Harmonization of SPS Measures through the WTO

Monique Marez, Spring 2014
Exporter: Thailand
Importer: Egypt
Disputed Good: Canned Tuna
Agenda

✓ Questions / Methods / Observations
✓ WTO Basics
✓ SPS Agreement what is it?
✓ Case Studies: WTO Disputes
✓ Implications for Developing Countries
✓ Final Thoughts
Questions

Does harmonization of food safety standards
• Result in a race to the bottom?
• Erode national sovereignty?
• How are developing countries impacted?
Methods
Observations

• Safety regulations under SPS are less stringent
• WTO agreements can influence national Policies
• Developing countries face unique challenges
WTO – What? How?

- Minimize **BARRIERS** to trade
- Agreements = Rules of Engagement
- No legal power
- Unanimous
Principles of SPS Agreement

• Not protections \textit{``disguised restriction on international trade''}

• Exceptions for Developing Countries

• Compliance measured against \textit{``Three Sisters''}
The “Three Sisters”

• Codex Alimentarius Commission (CODEX)

• International Office of Epizootics (OIE)

• International Plant Protection Convention (IPPC)
Harmonization Goals of SPS

• Eliminate obstacles caused by differences in domestic policies
• Level playing field for competition
• Establish, recognize, apply standards for both domestic & imported goods
Article 3 Outline

3.1 “To achieve harmony” on as wide a basis as possible

3.2 Deemed necessary

3.3 higher level of safety IF scientific evidence justifies

3.4 SPS standards set & defined by the Three Sisters

3.5 SPS committee’s responsibility to monitor
SPS Boilerplate for Safety?
Poultry Pathogen Testing
## Lead in the Water

### Allowable level of Lead in Bottled Water

<table>
<thead>
<tr>
<th></th>
<th>Codex</th>
<th>FDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level</td>
<td>.01 mg/l</td>
<td>.005 mg/l</td>
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Sovereignty at Risk?

- Harmonization efforts restrict precautionary principle

- Power of consumers/citizens to shape their government?
Exporter: Thailand
Importer: Egypt
Disputed Good: Canned Tuna
Exporter: U.S. & Canada
Importer: EU
Disputed Good: Beef
Exporter: Indonesia
Importer: U.S.
Good: Clove Cigarettes
Indonesia's Response

“It is extremely difficult when Indonesians see the United States as a rules-based country ignore its WTO obligations.”

Director General of International Trade Cooperation, Mr. Iman Pambagyo
WTO conducted a Survey for DCs.

- Asked what type of technical assistance needed to implement SPS?

<table>
<thead>
<tr>
<th>What type of Technical Assistance do you need regarding Food Safety?</th>
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<tr>
<td>Seminars and training workshops</td>
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- Training seminars on risk analysis and determination of the appropriate level of protection geared towards scientific community (risk assessment) and producers and government officials (risk management and communications)
- Training in the development of inspection, sampling and investigation procedures
Major Themes from Survey

- **100%** What does SPS Actually Mean?
- **100%** Inspection & Analysis Training
- **85%** Notification System for *Codex Δs*
- **75%** Epidemiological Training / Recognition
- **50%** Quarantine Know-How
Does harmonization of food safety standards ...

• Result in a race to the bottom?
  – Probably!

• Erode national sovereignty?
  – Role of WTO evolving

• Developing Countries face specific challenges
Recommendations

• Recognize the conflict of interest
• reconsider the precautionary principle
• Create a group on GMOs
• Require developing country representation


[<http://www.wto.org/english/docs_e/legal_e/15/sps_01_e.htm>](http://www.wto.org/english/docs_e/legal_e/15/sps_01_e.htm)

WTO Disputes listings: DS026, DS048, DS096, DS100, DS135, DS137, DS137, DS203, DS205, DS270, DS271, DS279,DS287,DS297, DS391, DS392, DS466, DS466, DS447, DS448


Thank you for listening!

- Monique

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