere to the stipulation of concerned agreement.

### **Article 3: Harmonization**

- 3.1 SPS measures taken by the Kingdom shall be based on the international standards, guidelines and recommendations, with the exceptions of scientifically-justified precautionary measures that achieve protection levels higher than the measures taken based on international standards or recommendations conforming to all the regulations provisions.
- 3.2 SPS protection measures complying with standards are necessary to protect the health of human beings, animals or plants, and they are presumably conforming to the provisions of SPS agreement and GATT 1994.
- 3.3 The Kingdom may maintain SPS taken by it leading to protect the health or life of human beings, animals or plants at higher level than what is achieved by implementing measures based on the proper international standards, guidelines and recommendations, if scientifically justified or as a result of special protection level different from what achieved by measures based on international standards, guidelines and recommendations conforming to the provisions of these regulations.
- 3.4 Within its potentialities, the Kingdom shall play a full role in concerned international organizations, and their branches, particularly O.I.E. C.A.C. IPPC to enhance and promote work in these organizations to develop standards, guidelines and recommendations concerned with all SPS aspects and their periodic revision.

### **Article 4: Equivalence**

- 4.1 The Kingdom shall observe SPS measures taken by other WTO member states if equivalent to its measures, even

different than those taken by other WTO member states trading in the same product, if this member country proves objectively that its measures achieves the protection level of the Kingdom. To verify this, the Kingdom may take any procedures such as inspection and necessary testing or any other necessary procedures. Through talks with other countries, Saudi Arabia may reach a definite bilateral or multilateral agreement recognizing the equivalence of SPS measures. Other WTO member states shall have the same right.

- 4.2 Upon request of a WTO member state, the Kingdom may deliberate to enter bilateral or multilateral agreements or recognizing SPS measures.

Article 5: Assessment of Risk and Determination of Appropriate Level of protection

- 5.1 The Kingdom shall observe that SPS measures shall be based on assessment suitable to risks foreseen, with observation of risk assessment methods developed by concerned international organizations.
- 5.2 Upon assessing risks of importing a product from a member state, the Kingdom shall consider the available scientific proofs, proper production methods, sampling and tests. The extend of spread of diseases and pests in the exporting member state, proper environmental conditions, quarantine measures and other treatments.
- 5.3 Upon assessing risks and specifying the measures to be applied to achieve the proper protection level, the Kingdom shall consider the economical factor, loss and gain calculations if a diseases or pest appear or break out in the importing country, protection costs, relative effectiveness of alternative protection method and limiting hazards.
- 5.4 The Kingdom shall observe diminishing the negative results n international trade to the minimum upon assessing proper method of protection.
- 5.5 The Kingdom shall avoid unjustified discrimination in the level deemed suitable for its to its conditions if leading to

pias in treatment or restriction on international trade during application of suitable protection level concept. The Kingdom shall cooperate with WTO's SPS Committee to develop the guidelines for this stipulation.

5.6 Without prejudice, the Kingdom shall not add restrictions on trade with WTO member states more than what achieves the required level of protection with regard for the economic and technical feasibility of such measures.

5.7 The Kingdom may approve temporary measures of protection based on the relevant available info, in cases of unavailable scientific evidence. In this case the Kingdom shall strive to necessary additional info, to increase objectivity of risk assessment and review taken SPS measures within reasonable time.

5.8 Upon believing that there are restrictions on its imports to other member state without basis of international standards, guidelines and recommendations, the Kingdom may ask the state to clear the reasons for taking these measures. The other member has to answer.

#### Article 6: Adaptation to Regional Conditions, Including Pest- or Disease – Free Area and Areas of Low Pest or Disease Prevalence

6.1 The Kingdom shall guarantee adaptation to regional conditions, including pest- or disease – free areas and areas of low pest or disease prevalence, with observation of the spread of certain diseases or pests, and the presence of fighting programs developed by concerned international organization.

6.2 The Kingdom recognizes the concept of adaptation to regional conditions, including pest- or disease – free areas and areas of low pest or disease prevalence and its effectiveness in protection.

6.3 Incase of declaring disease or pest free region inside the Kingdom territory, it has to provide the objective proofs and justifications to the importing state which support the same or a low spread of disease or pets. For this purpose, the importing country shall be given access to inspect and test inside the Kingdom. The Kingdom shall have the same right.

## **Article 7: Transparency**

In application of annex B provisions, the Kingdom shall notify the WTO secretariat of any changes in its SPS measures and provide info, thereupon.

## **Article 8: Control, Inspection and Approval Procedures**

The Kingdom shall observe the provision of annex C upon inspection, control, and approval including regulations to approve additives or allowed level of pollutants in foods and beverages and animal feeds provided conforming to and not conflicting with the provisions of these regulations.

## **Article 9: Consultations and Dispute Settlement**

- 9.1 Consultation and dispute settlement shall be according to Article 22 and 23 of GATT 1994, and the content of this agreement and the MOU, on dispute settlement, unless provided for otherwise herein.
- 9.2 Nothing in this agreement shall affect other WTO member states according to any other international agreement.
- 9.3 SPS agreement shall not harm the Kingdom's rights in any other international agreement, including the right to go for good offices or mechanisms of dispute settlement in any other international organization, or prepared by any international agreement.

## **Article 10: Implementations**

The Kingdom shall observe, subject to this agreement, the full compliance with the obligations herein.