

WORLD TRADE ORGANIZATION



Agreement on the application of the
Sanitary and **P**hyto**S**anitary
measures

Why an SPS Agreement?

- Removal of non-tariff barriers to trade
- GATT article XX(b)
need for clearer rules
- Concentrate on SPS measures

WTO - SPS Agreement

- Background
- Incorporating SPS into GATT
- Rights, obligations, disciplines, provisions
- Dispute settlement
- Expectations and Future Challenges

“Technical Barriers to Trade”

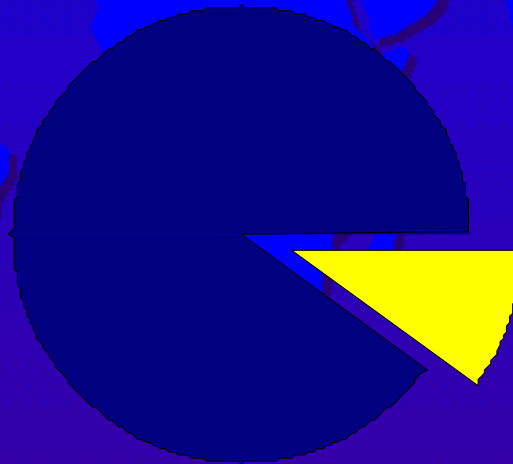
Coverage of Measures

The SPS and TBT Agreement

TBT

Pie 1

SPS



Structure of SPS Texts

- Rights
- Obligations and disciplines
- Special provisions
- Dispute settlement

Measures *not covered* by SPS



Measures to protect, for example:

the environment, *per se*

consumer interests

animal welfare

are **not** covered by the SPS Agreement

Purpose of the Agreement

- Members have rights to take SPS measures to protect human, animal, or plant health
- Based on science!
- Not a disguised restriction to trade!

Scientific Justification

- Measures based on scientific principles
- Not maintained without sufficient scientific evidence
- Only applied to the extent necessary to protect health

Article 2:2

Rights and obligations

- health measures must be based on scientific principles and not maintained without sufficient scientific evidence
- an importing country has the right to adopt health measures to achieve the level of protection it determines appropriate to protect the life and health of its human, animal and plant populations
 - ALOP

Measures to be based on

- a health measure must be based on an **international standard**, if one exists
 - unless there is scientific justification for a stronger measure
 - or if a country decides it needs a higher level of protection than the standard provides
- in which case, a health measure must be based on a **risk analysis**

Justified measures

- an SPS measure must not discriminate arbitrarily or unjustifiably between countries where identical or similar conditions exist eg. regarding animal health status
- an SPS measure must not be more trade restrictive than necessary to achieve the importing country's desired level of protection
 - taking into account technical and economic feasibility
 - ie can't just ban imports

Harmonization

“recognition and application of common sanitary and phytosanitary measures by different Members...”
Annex A, 2

“the relevant international organizations”



animal health
OIE

food safety
CODEX

plant health
IPPC

Article 3

Scientific Justification (Cont.)

- Two alternatives
 - Use of international standards
 - Own risk analysis

Article 3:3

Risk Analysis

Documentation:

- Provides guidance for decision-makers and adds transparency to the process
- Provides a framework for restrictions imposed on imports (imports restrictions must be commensurate with the documented risk)

Article 5

Risk Analysis

Sharing Data Will:

- Encourage consistency between countries
- While preserving each country's right to determine its own appropriate level of protection

Equivalence

- Different ways of protecting health in different countries
 - Members shall accept the sanitary or phytosanitary measures of other members as equivalent, even if these measures differ from their own or from those used by other members trading the same product..

Article 4; A:3 (a)

- Reasonable access
- Bilateral consultations

Article 4

Regionalization

- Allows countries to recognize disease-free and areas of low disease prevalence
- Considers geographic/ecologic borders
- Requires exporting country to have strong veterinary infrastructure
- Exporting country has burden of proof
- Reasonable access

Article 6

The SPS Committee

- “...Regular forum for consultations”
- “...Encourage and facilitate ad hoc consultations or negotiations...”
- “...Maintain close contact with codex, OIE, and IPPC...”
- “...Develop a procedure to monitor the process of international harmonization...”
- “...Review the operation and implementation of the agreement...”

Article 12

Enquiry Points

- Purpose?
 - “Each member shall ensure that one enquiry point exists which is responsible for the provision of answers to”
- Adopted or proposed regulations
- Control, inspection procedures, quarantine treatment, pesticide additives.....

Annex B

Notification Authority

- “Members shall designate a single central government authority as responsible for the implementation, on the national level, of the provisions concerning notification procedures...”
 - “...Central government...”
 - “...Responsible...”
 - (Often the same as the enquiry point)

Expectations

- Prevent most flagrant violations
- Institutionalize “golden rule” of trade
- Change mindset in the trade environment
- Improve trust among partners

Government Officials must:

- Build strong infrastructures with reliable surveillance and monitoring systems
- Become acquainted with the key principles of the SPS agreement
- Educate the trade community about the SPS agreement
- Teach by example !!

Challenges for the future

- 
- Biotechnology
 - Consumer concerns
 - Animal welfare
 - Environment
 - Morality in trade
 - Aquaculture
 - Compliance with WTO
 - Compensation (option)
 - Precautionary principle

Challenges in Food Safety

- No longer as an issue of Codex or OIE
- Food safety cannot begin at the slaughterhouse
- Animal health and farming practices are essential
- Farm to fork continuum must be deal with by Codex and OIE

Role of Government

- During the Cold War, the size that mattered
- During the new era is quality and not size
- Nations don't fail to develop, they fail to develop good governments
- The credibility of a competent Veterinary Services is critical

WTO-SPS implementation, a long and gradual process

- it appears to threaten sovereignties
- and challenges cultural differences
- it will require a fundamental paradigm shift

In conclusion

- Take advantage of benefits of SPS Agreement
- respect our position as pace-setters
- *We must practice what we preach!*