



The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)

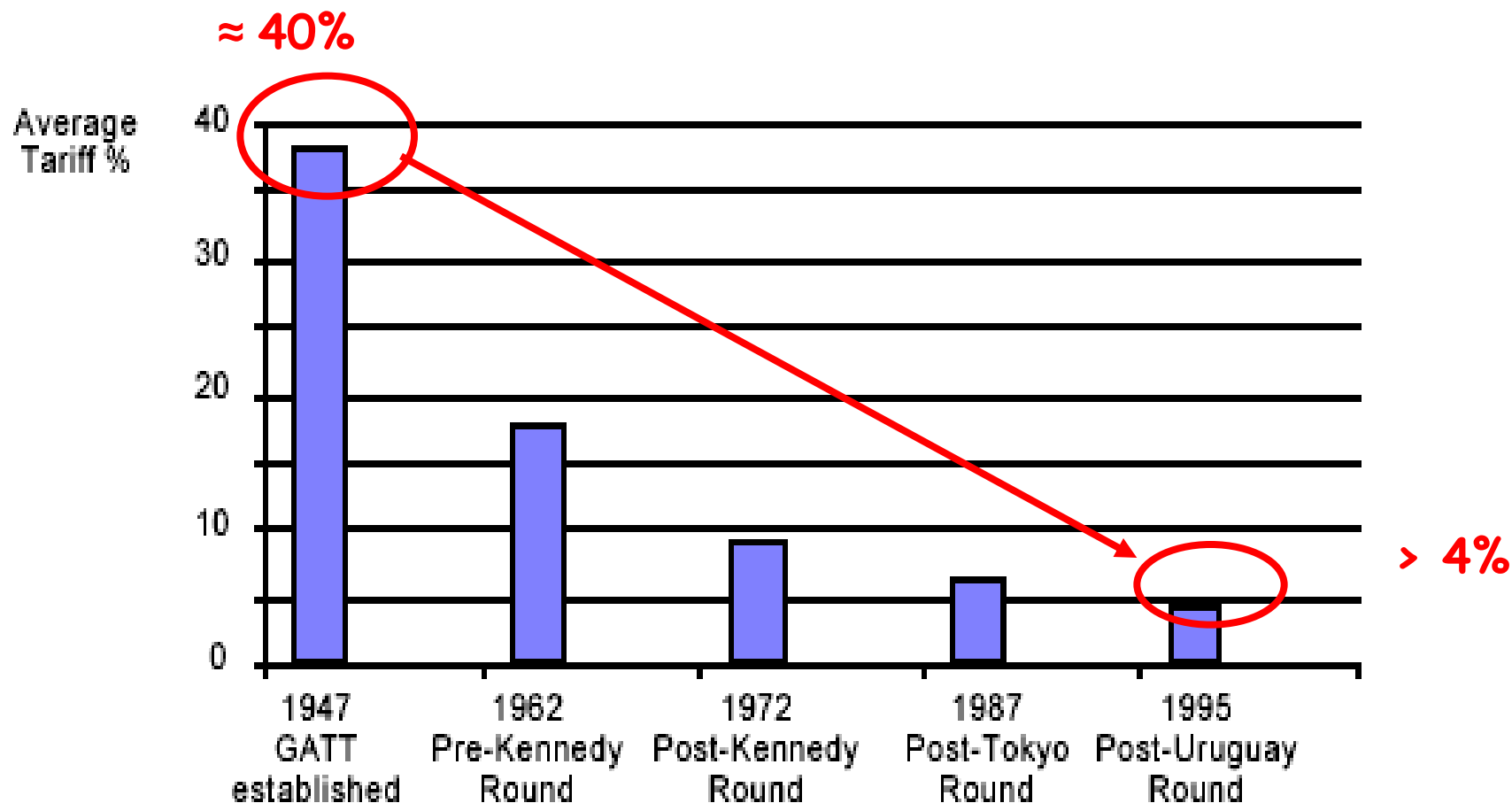
Background and Coverage

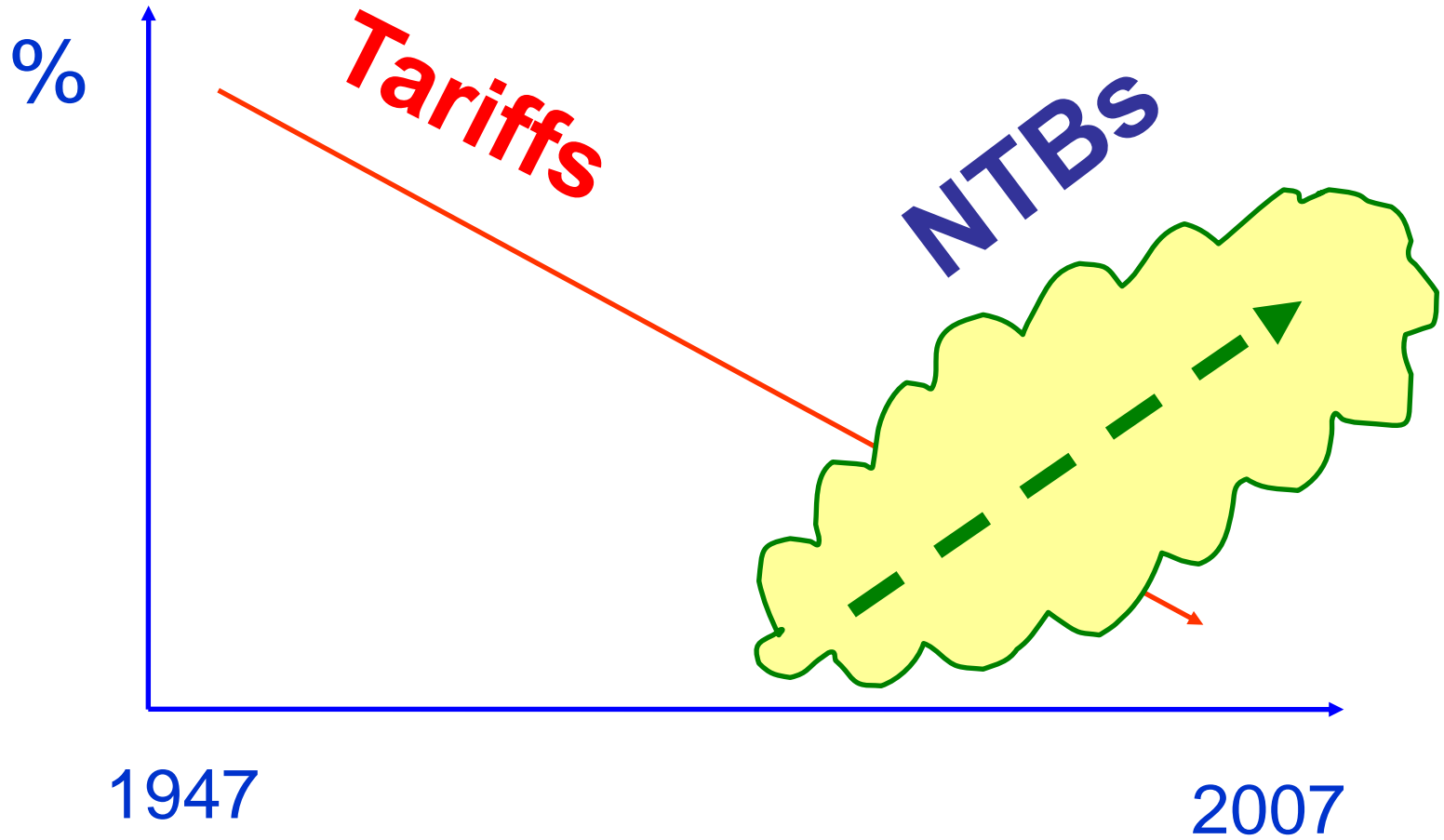
Uruguay Round: Negotiations on Agriculture

- Objectives to eliminate quantitative import restrictions
- Eliminate other non-tariff barriers (variable levies)
- Reduce tariffs
- Reduce domestic production subsidies
- Reduce export subsidies
- Establish sanitary and phytosanitary rules

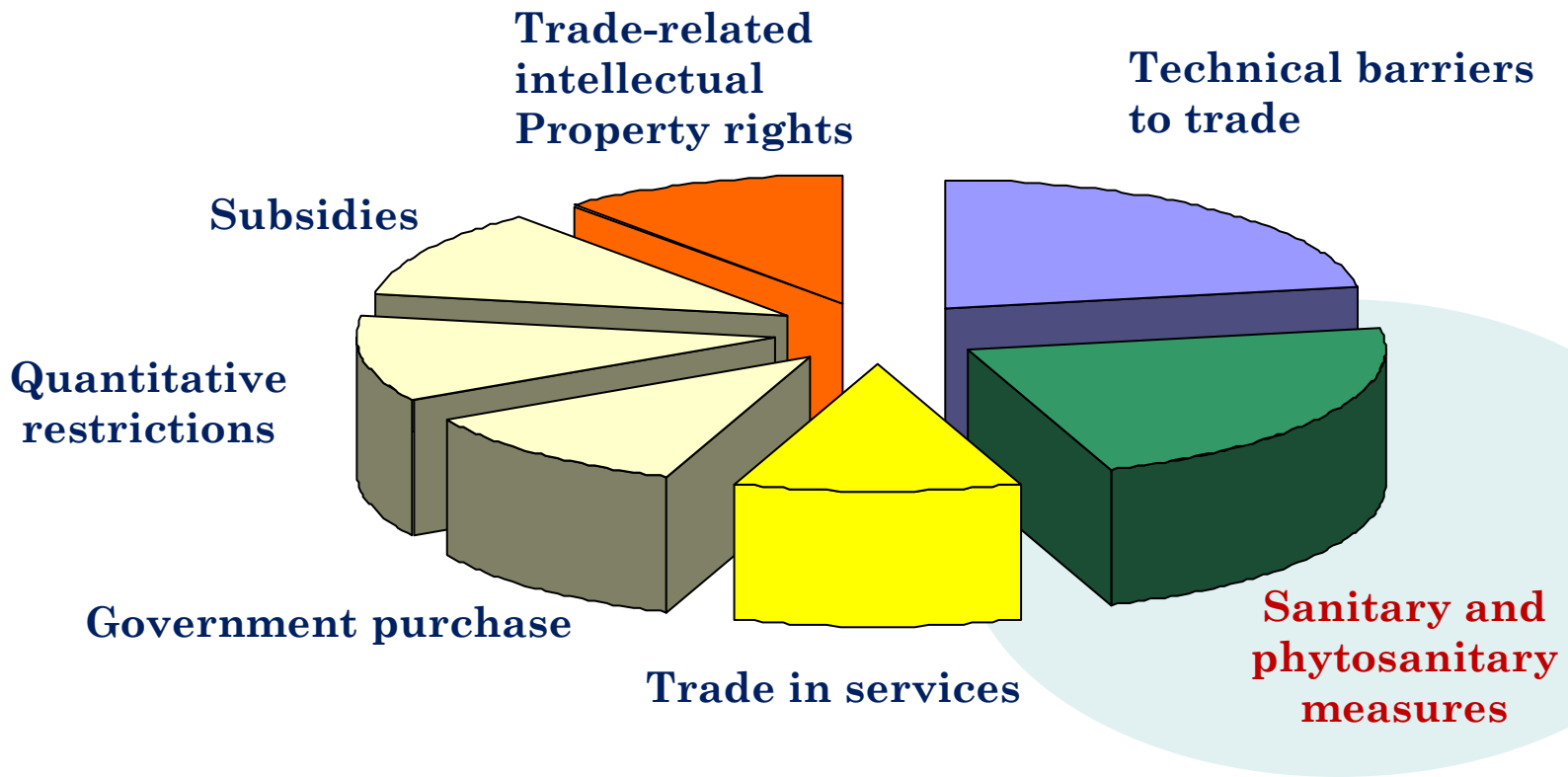


Average weighted import tariff





Non-tariff measures



Agreement on the Application of Sanitary and Phytosanitary Measures

The right to protect human, animal or plant life or health



Avoiding unnecessary barriers to trade

What is the purpose of the SPS Agreement?

- establishes a **multilateral framework** of rules and disciplines to guide development, adoption, and enforcement of sanitary and phytosanitary measures
- applies to SPS measures which may, directly or indirectly, **affect international trade**



SPS Agreement - Basic Right

Article 2.1

“Members **have the right** to take sanitary and phytosanitary measures **necessary** for the protection of human, animal or plant life or health, provided that such measures are **not inconsistent** with the provisions of this Agreement”



SPS Measures

Definition - Annex A

A measure taken to protect:

Human or
animal health

from

risks arising from additives,
contaminants, toxins or disease
organisms in food, drink, feedstuff

Human life

from

plant- or animal-carried diseases

Animal or
plant life

from

pests, diseases, disease-causing
organisms

A country

from

other damage caused by entry,
establishment or spread of pests



Examples:

A measure to protect:

Human or
animal health

from

risks from additives, contaminants,
toxins or disease causing organisms
in food or feedstuffs

Residue
limits
seafood



Aflatoxin
limits in
nuts



HACCP to
reduce
Salmonella



Examples:

A measure to protect

Human health *from* diseases spread by plants or
als (zoonoses)

requirement
for rabies
vaccination



Avian influenza?!?



Examples:

A measure to protect:

Animal or
plant health



pests, diseases, disease-carrying
or disease-causing organisms



Foot-and-
mouth
disease
measures



Prevent
spread
of fruit
fly



Examples:

A measure to protect:

The territory of
a country



other damage from
entry or spread of pests



Prevent entry
of Zebra
mussels via
ballast
water



regulate
seeds to
avoid entry
of weeds



Important footnote:

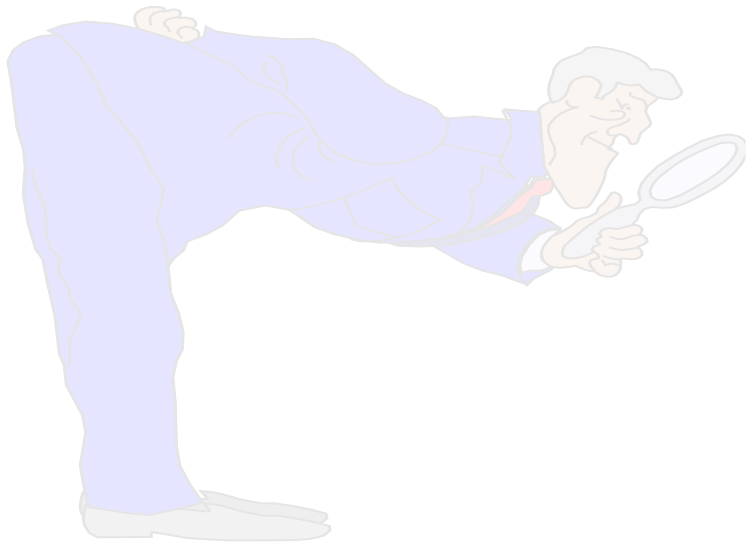


- “animals” include fish and wild fauna
- “plants” include forests and wild flora
- “pests” include weeds
- “contaminants” include residues of pesticides and veterinary drugs, as well as extraneous matter



All types of measures with these purposes, including:

- ✓ product criteria
- ✓ quarantine measures
- ✓ processing methods
- ✓ certification
- ✓ inspection
- ✓ testing
- ✓ packaging, labelling (food safety)





It is not the type of measure that counts,

nor the products involved, but rather its objective!

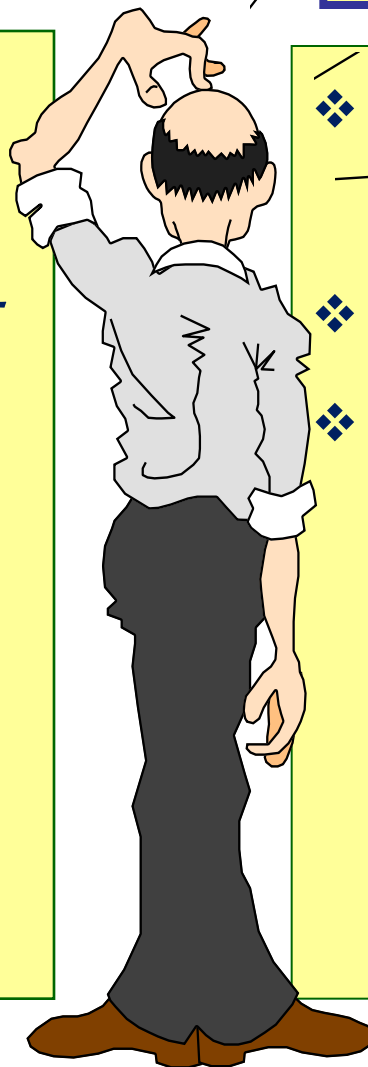
SPS or TBT ?

SPS Measures

- ❖ human or animal health from food-borne risks
- ❖ human health from animal- or plant-carried diseases
- ❖ animals and plants from pests or diseases  
- ❖ examples:
 - ❖ pesticide residues 
 - ❖ food additives

TBT Measures

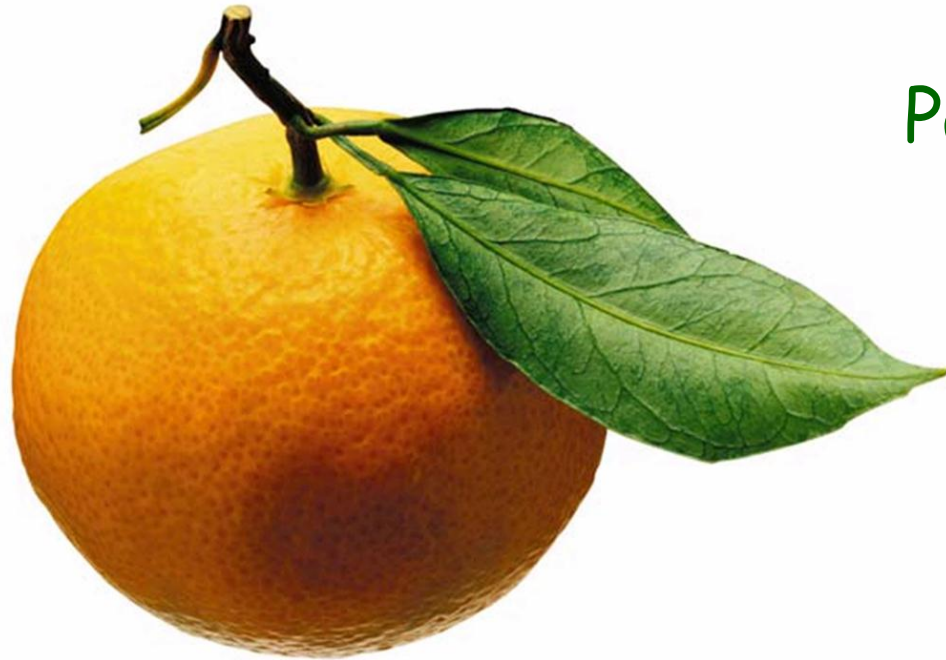
- ❖ human disease control (unless it's food safety)
- ❖ nutritional claims
- ❖ food packaging and quality examples:
 - ❖ labelling (unless related to food safety)
 - ❖ pesticide handling
 - ❖ seat belts



Minimum size of fruit ?

Use of pesticides?

Packaging ?



Use of non-toxic materials for
manufacture of bottle?

Shape ?

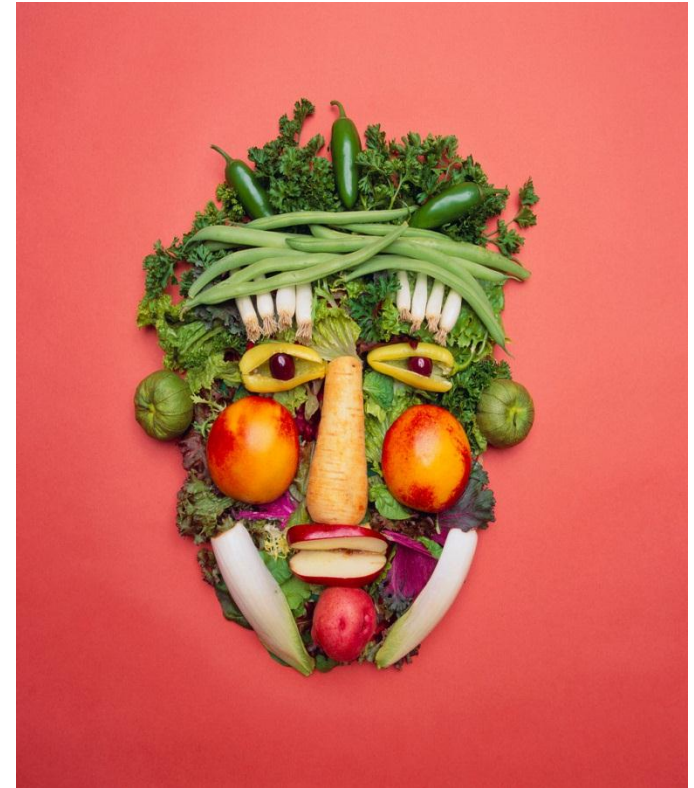


Nutritional
values
(mineral
content)?



Key Provisions of the SPS Agreement

1. Non-discrimination
2. Scientific justification
 - harmonization
 - risk assessment
 - consistency
 - least trade-restrictiveness
3. Equivalence
4. Regionalization
5. Transparency
6. Technical assistance/special treatment
7. Control, inspection and approval procedures



What have we covered ...

- Historical Reasons for the SPS Agreement
- The SPS Agreement: Basic Right
- Coverage and Definition of SPS Measures
- The SPS Agreement: Key Provisions
 - Non-discrimination
 - Scientific justification: Harmonization or Risk Assessment
 - Equivalence
 - Regionalization
 - Transparency
 - Technical Assistance
 - Control, inspection and approval procedures
- Coverage of the TBT Agreement

