



# **The WTO and the Agreement on the Application of Sanitary and Phytosanitary Measures**

**Serra Ayrál**  
**SASEC- Bangkok, Thailand**  
**24-25 November 2013**

# Why an Agreement on SPS matters? The importance of SPS measures in international trade



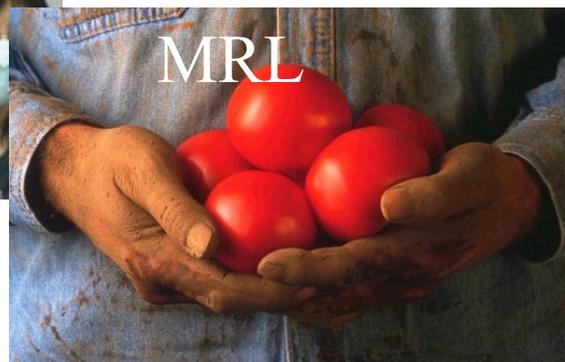
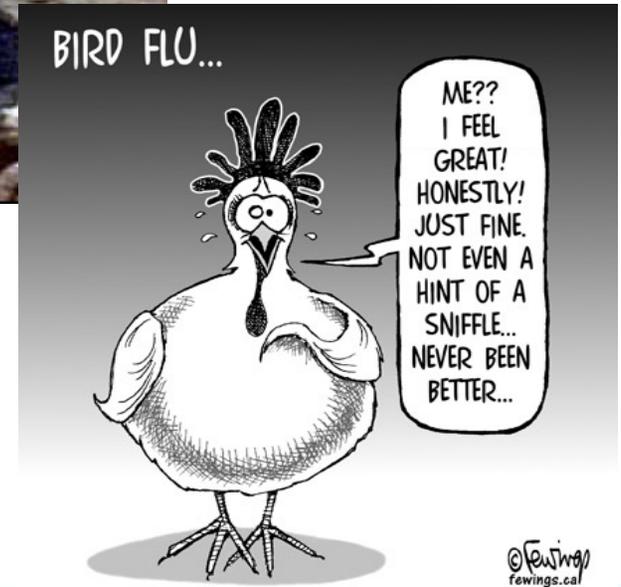
On one hand....

## World food and agriculture trade:

- In 2012, **US\$ 1657 billion** of agricultural products traded
- **US\$ 1375 billion** food traded (2012)



# On the other hand....



## Which may lead to...

- Heavy **economic losses** for producers and exporters
- **Loss of confidence** between trading partners
- **Trade bans** followed by **more severe import controls**
- **Loss of consumer confidence!!!**

# 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

# 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



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

Human life



plant- or animal-carried diseases

Animal or  
plant life



pests, diseases, disease-causing  
organisms

A country



other damage caused by entry,  
establishment or spread of pests



# 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



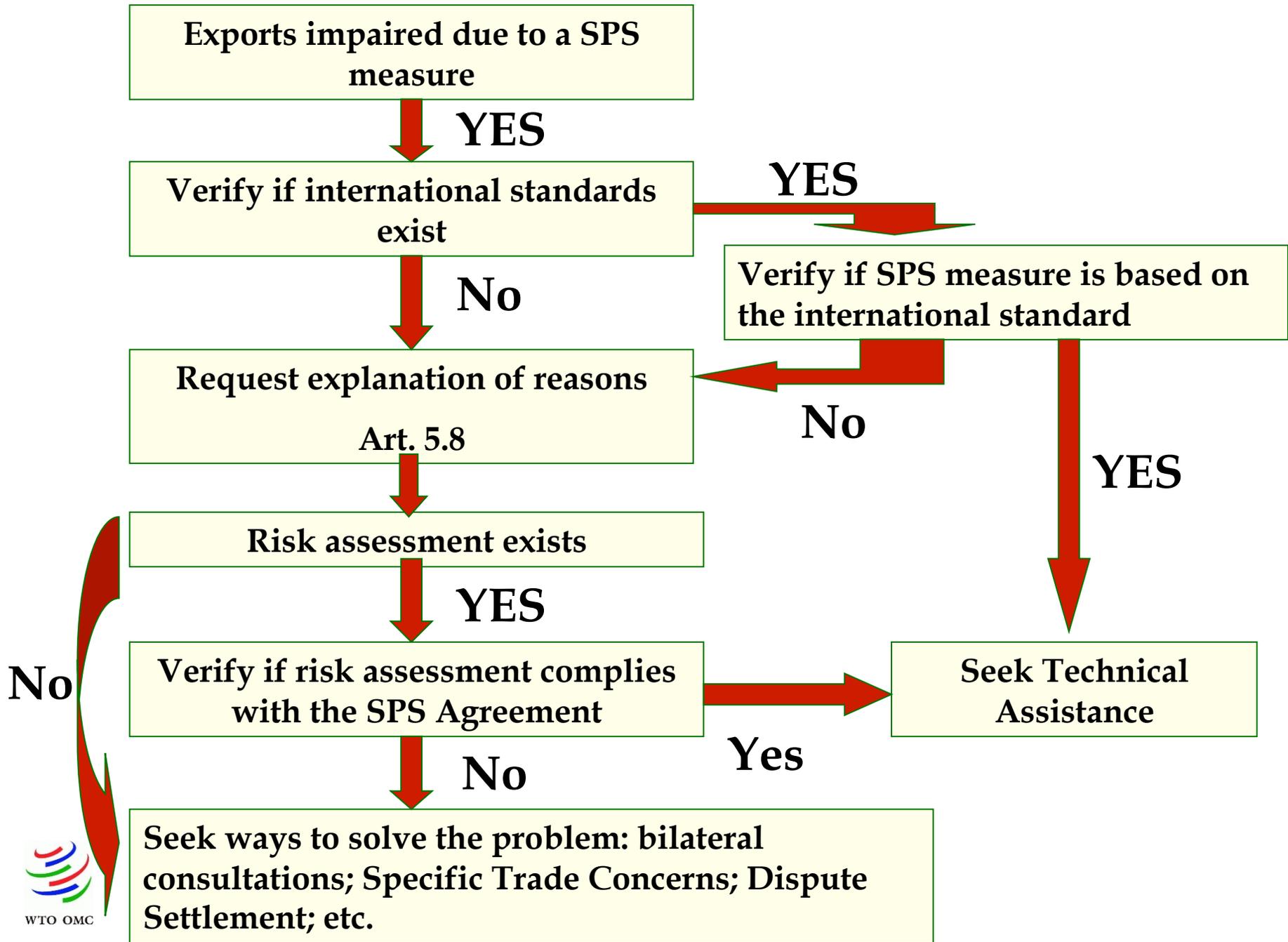
# SPS Committee: Who is on it?

- All 159 WTO Members
- Observer governments (acceding members)
- Intergovernmental organizations

**4 new WTO Members in 2012:**  
Montenegro (April), Russia (Aug.),  
Samoa (May) and Vanuatu (Aug.)

**2 new WTO Members in 2013:**  
Lao PDR (Feb) and Tajikistan  
(March).

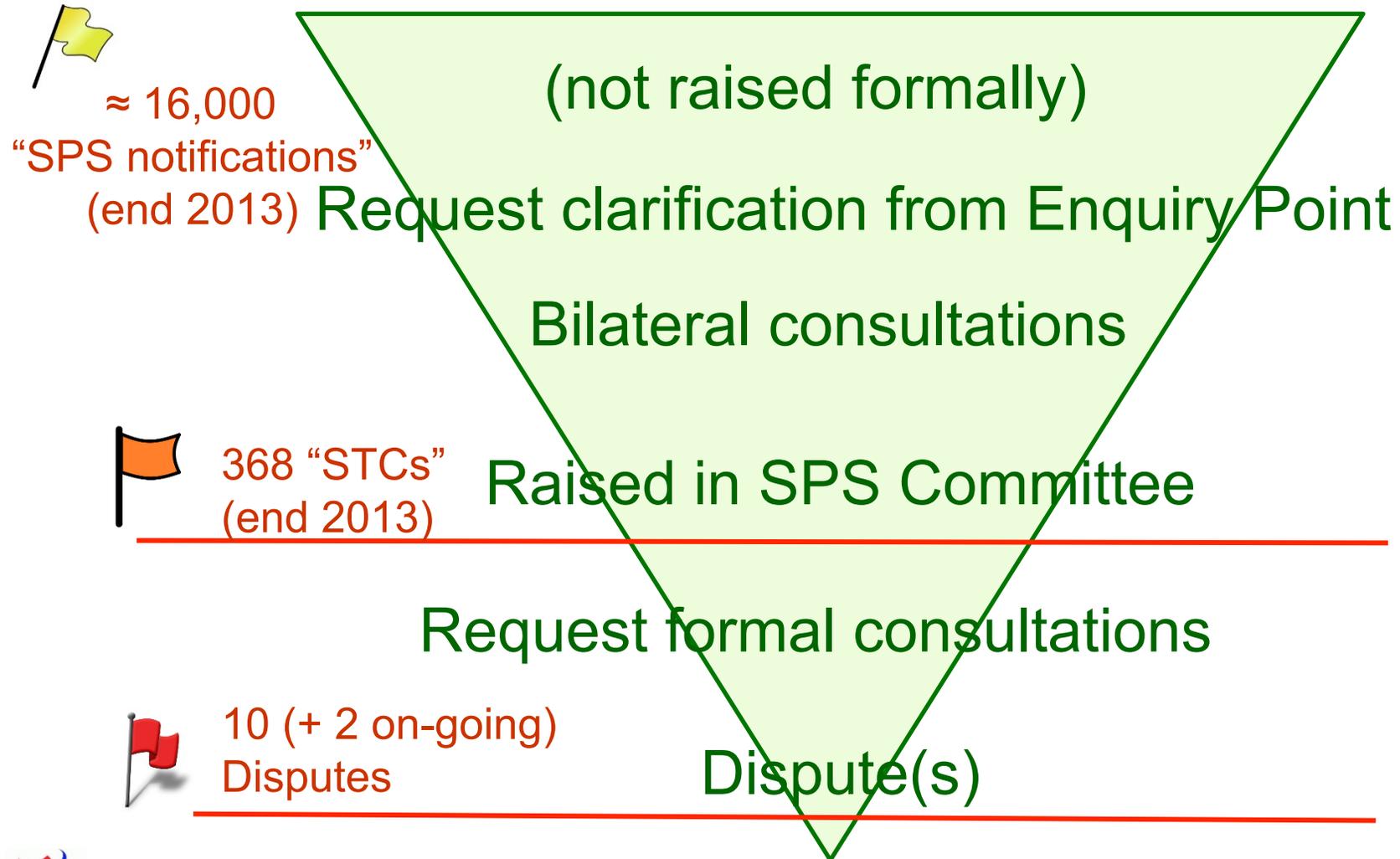




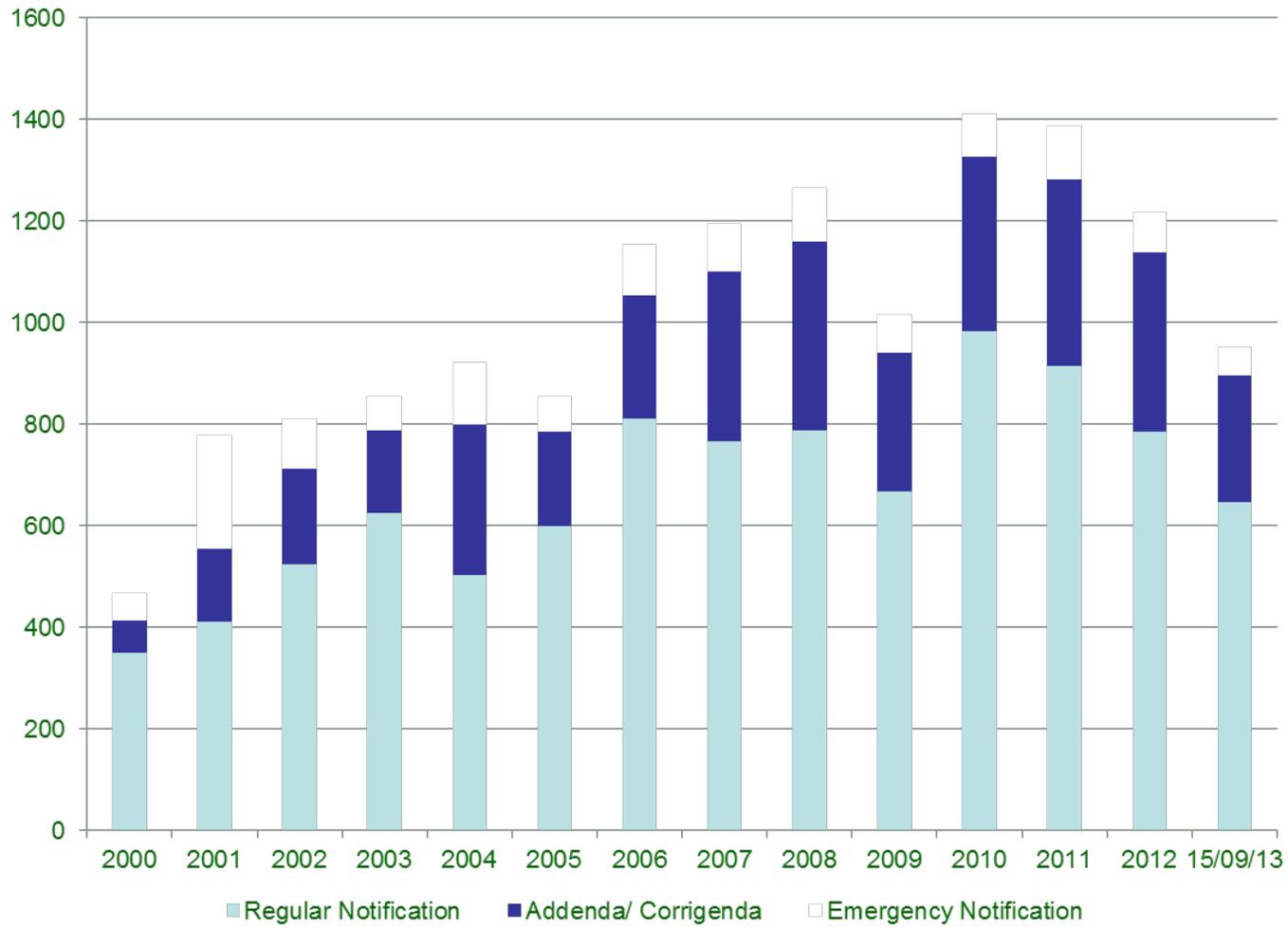
# Addressing trade concerns

1. Request/assess information from Enquiry Point
2. Bilateral and/or Regional Efforts
3. SPS Committee - Specific Trade Concerns
4. Good Offices by Chair of SPS Committee
5. WTO Dispute Settlement System
6. OIE/IPPC dispute mediation systems

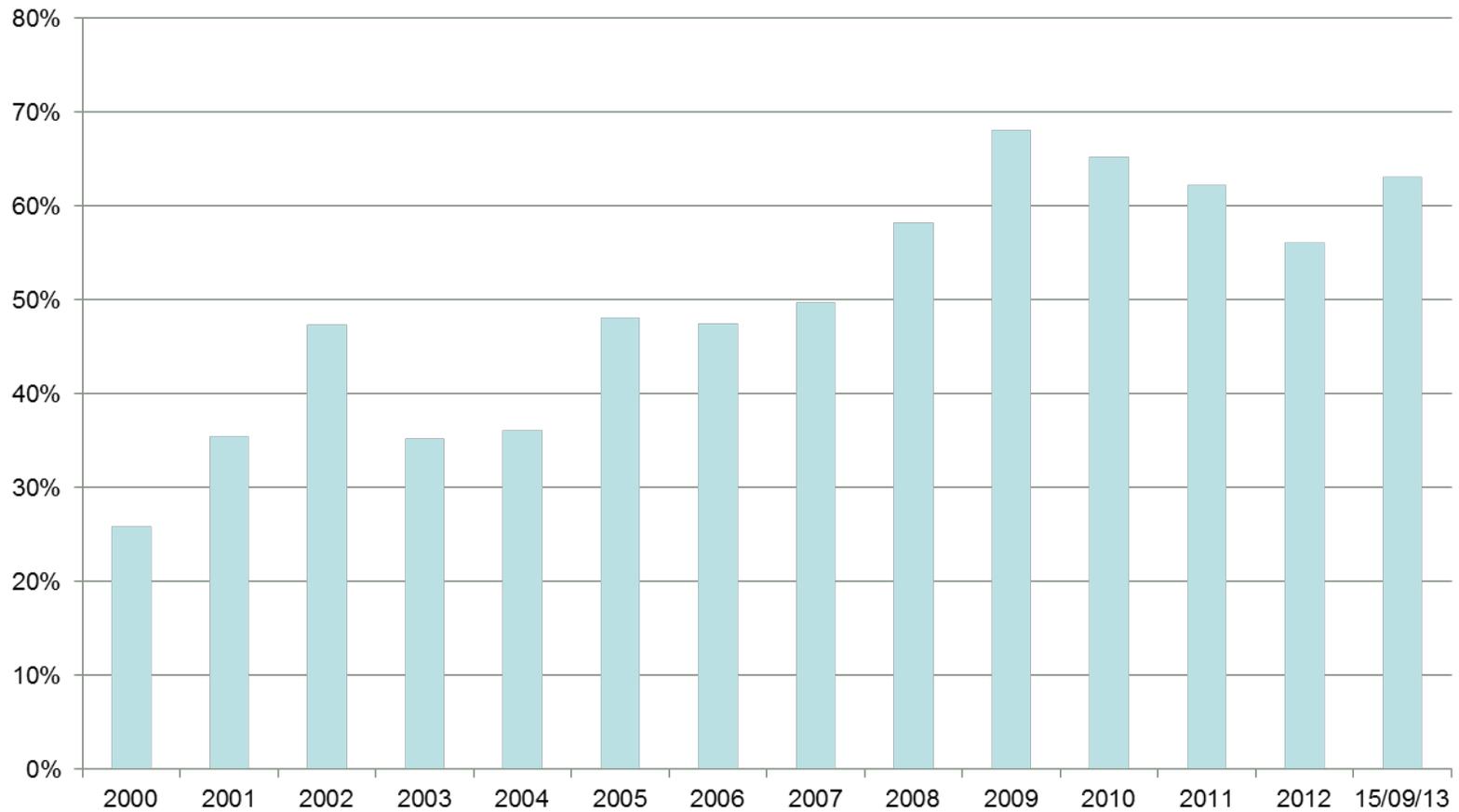
# Implementation & monitoring role of the SPS Committee



## Notifications submitted per year



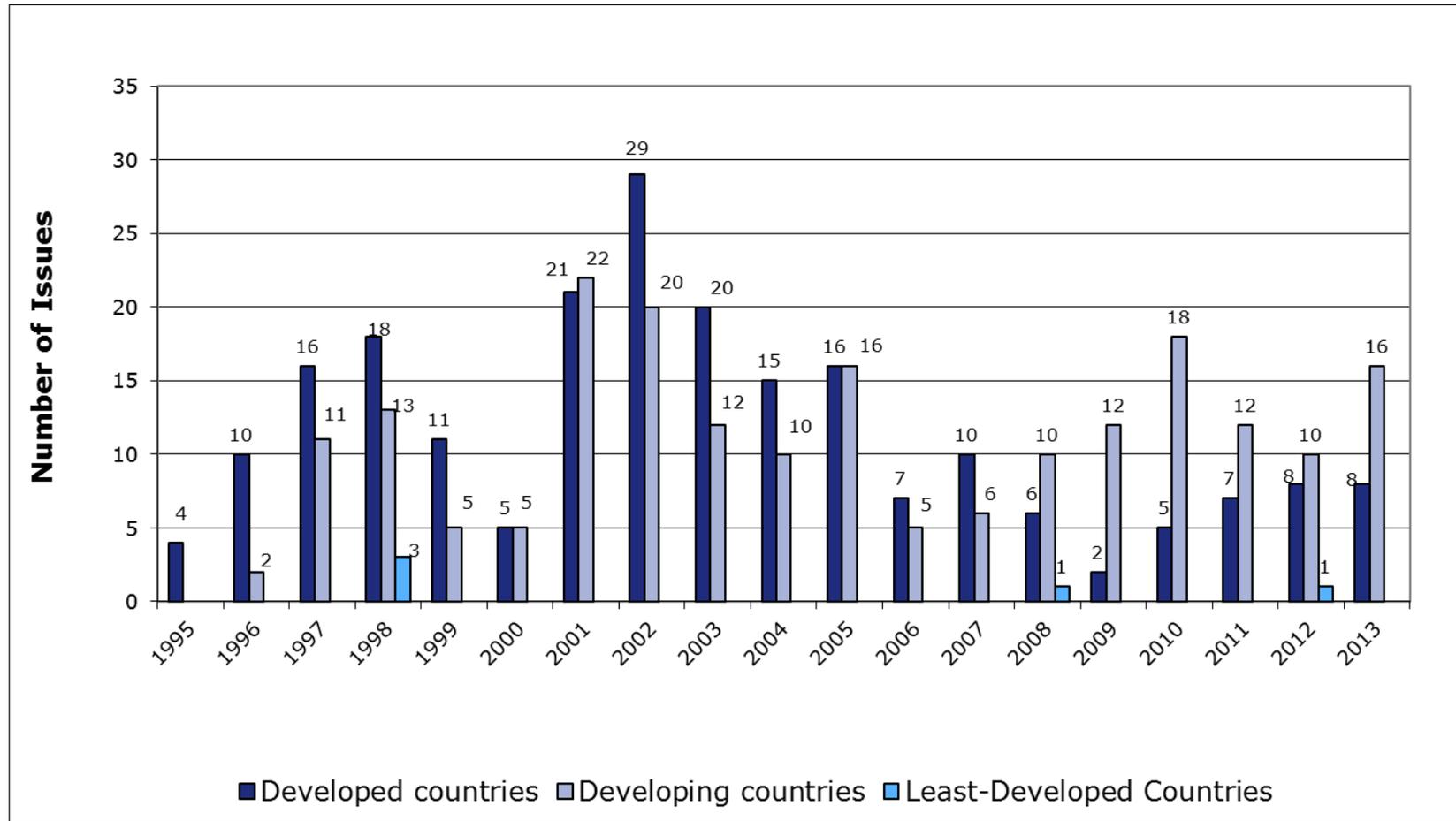
## Share of Total Notifications Submitted by Developing Country Members (including LDCs)



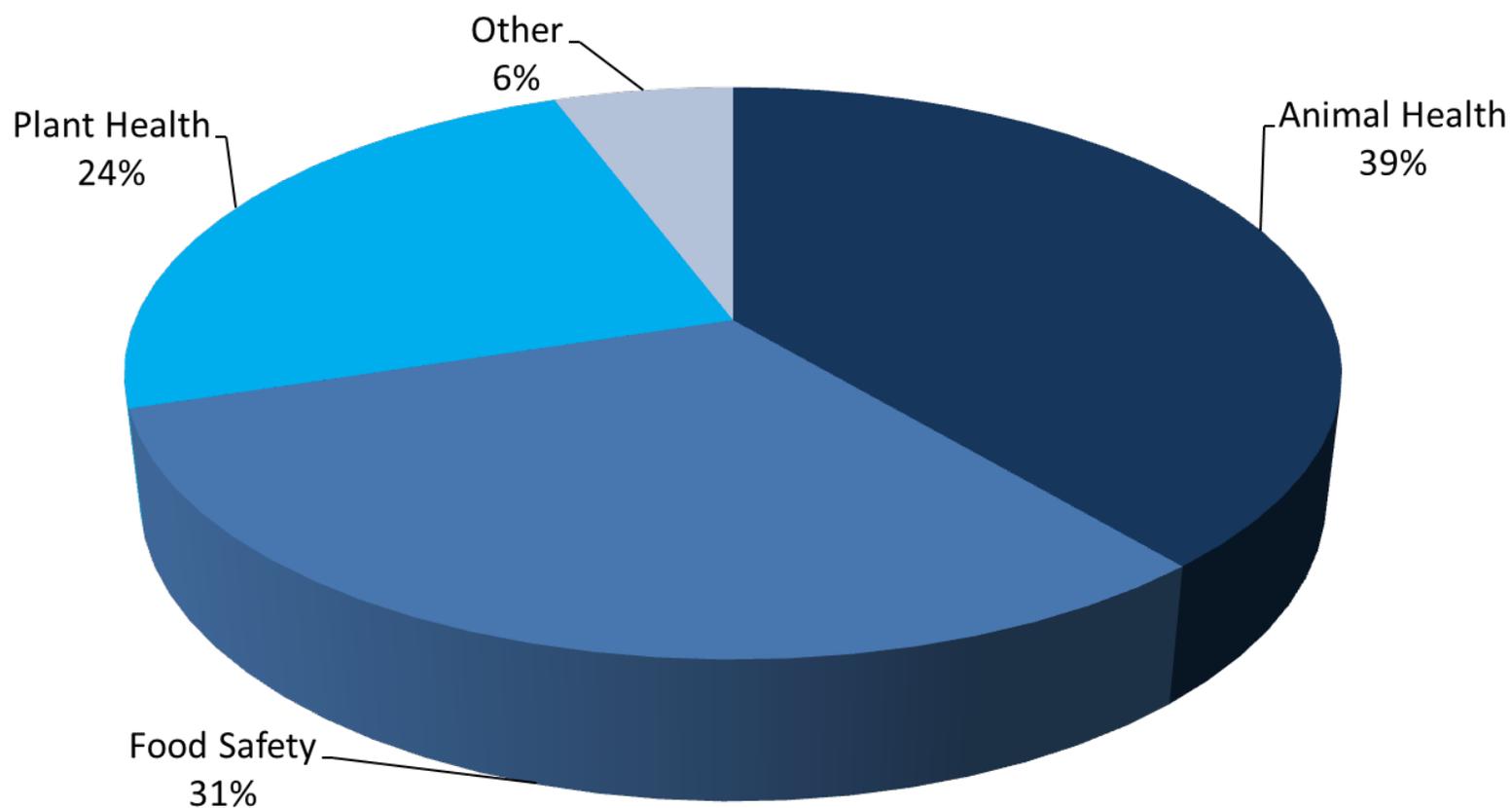
# Notifications

WTO Member	Has Notified SPS:		Has Notified SPS Measures	
	Enquiry Point	National Notification Authority	Regular Notifications	Emergency Notifications
<b>Bangladesh</b>	X	X		
<b>India</b>	X	X	72	7
<b>Myanmar</b>	X	X		
<b>Nepal</b>	X	X	17	1
<b>Sri Lanka</b>	X	X	33	2

# Specific Trade Concerns – SPS (1995-2013) 368 Total



# Specific Trade Concerns by Subject (1995-2013)



*As of 11 November 2013*

## Top 10 Members Maintaining Measures Complained Against

Member	Number of STCs
European Union	71
United States	42
Japan	29
China	22
Australia	16
Brazil	14
Indonesia	13
Korea, Republic of	13
Canada	11
Mexico	11

# Top 10 Members Raising Specific Trade Concerns

Member	Number of STCs
United States	82
European Union	74
Argentina	42
China	28
Brazil	28
Canada	24
India	14
Australia	9
Thailand	9
Chile	9

# Case study:

## Cinnamon Exports from Sri Lanka

- Issue first raised in October 2005, due to problems since July 2004 with refused consignments of cinnamon
- Sulphur dioxide used for fumigation - detected in cinnamon
- EU directive sets tolerable limits for  $SO_2$  in various foodstuffs, but not cinnamon - no "limit", no entry
- JECFA had evaluated  $SO_2$  in 1998, but no Codex standard yet (at step 3)
- Major impact on cinnamon exports and, consequently, on smallholder cinnamon growers



# Case study:

## Cinnamon Exports from Sri Lanka

- Raised as STC and under Monitoring the Use of International Standards
- SPS Chairman wrote letter to Codex Chairman to draw attention to the matter
- In July 2006, Codex standard for SO<sub>2</sub> in herbs and spices was adopted
- In October 2006, Sri Lanka reported solution had been reached through discussion with EU

# WTO SPS TECHNICAL ASSISTANCE

- **e-Training Courses**

- Available all year long <https://etraining.wto.org/>

- **National Seminars**

- Available upon request (See information in G/SPS/GEN/997/Rev.3)

- Link to application form:

- <https://adobeformscentral.com/?f=xdwzKQdS1rW-ACYrvWhqtA>

- **Regional Workshops 2014**

- To be decided

- **2014 Advanced SPS Course** (3 weeks)

- Advanced SPS Course (Spanish) - October 2014

- **2014 Thematic SPS Workshop**

- October 2014 (on the margins of the October SPS Committee meeting)



# WTO SPS TECHNICAL ASSISTANCE

Complete information on eligibility criteria, deadlines, funding, pre-requisites, and application processes and form are available from:

- **G/SPS/GEN/997 (latest version); and**
- **the SPS Technical Assistance gateway at:**  
**<http://www.wto.org/sps/ta>**

**Contact for SPS TA : [Anneke.Hamilton@wto.org](mailto:Anneke.Hamilton@wto.org)**