



AgEcon SEARCH
RESEARCH IN AGRICULTURAL & APPLIED ECONOMICS

The World's Largest Open Access Agricultural & Applied Economics Digital Library

This document is discoverable and free to researchers across the globe due to the work of AgEcon Search.

Help ensure our sustainability.

Give to AgEcon Search

AgEcon Search

<http://ageconsearch.umn.edu>

aesearch@umn.edu

*Papers downloaded from **AgEcon Search** may be used for non-commercial purposes and personal study only. No other use, including posting to another Internet site, is permitted without permission from the copyright owner (not AgEcon Search), or as allowed under the provisions of Fair Use, U.S. Copyright Act, Title 17 U.S.C.*



Harmonizing International Standards

The SPS Agreement and the “Three Sisters”

USDA Agricultural Outlook Forum
February 2005

Lee Ann Jackson
Agriculture and Commodities Division, WTO



Definition of an SPS measure

to protect:

from:

human or animal life

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

human life


plant- or animal-carried diseases (zoonoses);

animal or plant life

pests, diseases, or disease-causing organisms

a country

damage caused by entry, establishment or spread of pests (including weeds)



All types of measures with these purposes, including:

- ✓ product criteria
- ✓ quarantine measures
- ✓ processing requirements
- ✓ certification
- ✓ inspection
- ✓ testing
- ✓ health-related labeling



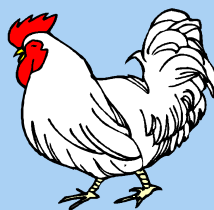


Standards-setting organizations

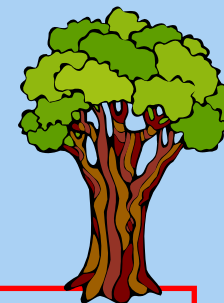
food safety
CODEX



animal health
OIE






plant health
IPPC



Codex = Joint FAO/WHO Codex Alimentarius Commission
OIE = World Organization for Animal Health
IPPC = International Plant Protection Convention (FAO)

"Three Sisters"

	Codex 	OIE 	IPPC 
Organizational form	Intergovernmental organization - Joint FAO / WHO management	Intergovernmental organization but not part of the UN	Multilateral treaty administered by FAO
Members	Governments (FAO, WHO, and/or associate members)	Governments	Governments (FAO members and non-members)
Number of members	167 governments	162 governments	117 contracting parties to 1979 Convention
Standards	Including 237 commodity standards, 41 codes of practice, 3274 pesticide residue limits...	Terrestrial and Aquatic Animal Health Codes	21 ISPMs



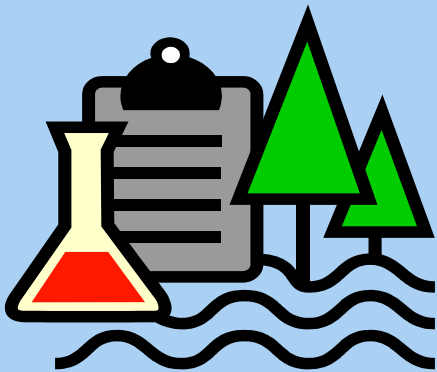
SPS Agreement Basic Right

“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”



Scientific justification

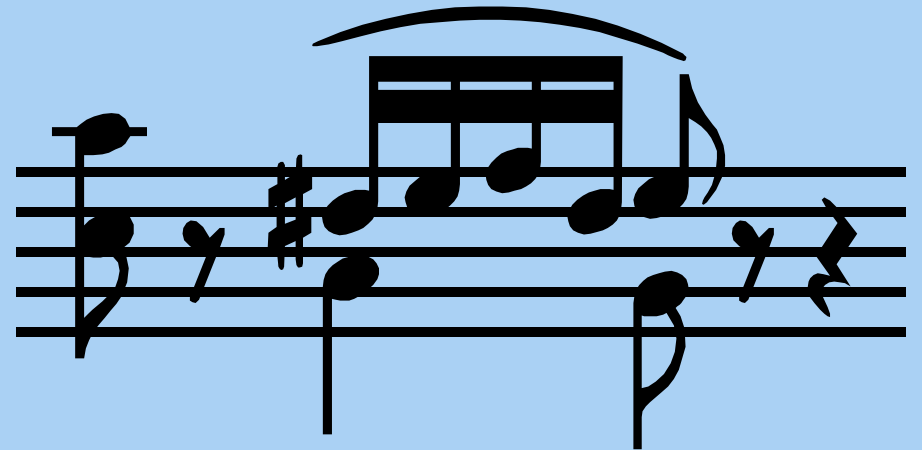
shall ensure:



- is based on scientific principles
- applied only to the extent necessary to protect human, animal or plant life or health (least trade restrictive)
- is not maintained without sufficient scientific evidence
- except as provided for in Article 5.7



International harmonization



- ✓ Encourage the use of international standards
- ✓ Presumption of conformity
- ✓ Right to be more strict, but the SPS Agreement requires **scientific justification** or based on a **risk evaluation**.



Equivalence

If the exporting country objectively demonstrates that its measures achieve the same ALOP as the importing country



Members **shall**

Accept SPS measures of other Members as **equivalent**





Equivalence work programme

- History of successful trade to be taken into account
- Request for equivalence not a reason in itself to suspend trade
- Importance of science in evaluation of equivalence
- Notification to all Members when equivalence is recognized (no notification submitted to date)
- Guidelines from Codex and OIE to be taken into account. IPPC work underway.

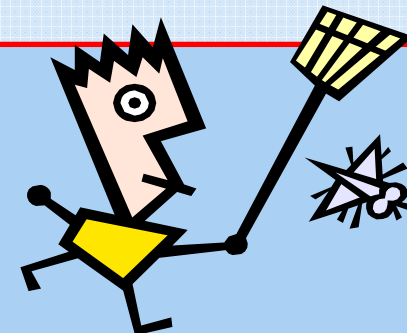


Pest- or Disease-Free Areas

Members **shall** take into account

of exporting
AND
importing
regions

- disease prevalence
- guidelines set by relevant international organizations
- existence of eradication programmes





Pest- & disease-free areas

Concerns:

- Cost of establishing pest & disease free areas
- Delay in recognition of status by importers
- Non-recognition of status as declared to OIE
- Duplication of effort with international standard-setting bodies

Proposals :

- Seek further guidance from Committee
- Elaborate steps with specific time periods
- Coordinate efforts with international standards-setting bodies



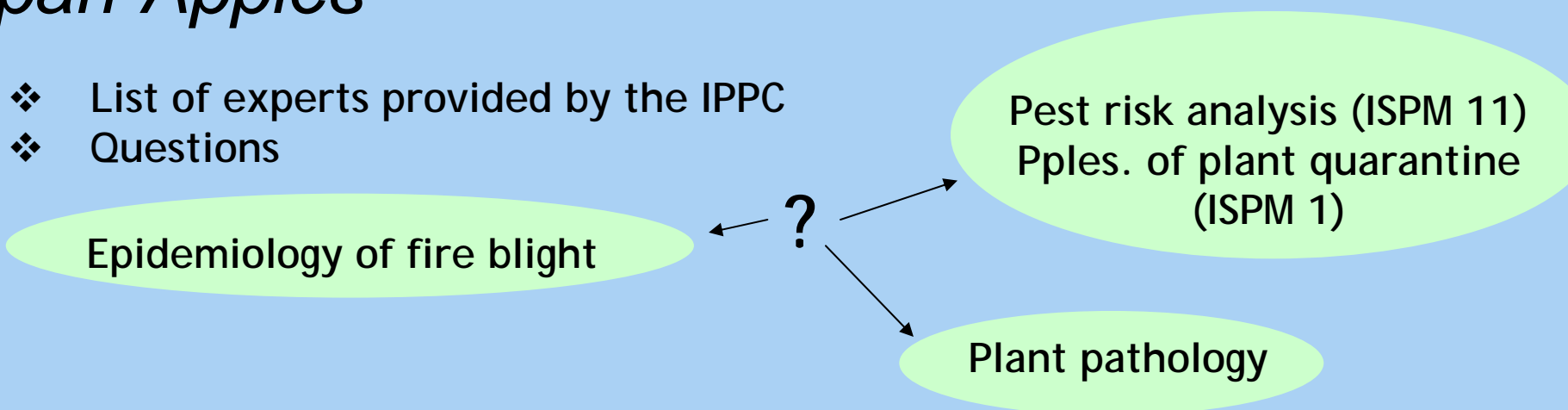


Scientific experts in disputes



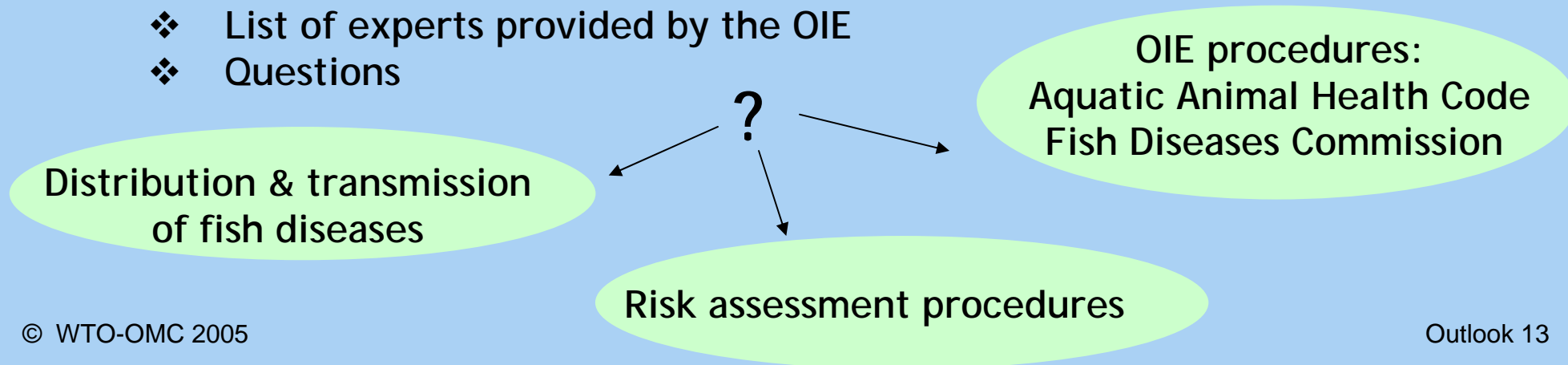
Japan-Apples

- ❖ List of experts provided by the IPPC
- ❖ Questions



Australia-Salmon

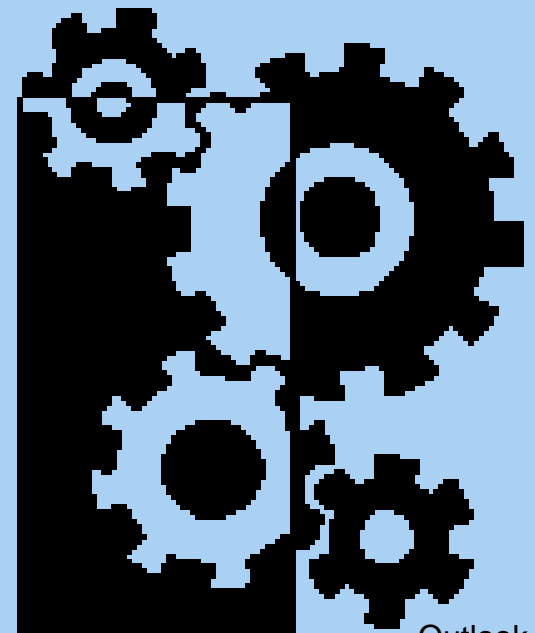
- ❖ List of experts provided by the OIE
- ❖ Questions





SPS Committee implementation

- Doha decision
- Review of the operation and implementation of the SPS Agreement
- Members' proposals





Doha decision...

SPS
not under negotiation

- “Longer time-frame for compliance” = not less than 6 months
- “Reasonable interval” = not less than 6 months
- Work programme on Equivalence
- Financial and technical assistance for least-developed countries

★ Review the SPS Agreement at least every four years



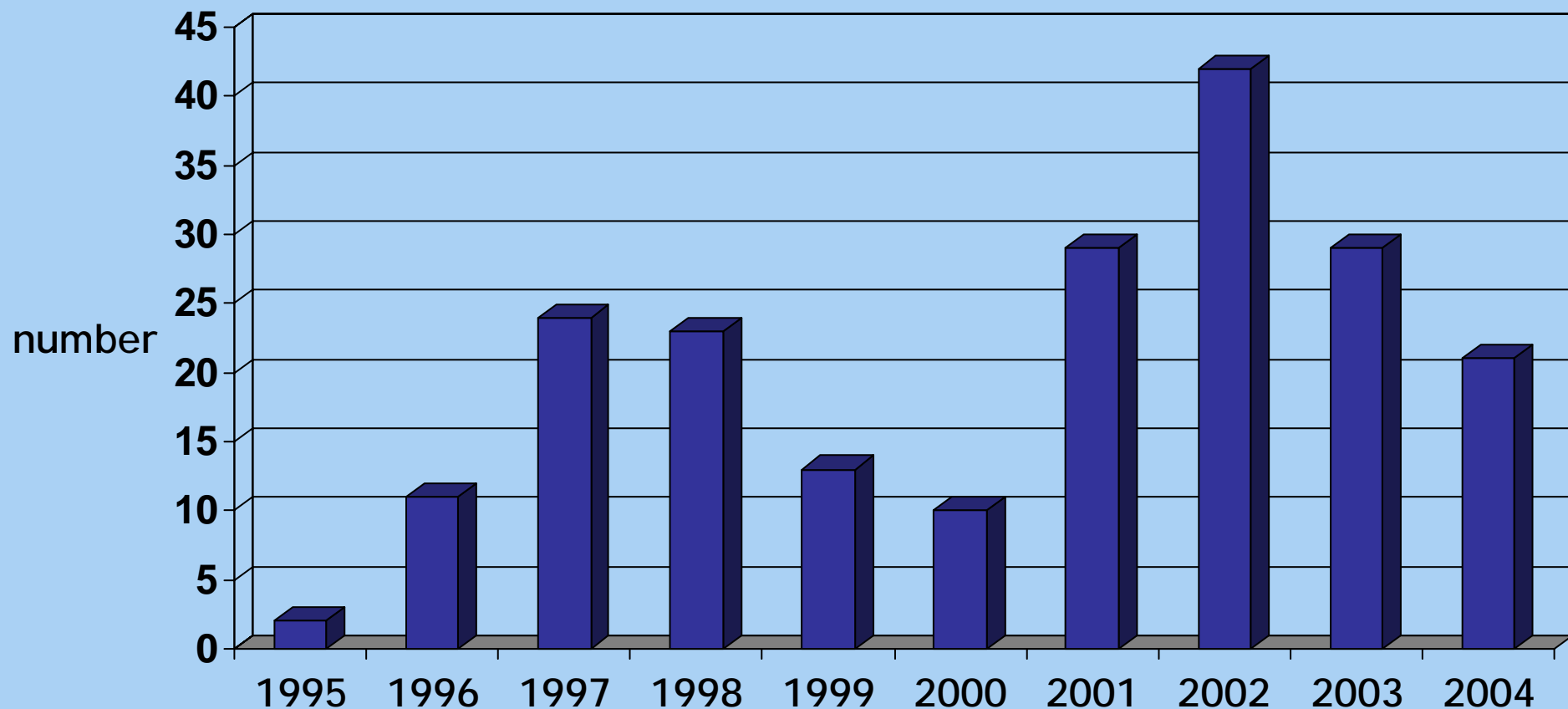
A recent agenda

- Activities of Members
- Specific trade concerns
- Transparency provisions
- Special and differential treatment
- Equivalence
- Pest- and disease-free areas
- Technical assistance and Developing Countries
- Monitoring the use of international standards
- Work of observer organizations





Annual number of new specific trade concerns



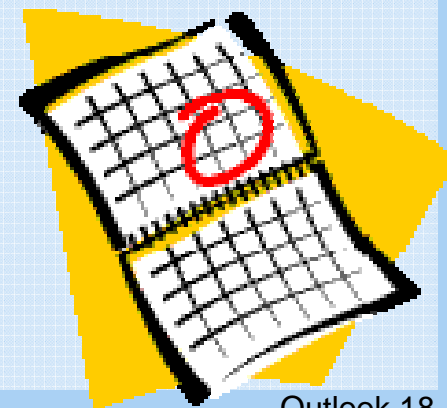
204 issues raised
(from 1995 to end 2004)



When are this year's meetings?

- 3 regular meetings in Geneva
 - 9-10 March 2005
 - 29-30 June 2005
 - 26-27 October 2005
- Informals may be scheduled
 - Review of the SPS Agreement
 - Regionalization
 - Special and differential treatment...
- Possible special meetings?

Dates could
change





Lee Ann Jackson
World Trade Organization
Agriculture and Commodities
Division

154, rue de Lausanne
1211 Geneva 21
Switzerland

Tel: +41 22 7396907
Fax: +41 22 7395760

leeann.jackson@wto.org