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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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 - Relevant provisions of the SPS Agreement and work of the SPS Committee
Plant health in the SPS Agreement

Objective

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:

<table>
<thead>
<tr>
<th>Category</th>
<th>Risks covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal or plant life or health</td>
<td>from risks arising from the entry, establishment or spread of pests, diseases, disease-causing organisms</td>
</tr>
<tr>
<td>Human or animal life or health</td>
<td>from risks arising from additives, contaminants, toxins or disease-causing organisms in food, drink, feedstuff</td>
</tr>
<tr>
<td>Human life or health</td>
<td>from plant- or animal-carried diseases</td>
</tr>
<tr>
<td>Territory of Member</td>
<td>from other damage caused by entry, establishment or spread of pests</td>
</tr>
</tbody>
</table>
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
Measures must be based on:

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

OR

International standards, guidelines or recommendations (Article 3)

- Basis for SPS measures

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**

- **food safety**
  - Codex

- **animal health & zoonoses**
  - WOAH

- **plant health**
  - IPPC

**Codex** = Joint FAO/WHO Codex Alimentarius Commission

**WOAH** = World Organisation for Animal Health

**IPPC** = International Plant Protection Convention (FAO)
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

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
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
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**

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

- Decision on Equivalent (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)
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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