

# **The SPS Agreement, the SPS Committee, and pesticide MRLs**

*Camille Fléchet, WTO Secretariat*  
*22 March 2022*

# SPS measures Annex A, SPS Agreement

Measures taken to protect  
health and life of:



**Humans**

From risks arising from:

- Additives, **contaminants** toxins or disease-causing organisms in foods, beverages and feedstuffs
- Diseases carried by animals or plants, and entry, establishment or spread of pests



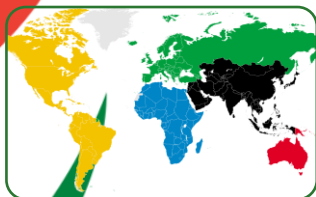
**Animals**

- Additives, **contaminants** toxins or disease-causing organisms in foods, beverages and feedstuffs
- Plant or animal carried diseases (zoonoses)
- Pests, diseases or disease-causing organisms



**Plants**

- Pests, diseases or disease causing organisms



**Territory**

- Damages caused by the entry, establishment, or spread of pests

**Annex A, footnote 4:**  
Contaminants include  
pesticide and  
veterinary drug  
residues as well as  
extraneous matter.

# Control, Inspection, Approval Procedures Art. 8 and Annex C, SPS Agreement

## Including national systems for:

Approving the use of additives

Establishing tolerances for contaminants  
in foods, beverages or feedstuffs

### Article 8

## Annex C

Any procedure to  
check and ensure  
the fulfilment of SPS  
measures

Annex C, footnote 7:  
Control, inspection  
and approval  
procedures include,  
inter alia procedures  
for sampling, testing  
and certification.

# Key provisions relevant to pesticide MRLs

- Harmonization with international standards
- Risk assessment
- Least trade-restrictive measure
- ALOP



Non-discrimination  
Art. 2.3

Scientific justification  
Art. 2, 3, 5



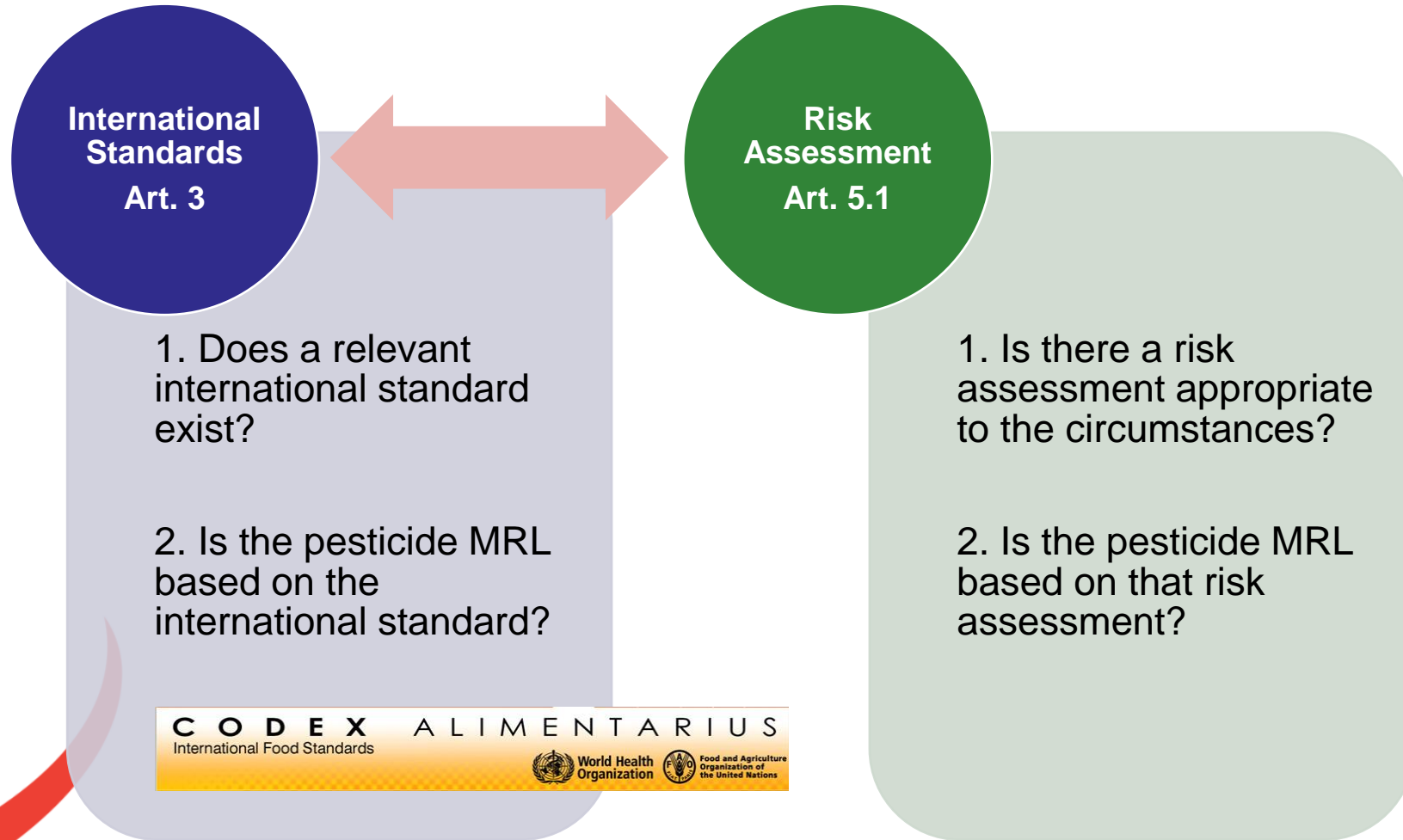
Transparency  
Art. 7, Annex B

Control, Inspection,  
Approval Procedures  
Art. 8, Annex C



Technical  
assistance, S&D  
Art. 9, 10

# Scientific Justification



# Key provisions relevant to pesticide MRLs

- No undue delay
- Publishing of standard processing period
- Non-discrimination
- System for the establishment of tolerances for contaminants: consider using international standards as the basis for access until final determination is made



Non-discrimination  
Art. 2.3

Scientific justification  
Art. 2, 3, 5



Transparency  
Art. 7, Annex B

Control, Inspection,  
Approval Procedures  
Art. 8, Annex C



Technical assistance, S&D  
Art. 9, 10

New or modified pesticide MRL  
+  
No existing international standard or  
different than the international standard  
+  
Significant impact on trade  
(restricting or facilitating)

Notify changes in  
pesticide MRL at a draft  
stage

Committee  
recommendation  
Notify MRL even  
if based on an  
international  
standard  
(G/SPS/7/Rev.4)

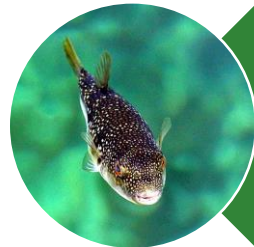
# WTO disputes?



No dispute relating to pesticide MRLs



One dispute re beef hormone residues  
*EC – Hormones (Canada/US)*  
DS26 and DS48



One dispute re levels of radionuclides in food  
*Korea — Radionuclides (Japan)*  
DS495

# Recent SPS Committee work on pesticide MRLs



2016 [SPS Workshop on Pesticide MRLs](#) (G/SPS/GEN/1514/Rev.1, G/SPS/R/85)

2017 MC11 ministerial statement, signed by 17 Members (WT/MIN(17)/52)

2018 Joint recommendations for endorsement by the SPS Committee (G/SPS/W/292/Rev.4)

2020 recommendations as part of the Review of the Operation and Implementation of the SPS Agreement (G/SPS/64)

Exchange of information

STC

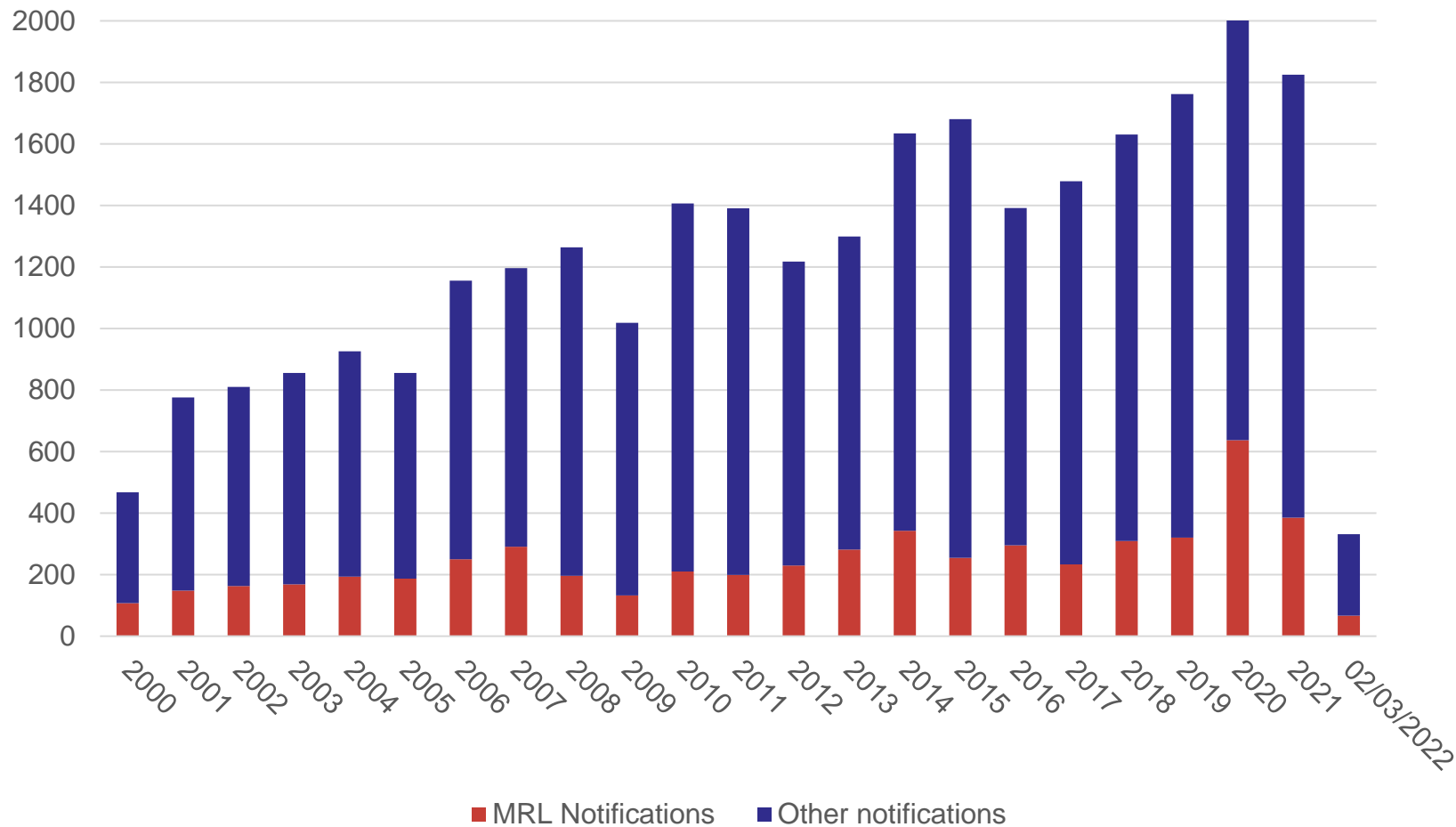
## Committee side events:

- 2019 STDF [Strengthening capacity to meet pesticide export requirements](#)
- 2020 [Farmers' Perspectives on SPS Challenges for Sustainable Food Production and Trade](#)
- 2020 FAO [Understanding international harmonization of pesticide maximum residue limits with Codex standards — A case study on rice](#)



# Statistics on Notifications

As of 2 March 2022



**All notifications = 30,019**

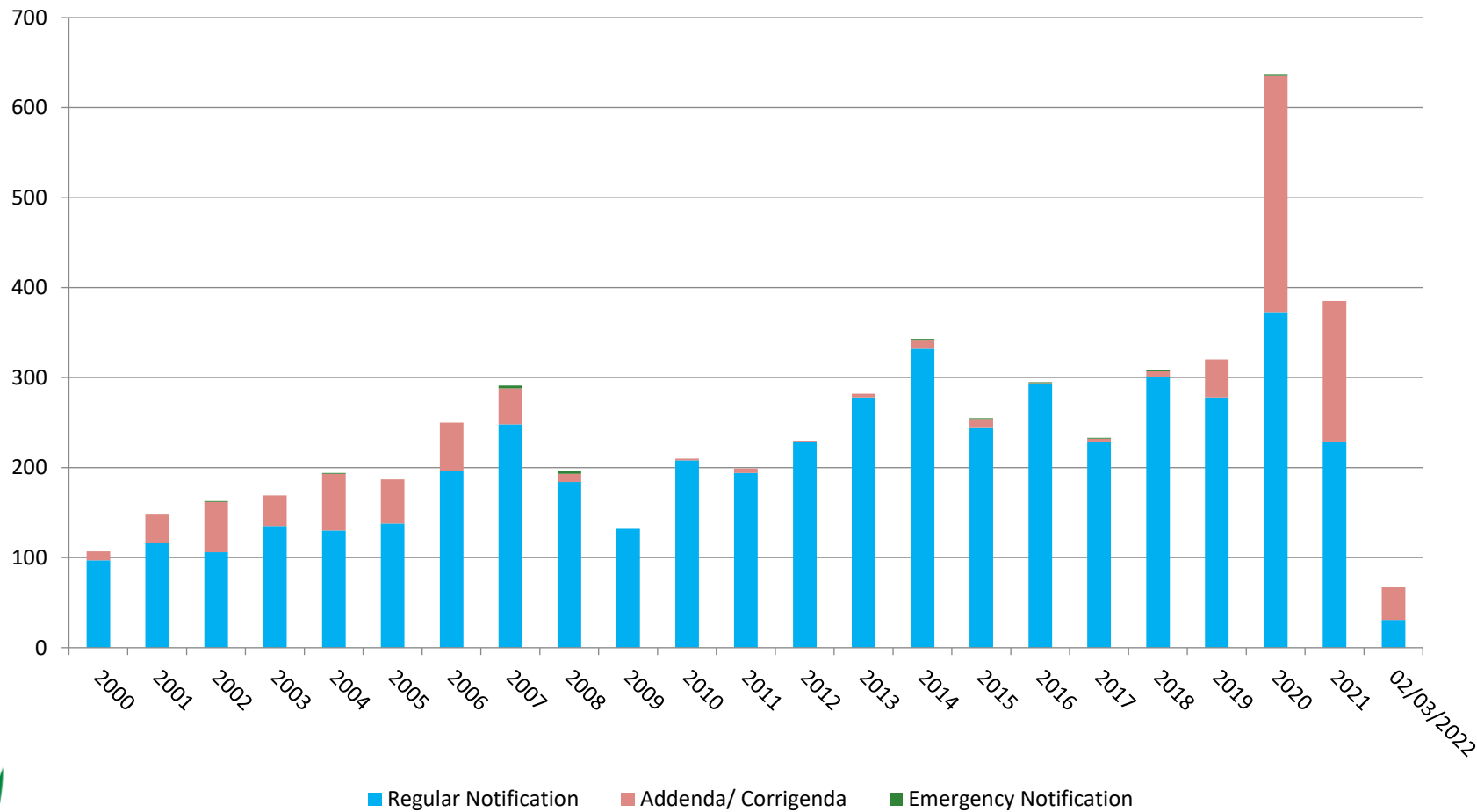
**MRL-related notifications = 5,774**

# Statistics on Notifications

As of 2 March 2022

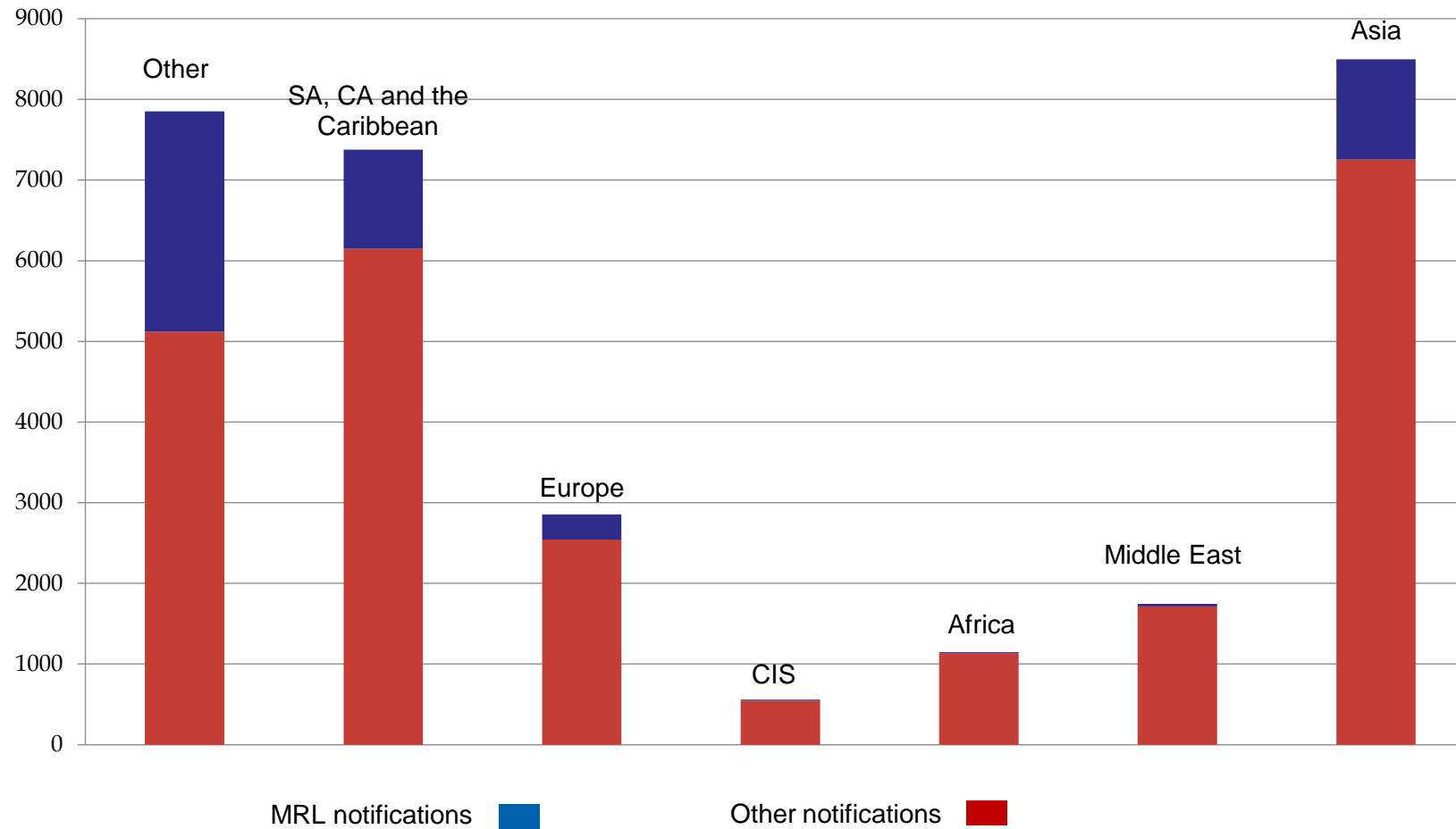


## MRL-related Notifications



# Statistics on Notifications

As of 2 March 2022

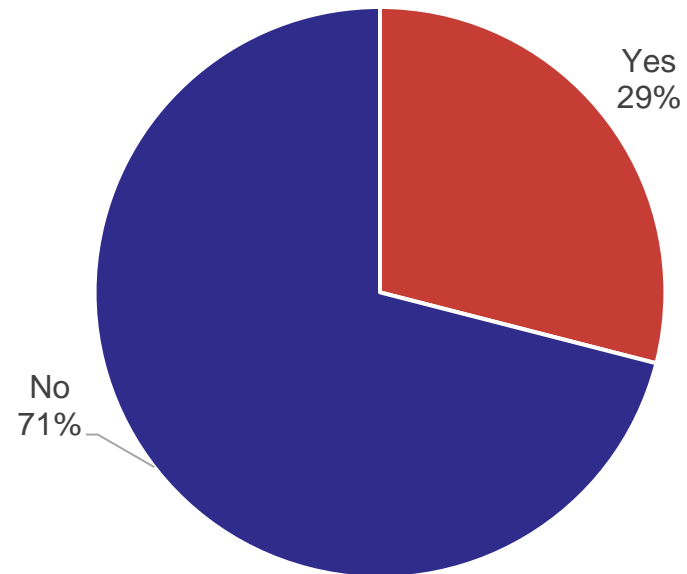


# Statistics on Notifications

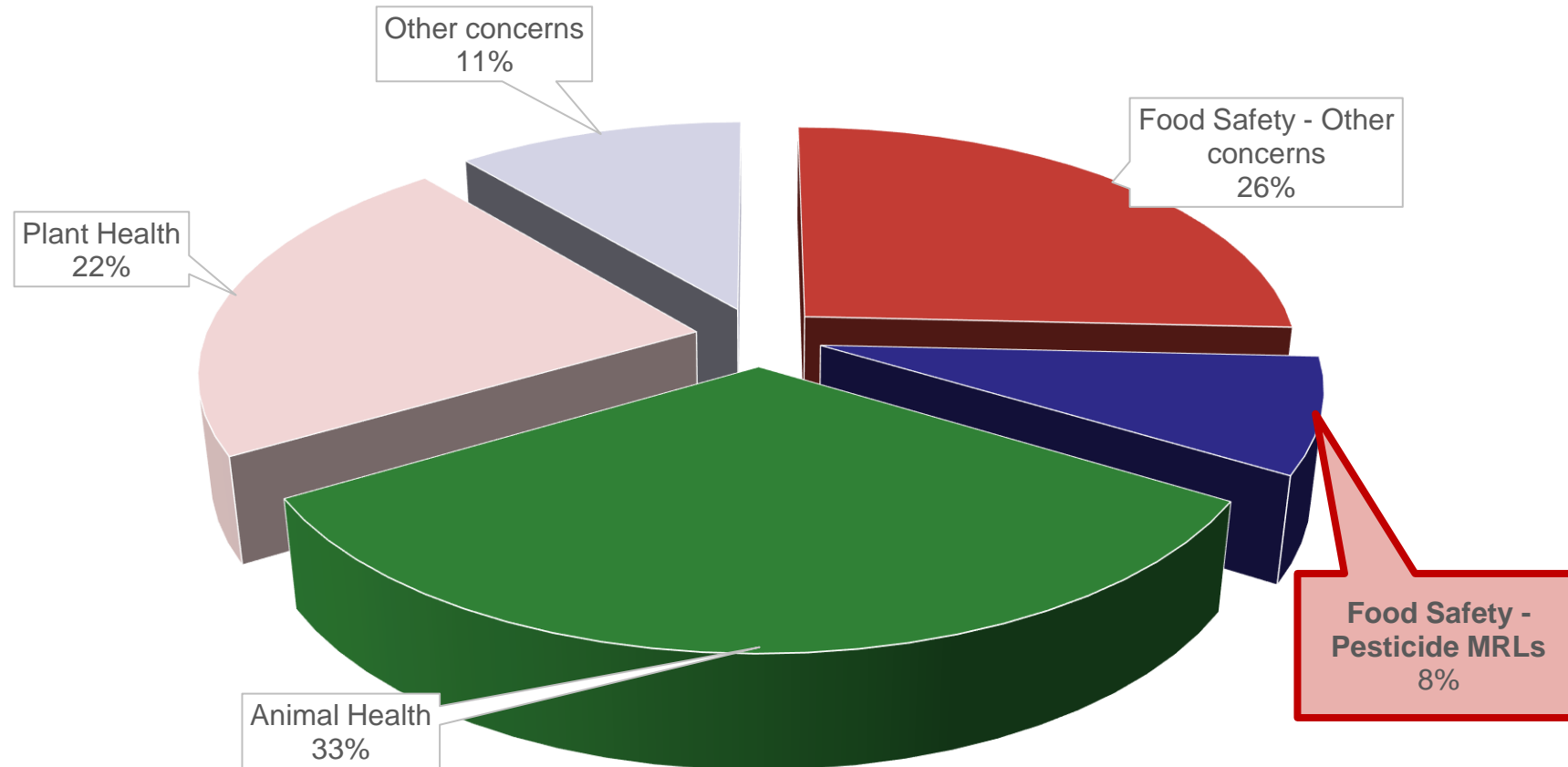
As of 2 March 2022

## Conformity with Codex standards?

### MRL notifications – Regular



# Statistics on STCs



**All STCs raised = 532**  
**42 STCs related to pesticide MRLs**  
(of which 11 were resolved or partially resolved)

# Thank you!

SPS Gateway

<http://www.wto.org/sps>