



The global framework: the SPS Agreement of the WTO

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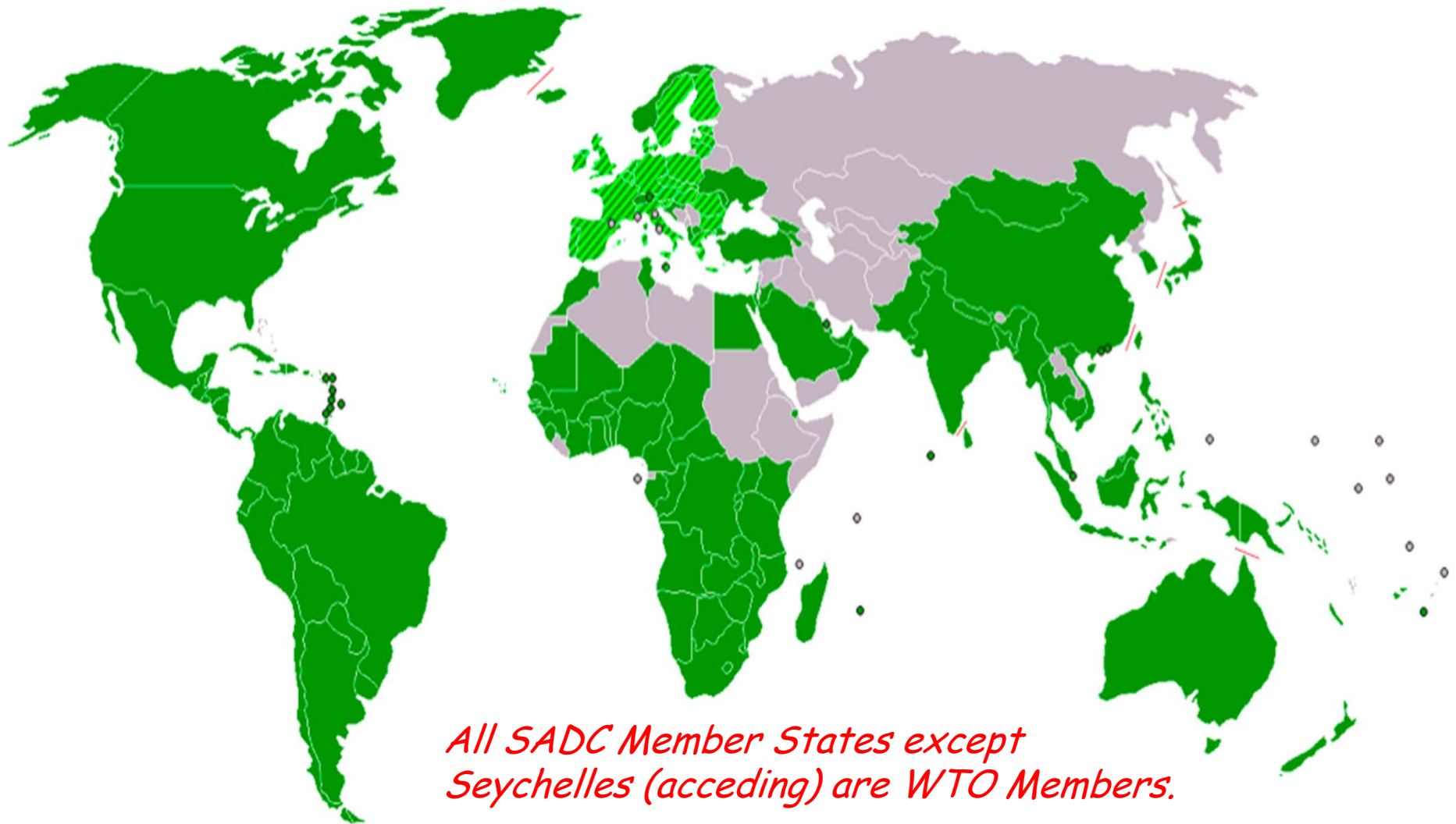
WTO OMC

WTO: Functions



- Negotiate multilateral trade rules
- Implement trade agreements
- Resolve trade disputes
- Review national trade policies

WTO Members: 153 as of Oct. 2011



*All SADC Member States except
Seychelles (acceding) are WTO Members.*

WTO Agreements relevant for “veterinary legislation”



- General Agreement on Tariffs and Trade (GATT 1994) - Article XX(b)
- Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)
- Agreement on Technical Barriers to Trade (TBT Agreement)

The SPS Agreement: purpose



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



avoiding
unnecessary
barriers to trade

The SPS Agreement: purpose



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**

promotes **harmonization** based on standards of Codex, OIE, IPPC



SPS Agreement: coverage

“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”

Definition?

SPS Measures: definition



A measure taken to protect:

Human or animal life/health	<i>from</i>	risks arising from additives, contaminants, toxins or disease-causing organisms in food, beverages or feedstuffs
Human life/health	<i>from</i>	plant- or animal-carried diseases or from pests
Animal or plant life/health	<i>from</i>	pests, diseases, disease-carrying or causing organisms
Territory of Member	<i>from</i>	other damage caused by entry, establishment or spread of pests

SPS Measures: Examples



A measure taken to protect:

Human or
animal health
or health



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

limits on
residues
in fish &
shellfish



limits on
aflatoxin
residues
in nuts



SPS Measures - Examples



A measure taken to protect:

Human life
or health

from

plant- or animal-carried diseases
or from pests

requirement that
susceptible animals
be vaccinated
against rabies



BSE-related restrictions



SPS Measures - Examples



A measure taken to protect:

Animal or
plant life/health



pests, diseases, disease-carrying
or causing organisms

measure to
prevent
introduction
of FMD



measure to
prevent
introduction
of fruit flies



SPS Measures - Examples



A measure taken to protect:

Territory of
Member



other damage caused by entry,
establishment or spread of pests



measure to
prevent
introduction
of zebra mussels
through ballast
water of ships



seed
regulation
to avoid
introduction
of exotic
weeds





SPS measures include all relevant

- laws
- decrees
- regulations
- requirements
- procedures

SPS measures include *inter alia*:



- ✓ End product criteria
- ✓ Processes and production methods
- ✓ Testing, inspection, certification, approval procedures
- ✓ Quarantine treatments
- ✓ Sampling procedures
- ✓ Methods of risk assessment
- ✓ ...



Key provisions of the SPS Agreement

1. Non-discrimination
2. Scientific justification
 - Codex, OIE, IPPC (the sisters) → harmonization
 - risk assessment (techniques of sisters)
 - provisional measures (use info from sisters)
 - least trade-restrictiveness
3. Equivalence (guidelines of sisters)
4. Regionalization (guidelines of sisters)
5. Transparency
6. Control, inspection and approval procedures
7. Technical assistance/special and diff. treatment (facilitate participation in work of sisters)

The SPS Committee



- Monitors implementation
- Develops guidelines
- Forum for addressing trade problems
- Co-operates with relevant int'l organizations

The SPS Committee



Who is on it?

- All WTO Members
- Observer governments (acceding members)
- Relevant intergovernmental organizations (including Codex, OIE, IPPC, World Bank, FAO, WHO, ITC, SADC)

Decisions taken by consensus among Members

The SPS Committee



three meetings a year
formal meeting preceded by informals

18-20 October 2011 (+coordination workshop)

27-29 March 2012

10-12 July 2012

16-18 October 2012

Where to find SPS information?



- SPS gateway: <http://www.wto.org/sps>
- SPS Information Management System (SPS-IMS): <http://spsims.wto.org/>
- Documents on-line: <http://www.wto.org>

Conclusions:

- Veterinary legislation should be in line with the SPS Agreement and SPS Committee's guidelines
- Following OIE guidelines should facilitate implementation of SPS Agreement
- New or changed "legislation" to be notified to the WTO Secretariat in a draft stage
- Countries encouraged to participate in work of "sisters" and SPS Committee
- Coordination among SPS/Codex/OIE/IPPC contact points key to successful implementation

