

## **Plant Health - Relevant provisions of the SPS Agreement and work of the SPS Committee**

SPS Committee Thematic Session on International Standards and Best Practices in Pest Risk Identification, Assessment, and Management

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# Plant Health - Relevant provisions of the SPS Agreement and work of the SPS Committee

## Outline

- ① Plant health in the SPS Agreement
- ② Transparency and work of the SPS Committee related to plant health
- ③ Q & A



# Plant health in the SPS Agreement

## *Objective*



*Members' right to regulate...*

**Recognizes  
Members' right  
to protect  
human, animal,  
plant life or  
health**



*Facilitating safe trade...*

**Obligation to  
avoid  
unnecessary  
barriers to  
trade**

**Use of International Standards**

# Plant health in the SPS Agreement

## *Risks covered – Annex A, SPS Agreement*

### ■ SPS measures taken to protect:

Animal or  
plant life or  
health

from risks arising from the entry,  
establishment or spread of pests, diseases,  
disease-causing organisms



Measure to prevent introduction  
of fruit fly

Human or  
animal life or  
health

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



Pesticide MRLs

Human life or  
health

from plant- or animal-carried diseases



BSE-related restrictions

Territory of  
Member

from other damage caused by entry,  
establishment or spread of pests



Seed regulation to avoid  
introduction of exotic weeds

# Plant health in the SPS Agreement

## *Key principles*

- **Non-discrimination**
- **Scientific justification**
  - *harmonization*
  - *risk assessment*
  - *consistency*
  - *least trade-restrictiveness*
- **Equivalence**
- **Regionalization**
- **Transparency**
- **Technical assistance/special treatment**
- **Control, inspection and approval procedures**



WORLD TRADE  
ORGANIZATION



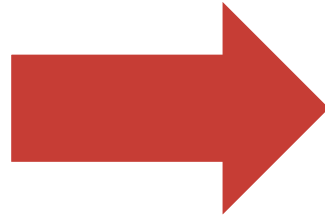
# Plant health in the SPS Agreement

## *Scientific justification*



Measures must be based on:

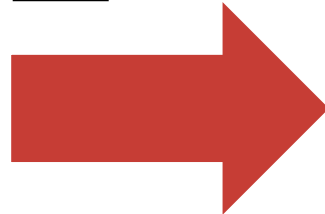
International standards,  
guidelines or  
recommendations  
(Article 3)



- Basis for SPS measures

**OR**

Risk Assessment  
(Article 5.1)



- Appropriate to the circumstances of SPS risks
- Take into account risk assessment techniques developed by relevant international organizations

### Risk assessment exception

#### Provisional measure (Article 5.7):

- Insufficient scientific evidence;
- On the basis of available information;
- Seek to obtain additional information;
- Review measure within a reasonable period of time

# Plant health in the SPS Agreement

## *Scientific justification – Harmonization*

### *Article 3*



## Standard-setting organizations



**Codex** = Joint FAO/WHO Codex Alimentarius Commission  
**WOAH** = World Organisation for Animal Health  
**IPPC** = International Plant Protection Convention (FAO)

# Plant health in the SPS Agreement

## **Scientific justification – Risk Assessment** **Annex A, Para. 4**



### Pest or disease risk

evaluation of **likelihood** of entry, establishment or spread of a pest or disease ... and of the associated potential biological and **economic** consequences →  
*Art. 5.3*



### Food safety risk

evaluation of the **potential** for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins, or disease-causing organisms in food, beverages, or feedstuffs



# Plant health in the SPS Agreement

## *Scientific justification – Risk Assessment*

### *Article 5.2*



### Take into account:

- Scientific evidence
- Processes and production methods
- Inspection, sampling, and testing methods
- Pest or disease prevalence
- Existence of pest- or disease-free areas
- Ecological and environmental conditions
- Quarantine and other treatment



# Plant health in the SPS Agreement

## *Scientific justification – Risk Assessment*

### *Article 5.3*



In assessing the risk to animal or **plant life or health**, take into account as relevant economic factors:

- the potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a pest or disease;
- the costs of control or eradication in the territory of the importing Member; and
- the relative cost-effectiveness of alternative approaches to limiting risks.

# Plant health in the SPS Agreement

## *Risk Management*

### *Selected SPS Agreement provisions*



Art. 2.2	SPS measures to be applied only to the extent necessary
Art. 3	Members are encouraged to base SPS measures on international standards
Art. 4	Accept other SPS measures as equivalent if the exporting Member objectively demonstrates that its measures achieve the importing Member's ALOP
Art. 5.4	Set ALOP, taking into account the objective of minimizing negative trade effects
Art. 5.5	No arbitrary distinctions in ALOP considered in different situations if distinctions result in discrimination or disguised restrictions on trade
Art. 5.6	Least-trade restrictive (technically and economically feasible) SPS measure
Art. 6	SPS measures need to be adapted to the SPS characteristics of an area
Annex C	Control, Inspection and Approval Procedures without undue delay and in no less favourable manner for imported products than for like domestic products

# Plant health in the SPS Agreement

## *SPS Committee decisions and guidelines*



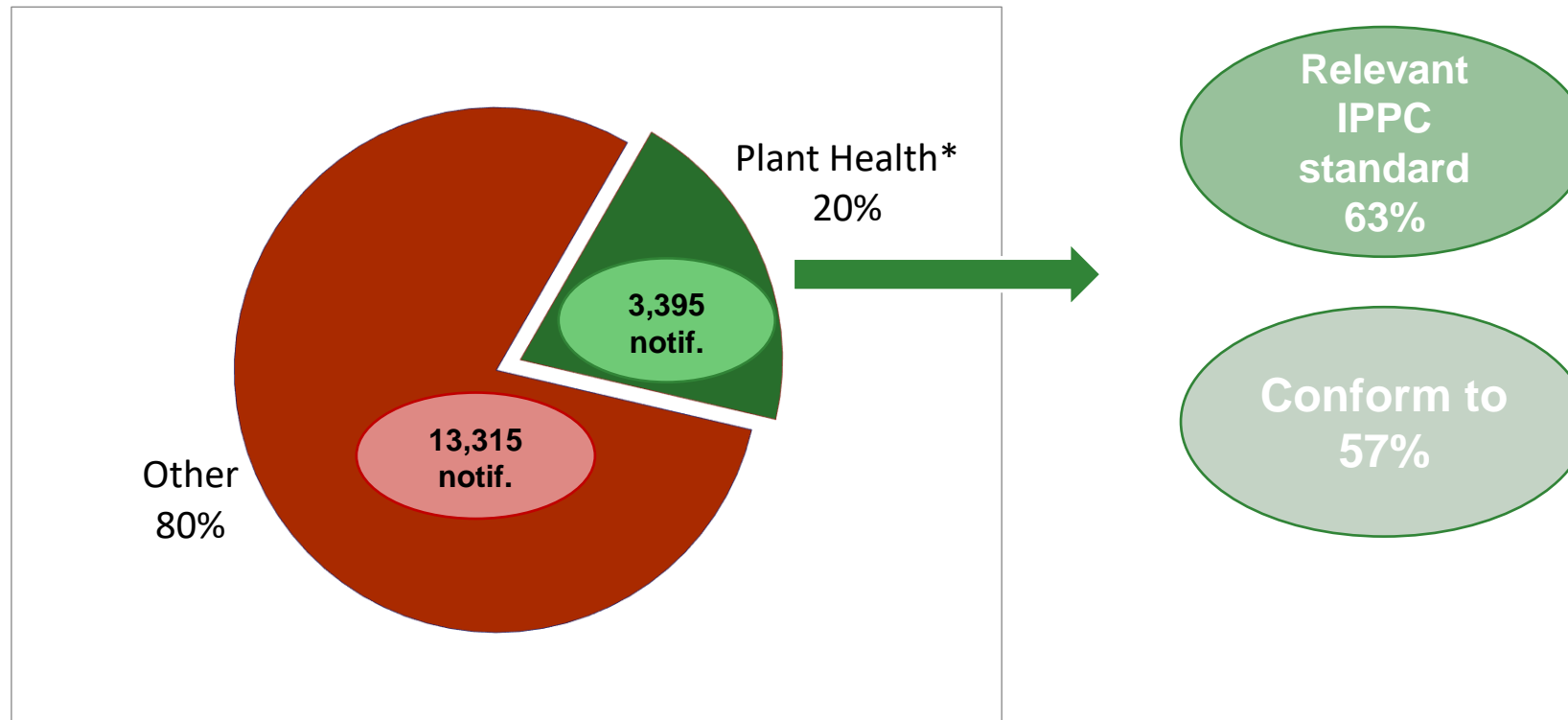
- The SPS Committee has developed guidance for the implementation of provisions as follows:
  - *Decision on **Equivalence** (G/SPS/19/Rev.2)*
  - *Guidelines on **Consistency** (G/SPS/15)*
  - *Guidelines on **Regionalization** (G/SPS/48)*
  - *Recommended procedures on **Transparency** (G/SPS/7/Rev.4)*
  - *Procedure to Enhance **Transparency of S&D Treatment** in Favour of Developing Country Members (G/SPS/33/Rev.1)*
  - *Procedure on **Ad Hoc Consultations** (G/SPS/61)*

# Transparency and plant health

## *SPS notifications referring to plant health 2008-Oct. 2022*



### Regular and emergency notifications

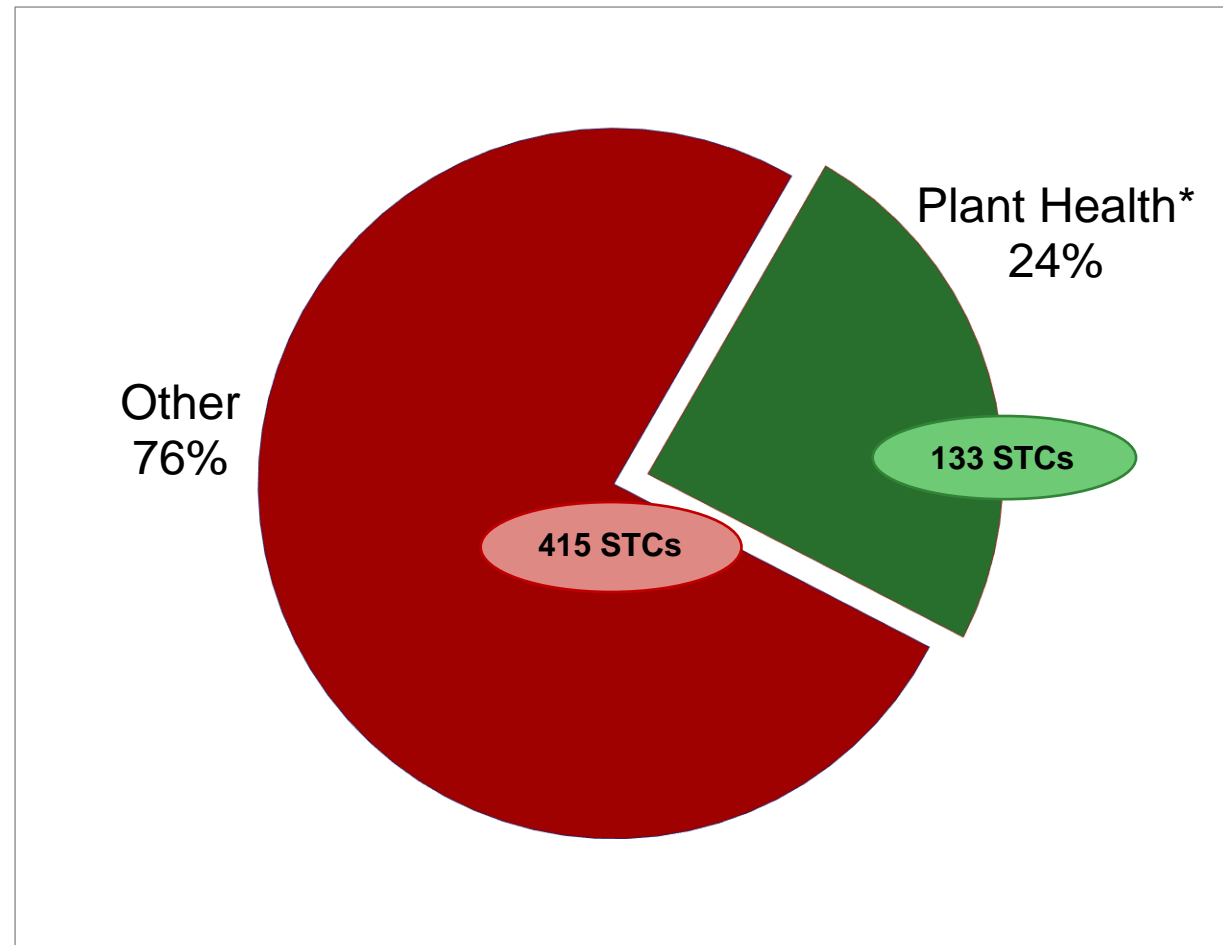


\* Objectives: plant protection; protect territory from other damage from pests  
Keywords: plant health; plant diseases

Source: [ePing SPS&TBT Platform](#)

# Transparency and plant health

## *STCs and plant health*



\* Keyword: plant health

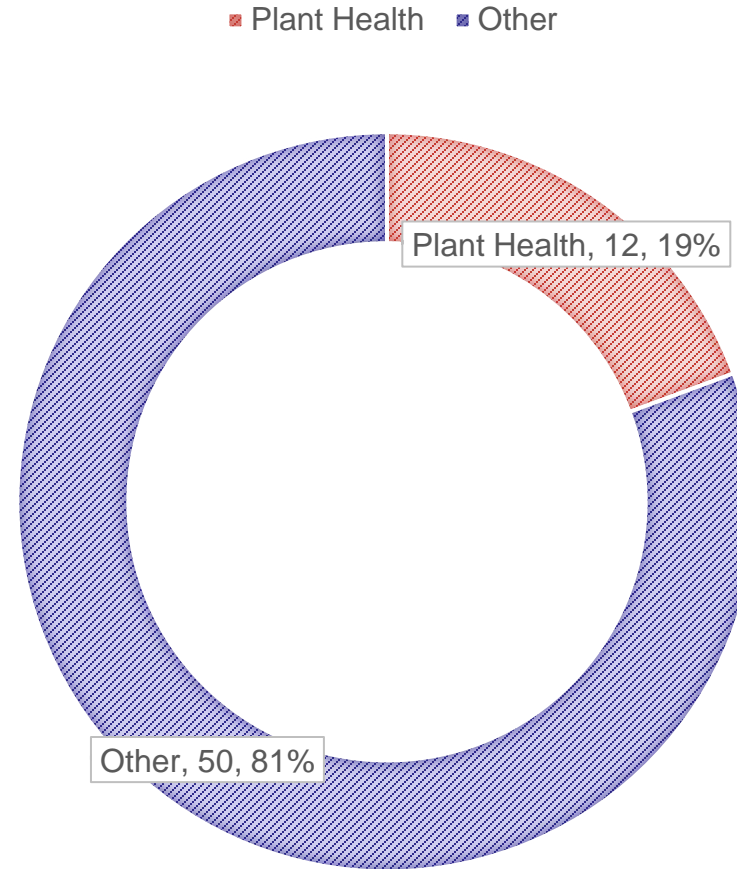
Source: [Trade Concerns Database](#)

# Transparency and STCs

## *Pest or Disease-Free regions/Regionalization*

### 12 STCs raised relate to Plant Health and Pest- or Disease- free Regions / Regionalization

(of which **8** were resolved or  
partially resolved)



Source: [Trade Concerns Database](#)

# Transparency and plant health

## *Examples of STCs*



- Concerns regarding failure to recognize the pest-free status of a Member for Asian longhorn beetle and citrus longhorn beetle (STC 471)
- Concerns on imports suspension of dried chili due to the interception of the khapra beetle (STC 514)
- Concerns about suspension of importation of pineapples, sugar, apples and wax apples, following detection of scale insects. Request to resume imports in accordance with SPS Agreement and international standards, guidelines and recommendations... Lack of scientific justification... (STC 532)



# Plant health – WTO disputes



## Plant protection:

- DS76: Japan – Agricultural Products II (United States) (2001)
- DS245: Japan – Apples (United States) (2005)
- DS367: Australia – Apples (New Zealand) (2010)
- DS524: Costa Rica – Avocados (Mexico) (2022)
- DS589: China – Canola Seed (Canada) (suspended)
- DS599: Panamá – Import Measures (Costa Rica) (ongoing)

## Food safety + plant and animal health: (biodiversity considerations)

- DS291, 292, 293: EC - GMOs (United States, Canada, Argentina) (2006)

# Plant health

## ***Relevant SPS Committee workshops and events***



- 2021 [Workshop on Risk Assessment, Risk Management and Risk Communication](#)  
[SPS Committee Thematic Session on International Harmonization](#)
- 2019 [SPS Committee Thematic Session on Fall Armyworm](#)  
[SPS Committee Thematic Session on Equivalence \(Part 2\)](#)
- 2018 [SPS Committee Thematic Session on Pest-Free Areas](#)  
[SPS Committee Thematic Session on Equivalence \(Part 1\)](#)
- 2017 [SPS Committee Thematic Session on Regionalization](#)
- 2015 [SPS Committee Thematic Session on Risk Communication](#)
- 2014 [Workshop on Risk Analysis](#)
- Full list of events, workshops and training [SPS Committee - events, workshops and training](#)

# Plant health

## ***MC12 SPS Ministerial Declaration***



- SPS Declaration adopted at WTO MC12 in June 2022 on new challenges affecting food safety and animal and **plant health** ([WT/MIN\(22\)/27](#))
- Instructs the SPS Committee to carry out a work programme to further enhance the implementation of the SPS Agreement
- Work carried out in five thematic groups on topics identified in the SPS Declaration

# Thank you!

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