THE AGREEMENT ON SANITARY AND PHYTOSANITARY MEASURES AND ITS IMPACT ON TRADE IN ANIMALS AND ANIMAL PRODUCTS IN THE MIDDLE EAST

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Summary: The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) affirms the right of World Trade Organization (WTO) Members to restrict international trade when necessary to protect animal life or health. At the same time, it aims to ensure that unnecessary animal health regulations are not used as an excuse for protecting domestic producers from trade competition. To avoid that SPS measures be used as disguised trade restrictions, the SPS Agreement requires such measures to be based on science. They may be applied only to the extent necessary to protect animal health. Furthermore, they may not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail.

A certain number of the Agreement’s provisions are of significant importance for developing countries and Middle East countries in particular. These provisions relate not only to technical assistance and special and differential treatment, but especially to international harmonisation, equivalence and regionalisation. Moreover, the SPS Committee is a privileged forum for discussion and possible resolution of trade problems, which countries cannot resolve by simple bilateral discussions.

The analysis of the eight responses to the questionnaire shows a need for the intensification of technical assistance and cooperation for the countries in the Middle East. Moreover, improved coordination among the different services dealing with trade-related animal health issues and between these services and the food safety and plant protection areas is a must for the accurate implementation of the SPS Agreement. Finally, it is essential that Middle East WTO Members identify their National Notification Authority and Enquiry Point and notify their draft SPS measures. Countries negotiating accession to the WTO should be encouraged to do the same.

1. INTRODUCTION

Eight countries, out of 18, replied to the questionnaire. Six of these countries are World Trade Organization (WTO) Members (Bahrain, Cyprus, Egypt, Kuwait, Qatar and Turkey) and the remaining two countries are negotiating accession to the WTO (Iran and Oman). A ninth country, Saudi Arabia, indicated that it is negotiating accession, but did not reply to the questionnaire. No replies were received from Afghanistan, Iraq, Jordan, Lebanon, Libya, Somalia, Sudan, Syria and the United Arab Emirates (among these countries, only the United Arab Emirates is a WTO Member).

After the analysis of the responses to the questionnaire, it was felt that the report should highlight some of the main provisions of the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement), bearing in mind its implications for Middle East countries and the experience of three and a half years’ implementation by WTO Members. This experience was reflected in the Three Year Review (the Review) of the operation and implementation of the Agreement (required under Article 12:7 of the Agreement). The Review was concluded by the SPS Committee (the Committee, open to the 136 WTO Members, which administers the Agreement) in March 19991.

1 The report of the Review (G/SPS/12) can be obtained from the WTO Website (www.wto.org).
2. INTRODUCING THE WTO AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES

The WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) entered into force on 1 January 1995. The Agreement applies to all WTO Members (as of mid-1999, 136 countries) with the exception of the Least Developed Countries to which the Agreement will apply as from 1 January 2000.

Animal health issues are not entirely new under the General Agreement on Tariffs and Trade (GATT) system. However, measures "necessary to protect human, animal and plant life or health" were contained in a general exception, which allowed countries to apply such measures as long as they did not unjustifiably discriminate between countries nor were a disguised restriction to trade².

During the GATT’s Tokyo Round of multilateral trade negotiations (1974-79), an Agreement on Technical Barriers to Trade (often referred to as the ‘Standards Code’) was negotiated, which inter alia, covered technical requirements resulting from food safety and animal and plant health measures. This Standards Code was rewritten during the GATT’s Uruguay Round of multilateral trade negotiations (1986-94), and at the same time, a separate agreement covering sanitary and phytosanitary measures was negotiated. The WTO superseded the GATT as the umbrella intergovernmental organisation for international trade.

The SPS Agreement affirms the right of WTO Members to restrict international trade when necessary to protect animal life or health³. At the same time, it aims to ensure that unnecessary animal health regulations are not used as an excuse for protecting domestic producers from trade competition. To avoid that SPS measures be used as disguised trade restrictions, the SPS Agreement requires such measures to be based on science. They may be applied only to the extent necessary to protect animal health. Also they may not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail.

Members are encouraged to base their measures on internationally developed standards, in order to ensure their scientific justification and advance the harmonisation of sanitary and phytosanitary requirements. With regard to animal health, the SPS Agreement explicitly recognises the international standards, guidelines and recommendations established by the Office International des Epizooties (OIE). Measures based on international standards, guidelines and recommendations developed by the OIE are deemed to be consistent with the SPS Agreement.

Governments may select to impose measures that result in a level of health protection higher than that provided by existing OIE standard. However, in this case, or when no relevant international standard exists, the measures have to be based on a risk assessment. If asked, Members have to explain why the level of protection achieved by an OIE standard is not sufficient and make their risk assessment available to other Members.

When preparing their risk assessment, Members have to take into account available scientific evidence. In cases where relevant scientific evidence is not sufficient, Members may adopt temporary measures based on the available pertinent information while seeking to obtain the necessary scientific evidence. Although governments have a right to determine the level of health protection which they consider appropriate, they should aim to be consistent in the level of protection sought. Arbitrary or unjustifiable differences in levels of protection that result in discrimination or a disguised restriction on trade must be avoided. Furthermore, in considering what measure to apply to achieve their health objective, a government must choose the least trade restrictive measure that is feasible.

When an exporting Member can demonstrate that its measures achieve the level of protection required by an importing country, then that importing country should accept the exporting country's measure as equivalent. Members cannot refuse to enter into consultations about equivalence if another Member requests them.

The SPS Agreement recognises that because of differences in climate, existing pests or diseases, or food safety conditions, SPS regulations have to be adapted to local conditions. The SPS Agreement requires Members to recognise pest or disease-free areas, and to adapt their measures accordingly. These areas can consist of all of a country, part of a country, or all or parts of several countries.

In the interest of transparency, Members have to publish their SPS regulations. In addition, each WTO Member must identify a national notification authority and an enquiry point. They are responsible for submitting notifications, providing the full text of SPS regulations to interested Members, and responding to requests for more information about

² GATT Article XX b).
³ The Agreement covers human, animal and plant life or health, but only animal health (including animal life) are referred to in this report.
new or existing measures. In particular, new or changed measures which are not based on international standards and which could affect trade have to be notified to the WTO when they are at the draft stage, except in emergency situations. Members' comments have to be taken into account.

Members are also required to facilitate the provision of technical assistance to help other countries achieve the level of protection desired in their export markets.

3. POSSIBLE BENEFITS OF THE SANITARY AND PHYTOSANITARY AGREEMENT TO TRADE IN ANIMALS AND ANIMAL PRODUCTS IN THE MIDDLE EAST

The principles introduced by the SPS Agreement provide all WTO Members with rights and obligations aimed at facilitating their trade relations. In an international trade environment where quantitative restrictions have been forbidden and prohibitive tariffs and other barriers to trade are being gradually reduced, governments' temptation to use sanitary measures as disguised restrictions to trade could only but increase. The SPS Agreement aims at closing this potential loophole. The Agreement contains a number of provisions of particular interest for Middle East countries, including those dealing with technical assistance (Article 9) and special and differential treatment (Article 10), but also those dealing with international harmonisation, equivalence and 'regionalisation'.

During the Review process, the Committee emphasised that the SPS Agreement was a new framework which, during its first three and a half years of implementation, had contributed to improving international trading relationships with respect to sanitary and phytosanitary measures, although a number of implementation issues gave concern to some Members, including a number of developing country Members. The Committee welcomed the fact that a substantial number of SPS-related trade matters had been resolved following their discussion at formal meetings of the Committee or bilaterally. Middle East countries can only but benefit by participating in the SPS Committee meeting work.

3.1. Transparency

In the Review, Members noted that through the establishment of enquiry points and national notification authorities and through notifications, the Agreement had significantly improved transparency in the application of sanitary or phytosanitary measures. It should be noted that Members' notifications of draft SPS regulations or emergency regulations are sent to the WTO Secretariat and immediately posted in the WTO Website. During the Review process some improvements have been introduced in the notification process.

3.2. Technical assistance

Article 9 provides for bilateral technical assistance from other WTO Members and through the appropriate international organisations (including the OIE). In the Review, the SPS Committee (the Committee) considered that WTO Members, the WTO Secretariat and observer organisations had provided substantial technical assistance over the first three years of the implementation of the Agreement to developing countries. However, the Committee noted that there was a need for enhanced technical assistance and cooperation, especially in the areas of human resource development, national capacity building, and transfer of technology and information. Middle East countries can only but benefit from an increase in technical assistance and cooperation, a need identified by all countries in their responses to the questionnaire.

3.3. Special and differential treatment

Article 10 asks Members to take into account the needs of developing countries in the preparation and application of sanitary and phytosanitary measures. Where possible, developing country Members should receive longer time frames for compliance with new sanitary or phytosanitary measures. In the Review, the Committee noted that it had no information on the extent to which these provisions had been implemented. Developing country Members had been able to postpone the implementation of certain provisions of the Agreement until 1997. Least developed countries can delay the application of the Agreement for a period of five years, which ends at the beginning of the year 2000. The Committee noted the proposals of developing countries and encouraged Members to further the practical implementation of Article 10, in particular the provision for longer time-frames for compliance on products of interest to developing country Members. However, it also noted that although the Agreement provides the possibility for developing country Members to request further time-limited exceptions with respect to any obligation under the Agreement taking into account financial, trade and development needs, no such requests had been submitted to the Committee during the period under review. It is important that Middle East countries be aware of these possibilities offered to WTO Members by the Agreement.
3.4. **International harmonisation**

Another feature of particular importance to Middle East countries is the encouragement to base sanitary measures on international standards. The use of international standards means freer trade with other countries using the same standards. It also means less technical resources in trying to develop national standards and in meeting the different requirements of different export markets for live animals or animal products. Under the SPS Agreement, WTO Members have to justify the use of standards if they are more stringent than international standards. In other words, countries, and in particular Middle East countries, to the extent that they are Members of the WTO, have the right to require scientific justification from importing countries imposing on them standards higher than the OIE standards.

During the Review, the Committee has welcomed the cooperation of the OIE and of the other international standard-setting organisations recognised by the Agreement, and their continuing work in updating and expanding international standards. However, developing country Members have indicated that they often have difficulties in participating actively in the development of international standards. Considering that such concerns would be more appropriately addressed in the OIE, and noting that discussions in this regard were already being held in that forum, the Committee communicated these concerns to the OIE.

In accordance with Article 12:4, the Committee has adopted a preliminary procedure to monitor the process of international harmonisation and the use of international standards, guidelines and recommendations. This procedure encourages Members to identify where there are problems with existing international standards, or where an international standard is lacking. Other Members are then asked whether they share the identified concerns, and these are brought to the attention of the relevant standard-setting organisations.

3.5. **Equivalence and adaptation to regional conditions**

Equivalence of sanitary measures is one of the key provisions of the SPS Agreement for developing countries. In particular, WTO Members cannot refuse to enter into consultations with the aim of achieving agreements on recognition of equivalence if another Member requests them. There has been an increase in the recognition of equivalence and in bilateral negotiations to this end, but during the Review the Committee recognised that further efforts were necessary to implement this provision in view of its importance for trade facilitation, especially for developing country Members. Members recognised the need to provide information on their appropriate level of protection and to recognise equivalence in achieving this level of protection, rather than sameness of measures. The Committee asked Members to provide more information on bilateral equivalence agreements, and welcomed the work to further the application of equivalence which is being carried out by the OIE and other relevant international organisations.

The Committee also welcomed that an increasing number of Members were applying the concept of adaptation to regional conditions, in particular by recognising disease-free areas, or areas of low disease prevalence. There were still some difficulties in the implementation of these concepts, which stemmed from divergences in the interpretation and implementation of international guidelines, excessively lengthy administrative processes in importing countries, and the complexities often involved in risk assessment. The OIE assists Members in the recognition of pest or disease-free areas and establishes lists of countries/regions free of a certain number of diseases.

3.6. **The Sanitary and Phytosanitary Committee**

The SPS Committee meets formally three/four times per year, and the formal meetings are most often preceded by informal consultations. In particular, discussions of special trade concerns at SPS meetings draw attention to potential trade conflicts and may help avoid formal disputes. In a few cases, bilateral consultations, sometimes with the participation of the Chairman of the SPS Committee or the WTO Secretariat, helped to facilitate the clarification of misunderstandings or otherwise resolve the issues involved. In the Review, the Committee noted that ad hoc consultations "could be an effective means of satisfactorily solving problems".

Independently of the opportunity that the Committees provide in this respect, every WTO Member has the right to take recourse, at any time, to the formal WTO dispute settlement procedures. Between the establishment of the WTO in 1995 and mid-year 1999, over 179 disputes have been raised under this procedure. Although the WTO provides for other means to resolve trade disputes, such as Good offices, Conciliation and Mediation, the most common way is the establishment of panels constituted by international trade law experts. Members have the right to appeal panel decisions to an Appellate Body. Since SPS disputes usually involve scientific or technical issues, panels seek advice from experts chosen in consultation with the parties and the relevant
international organisations. Three cases involving the SPS Agreement have been examined by panels and the Appellate Body under the formal dispute WTO settlement procedures:

- EC Measures Concerning Meat and Meat Products (Hormones), complaints by the United States of America and by Canada;
- Australia - Measures Affecting Importation of Salmon, complaint by Canada; and
- Japan - Measures Affecting Agricultural Products (Varietal Testing), complaint by the United States of America.

Only the Salmon case dealt with animal health. The Hormones and Varietal Testing cases dealt with food safety and plant health, respectively.

4. SUMMARY OF THE REPLIES TO THE QUESTIONNAIRE

In the light of the WTO/SPS Agreement, please indicate if your country has taken any of the following steps toward its implementation.

<table>
<thead>
<tr>
<th>Step 1: Reviewed all or part of your animal health regulations in relation to standards, guidelines and recommendations developed by the OIE, in particular the International Animal Health Code, and the SPS Agreement?</th>
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<tbody>
<tr>
<td>(a) If yes, please identify resulting changes in your regulations. (b) How are the standards, guidelines and recommendations developed by the OIE implemented at the national level?</td>
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Replies

With the exception of Bahrain, all the replying countries indicated that they had reviewed all or part of their animal health regulations in relation to standards, guidelines and recommendations developed by the OIE, in particular the International Animal Health Code, and the SPS Agreement.

In Cyprus, veterinary requirements for animal and animal products are based on OIE recommendations. At the national level, such recommendations are implemented through the Veterinary Services by orders based on the Contagious Disease (Animals) Law of 1987 (319/87).

In Egypt, certain export and import quarantine regulations have been changed. Trade of animals and animal products are adapted accordingly, taking into account the SPS Agreement requirements. The recommendations adopted at the annual OIE General Sessions are implemented at the national level.

In Iran, regulations related to fish and shrimp sanitary status have been reviewed and corrected. At the national level, Iran's Veterinary Organisation has the competence to send the directives resulting from any changes in the International Animal Health Code to its affiliations throughout the country. It also notifies the related organisations.

Kuwait has revised its quarantine and import procedures as well as OIE requirements for Lists A and B diseases. In order to implement OIE recommendations at the national level, Kuwait applies an import licensing procedure aligned with OIE Code guidelines, including transparency and swiftness in communicating disease information to the OIE; application of the recommended OIE standardized diagnostic tests in Kuwaiti laboratories and selection of quality of vaccines used in disease control; sending of samples to International Reference Laboratories.

In Oman, changes in national animal health regulations are anticipated, as they are in the process of being aligned with the Veterinary Quarantine Regulation. This regulation is reported to aim at facilitating trade based on the SPS Agreement provisions. At the national level, OIE recommendations are applied on the basis of Royal Decree and Ministerial orders. Enforcement is taken by authorities appointed for this purpose.

Qatar indicated that it is doing its best to apply the recommendations of the OIE Code.

Turkey changed some of its regulations. The list of notifiable diseases was updated, the legislation on animal market was prepared and slaughterhouses legislation was updated. Moreover, the Turkish food codex was prepared and the Food Law revised. National standards, guidelines and recommendations were harmonised according to OIE recommendations. Basic training was carried on and the organisation of institutes was reviewed.
Step 2: Provided for coordination between the various departments/ministries responsible for subjects covered in the SPS Agreement (animal health and zoonoses, food hygiene, plant protection, etc.). If yes, what coordination mechanism has been set up?

Replies

In Bahrain no specific coordination mechanism had yet been implemented.

In Cyprus, coordination between the various departments/ministries responsible for subjects covered in the SPS Agreement (animal health and zoonoses, food hygiene, plant protection, etc.), is the responsibility of the body of Directors of the Ministry of Agriculture, Natural Resources and Environment and the Ministry of Health.

In Egypt, coordination of matters concerning zoonoses and food hygiene is the responsibility of the Ministry of Health. Coordination of food hygiene issues is of the responsibility the Ministry of Trade and Supply.

In Iran, the responsible departments are notified through official communications.

In Kuwait, the Authority for Animal and Fish Resources collaborates closely with the Infectious Disease Control Department of the Ministry of Health in the control of zoonoses and with Insect Control Department of the Ministry of Health in the surveillance of Old World screwworm fly control. The joint Zoonoses Committee meets to evaluate and exchange information on current situations on zoonotic diseases in humans and animals and their surveillance and control. There is limited cooperation with the Municipalities, which administer the slaughterhouses and butcher's shops.

Oman set up a National Zoonotic Commission between the various authorities and provisioned laboratories for efficient testing in ensuring conformity with international standards and agreements.

In Qatar, most of the departments concerned belong to the same ministry, the Ministry of Municipal Affairs and Agriculture.

In Turkey, the responsible departments/ministries have the responsibility to coordinate between the various institutions. For zoonoses, existing National Zoonoses Committee activities have been supported.

Step 3: Set up procedures for risk assessment

Replies

No risk assessment procedures have yet been set up in Bahrain, Egypt, Kuwait and Oman (Kuwait indicated that this is due to a shortage of human resources and that it is seeking the OIE and FAO to organise regional training on risk assessment).

Cyprus set up Qualitative Risk Assessment procedures for imports of new products based on information provided by the OIE.

In Iran, different epidemiological investigations have been undertaken throughout the country providing epidemiological indicators at different periods of time and subsequently comparing them. Retrospective studies are also used to allow for the appropriate decision. For imports, Iran uses the Handistatus software.

Qatar applies the notion of risk reduction mainly through the choice of the origin of the commodity.

In Turkey, the risk assessment procedure is based on scientific evidence; the disease situation; international organizations' reports and national reports; production procedures; quarantine facilities; sampling and testing methods.

Step 4: Used the concept of zoning and regionalisation for parts of the territory of other countries. If yes, (a) In what subjects? (b) How do you/your authorities take into account the OIE list of countries/regions free from foot and mouth disease (FMD)?

Replies
Bahrain has not yet used the concept of zoning and regionalisation for parts of the territory of other countries, but it indicated that the OIE list of countries/regions free from FMD (OIE list) were reliable.

In Cyprus, the concept is being used with regard to the importation of animals and animal products. Cyprus also noted that it always acts according to the OIE list.

Egypt is applying the concept of zoning and regionalisation in all aspects concerning animal health status in different countries, especially with regard to neighbouring countries, applying the OIE recommendations. Egypt takes into account the OIE list following up the world Animal Health status provided by the OIE, namely in this organisation's Website.

In Iran, for the importation of live animals and animal products or the establishment of quarantine stations, the zoning and regionalisation concept is applied. The OIE list is considered to be highly reliable information and imports are carried out accordingly.

Kuwait indicated that due to the size of its territory, it does not apply the zoning and regionalization concept. Kuwait gave no indication on whether it takes into account the OIE list.

Oman has not used the zoning and regionalisation concept, but its reply suggests that the OIE list is taken into account in its import decisions.

Turkey uses the concept of zoning and regionalisation in the importation of animals and animal products and relies on the OIE list to a great extent.

Step 5: Set up: (a) A national notification authority. If yes, please identify it and give a brief explanation on the way it operates. (b) An enquiry point to answer questions raised by other WTO Members. If yes, please identify it and give a brief explanation on the way it operates.

Replies

Bahrain has identified a notification authority, but not an Enquiry point. Notification is done through the Veterinary Services Section by the Private and Public Veterinarian Sectors.

In Cyprus, the national notification authority is the Ministry of Agriculture, Natural Resources and Environment through the Department of Veterinary Services, the Department of Agriculture and the Department of Health. The Department of Agriculture deals with the phytosanitary aspects. The Department of Veterinary Services deals with the zoosanitary aspects, and the Department of Health is partially involved if necessary. The enquiry point is the Permanent Secretary, Ministry of Agriculture, Natural Resources and Environment.

The Egyptian national notification authority is the General Organization for Veterinary Services (GOVS), which is informed by the governate level through its diseases service system, and notifies the OIE and other organisations. An enquiry point has been identified (notified to the WTO as being in the Ministry of Agriculture) through the Ministry of Trade and Supply in cooperation with other Ministries and the involvement of the GOVS.

In Iran, there is no single national notification authority and the related organisations act together. Moreover, Iran indicated that any enquiry will be sent to the competent authority, which will prepare the answer accordingly.

Kuwait has not identified a national notification authority. It explained that the notification is part of the Animal Health Department, which is responsible for disease surveillance, reporting and control. According to the system in place, the farmer reports suspected diseases to field veterinary services (FVS) that conduct an investigation and institute temporary intervention. Whether the FVS makes a definite diagnosis based on clinical signs or not, they report the matter to the relevant section in the Animal Health Department. If the situation warrants in-depth investigation, the Department sets up a team that would carry out detailed epidemiological investigation and report. All list A, important List B diseases and emerging diseases will be communicated urgently to the OIE by e-mail or fax. Kuwait has not identified an enquiry point.

Oman has identified neither a national notification authority, nor an enquiry point.
Although it did not identify the national authority, Qatar briefly described the notification steps in the following manner: 1) veterinary clinics; 2) veterinary laboratories; 3) veterinary clinics; 4) notification authority; 5) veterinary authority; 6) OIE. No enquiry point has as yet been identified.

Turkey did not identify the notification authority in its reply (but notified it to the WTO under the SPS Agreement provisions). However, Turkey provided the following scheme of the notification system operation:

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District → Province → Central → International
           Veterinarian  Veterinarian  Unit  Organisation

            ↘                  ↘
            Regional → General
          Institute  Directorate
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Turkey has identified an enquiry point and indicated that several units are responsible for carrying out these activities with the coordination of the Veterinary Epidemiology and Information section.

**Step 6: Notify SPS measures to the WTO.**

**Replies**

Bahrein, Egypt, Iran, Kuwait, Oman and Qatar have never notified SPS measures to the WTO.

Cyprus and Turkey have notified SPS measures to the WTO.

**Step 7: Applied the concept of equivalence to an exporting country and your own national measures. If yes: (a) In what situations? (b) Has your country signed any bilateral agreement(s) with other countries?**

**Replies**

Bahrain has applied the concept of equivalence and signed bilateral agreements with Australia and New Zealand with regard to exports and imports of cattle.

Cyprus has applied the concept of equivalence and accordingly implemented new import requirements, regulations, orders and laws. Cyprus has also signed bilateral agreements, but did not identify the related countries.

Egypt has not yet implemented the concept of equivalence, but indicated that it had signed bilateral agreements with other countries. Egypt did not identify these countries in its reply.

Iran has not applied the concept of equivalence and noted that every country implemented its measures considering the domestic status and culture. Twenty bilateral agreements have been signed with other countries on animal health and veterinary cooperation.

Kuwait has applied the concept of equivalence requesting from exporting countries their animal quarantine procedures and the international animal health certificate in order to assess whether they meet the OIE Code and the Kuwaiti importing requirements. No bilateral agreements have been signed so far.

Oman has applied the equivalence concept with regard to health regulations on imports/exports of live animals and animal products. It has signed memorandum of understandings with other countries.

Qatar has applied the concept of equivalence in trade in animals, animal products, biological products and animal feedstuffs. It has signed bilateral agreements in particular with other Gulf States.

Turkey has applied the concept of equivalence in respect to animal health questions and has signed bilateral agreements with other countries (not identified in the reply).
**Step 8:** Set up procedures to check for consistency of various animal health standards and regulations?

**Replies**

**Bahrain** has not set up procedures to check for consistency of various animal health standards and regulations.

**Cyprus, Egypt, Iran, Oman, Qatar** and **Turkey** have set up procedures to check for consistency of various animal health standards and regulations. **Kuwait** has set up procedures to check for consistency of various animal health standards and regulations with regard to diagnostic tests in laboratories and quarantine and disease control procedures.

**Step 9:** Intended to maintain import measures more restrictive than those provided by the standards, guidelines and recommendations developed by the OIE? If yes: (a) In what subjects? (b) Are these measures based on scientific justification?

**Replies**

**Bahrain, Cyprus, Iran, Kuwait, Oman** and **Qatar** have no intention to maintain import measures more restrictive than those provided by the standards, guidelines and recommendations developed by the OIE.

**Egypt** intends to maintain import measures more restrictive than those provided by the standards, guidelines and recommendations developed by the OIE, especially with regard to the importation of livestock and by-products. However, Egypt indicated that such measures are based on scientific justification.

**Turkey** also intends to maintain import measures more restrictive than those provided by the standards, guidelines and recommendations developed by the OIE with regard to live animals and meat. Turkey stressed that these measures are based on scientific justification.

**Step 10:** What animal health problems affect your country's imports and exports? (a) Are they related to the implementation of the SPS Agreement? (b) How do you/your authorities deal with such problems? (c) Do you/your authorities consider the use of the possibilities offered by the SPS Agreement to solve such problems?

**Replies**

**FMD** affects **Bahrain** imports and exports of animals and animal products. Vaccination programmes and quarantine measures are applied to imported animals. Bahrain considers the use of the possibilities offered by the SPS Agreement to solve these problems.

**Cyprus** replied that all the contagious diseases included in the OIE Lists A and B affect the country's trade. Noting that such diseases are related to the SPS Agreement, Cyprus indicated that they are dealt with by the implementation of Cyprus Veterinary requirements, regulations, orders and laws. Cyprus could use the possibilities offered by the SPS Agreement to solve these problems.

**Egypt** identified bovine spongiform encephalopathy, leucosis, brucellosis, FMD and Rift Valley fever as animal health problems affecting its trade. They relate to the implementation of the SPS Agreement and Egypt has implemented strict regulations to prevent the entrance of any of these diseases. Egypt considers the use of the possibilities offered by the SPS Agreement to solve these problems.

**BSE and other notifiable diseases (OIE List A)** affect imports and exports from **Iran**. Iran does not consider that these problems are related to the implementation of the SPS Agreement and deals with them in accordance with the recommendations of international organisations. However, Iran considers the use of the possibilities offered by the SPS Agreement to solve these problems.

Animal imports into **Kuwait** are affected by inadequate information on the animal health status of OIE Lists A and B, and emerging diseases in countries wishing to export to Kuwait. Exports from Kuwait are affected by arbitrary bans of animals and animal products resulting from the Kuwaiti transparency in reporting diseases such as FMD and Old World screwworm (in December 1997). In the authorities' view, such bans were contrary to the OIE Code or SPS provisions. With regard to imports, Kuwait seeks information from the OIE on the disease status of countries for which it has no data. In a few instances, the Kuwaiti quarantine authorities visited a major livestock exporting country to evaluate the...
disease control programmes/methods and quarantine regulations/procedures applied. As far as exports are concerned, the Kuwaiti authorities explained to the Animal Health Authorities of the importing countries that, on the basis of the appropriate OIE Code articles, their actions were unjustified and requested the lifting of the ban. Kuwait intends to use the possibilities offered by the SPS Agreement to solve problems. However, in all cases, personal communication and the support of its positions with OIE documentation had lead to resolving the existing problems.

In Oman, the animal health problems affecting trade concern especially OIE Lists A and B diseases. In order to deal with these problems, which it considers to be related to the implementation of the SPS Agreement, Oman demands certification based on the OIE guidelines and recommendations and the SPS provisions. FMD, sheep pox, goat pox, Newcastle disease, Theileriosis, caprine and ovine brucellosis are among the diseases identified by Qatar as affecting its trade in live animals and animal products. The approach used to deal with such problems consists mainly in the choice of the origin of the commodities.

In Turkey, all of the OIE List A and some of the List B and C diseases are seen as the major health problems affecting the country's trade. Related with the SPS Agreement, these problems are dealt with through bilateral discussion, risk assessment and evaluation, national laws and international rules. Turkey considers the use of the possibilities offered by the SPS Agreement as a means to solve such problems.

Step 11: What kind of technical assistance is required to facilitate a better implementation of the SPS Agreement in the animal health area in your country?

In Bahrain requires technical assistance in the establishment of laboratories; in the area of disease diagnosis and training of qualified personnel.

Cyprus identified a need for workshops and seminars.

Egypt requires technical assistance with regard to different subjects and especially staff training in the use of informatics in the animal health area.

Iran identified a need for training courses on the SPS Agreement objectives.

Kuwait requires training of animal health experts in the Middle East and Arabian Gulf countries in the correct interpretation and application of the SPS Agreement and in risk analysis.

Oman's technical assistance requirements are in the areas of training, research and technical advice, to be provided either by other countries on a bilateral basis, or by international organisations.

For Qatar, training of qualified personnel and the establishment of diagnostic laboratories with appropriate equipment are the priorities.

Turkey needs training and implementation of a pilot project on risk assessment; risk management; and risk communication.

Step 12: Please describe any other measures you have taken or are intending to take in order to implement the principles developed in the SPS Agreement.

Replies

Bahrain, no measures taken for the time being.

Cyprus has modified its import requirements and implemented new ones.

Egypt and Kuwait did not identify any other measures.

Iran introduced Internet connection for quick access to SPS Committee information and notifications.
Oman indicated that its regulations will be harmonised to conform to the SPS Agreement requirement for non discrimination between national and imported products. All regulations will be published in a single publication and all changes promptly notified.

Qatar has plans under way to establish the means and mechanics that will enable the implementation of the SPS provisions as soon as possible.

Turkey noted that all countries in the region should be supported to implement the SPS Agreement within the region.