

## Main outcomes of the 2000 workshop: Areas that merit further exploration 14 years later

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At the time of the first WTO-SPS risk analysis workshop in 2000, the SPS Agreement and the WTO were only five years old. WTO Members were just beginning to understand the implications of the Agreement and its application in practice. The “Three Sisters” were beginning to form a harmonization framework while significant attention was being given to key concepts introduced by the SPS Agreement, including in particular the Appropriate Level of Protection (and the Acceptable Level of Risk), sufficient scientific evidence, and the practice of risk analysis (= risk assessment). These issues were central to early discussions because the Agreement required measures to be based on either international standards set by the relevant organization or risk assessment. There were relatively few standards in place that were in concert with the Agreement, resulting in a very strong focus on risk assessment and the associated concepts, terms, and methods. Few countries had formal, organized mechanisms for performing risk assessments and all countries were looking to the international standard setting organizations for guidance and information. The standard setting organizations responded with extra effort toward developing harmonized frameworks for risk assessment as a priority. Much of the first workshop was occupied with understanding the state of this development and a common appreciation for the expectations set by the SPS Agreement.

Today we have almost 20 years’ experience with the SPS Agreement, and almost 15 years since that first workshop. In the interim, the Three Sisters have developed extensive guidance for risk assessment; a substantial record of risk assessments has been established by national agencies and a number of SPS disputes have been resolved in the WTO. All of this provides us with a wealth of insight into the state of risk analysis and its relationship to the SPS Agreement. As expected, risk analysis has moved quickly from basic concepts to more sophisticated views and methods. Growing pains in this evolution are marked by many differences. Some of the more egregious issues are manifest in disputes; the resolution of which offers important lessons on the interpretation of the Agreement in practice. Key points emerging from this experience include the role and relationship of uncertainty to measures, and the rational relationship of risk to measures.

Going forward, the focus of WTO Members is on more holistic and sophisticated views of risk assessment, incorporating modeling and economic analyses, and looking at risk management from a systems standpoint as governments realize that greater opportunities and flexibility are provided by moving away from point mitigation. As a history of SPS-based measures develops, WTO Members are increasingly concerned with adjusting regulatory designs to be more risk-based. As access to the internet becomes ubiquitous and the availability of information increases exponentially, questions regarding the quality and reliability of information used as evidence in risk analyses become more important.